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## OSHA's New Worker Walkaround Rule [Webinar Recording]

On Tuesday, May 28, 2024, [Eric J. Conn](#) and [Mark M. Trapp](#) presented a webinar discussing [OSHA's New Worker Walkaround Rule](#).



OSHA's new final Worker Walkaround Rule amends its existing regulation at 29 CFR § 1903.8(c) in two material ways: Changing the extreme bias against third-party employee representative participation in OSHA inspections by changing existing language to allow non-employee third parties to act as employee representatives during OSHA inspections; and Expanding the types of third parties permitted to represent employees during OSHA inspections by changing existing language limiting such representatives to credentialed certified industrial hygienists or professional safety engineers, to now permitting any third-party representative who has "relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language skills."

Participants in this webinar learned about the controversial history of this rulemaking, from an Obama Era Letter of Interpretation and related legal challenges, through the flawed rulemaking process that OSHA followed to promulgate the new rule, to a detailed review of what the final rule says and means, along with an analysis about the implications for employers, expected legal challenges to the Rule, and tips and strategies for managing OSHA inspections.

To advance Pres. Biden's promise to lead "the most Labor friendly administration in history," on April 1, 2024, OSHA published in the Federal Register its final Worker Walkaround Representative Designation Process Rule (the "Worker Walkaround Rule"), which will profoundly affect employers' legal risk in future OSHA inspections when it goes into effect on May 31, 2024. OSHA's intention with this rule was to permit employees to designate union representatives to serve as employees' authorized representatives during OSHA inspections at non-union workplaces, but the net effect of the rule is to open the door to workplaces for all manner of problematic third parties – plaintiffs' attorneys, disgruntled former employees, competitors, etc.

We are pleased to share these links to [a copy of the slides](#) and a [recording of the webinar](#).

This was the 4th webinar event in Conn Maciel Carey LLP's [2024 OSHA Webinar Series](#). If you would like to be automatically registered for all our future OSHA webinars, click [here](#) to send us an email request and we will get

you registered.

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