

OSHA REQUIRES EMPLOYERS TO PROVIDE WORKPLACE INJURY AND ILLNESS RECORDS

The U.S. Department of Labor (DOL) today released a final rule requiring employers to electronically submit injury and illness records to OSHA for posting and viewing by the public on OSHA's website.

Under the prior rule, covered employers were required to post in their workplaces Form 300A (Summary of Work-Related Injuries and Illnesses) from February 1 through April 30 of each year, and must provide their Form 300 (Logs of Work-Related Injuries and Illnesses) to OSHA when requested in an inspection. However, the new rule *requires* that such records be electronically transmitted to OSHA. Previously, little or no information about injuries was required to be provided to the agency.

Under the new rule, establishments with 250 or more employees at any time during the preceding calendar year, who were already required to maintain OSHA logs, must now provide OSHA with their Form 300, Form 300A, and Form 301 (Injury and Illness Incident Report). Establishments having between 20 and 249 employees in specific industries, in particular, agriculture and forestry (NAICS Code 11), construction (NAICS Code 23), and manufacturing (NAICS Codes 31-33) must provide OSHA with their Form 300A. It is worth noting that the identified NAICS codes encompass substantially all agricultural, construction and manufacturing industries, among others also mentioned in the rule.

According to OSHA, the rule is supposed to “modernize injury data collection to better inform workers, employers, the public and OSHA about workplace hazards,” according to a [news release](#) posted on OSHA's website. “Since high injury rates are a sign of poor management, no employer wants to be seen publicly as operating a dangerous workplace,” said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels in the release.

The rule becomes effective on August 10, 2016, and employers will be required to submit their 2016 reports by July 1, 2017. Establishments with 250 or more employees in industries covered by the recordkeeping regulation must submit information from their 2016 Form 300A by July 1, 2017. These same employers will be required to submit information from all 2017 forms (300A, 300, and

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301) by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2.

Establishments with 20-249 employees in certain industries must submit information from their 2016 Form 300A by July 1, 2017, and their 2017 Form 300A by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2.

If you work in a business with more than 250 employees and are already required to keep OSHA logs, or work in what might be considered a “high hazard” industry, your business is subject to the new rule. Everything these employers put on their OSHA recordkeeping documents now has the potential to be put on the web. Here is a [link](#) to the regulation.

In addition, the new rule requires all employers to notify employees that they have a right to report work-related illnesses and injuries, and that employers are prohibited from discharging or in any manner discriminating against employees for reporting work-related injuries or illnesses.