



SSU 2005-02

SUMMARY OF OSHA'S RECORDKEEPING & REPORTING RULES

By SeaBright Insurance Loss Control

OSHA's Recording and Reporting Regulation (29 CFR Part 1904) was changed significantly effective January 1st, 2002. Then, on January 1st, 2004 a few additional modifications were made to the rule. This *Supervisors' Safety Update* will provide an overview of the requirements of the current regulation, and the basic information to assist in understanding the regulation. Website links to additional detailed information available on OSHA's web page will be included at the end of this article.



Recording or reporting does not mean or imply that the company or employee was at fault or that an OSHA rule was violated.

Purpose:

The purpose of the OSHA reporting rule is to require employers to record and report work-related fatalities, injuries, and illnesses. The data collected can be an excellent tool for your company to use in analyzing, identifying and solving workplace safety and health problems. OSHA collects the data and uses it to assist them in directing their programs, measuring their performance, and to aid inspectors by directing their efforts to the hazards that are hurting employees. Recording or reporting does not mean or imply that the company or employee was at fault or that an OSHA rule

was violated. It also does not imply that the employee is eligible for workers' compensation or other benefits.

Scope:

Employers with 10 or less employees and business establishments in certain industry classifications are partially exempt from keeping OSHA injury and illness records. In general, the partial exemption applies only to certain business establishments in the retail, services, finance, and real estate industry classifications. All employers must still report to OSHA within eight hours any workplace incident that results in a fatality or the hospitalization of three or more employees. Some State OSHA programs have stricter fatality or multiple injury reporting requirements.

Recording Criteria:

In general, an injury or illness must be considered as work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition. There are some situations where an injury or illness occurs in the work environment and is not considered to be work-related. When employees are traveling on company business, an injury or illness that occurs while the employee is engaged in work activities for the company is considered work-related. When employees are working at home, an injury or illness is work-

related if the case occurred while working for pay or compensation. The rules contain a flowchart, several charts, and specific answers to general questions to assist your company in determining whether to decide if a particular injury or illness is recordable.

An injury or illness is considered to be a new case if the employee: has not previously experienced a recordable injury or illness of the same type that affects the same part of the body; or previously experienced a recordable injury or illness of the same type that affects the same part of the body, but had recovered completely and an event of exposure in the work environment caused the signs and symptoms to reappear.

An injury or illness is considered to meet general recording criteria if it results in one or more of the following: death; days away from work; restricted work activity; transfer to another job; medical treatment beyond first aid; loss of consciousness; physician or other licensed health care



or involves a significant injury or illness diagnosed by a professional.

Certain types of cases are subject to may apply to them. All work related contaminated with another person's recordable. A case must be recorded if medical surveillance requirements of a specific OSHA standard. A case must be recorded if an employee's hearing test reveals a work related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee's total hearing level is 25 decibels or more above the audiometric zero in the same ear(s) as the STS. A case must be recorded if an employee is exposed at work to someone with a known case of active tuberculosis (TB), and subsequently develops a TB infection.

specific recording criteria, and additional requirements needlestick injuries and cuts from sharp objects that are blood or other potentially infectious material are an employee is medically removed from work under the



Record Keeping Forms:

OSHA provides three basic forms for record keeping by employers. The OSHA Form 300 is called the "Log of Work-Related Injuries and Illnesses" and is used to record the specific information applicable to each recordable case. The OSHA Form 300A is the "Summary of Work-Related Injuries and Illnesses" and is used to summarize the OSHA Form 300 information at the end of each year. The OSHA Form 301 is the "Injury and Illness Incident Report" and assists in developing a picture of the extent and severity of each work related incident. An equivalent form such as your company's incident report form can replace the OSHA Form 301, as long as the equivalent form includes all of the same data. The 300 log and the 301 incident report must be completed within 7 calendar days of receiving information that a recordable injury or illness has occurred.

Other Requirements and Definitions:

If your company has more than one establishment, then a separate OSHA Form 300 must be kept for each establishment expected to be in operation for more than a year.

The company must record injuries and illnesses of all employees on payroll. Also, temporary workers are to be considered as employees of the company who exercises day-to-day control over them. The supervising party will record their injuries and illnesses.

The OSHA Form 300A summary needs to be completed at the end of each year. A company executive must certify and sign the summary. Lastly, the summary must be posted for a 3-month period beginning on February 1st and ending on April 30th of the year following the year covered by the summary.

The summary must be posted for a 3-month period from February 1st to April 30th.

All forms and records must be retained for five years.

Employers must set up a method for employees to report injuries and illnesses, and must instruct all employees in how to report. Do not discriminate against an employee for reporting a work-related injury or illness.

States with OSHA-approved State plans must have requirements that are substantially identical to the OSHA requirements. Some States may have more stringent or supplemental requirements on other matters, such as industry and size exemptions, the reporting of fatalities and catastrophes, and the access provisions.

An establishment is a single physical location where business is conducted or where services or industrial operations are performed. Construction, transportation, and communications companies are a few examples of industries with activities where employees do not work at a single location. For these types of industries, the establishment is a main or branch office that either supervises such activities or serves as the base location.



Reporting Information to the Government:

Within eight hours after death of an employee or in-patient hospitalization of three or more employees as a result of a work-related incident, the company must report by telephone or in person to the OSHA office that is nearest to the site of the incident. Employers may also use the OSHA toll-free central telephone number, 1-800-321-OSHA.

If an authorized government representative asks to view your records, you are required to provide access within four business hours.

If your company receives OSHA's annual survey form, you must fill it out and send it back to OSHA. If the company receives a Survey of Occupational Injuries and Illnesses Form from the Bureau of Labor Statistics (BLS), you must complete it and send it back to BLS.

Transition from the Former OSHA Rule:

Prior to 2002, employers were subject to a different regulation and different record keeping forms. Copies of these old forms must be kept for five years following the year to which they relate. Employers are not required to update these old forms.

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Additional Resource Materials:

The resource materials available on OSHA's web page include:

<http://www.osha.gov/recordkeeping/index.html>

This is the index cover page for locating all OSHA produced resource materials.

<http://www.osha.gov/recordkeeping/RKforms.html>

Access to all forms in both PDF and Microsoft Excel formats can be located here.

<http://www.osha.gov/recordkeeping/RKpresentations.html>

This is the cover page for locating all OSHA produced record keeping training presentation materials.