**Section 350.90 Representatives of Employers and Employees**

a) Enforcement Inspectors shall be in charge of inspections and questioning of persons. A representative of the employer and a representative authorized by the employees shall be given an opportunity to accompany the Inspector during the physical inspection of any workplace for the purpose of aiding the inspection. Inspectors may permit additional employer representatives and additional representatives authorized by employees to accompany them when they determine that additional representatives will further aid the inspection. A different employer and employee representative may accompany the Inspector during each different phase of an inspection if this will not interfere with the conduct of the inspection.

b) Inspectors shall have authority to resolve all disputes concerning the identity of 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 Inspector is unable to determine with reasonable certainty who is the representative, the Inspector shall consult with a reasonable number of employees concerning matters of safety and health in the workplace.

c) The representatives authorized by employees shall be employees of the employer. However, if, in the judgment of the Inspector, 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, the third party may accompany the Inspector during the inspection.

d) Inspectors 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 Section 350.100. With regard to information classified by an agency of State government in the interest of homeland security, only persons authorized to have access to the information may accompany an Inspector in areas containing the information.

(Source: Amended at 46 Ill. Reg. 3518, effective February 15, 2022)