

Sec. 31-371-8. Representatives of employers and employees

(a) Occupational Safety and Health Officers shall be in charge of inspections and questioning of persons. A representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Occupational Safety and Health Officer during the physical inspection of any workplace for the purpose of aiding such inspection. An Occupational Safety and Health Officer may permit additional employer representatives and additional representatives authorized by employees to accompany him where he determines that such additional representatives will further aid the inspection. A different employer and employee representative may accompany the Occupational Safety and Health Officer during each different phase of an inspection if this will not interfere with the conduct of the inspection.

(b) Occupational Safety and Health Officers shall have authority to resolve all disputes as to who is the representative authorized by the employer and employees for the purpose of this section. If there is no authorized representative of employees, or if the Occupational Safety and Health Officer is unable to determine with reasonable certainty who is such representative, he shall consult with a reasonable number of employees concerning matters of safety and health in the workplace.

(c) The representative(s) authorized by employees shall be an employee(s) of the employer. However, if in the judgment of the Occupational Safety and Health Officer, good cause has been shown why accompaniment by a third party who is not an employee of the employer (such as an industrial hygienist or a safety engineer) is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace, such third party may accompany the Occupational Safety and Health Officer during the inspection.

(d) Occupational Safety and Health Officers are authorized to deny the right of accompaniment under this section to any person whose conduct interferes with a fair and orderly inspection. The right of accompaniment in areas containing trade secrets shall be subject to the provisions of subsection (c) of section 31-371-9. With regard to information classified by an agency of the U. S. Government in the interest of national security, only persons authorized to have access to such information may accompany an Occupational Safety and Health Officer in areas containing such information.

(Effective September 11, 1974)