



Summary of OSHA's Improved Injuries and Illness Reporting Final Rule

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Introduction: On May 11, 2016, the Occupational Health and Safety Administration (OSHA) released a final rule entitled "Improved Tracking of Injuries and Illness." The final rule revises employer requirements for workplace injuries and illnesses records by requiring annual electronic submissions directly to OSHA. Additionally, the final rule establishes new employer responsibilities and outlines OSHA's plan to publically disclose employer injuries and illnesses online. The rule goes into effect in three stages; (1) Prohibition against discrimination (§1904.36) on August 10, 2016; (2) Employer responsibilities (§1904.35) on December 1, 2016; and (3) Reporting requirements on January 1, 2017.

Background: In 2010, OSHA held three stakeholder meetings requesting information and public comment on the "Modernization of OSHA's Injury and Illness Data Collection Process." The information obtained from these stakeholder meetings led to OSHA issuing a proposed rule on November 8, 2013. The proposed rule established OSHA's intention to establish three new electronic reporting requirements for employers and to publicly make the information available online. Additionally, on August 14, 2014, OSHA issued a supplemental notice of proposed rulemaking requesting comment on three new provisions that OSHA was considering. These new additions were directed at the employer to insure that employees were informed and not prevented from reporting injuries and illnesses.

The Details: The final rule establishes employer reporting requirements, employer responsibilities, and OSHA's plan to publicly disclose employer-maintained injuries and illnesses logs.

Reporting: OSHA now requires employers in certain industries to electronically submit to OSHA injury and illness data that employers are currently required to maintain under existing OSHA regulations. Establishments with 250 or more employees must electronically submit information from OSHA Forms 300 – *Log of Work-Related Injuries and Illnesses*, 300A – *Summary of Work Related Injuries and Illnesses* and 301 – *Injury and Illness Incident Report* annually. Establishments with 20-249 employees that are classified in [certain industries](#) must electronically submit just the OSHA Form 300A annually. The electronic submission requirement does not change an employer's obligation to complete and retain injury and illness records. Starting in 2017, all establishments will be required to submit their OSHA Form 300A by July 1, 2017. In 2018, establishment with 250 or more employees will be required to submit OSHA Forms 300A, 300 and 301 by July 1, 2018. Establishments with 20-249 employees will just have to submit the OSHA Form 300A by the same date. Beginning in 2019, the submission deadline will be changed from July 1 to March 2.

Employer Responsibilities: Under the new reporting requirements, employers are required to involve employees and their representatives in the recordkeeping system for injuries and illnesses in several ways.

- (1) Employers are required to provide access to their injury and illness records for employees and their representatives by:
 - (a) Establishing a reasonable procedure for employees to report work-related injuries and illnesses promptly and accurately. A procedure is considered not reasonable if it would deter or discourage a reasonable employee from accurately reporting a workplace injury or illness; and
 - (b) Informing employees about company procedures for reporting work-related injuries and illnesses.

(2) Employers must not discharge or in any manner discriminate against any employee for reporting a work-related injury or illness.

(3) Employers are required to inform each employee of how he or she is to report a work-related injury and illness by telling employees:

(a) that they have the right to report work-related injuries and illnesses; and

(b) about company procedure for reporting work-related injuries and illnesses; and

(c) that employers are prohibited from discharging or in any manner discriminating against employees for reporting work-related injuries or illnesses.

Public Disclosure: OSHA will post the establishment-specific injury and illness data it collects under this recordkeeping rule on its public Web Site (www.osha.gov). OSHA will remove any Personally Identifiable Information (PII) before the data are released to the public.

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