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MIOSHA Aligns with Federal OSHA's Controversial New Worker Walkaround Rule: What Michigan Employers Need to Know

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Michigan employers, take note: as of March 4, 2025, the Michigan Occupational Safety and Health Administration (MIOSHA) has officially amended [Administrative Rule Part 13 – Inspections and Investigations, Citations, and Proposed Penalties](#) to align with federal OSHA's newly finalized Worker Walkaround Representative Designation Process Rule. This change significantly alters how employee representation works during MIOSHA workplace inspections—and carries substantial implications for employers across the state.

What Changed?

The amendment to MIOSHA's Admin. Part 13 was prompted by federal OSHA's update to [29 CFR 1903.8\(c\)](#), which provides that a non-employee third-party may serve as an employee representative during an OSHA inspection and accompany the Compliance Safety and Health Officer (CSHO) during the physical inspection of the workplace. MIOSHA's rule now mirrors this federal standard, allowing third-party representatives to accompany CSHOs during inspections when deemed "reasonably necessary."

In plain terms, this means employee walkaround representatives no longer need to be employees of the company being inspected. Union representatives, attorneys, community organizers, and others can now potentially participate in inspections—even at non-union workplaces—if OSHA or MIOSHA determines they bring relevant skills, knowledge of hazards, or even language fluency needed for the inspection.

The Backstory: From Legal Fight to Final Rule

This regulatory shift is a byproduct of shifting political priorities and longstanding legal tensions around employee representation during inspections. Under the Obama Administration, OSHA attempted to interpret the old rule to allow third-party representation, but that move was rescinded under the Trump Administration. The Biden Administration revived the initiative—this time through formal rulemaking, thereby avoiding some of the procedural pitfalls that sank earlier attempts.

As detailed by us in our blog posts [last year](#) this rule came together rapidly—OSHA labeled it "not significant" to

bypass lengthy review processes and ensure it became final well before the 2024 election and potential political changes. The rule is, nonetheless, currently targeted for elimination by the Trump Administration.

What the MIOSHA Rule Now Allows

Here's what the updated MIOSHA rule—now harmonized with OSHA's federal standard—permits:

- Employee representatives can be either internal employees or third parties.
- Third-party reps must be approved by the CSHO based on a "reasonably necessary" standard—this could include safety expertise, hazard knowledge, or language skills.
- These reps can accompany the CSHO during the walkaround portion of an inspection and participate in opening and closing conferences.
- They cannot interfere with the inspection, solicit employees, or engage in unrelated activities.
- Employers still retain the right to restrict access to trade secret areas.

Why Michigan Employers Should Care

The expanded access allowed under this rule presents a number of practical and legal risks for employers in Michigan:

- Union access to non-union worksites: Union organizers may now gain a presence during inspections under the guise of "safety expertise."
- Litigation exposure: Plaintiff attorneys or "experts" could use inspections to collect information for future lawsuits.
- Workplace disruption: Disgruntled former employees, media, or activist groups may seek access that causes operational or reputational harm.
- Trade secret concerns: Employers must take extra care to protect sensitive information from third-party exposure.
- Michigan rule likely here to stay: Although the federal rule may well be rolled back by the Trump Administration, the MIOSHA rule will likely remain in place as Michigan is presently led by Democrats, and the rule would arguably be more protective of employee safety and health.

How to Prepare:

Michigan employers should act *now* to prepare for this new inspection environment. Here are a few strategies:

- Establish a Trained MIOSHA Inspection Team: Assign a go-to team for inspections and provide them with specific training—especially on how to handle walkaround requests from third parties.
- Create a Warrant Strategy: Consider whether and when to demand an administrative warrant—especially if you object to the third party chosen by employees.
- Designate Trade Secret Areas: Identify parts of your facility containing proprietary or sensitive information, and ensure you have procedures to restrict access.
- Implement Visitor NDAs: Require third-party representatives to sign confidentiality agreements as a condition of entering your facility.
- Empower Internal Safety Committees: Having well-trained internal employee reps ready to assist MIOSHA inspectors may reduce the perceived "need" for third-party reps.

- Plan for Multilingual Needs: Identify internal interpreters ahead of time to prevent MIOSHA from bringing in an outside party solely for language support.

Final Thoughts

This is a major shift in how workplace inspections will be conducted in Michigan. While MIOSHA's amendment to Admin. Part 13 brings the state into alignment with federal standards, it also brings new complexities and risks. Employers must now walk a fine line between compliance and protecting their workplace from unnecessary disruption.

The new rule may have been written with worker empowerment in mind—but the unintended consequences could be significant. Employers that proactively update their protocols and train their teams will be better positioned to manage the new inspection landscape.

Need help developing an OSHA/MIOSHA inspection protocol or training your safety team? [Reach out to us](#) for resources from your friendly neighborhood workplace safety counsel.