

COMPLIANCE OVERVIEW

Provided by E.B. Cohen Insurance & Risk Management

OSHA Reporting and Recordkeeping

The Occupational Safety and Health Administration (OSHA) requires covered employers to report and record occupational injuries and illnesses. OSHA updated these reporting and recordkeeping requirements through a [final rule](#) that became effective on Jan. 1, 2015.

To comply with reporting requirements, employers must report any work-related employee fatality within **eight hours**, and any inpatient hospitalization, amputation or loss of an eye within **24 hours**. In addition, beginning on July 1, 2017, another [final rule](#) requires certain establishments to electronically submit injury and illness information to OSHA.

While all employers must follow reporting requirements, recordkeeping obligations apply only to nonexempt employers. The list of exempt industries was also updated in 2015.

LINKS AND RESOURCES

- OSHA recording and reporting [website](#)
- OSHA [Serious Event Reporting Online Form](#)
- OSHA reporting [final rule](#)
- OSHA [electronic reporting](#) final rule

HIGHLIGHTS

REPORTING REQUIREMENTS

- Work-related fatalities must be reported within eight hours.
- Inpatient hospitalizations, amputations and losses of an eye must be reported within 24 hours.
- Beginning in 2017, certain establishments must submit information from their OSHA forms on an annual basis.

RECORDING REQUIREMENTS

- Establishments must record work-related injuries and illnesses if they have 10 or more employees and do not belong to a partially exempt industry.
- Use OSHA Forms [300](#), [300A](#) and [301](#).
- Form 300A must be posted every year from Feb. 1 to April 30.

This Compliance Overview is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.

EMPLOYERS SUBJECT TO OSHA

The OSH Act covers private sector employers and employees in all 50 states, the District of Columbia, and other U.S. jurisdictions, either directly through federal OSHA or through an OSHA-approved state program. However, the OSH Act does not apply to:

- Self-employed individuals; or
- Immediate family members of farm employers that do not have outside employees.

Employees who work for state and local governments are not covered by federal OSHA, but may have OSH Act protections through an OSHA-approved state program. Federal agencies must have a safety and health program that meets the same standards as those applicable to private employers. Although OSHA does not fine federal agencies, it does monitor federal agencies and responds to worker complaints. The United States Postal Service (USPS) is covered by OSHA.

In addition, OSHA does not regulate workplace hazards that are regulated by another federal agency, such as the Mine Safety and Health Administration or the Federal Aviation Administration.

REPORTING REQUIREMENTS

As of Jan. 1, 2015, the Occupational Safety and Health Administration (OSHA) required employers to report any work-related employee fatality within **eight hours**, and any inpatient hospitalization, amputation or loss of an eye within **24 hours**.

OSHA defines an inpatient hospitalization as “a formal admission to the inpatient service of a hospital or clinic for care or treatment.” Hospitalizations for observation or diagnostic testing are not reportable events. An amputation is the traumatic loss of a limb or other external body part. Amputations can be full or partial, and they can happen with or without bone. Amputations do not include avulsions, enucleations, degloving, scalping, severed ears or broken (or chipped) teeth.

Employers must submit these reports to OSHA:

- By telephone at 1-800-321-OSHA (6742);
- By calling or visiting the nearest area office during normal business hours; or
- Through an [online form](#).

The reporting clock does not begin until the employer or its agents learn about the reportable event. OSHA offers the following illustration:

OSHA EXAMPLE

An employee suffers a work-related injury at 9 a.m. and dies from that injury at 10 a.m. The employer learns of the fatality (the reportable event) at 10 a.m. The employer would be required to report the fatality (the reportable event) to OSHA by 6 p.m. (within eight hours).

2

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Employers are **not** required to notify OSHA of a reportable event if the event is the result of a motor vehicle accident on a public street or highway, unless the accident took place in a construction work zone. However, unless an exemption applies, employers will need to keep a record of the incident. The same is true for incidents that occur on commercial or public transportation systems.

A complete report under the final rule must include:

- The employer’s name;
- The location of the reportable event;
- The time of the reportable event;
- The type of reportable event (fatality, hospitalization, amputation, loss of an eye);
- The number of employees affected by a reportable event;
- The names of all employees affected by a reportable event;
- The employer’s contact person and his or her phone number; and
- A brief description of the work-related incident.

OSHA uses the information collected from reporting and recordkeeping requirements to set inspection targeting, develop safety standards, allocate agency resources, update "low-hazard" industry exemptions, conduct performance measurements under the Government Performance and Results Act (GPRA) and evaluate eligibility for the Voluntary Protection Program (VPP).

ELECTRONIC REPORTING

On **May 12, 2016**, the Occupational Safety and Health Administration (OSHA) issued a [final rule](#) requiring certain employers to electronically submit data from their work-related injury records to OSHA. The final rule also solidifies employee anti-retaliation protections for reporting work-related injuries and illnesses.

