



U.S. Chamber of Commerce

Possible OSHA Rule Would Hurt Agency Credibility

The Biden administration's whole of government approach to push union membership takes a new turn. The result could harm the integrity of workplace investigations.



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As part of the Biden administration's most recent regulatory agenda, the Occupational Safety and Health Administration (OSHA) [proposes](#) to implement a so-called "walk around" rule that would allow union officials to accompany OSHA inspectors when they visit non-union workplaces. This would be [a bad idea](#) at any time, but given the administration's "[whole of government](#)" approach to promoting unions, it threatens to undermine the credibility of OSHA's workplace safety efforts.

As a case study of why the rule would be so harmful to the agency's credibility, consider what is happening at Amazon. Unions have [lost elections](#) at several Amazon facilities. In other facilities, election results are being [litigated](#). At the same time, OSHA has decided to team up with the U.S. Attorney for the Southern District of New York to go after the company. And just recently, Senator

Bernie Sanders (I-VT) [announced](#) that the Senate HELP committee was launching an “investigation” of Amazon’s workplace health and safety practices and has demanded that the company produce reams of detailed information. The timing is certainly interesting.

If the walk-around rule were implemented, unions would use their access to try and dig up further inuendo to feed into these types of investigations. More importantly, by appearing in front of workers alongside OSHA, union officials would gain valuable propaganda points to reinvigorate their organizing efforts. Overall, it would be clear to the business community that OSHA was less interested in worker safety than in promoting an organizing campaign that seems to have stalled out.

And there’s plenty of evidence that many workers don’t desire union representation. Only [6%](#) of private sector workers are union members. Moreover, a 2022 [Gallup survey](#), while showing that unions are popular in the abstract, found that nearly 60% of non-union workers had no interest in joining a union with a mere 11% saying they were extremely interested.

It's no secret that unions have targeted Amazon. And it’s bad enough that the administration and Senator Sanders seem to be doing their part to promote that campaign regardless of what workers want. But OSHA shouldn’t pile on with a flawed rule that will undermine its reputation and discourage employers from cooperating with the agency.

About the authors



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Marc Freedman is vice president of workplace policy at the U.S. Chamber of Commerce. He develops and advocates the Chamber’s response to OSHA matters; FLSA issues such as overtime, minimum wage, and independent contractors; paid leave issues; EEOC, and other labor and workplace issues.

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