



OSHA Injury Reporting & Recordkeeping Changes

OSHA recently adopted final rules on discrimination and injury/illness reporting that will impact most employers! Here's a breakdown of the significant changes:

Reporting Changes (Effective 1/1/16): Employers are required to report fatalities and serious injuries as follows:

- **Fatalities:** These are required to be reported within 8 hours.
- **Serious Injuries:** Hospitalization of one employee (changed from three), any amputation, or loss of an eye must be reported within 24 hours.
- The reports can be submitted directly by phone or online through this OSHA link; <https://www.osha.gov/report.html>. Note that State Plan states may have their own reporting functions. You can find out through the same link.

Electronic Recordkeeping: Employers have always been required to maintain the OSHA 300 logs. This hasn't changed, but OSHA is implementing an electronic reporting function (Changes effective 1/1/2017), which will require the following:

- Employers with 250+ employees require electronic submittal of all Form 300, 300A and 301 information.
- Employers with 20-249 employees in certain industries require electronic submittal of only Form 300A information.
- Employers with <20 employees are not required to submit electronically, but must still maintain the OSHA logs in-house (except certain exempt industries).

Note that OSHA will post this data on a publicly available website, which may be accessed by competitors, contractors, employees, and employee representatives. If possible, care should be taken to avoid posting information such as employee names, addresses, and other confidential information.

Additional requirements effective 8/10/2016:

Retaliation: The new rule includes an anti-retaliation section. OSHA compliance officers can issue citations to employers who discipline workers for reporting injuries or illnesses when it believes that no legitimate workplace safety rule has been violated.

Post-Accident Drug-Testing: The final rule includes elements to ensure no "adverse actions" are taken by employers that might dissuade an employee from reporting a workplace injury. They have concluded that a blanket policy for post-accident drug testing may constitute an adverse action, instructing employers to "limit post-incident testing to situations in which employee drug use is likely to have contributed to the incident, and for which the drug test can accurately identify impairment caused by drug use." For this reason, employers might want to review their policies on post-accident drug testing.

Incentive Programs: OSHA also believes that incentive programs that deny a reward based on injury or illness reports may constitute possible "adverse actions." Employers with incentive programs should also review these programs to ensure that they provide benefits based on compliance with Safety rules or other positive actions by employees.

Contact Chuck Paulausky, CHMM at CP Safety if you need additional information, guidance or training on this topic!