

RISK INSIGHT: OSHA Rules on Electronic Injury and Illness Reporting

On May 11, 2016, the U.S. Department of Labor's Occupational Safety & Health Administration (OSHA) announced a final rule to Improve Tracking of Workplace Injuries and Illnesses. This ruling requires certain employers to electronically submit data from their work-related injury and illness records to OSHA. The final rule also addresses employee anti-retaliation protections for reporting work-related injuries and illnesses.

KEY POINTS

- The final rule does not create additional recording requirements (however, the rule stipulates that certain personal identifying information must be omitted from electronic submissions)
- Employers with 250 or more employees must submit data from their OSHA 300, 300A and 301
- Employers with between 20 and 249 employees must submit data from their OSHA 300A forms if they are part of an identified high-risk industry
- OSHA will collect information on injuries and illnesses to identify emerging hazards, characterize specific areas of concern, or target inspection and outreach initiatives under OSHA's emphasis program

KEY DATES

The final rule becomes effective on January 1, 2017, however compliance with anti-retaliation provisions and reporting deadlines will be phased in through 2019.

- **July 1, 2017:** Affected employers must submit data from OSHA Form 300A
- **July 1, 2018:** Some employers must submit data from OSHA Forms 300A, 300, and 301
- **March 2, 2019:** Affected employers must submit required data

Affected employers should consider the following action steps as a result of the final rule:

- Become familiar with the requirements in the final rule
- Review their recordkeeping and anti-retaliation policies and procedures to ensure they are in compliance with OSHA requirements
- Consider transitioning their OSHA recordkeeping practices to an electronic format once details on how and where to submit electronic information to OSHA have been released



WHY?

This change in OSHA's rulemaking requirements will improve safety for workers across the country. One important reason stems from understanding of human behavior and motivation. Behavioral analysis tells us that publicizing data will influence employers to focus on safety and the intended outcome will result in enhanced accuracy of data.

OSHA State Plan states must adopt requirements that are substantially identical to the requirements in the final rule within 6 months after publication of this final rule.

This change may have employers apprehensive that the rule will lead to negative public image of their business and raise privacy concerns. The electronic information could potentially provide various groups with access to previously confidential information that can then be distorted in a manner that does not reflect the organization's commitment to safety.

HOW M3 CAN HELP

While insurance cannot complete the record keeping requirements for your organization, we can assist you in understanding the new rule, helping you determine what portions of the new requirements apply to you, and providing training for your organization.

Our capable risk management staff can assist you with your OSHA record keeping and risk management compliance efforts. Contact your [M3 Account Executive](#) to discuss.

Source: United States Department of Labor, Occupational Safety & Health Administration

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