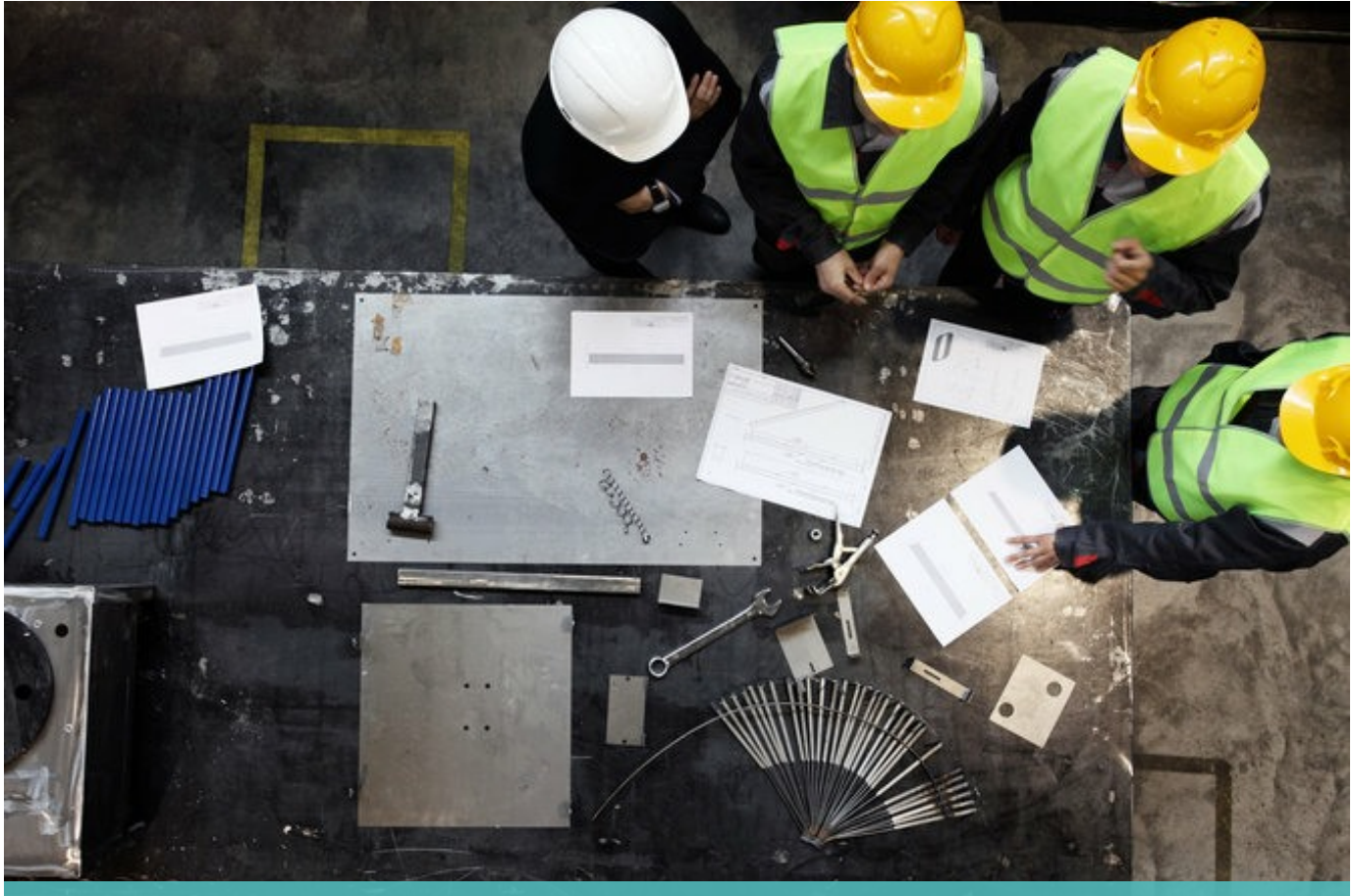


OSHA's new injury and illness reporting requirements



Michael G. Latiff, Ryan Neumeyer | Thursday, February 1, 2018

The Occupational Safety and Health Administration's (OSHA) new electronic reporting requirements for workplace injury and illness records requires certain employers to electronically submit injury and illness data that has historically been kept onsite.

Covered employers with 250 or more employees that are currently required to keep OSHA injury and illness records and employers with 20-249 employees in certain high-risk industries must submit their injury and illness data to OSHA. Some of the industries that OSHA considers high risk for purposes of the reporting requirements include:

- Construction
- Utilities
- Manufacturing
- Building material and supplies dealers
- General and specialized freight trucking
- Nursing care facilities
- General medical and surgical hospitals

For a full list of OSHA's high-risk industries, visit [OSHA's official website](#).

It is very important to note that OSHA injury and illness records must be kept for each of the company's business establishments. The company cannot keep company-wide records for all locations in a single log, but rather must keep a separate OSHA 300 Log for each establishment that is expected to be in operation for one year or longer. If a company has establishments that it expects to be open for less than one year, the company can keep one OSHA 300 Log for all "short-term" establishments. All of a company's illness and injury logs and records may be stored at the company headquarters so long as the company complies with the regulations requiring that the records be made available at each particular establishment if so requested by an employee or government agency.

OSHA's new injury and illness reporting requirements also prohibits employers from discouraging workers from reporting an injury or illness. The rule requires

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employers to inform employees of their right to report work-related injuries and illnesses free from retaliation, which can be satisfied by posting the already-required [OSHA workplace poster](#). It also clarifies the existing implicit requirement that an employer's procedure for reporting work-related injuries and illnesses must be reasonable and not deter or discourage employees from reporting. The employer's procedure must also incorporate the existing statutory prohibition on retaliating against employees for reporting work-related injuries or illnesses.

The deadline for covered employers to electronically submit to OSHA information regarding 2017 workplace injuries and illnesses is July 1, 2018. In 2019, the same information for workplace injuries and illnesses occurring in 2018 must be submitted before March 2, 2019.

Your company's obligations under OSHA's injury and illness reporting requirements depends on the nature of your business, the number of employees your company employ, and the number of facilities that your company operates. The following are some common questions that you may have when evaluating your obligations under OSHA's new requirements.

- What employees are covered?
- How does OSHA define a recordable injury or illness?
- What information must be submitted?
- Are there any exceptions to OSHA's injury and illness reporting requirements?

If you have questions concerning your company's obligations under OSHA's injury and illness reporting requirements, contact one of the attorneys listed below for more information.



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