



Highlights of OSHA's Recordkeeping Rule

OSHA's rule addressing the recording and reporting of occupational injuries and illnesses affects approximately 1.4 million establishments. A number of specific industries in the retail, service, finance, insurance, and real estate sectors that are classified as low hazard are exempt from most requirements of the rule as are small businesses with 10 or fewer employees.

The revised rule takes effect January 1, 2002, except for provisions covering hearing loss and musculoskeletal disorders, which OSHA is delaying for 1 year — until January 1, 2003 — while the agency reconsiders these issues. The new rule improves employee involvement, calls for greater employee privacy protection, creates simpler forms, provides clearer regulatory requirements, and allows employers more flexibility to use computers to meet OSHA regulatory requirements. Following is a brief **summary of key provisions** of the rule.

- Updates three recordkeeping forms:
 - OSHA Form 300 (*Log of Work-Related Injuries and Illnesses*); simplified and printed on smaller, legal size paper.
 - OSHA Form 301 (*Injury and Illness Incident Report*); includes more data about how the injury or illness occurred.
 - OSHA Form 300A (*Summary of Work-Related Injuries and Illnesses*); a new form created to make it easier to post and calculate incidence rates.
- Provides a single set of recording criteria for both work-related injuries and work-related illnesses. (The former rule required employers to record all illnesses, regardless of severity.)
- Requires records to include a work-related injury or illness resulting in one of the following: death, days away from work, restricted work or transfer to another job, medical treatment **beyond** first aid, loss of consciousness, or diagnosis of a significant injury or illness by a physician or other licensed health care professional.
- Includes new definitions of medical treatment, first aid, and restricted work to simplify recording decisions.
- Requires a **significant** degree of aggravation before a preexisting injury or illness is considered work related.
- Adds further exceptions to the definition of work-relatedness to limit recording of cases involving eating and drinking of food and beverages, common colds and flu, blood donations, exercise programs, mental illnesses, etc.
- Clarifies the recording of "light duty" or restricted work cases. Requires employers to record cases when the injured or ill employee is restricted from "routine job functions," which are defined as work activities the employee regularly performs at least once weekly.
- Requires employers to record all needlestick and sharps injuries involving contamination by another person's blood or other potentially infectious materials.

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- Includes separate provisions describing the recording criteria for cases involving the work-related transmission of tuberculosis.
- Eliminates the term “lost workdays” and requires recording of days away from work or days restricted or days transferred to another job. Calls for employers to count calendar days rather than workdays.
- Requires employers to establish a procedure for employees to report injuries and illnesses and tell their employees how to report. (Employers are **prohibited** from discriminating against employees who do report by Section 11(c) of the *Occupational Safety and Health Act of 1970*.)
- For the first time, employees and former employees will be guaranteed access to their individual OSHA 301 forms. Employee representatives will be provided access to the “information about the case” section of the OSHA 301 form in establishments where they represent employees.
- Protects employee privacy by (1) prohibiting employers from entering an individual’s name on Form 300 for certain types of injuries or illnesses (e.g., sexual assaults, HIV infections, mental illnesses); (2) allowing employers not to describe the nature of sensitive injuries where the employee’s identity would be known; (3) giving employee representatives access only to the portion of Form 301 that contains no personal information; and (4) requiring employers to remove employees’ names before providing the data to persons not provided access rights under the rule.
- Requires the annual summary to be posted for 3 months instead of 1. Requires certification of the summary by a company executive.
- Excludes some public transportation and motor vehicle accidents from the reporting of fatalities and catastrophes.
- States that operate their own job safety and health programs will be adopting comparable recordkeeping rules that will also be effective January 1, 2002. States must have the same requirements for which injuries and illnesses are recordable and how they are recorded. However, other provisions, such as industry exemptions, may be different as long as they are as stringent as the federal requirements.

