Agency Name: Department of Labor, Licensing and Regulation – Office of Occupational Health and Safety

Statutory Authority: 41-15-220

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House Committee: Regulations, Administrative Procedures, AI, and Cybersecurity Committee

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Status: Pending

Subject: Worker Walkaround Representative Designation Process

History: 5338

By Date Action Description Jt. Res. No. Expiration Date

- 10/25/2024 Proposed Reg Published in SR

- 01/14/2025 Received President of the Senate & Speaker 01/18/2026

H 01/14/2025 Referred to Committee

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S 02/13/2025 Resolution Introduced to Approve 350

Document No. 5338

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**

CHAPTER71

Statutory Authority: 1976 Code Section 41‑15‑220

71‑506. Representatives of Employers and Employees.

**Synopsis:**

 The South Carolina Department of Labor, Licensing and Regulation – Division of Occupational Safety and Health (SC OSHA) proposes to add to and/or amend its regulations regarding the Worker Walkaround Representative Designation Process.

 A Notice of Drafting was published in the *State Register* on May 24, 2024.

**Instructions:**

 Print the regulation as shown below. All other items remain unchanged.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

71‑506. Representatives of Employers and Employees.

 A. The Safety Specialist shall be in charge of inspections and questioning of persons. A representative of the employer and a representative authorized by employees shall be afforded an opportunity to accompany a Safety Specialist during any inspection provided for under this subarticle for the purpose of aiding such inspections. In places of employment where groups of employees are represented by different representatives, a different employee representative for different phases of the inspection is acceptable to the extent it does not interfere with the inspection. In the interest of affording all employees an opportunity to be represented, more than one representative may accompany the Safety Specialist during any phase of the inspection, if the Safety Specialist so directs.

 B. The Safety Specialist is authorized to deny the right of accompaniment under this regulation to any person whose conduct interferes with a fair and orderly investigation or as required with respect to security matters or trade secrets. The provisions of R.71‑505 and 71‑506 shall be implemented so as to avoid any undue and unnecessary disruption of the normal operations of the employer’s plant.

 C. ~~The provisions of R. 71‑505 and R. 71‑506 shall be implemented so as to avoid any undue and unnecessary disruption of the normal operations of the employer’s plant.~~ The representative(s) authorized by employees may be an employee of the employer or a third party. When the representative(s) authorized by employees is not an employee of the employer, they may accompany the Safety Specialist during the inspection if, in the judgment of the Safety Specialist, good cause has been shown why accompaniment by a third party is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace (including but not limited to because of their relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces or language or communication skills).

 D. A representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the ~~Commissioner~~Director, ~~his~~the Director’s assistant, or inspector, within limits of paragraphs A, B, and C above, during the physical inspection of any workplace for the purpose of aiding such inspection. No employee shall suffer any loss of wages or other benefits which would normally accrue to him because of his participation in the walk‑around inspection. Such violations of this regulation shall be reported to the ~~Commissioner of Labor~~Director. Where there is no authorized representative, the ~~Commissioner~~Director, ~~his~~the Director’s assistant, or inspector shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

**Fiscal Impact Statement:**

 There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Rationale:**

 The updated regulations will add to and/or amend its regulations regarding the Worker Walkaround Representative Designation Process. In the final rule, OSHA is amending its Representatives of Employers and Employees regulation to clarify that the representative(s) authorized by employees may be an employee of the employer or a third party; such third‑party employee representative(s) may accompany the OSHA Safety Specialist when, in the judgment of the Safety Specialist, good cause has been shown why they are reasonably necessary to aid in the inspection. In the final rule, OSHA also clarified that a third party may be reasonably necessary because of their relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language or communication skills. OSHA concluded that these clarifications aid OSHA’s workplace inspections by better enabling employees to select representative(s) of their choice to accompany the Safety Specialist during a physical workplace inspection. Employee representation during the inspection is critically important to ensuring OSHA obtains the necessary information about worksite conditions and hazards.