

TITLE 8. INDUSTRIAL RELATIONS
DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS
CHAPTER 3.2. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
SUBCHAPTER 1. REGULATIONS OF THE DIRECTOR OF INDUSTRIAL RELATIONS

ADDING ARTICLE 2.5: INSPECTIONS

ADOPTING SECTION 331.8 REGULATING THE PROCESS FOR REPRESENTATIVES OF EMPLOYERS AND AUTHORIZED REPRESENTATIVES OF EMPLOYEES TO ACCOMPANY THE DIVISION DURING WORKPLACE INSPECTIONS

(All text to be added to the California Code of Regulations.)

Article 2.5. Inspections

§ 331.8

- a) A representative of the employer and a representative authorized by employees shall be given an opportunity to accompany the Chief or their representative during the inspection of any workplace. The Chief or their representative may permit additional employer representatives and representatives authorized by employees to accompany them during the inspection. For purposes of this section, the Chief or their representative shall have authority to resolve all disputes as to who are the representatives authorized by the employer and the employees.
- b) For purposes of this section, the representative(s) authorized by employees may be an employee of the employer, a third party, or the collective bargaining representative. When the representative(s) authorized by employees is not an employee of the employer nor the collective bargaining representative, they may accompany the Chief or their representative during the inspection if, in the judgment of the Chief or their representative, good cause has been shown why their participation 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).
- c) The Chief or their representative shall be in charge of inspections. During the inspection of a worksite, the Chief or their representative is authorized to limit the scope and extent of the employer and employee representatives' engagement with each other and with any employees involved in the inspection to ensure that the inspection is fair, effective, and limited to the appropriate subject matter. The Chief or their representative is authorized to deny the right of accompaniment under this section to any person whose conduct interferes with a fair and orderly inspection.
- d) Upon the request of an employer, any authorized representative of employees in an area containing trade secrets as defined by Civil Code Section 3426.1(d) shall be an employee in that area or a representative authorized by the employer to enter that area. Where there is no such

representative or employee, the Chief or their representative shall consult with a reasonable number of employees who work in that area concerning matters of safety and health.

Note: Authority: Sections 50.7, 54, 55, 59 and 6314, Labor Code. Reference: Section 6314, Labor Code; Section 1903.8, Title 29, Code of Federal Regulations.