

## Illness and Injuries

### National

#### SUMMARY

Part 1904 addresses the requirements and procedures for records and reports for occupational injuries and illnesses. Although the employer has the responsibility for maintaining these records, the employee also has responsibilities of which he or she must be aware.

Employers with 10 or fewer employees are exempt from most requirements of the new rule, as are a number of industries classified as low-hazard-retail, service, finance, insurance and real estate sectors. However, all employers, no matter the size or classification, are still required to report work-related fatalities and multiple hospitalizations (three or more employees) within eight hours by telephone or in person to OSHA. And covered employers who fail to keep up-to-date, accurate records of occupational injuries and illnesses may find themselves facing an OSHA citation and fines of up to \$10,000.

Injuries and illnesses must be recorded if the injury or illness:

- Involves an employee.
- Is work related.
- Is a new case (meaning that the employee has not previously experienced a recorded injury or illness of the same type that affects the same part of the body, or that the employee previously experienced such an injury or illness but completely recovered).
- Results in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.
- Is a significant work-related injury or illness that is diagnosed by a physician or other licensed health care professional.
- Results from a needlestick injury or a cut from a sharp object that is contaminated with another person's blood or other potentially infectious material.
- Results in the medical removal of an employee under the medical surveillance requirements of an OSHA standard.
- Involves occupational hearing loss.
- Involves an occupational exposure to tuberculosis and subsequent development of the infection.

#### KEY PROVISIONS

OSHA revised its recordkeeping rule effective January 1, 2002. Some key provisions of the revised rule are:

- The log of injuries and illnesses is known as the OSHA 300 Log. The annual summary form is OSHA 300-A, and the incident reporting is known as OSHA 301. The forms reflect OSHA's attempt to make compliance easier for employers.

- The rule includes a provision for recording needlestick and sharps injuries that is consistent with legislation that required OSHA to revise its bloodborne pathogens standard to address such injuries.
- One of the least understood concepts of recordkeeping has been restricted work, says OSHA. The rule clarifies the definition of restricted work or light duty and makes it easier to record those cases. Restricted work activity occurs when, as the result of a work-related injury or illness, an employer or health care professional keeps, or recommends keeping, an employee from doing the routine functions of his or her job or from working the full workday that the employee would have been scheduled to work before the injury or illness occurred.
- Work-related injuries are better defined to ensure the recording only of appropriate cases while excluding cases clearly unrelated to work. An injury or illness is considered work related if an event or exposure in the work environment caused or contributed to the condition or significantly aggravated a preexisting condition.
- The rule also promotes improved employee awareness and involvement in the recordkeeping process, providing workers and their representatives access to the information on recordkeeping forms and increasing awareness of potential hazards in the workplace.
- Privacy concerns of employees have also been addressed. The former rule had no privacy protections covering the log used to record work-related injuries and illnesses.
- Written in plain language using a question-and-answer format, the regulation for the first time uses checklists and flowcharts to provide easier interpretations of recordkeeping requirements.
- Finally, employers are given more flexibility in using computers and telecommunications technology to meet their recordkeeping requirements.

## MANAGEMENT ISSUES

There are many important management issues involved in meeting the requirements of OSHA's recording and reporting standard. You must:

- Determine if an incident needs to be recorded. First you must decide whether a recordable incident has occurred according to the various criteria of the standard. If so, the injury or illness must be recorded.
- Add the incident to the OSHA 300 Log. Fill in the date relating to the incident on the 300 Log, making sure that all the required information is provided. Injuries and illnesses must be entered within seven calendar days of your becoming aware of the incident. If there is a privacy issue involved in the case, remember to enter "privacy case" instead of the employee's name and keep a separate confidential list with the employee's name.
- Complete the OSHA 301 Incident Report. An incident report should be completed at the same time the injury or illness is entered into the OSHA 300 Log. However, OSHA allows you to substitute an insurance form for this incident report, as long as the insurance form contains the same information in a readable and

understandable format and is completed using the instructions for the OSHA 301 Incident Report.

- Retain and update records as required. Remember that if you have many different facilities, you must maintain a separate OSHA 300 Log for each establishment. All injury and illness records must be retained for five years following the end of the calendar year covered by these records. If during the five-year period there is a change in the extent or outcome of an injury or illness that affects an entry on a previous year's OSHA 300 Log, the first entry should be lined out and a corrected entry made on that log. You must be able to present records you are required to keep under Part 1904 to any authorized government representative within four business hours.
- Provide employees and their representative access to your records. You must provide employees with access to your records concerning occupational injuries and illnesses. When an employee or an employee representative asks to see the OSHA 300 Log or an OSHA 301 Incident Report, you must provide a copy by the end of the next business day.
- Prepare the annual summary and post it. At the end of each calendar year, you must summarize the information on your OSHA 300 Log by totaling the column entries on the log and entering this information on the OSHA 300-A, the annual summary form. The annual summary must be certified by a company executive and signed and dated by the preparer. This form must be posted between February 1 and April 30 of the year following the year covered by the summary in a conspicuous place where all employees can see it (for example, on the employee bulleting board where you have posted your OSHA Job Safety and Health Protection poster).
- Complete and return annual survey forms. Both OSHA and the Bureau of Labor Statistics send out survey forms annually to some employers. If you receive one of these surveys, you must fill it out and return it within 30 calendar days.
- Call OSHA directly within eight hours of certain incidents. When an employee is killed on the job or when three or more employees are hospitalized because of a workplace incident, you must notify the OSHA area office nearest the location of the incident in person or by phone within eight hours. You should be prepared to provide the agency with complete information about the incident at this time.

## TRAINING RECOMMENDED

There are four main points to keep in mind concerning training to meet the requirements of OSAs recording and reporting of occupational injuries and illnesses standard:

- Involve employee in the process. One of the specific revisions in the new recording and reporting standard is that OSHA wants employers to promote "improved employee awareness and involvement in the recordkeeping process, providing workers and their representatives access to the information on recordkeeping forms and increasing awareness of potential hazards in the workplace."

- Train employees to report injuries and illnesses promptly. All employees should be encouraged to report all incidents immediately and thoroughly. They should know to whom to report an incident and what information to be prepared to give.
- Train supervisors to complete accident reports promptly and accurately. Supervisors play a key role in the maintenance of accurate and up-to-date injury and illness records. They should be trained to complete accident reports promptly and accurately. It is these reports that provide the basis for the information needed to complete the OSHA recording and reporting forms.
- Train employees responsible for maintaining OSHA recording and reporting forms to fulfill their duties completely and accurately. The employees who are responsible for filling out and updating the OSHA 300 Log, OSHA 301 Incident Reports, and the annual summary (300-A) must be well trained so that they understand all aspects of the regulations and are completely familiar with the various forms. This is the only way your records will be accurate and ready for inspection, should the need arise.

#### OTHER TYPE OF RECORDS REQUIRED BY OSHA

**Measurement of exposure.** OSHA requires detailed measurement of worker exposure to hazardous substances in the workplace. Such measurement records must be kept for 30 years.

**Employee health records.** Periodic medical tests must be performed to monitor the health effects of potentially toxic or carcinogenic workplace substances; records must be maintained for 30 years after the employee terminates employment.

**Material Safety Data Sheets (MSD).** MSDSs must be kept on file for all chemicals used in the workplace. If the chemical is no longer used in the workplace, the employer is not required to maintain the MSDS with medical records. However, the employer must maintain the chemical identity of the substance and when and where it was used for 30 years.

**Training.** OSHA has numerous requirements for training records such as PPE, emergency training, and HAZWOPER. See the regulation specific to your training activity for recordkeeping requirements.