



## OSHA Announces Final Rule on Worker Walkaround Representative Designation

OSHA recently [announced](#) its final rule that clarifies the rights of employees to authorize a representative to accompany an OSHA compliance safety and health officer (CSHO) during a walkaround inspection of their workplace. The final rule was published in the Federal Register on April 1, 2024. The rule will go into effect May 31, 2024.

### Final Rule Overview

The Occupational Safety and Health Act (OSH Act) gives employers and employees the right to authorize a representative to accompany OSHA officials during a workplace inspection. The final rule clarifies that, consistent with the law, employees may authorize another employee to serve as their representative or select a third-party nonemployee. These third-party representatives may join the CSHO during inspections if, according to the CSHO's judgment, there is sufficient reason to believe they can contribute to the inspection

process. OSHA states it maintains the requirement that good cause be shown that the third-party representative is reasonably necessary to aid in the conduct of an effective and thorough physical inspection of the workplace.

The final rule also clarifies that third-party involvement may be warranted due to the third parties' relevant expertise, experience or language skills concerning workplace hazards or conditions. OSHA regulations require no specific qualifications for employer or employee representatives who are employed by the employer. OSHA determined that these final rule clarifications facilitate workplace inspections by empowering employees to choose representatives who can effectively assist the CSHO during physical inspections.

### Employer Next Steps

Employers should review the new rule and allow employees to identify and select a trusted and knowledgeable representative to assist in facilitating a CSHO's information-gathering in case of an OSHA inspection.

Reach out today for more resources.

## EEOC Issues Annual Performance Report for Fiscal Year 2023

The U.S. Equal Employment Opportunity Commission (EEOC) recently announced the release of its [Annual Performance Report](#) (APR) for fiscal year (FY) 2023, which covers Oct. 1, 2022, through Sept. 30, 2023.

Issued in coordination with the agency's [FY 2025 Congressional Budget Justification](#), the report provides information on the agency's performance and program results achieved in FY 2023. It also provides updates on the agency's progress toward achieving the goals and objectives outlined in its [2022-2026 Strategic Plan for FYs 2022-2026](#) and [Strategic Enforcement Plan for FYs 2024-2028](#).

### Increased Demand and Remedies

Consistent with the strategic plan and strategic enforcement plan, the new report reflects increases from FY 2022 in demand for services from the public and the amount of monetary awards the EEOC obtained for workers who experienced discrimination in FY 2023. This includes more than:

- 522,000 calls from the public handled through the agency contact center, which was almost a 10% increase
- 233,700 inquiries handled in field offices, which was a 6.9% increase
- 86,000 emails received, which was a more than 25% increase
- 81,000 new private-sector discrimination charges received, which was almost a 10.3% increase
- 140 new lawsuits filed, which was a more than 50% increase
- \$665 million recovered on behalf of victims of discrimination, which was a 29.5% increase.

### Reduced Pending Cases

Despite the increases in inquiries and new charges, the FY 2023 APR indicates that the EEOC reduced the number of pending private-sector cases by almost 300 in FY 2023. It also reduced pending federal-sector hearings by 26.3% and substantially increased the speed of these resolutions.