Submission Deadline	Number of Employees	
	250 or more	Between 20 and 249
July 1, 2017	Form 300A	Form 300A
July 1, 2018	Forms 300A, 300, 301	Form 300A
March 2, 2019 (and beyond)	Forms 300A, 300, 301	Form 300A

The data an employer must submit and the timeline for submitting this information to OSHA depends on the employer’s size.

Employers in high-risk industries with between 20 and 249 employees will be required to submit some information from their OSHA Form 300A. Employers with 250 or more employees will be required to submit information from their OSHA Forms 300A, 300 and 301.

During 2017 and 2018, the final rule requires employers to submit required information by July 1. For 2019 and beyond, employers will be required to submit required information by March 2.

Finally, the final rule also allows OSHA to publish the electronic data it collects from employers on a public website. The general public may use this information to learn about the safety and health hazards

associated with working for certain employers. For this reason, the final rule also stipulates that certain personal identifying information must be omitted from electronic submissions mentioned above.

RECORDKEEPING REQUIREMENTS

Employers with more than 10 employees and whose establishments are not classified as a partially exempt industry must prepare and maintain records of serious occupational injuries and illnesses, using OSHA [Forms 300, 300A and 301](#).

- **Form 300 (Log of Work-Related Injuries and Illnesses):** Use to classify work-related injuries and illnesses and to note the extent and severity of each case. When an incident occurs, employers must use Form 300 to record specific details about what happened and how it happened.
- **Form 300A (Summary of Work-Related Injuries and Illnesses):** Shows the total number of work-related injuries and illnesses for the year in each category. At the end of the year, employers must post the Form 300A in a visible location so that employees are aware of the injuries and illnesses occurring in their workplace. Employers must keep a log for each establishment or site. When an employer has more than one establishment, a separate log and summary must be kept at each physical location that is expected to be in operation for one year or longer.
- **Form 301 (Injury and Illness Incident Report):** Must be filled out within seven calendar days after an employer receives information that a recordable work-related injury or illness occurred. This report includes information about the employee and the treating physician, and detailed information about the case. Employers must keep this report on file for five years following the year it pertains to.

The information collected in these records enables OSHA to determine DART rates for employers and industries. DART stands for “days away, restricted and transferred” and is a safety metric that helps determine how many workplace injuries and illnesses caused employees to miss work, perform restricted work or be transferred to another job within a calendar year. OSHA uses data from a three-year sampling period to update the list of partially exempt industries. Industries with a DART rate lower than 75 percent of the average DART for the sampling period are allowed a partial exemption from recording requirements.

An updated list of [partially exempt](#) employers became effective on Jan. 1, 2015. The previous list used DART rates from the 1996-1998 sampling period. The codes used to classify these industries were from the Standard Industrial Classification (SIC) system. The new list uses data from the 2007-2009 sampling period. The codes used for the new list match the codes used by the North American Industry Classification System (NAICS). The new list of partially exempt industries allows OSHA to account for changes in the labor market and provides a refreshed perspective on low-hazard industries.

General Recording Criteria

Employers subject to the recordkeeping requirements must record all **work-related** injuries or illnesses that meet the general recording criteria. Injuries and illnesses are recordable if they result in:

- Death;
- Days away from work;
- Restricted work or transfer to another job;
- Medical treatment beyond first aid; or
- Loss of consciousness.

An injury or illness is work-related if it either caused or contributed to the condition. Events or exposures in the work environment that significantly aggravate a pre-existing injury or illness are also considered work-related. For recordkeeping purposes, first aid includes:

- Using a non-prescription medication at non-prescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes);
- Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);
- Cleaning, flushing or soaking wounds on the surface of the skin;
- Using wound coverings such as bandages, adhesive bandages, gauze pads, etc.; or using butterfly bandages (other wound closing devices such as sutures, staples, etc., are considered medical treatment);
- Using hot or cold therapy;
- Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);
- Using temporary immobilization devices while transporting an accident victim (such as splints, slings, neck collars, back boards, etc.);
- Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;
- Using eye patches;
- Removing foreign bodies from the eye using only irrigation or a cotton swab;

- Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;
- Using finger guards;
- Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); and
- Drinking fluids for relief of heat stress.

POSTING REQUIREMENTS

Employers that are required to keep Form 300, the Injury and Illness log, must post Form 300A, the Summary of Work-Related Injuries and Illnesses, in the workplace every year from **Feb. 1 to April 30**. Current and former employees, or their representatives, have the right to access injury and illness records. Employers must give the requester a copy of the relevant record(s) by the end of the next business day.

MORE INFORMATION

Please contact E.B. Cohen Insurance & Risk Management for additional information on OSHA reporting and recordkeeping requirements.