



THE OKLAHOMAN

Q&A with Paula Williams



OSHA delays new online injury reporting requirement

Q: Is the Occupational Safety and Health Administration (OSHA) changing its reporting rules for employers regarding workplace injury and illness?

A: Partially. While the obligation to report doesn't change, OSHA is delaying enforcement of a new provision, previously scheduled for July 1, which would require employers to electronically submit the information.

Q: What would the new electronic record-keeping rule require?

A: If enacted, OSHA's new record-keeping rule would require employers to electronically submit the injury and illness data that they are already recording on-site. The rule is intended to increase public disclosure of injury and illness data by making it accessible through OSHA's website.

Q: What are the current reporting requirements for employers?

A: With the exception of certain low-risk industries, employers with more than 10 employees are required to record serious injuries and illnesses that are work related within seven days of the injury. An injury or illness is work related if the work environment caused, contributed to, or significantly aggravated an illness or injury. Injuries must require treatment beyond first aid, and include events resulting in a loss of consciousness, or requiring time away from work, restricted work or transfer to another job. For example, OSHA's definition includes injuries such as cuts or sprains, and illnesses such as respiratory disorders or poisoning.

Q: How should an employer ensure employees report their illnesses or injuries?

A: On Nov. 1, OSHA began its enforcement of a new anti-retaliation provision requiring employers to establish a reasonable procedure for employees to report injuries and illnesses promptly and accurately. An employer's procedure shouldn't deter or discourage an employee from accurately reporting the injury or illness. Aside from making its employees aware of the reporting procedure, an employer also must inform the employee that the employer is prohibited from discharging or discriminating against a reporting employee.

Q: How long must these records be maintained?

A: Employers are required to maintain these records for at least five years, and post a summary of the previous year's injuries and illnesses during OSHA's annual reporting period. Employers should keep copies of the records accessible, because when requested by OSHA, an employer must produce record-keeping forms within four business hours of the request. Employees, former employees and their representatives also have a right to review these records.