

OSHA's 'Union Walk Around Rule' Reviewed by Court and by Trump Administration

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PRACTICES OSHA, Labor and Employment

On September 8, 2016, a lawsuit was filed by the National Federation of Independent Business (“NFIB”) seeking to enjoin and strike down the Occupational Safety and Health Administration’s (“OSHA”) Union Walk Around Rule. This rule was created by an OSHA letter of interpretation issued in February of 2013, which states that non-union employees may elect anyone to accompany OSHA compliance officers as they inspect the employer’s worksite.

In the past, a union has used the Union Walk Around Rule to accompany OSHA inspectors in non-union settings. The union has also been accused of using the procedure as a means to push the workplace towards unionization...

However, the rule faces an internal challenge also—the rule may also be revoked by the new Trump administration. OSHA filed a motion on February 13, 2017, asking the court to delay the lawsuit to allow the Trump administration to review the policy. Because OSHA did not go through notice and comment rulemaking to issue the Union Walk Around Rule, it can be easily revoked. OSHA’s avoidance of rulemaking in the instance of the Union Walk Around Rule may result in an “easy come, easy go” outcome.

Excerpted from the *Gulf Coast Chapter Newsletter*. To read the full article, please [click here](#).