

# OSHA Recordkeeping and Reporting Requirements

The Occupational Safety and Health Association regulation 29 CFR part 1904, "Recording and Reporting Occupational Injuries and Illnesses," requires employers with more than 10 employees in most industries to keep records of occupational injuries and illnesses at their establishments.

Employers covered by these rules must record each employee injury and illness on an OSHA Form 300 or equivalent. Employers must also prepare a supplementary OSHA Form 301, "Injury and Illness Incident Report," or equivalent providing additional details about each record. In addition, employers are required to prepare a summary of all injuries and illnesses on the OSHA Form 300A and post the form in a visible location in the workplace. This is not new for precasters.

Now, OSHA published a final rule on May 11, 2016, issuing revisions to the current regulation. The final rule requires employers to electronically submit OSHA injury and illness data. The frequency of submissions is dependent on the size and industry of the employer. OSHA also intends to post the data public online. The final rule amends OSHA's recordkeeping regulation to update requirements on how employers inform employees to report work-related injuries and illnesses. The final rule requires employers to:

- Inform employees of their right to report free from retaliation
- Clarify that an employer's procedure for reporting must be reasonable and not deter or discourage employees
- Incorporate the existing statutory prohibition on retaliating against employees for reporting work-related injuries or illnesses.

The final rule also amends OSHA's existing regulation to clarify the right of employees and their representatives to access the injury and illness records.

## NEW REQUIREMENTS

The most significant aspect of OSHA's recent involves its requirement that certain employers electronically submit their injury and illness logs on an annual basis. Following is the standard's breakdown:

### ***Establishments with 20 to 249 employees in designated industries***

Establishments with more than 20 but fewer than 250 employees, and in high risk industries (Manufacturing - NAICS 31-33), must electronically submit OSHA 300A logs once a year. These employers will be required to electronically submit OSHA 300A logs on July 1, 2017, July 1, 2018 and annually beginning March 2, 2019.

### ***Establishments 250 or more employees***

Establishments with 250 or more employees at any given time during a year must electronically submit their OSHA 300, 301, and 300A logs once a year. OSHA's schedule for the required submissions includes:

- July 1, 2017 – OSHA 300A log
- July 1, 2018 – OSHA 300, 300A and 301 logs
- March 2, 2019 – OSHA 300, 300A and 301 logs

### ***OSHA's Intent to Publish Employer Records***

OSHA intends to publish publically each establishment's data online on osha.gov. OSHA stated they will remove personal information before the data is released to the public.

## ***OSHA's New Anti-Retaliation Provisions***

In addition to the electronic submission requirements, OSHA's new requirements prohibits employers from retaliating against employees for reporting work-related injuries or illnesses, or discouraging employees from reporting through the threat of retaliation. The new regulation also requires employers to:

- Establish a procedure for employees to report work-related injuries and illnesses. A procedure is not "reasonable" if it would deter or discourage an employee from reporting a workplace injury or illness.
- Inform employees on the procedure.
- Inform employees they have the right to report and employers are prohibited from retaliating.
- Refrain from retaliating against employees for reporting a work-related injury or illness, filing a safety and health complaint, asking for access to injury and illness records or exercising any right afforded under OSHA.

All new provisions went into effect **Aug. 12, 2016**.

