



BACKGROUND INFORMATION ON

EMPLOYEE PARTICIPATION IN CSB INVESTIGATIONS

(Prepared for the Public Board Meeting of October 24, 2018)

- The authorizing statute for the U.S. Chemical Safety and Hazard Investigation Board (CSB) provides a foundation for a facility employee and facility employee representatives to participate in a CSB investigation by requiring that these individuals be given the same opportunity to participate in facility investigations as provided by the Occupational Safety and Health Act. 42 U.S.C. §7412(6)(L)
- The Occupational Safety and Health Act provides that when facility inspections are conducted, “a representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any workplace. . . .” 29 U.S.C. §657(e).
- On February 27, 2012, the Board amended Board Order 40, Investigation Protocol, by incorporating as guidance a new procedure H, “Employee Participation in Investigations.” This was the agency’s first formal policy on employee participation.
- On March 7, 2012, the Board issued a press release announcing this new policy as incorporated into Board Order 40.