

OSHRC Clarifies 'Bounds' Of Single-Employer Doctrine In New Decision

Monday, March 7, 2022

Jim Sullivan spoke with *Inside OSHA* about a new decision from the Occupational Safety and Health Review Commission that appears aimed at clarifying the limits of its test for determining when separate entities may be considered a "single employer" in OSHA enforcement actions. Jim says the decision signals that "the commission is creeping toward the [National Labor Relations Board (NLRB)] single employer test" in its review of such cases. "In an NLRB-type case, first, they would say, 'okay, so do the guys at UHS-DE have control over the day to day labor relations, hiring, firing [at UHS-WP]? Is there any sharing of employees? If so, you're going to be found as a single employer and that's why I'm saying that the commission is creeping towards [the NLRB standard] with this decision," he said.

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