

Subject: OSHA's Revised Recordkeeping Rule –  
Improve Tracking of Workplace Injuries and Illnesses

**On May 12, 2016** OSHA published a final rule amending its existing recordkeeping rule. The revised rule requires affected employers to electronically submit, annually, specified occupational injury and illness information directly to the agency.

Key Dates

**December 1, 2016** Provisions 1904.35 (Employee Involvement), and 1904.36 (Prohibition Against Discrimination) become enforceable.

**November 12, 2016** OSHA State-Plan-States must adopt requirements that are substantially similar to federal OSHA's rule – Improve Tracking of Workplace Injuries and Illnesses.

**January 1, 2017** The remainder of the rule becomes effective.

**July 1, 2017** Small employers (20 to 249 employees), and large employers (250 or more employees) must electronically submit their OSHA 300A summary information from 2016 prior to this date.

**July 1, 2018** Small employers must electronically submit their OSHA 300A summary information from 2017 prior to this date.

- Large employers must electronically submit their OSHA 300 log, 300 A summary, and 301 incident report information from 2017 prior to this date.

**March 2 By March 2, 2019, and by March 2** of each subsequent year, small employers must electronically submit their OSHA 300A summary information from the preceding year.

**By March 2, 2019, and by March 2** of each subsequent year, large employers must electronically submit their OSHA 300 log, 300A summary, and 301 incident report information from the preceding year.

## **Summary of Recently Amended Parts to 29 CFR 1904 – Recording and Reporting Occupational Injuries and Illnesses**

Following is a summary of recently amended parts of OSHA’s existing work-related injury and illness recordkeeping rule. The summary is provided so that members can obtain a quick cursory understanding of what will be required to comply with the rule. Some important details have been omitted. Be sure to read the actual rule in its entirety before establishing your company’s compliance procedures.

### Employee Involvement (1904.35)

- ☐ Employers must inform each worker of how to report a work-related injury or illness.
  
- ☐ Employers must establish a “reasonable procedure” for their workers to report work-related injuries and illnesses promptly and accurately.
  
- ☐ Employers must provide workers with information about the company’s “reasonable procedure” for reporting work -related injuries and illnesses.
  
- ☐ Employers must provide access for their workers and their workers’ representatives to the company’s work-related injury and illness records.
  
- ☐ Reporting procedures must not deter or discourage workers from accurately reporting a workplace injury or illness.

☐ Employers must inform each worker of his or her right to report work-related injuries and illnesses without retaliation.

☐ Employers are prohibited from discharging, or discriminating against any worker for reporting a workrelated injury or illness.

☐ Employers must inform each worker that employers are prohibited from discharging, or in any manner discriminating against workers for reporting work-related injuries or illnesses.

### **Prohibition Against Discrimination (1904.36)**

☐ The Occupational Safety and Health Act of 1970 also prohibits employers from discriminating against a worker for reporting a work-related fatality, injury, or illness. The same provision also protects workers who file safety and health complaints.

### **Electronic Submission of Injury and Illness Records to OSHA (1904.41)**

☐ Employers with 20 to 249 workers at any time during the preceding calendar year must electronically submit to OSHA or OSHA's designee, information from its preceding year's OSHA Form 300A Summary of Work-Related Injuries and Illnesses.

☐ Employers with 250 or more workers at any time during the preceding calendar year must electronically submit to OSHA or OSHA's designee, information from its preceding year's OSHA

Form 300A Summary of Work-Related Injuries and Illnesses, OSHA Form 300 Log of Work Related Injuries and Illnesses, and OSHA Form 301 Injury and Illness Incident Report.

☐ The information must be submitted once each year, and before the applicable dates shown on the first page of this bulletin.

☐ Employers must electronically submit information from their work-related injury and illness records to OSHA, or OSHA's designee whenever it is requested by OSHA.

☐ When OSHA requests information from an employer's work-related injury and illness records the employer must submit the information as often as specified in the notification/request from OSHA.

☐ Employers are not required to submit information from column B (Employee Name) from OSHA Form 300.

☐ Employers are not required to submit the worker's name, the worker's address, the name of the physician or health care professional, or the facility name and address (when treatment was provided away from the worksite) from their OSHA 301 incident reports.

☐ Employers must count all full-time, part-time, seasonal, and temporary workers as "employees" when determining their total number of workers for OSHA recordkeeping purposes.

☐ Employers must electronically submit all applicable information through a secure website that will be provided by OSHA in the near future.

☐ Employers working in OSHA State-Plan States must comply with the requirements of this rule.

☐ Enterprises and corporate offices with ownership or control over one or more affected establishments may collect and electronically submit applicable work-related injury and illness information for all of their establishments.