

Safety Inspection Rule Change Raises Concerns

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John Ho was quoted in a *Business Insurance* article discussing the Occupational Safety and Health Administration's recently finalized walkaround rule, allowing workers to designate non-employee representatives during safety inspections. Employer representatives express concerns about potential abuse of this provision, fearing disruptive or malicious participation. However, proponents argue that the long-awaited change will enhance worker protection when it goes into effect on May 31. The U.S. Department of Labor asserts that the rule aligns with federal law, granting both employers and employees the right to authorize non-employee representatives, depending on their necessity for an adequate inspection.

John noted that this move is considered pro-union and pro-labor, which aligns with the current presidential administration. He explained, "Unions use different tactics to try to convince employees they need to protect their rights, and one of them is often safety concerns. If an inspection comes along, you'll get a union rep that's not associated with the employer as this non-party or third-party representative during the walkaround, essentially gathering information to be used against the employer in a union campaign."

It is predicted that the revised rule could pave the way for increased litigation against employers following workplace incidents, as plaintiffs' attorneys seek early involvement in OSHA inspections to gather evidence for lawsuits. As seen in South Carolina, concerns about legal challenges prompted lawmakers to consider legislative action opposing the rule change, citing infringement on employers' property rights. Proponents highlight the rule's possible benefits in facilitating better communication during inspections, potentially leading to more accurate hazard identification and elimination.

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