

12-179

**DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
BOARD OF OCCUPATIONAL SAFETY AND HEALTH**

**Chapter 11: OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR
WORKER WALKAROUND REPRESENTATIVE DESIGNATION**

Summary: The purpose of this Chapter is to clarify who may participate in walkaround inspections as an “employee representative,” and, at a minimum, conform to Federal Occupational Safety and Health Administration 29 CFR Part 1903.8 revised as of May 31, 2024, requirements.

11.1 Walkaround Representative Designation

As set forth in 26 M.R.S. §44-A. Walkaround inspections: “A representative of the employer and an authorized employee representative shall be given an opportunity to accompany the director or his authorized agent during the physical inspection of the workplace of any employer, subject to this section, for the purpose of aiding such inspection. Where there is no authorized employee representative, the director or his authorized agent shall consult with a reasonable number of employees concerning matters of safety in the workplace. The employee representative shall not lose any privilege or compensation during or because of his attendance in any such inspection.”

One or more of the representatives 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 shall be permitted to accompany the Compliance Safety and Health Officer during the inspection for the purpose of aiding such inspection, including by helping the compliance officer receive valuable health and safety information from workers who may not be able or willing to provide such information absent the representative.

The intent of this language is to comply, at a minimum, with Title 29 *Code of Federal Regulations*, Part 1903.8, revised as of May 31, 2024.
