

Risk Management Alert



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OSHA Regulatory Update: Electronic Submission of 300 Logs

The new rule takes effect January 1, 2017 and requires certain employers to electronically submit injury and illness data that they are already required to record on their onsite OSHA 300 Injury and Illness forms. OSHA will use this data to direct its enforcement and compliance assistance resources more efficiently. Some of the data will also be posted to <http://osha.gov/>. OSHA believes public disclosure will encourage employers to improve workplace safety and provide valuable information to workers, job seekers, customers, researchers, and the general public. The amount of data submitted will vary depending on the size of company and type of industry. View the rule at <http://federalregister.gov/a/2016-10443>.

Why is OSHA issuing this rule?

OSHA believes this simple change in rulemaking requirements will improve safety for workers across the country and improve accuracy of injury and illness data. One important reason stems from our understanding of human behavior and motivation. Behavioral economics tells us that making injury information publicly available will “nudge” employers to focus on safety. And, as we have seen in many examples, more attention to safety will save the lives and limbs of many workers, and it will ultimately help the employer’s bottom line as well.

Anti-retaliation protections

The rule also prohibits employers from discouraging workers from reporting an injury or illness. The final rule requires employers to inform employees of their right to report work-related injuries and illnesses free from retaliation; 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; and incorporates the existing statutory prohibition on retaliating against employees for reporting work-related injuries or illnesses. These provisions become effective August 10, 2016.

Compliance schedule

The new reporting requirements will be phased in over two years:

- Establishments with 250 or more employees in industries covered by the recordkeeping regulation must submit information from their 2016 Form 300A by July 1, 2017. These same employers will be required to submit information from all 2017 forms (300A, 300, and 301) by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2.
- Establishments with 20-249 employees in certain high-risk industries must submit information from their 2016 Form 300A by July 1, 2017, and their 2017 Form 300A by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2. Visit <https://www.osha.gov/recordkeeping/finalrule/RegulatoryTextforRecordkeepingStandard-Part1904.pdf> (pages 7 - 10) for a list of the “certain high-risk industries.”

****OSHA State Plan states (Cal-OSHA, etc.) must adopt requirements that are substantially identical to the requirements in this final rule within six months after publication of this final rule. We will keep you informed as events develop.**