

# OSHA Electronic Recordkeeping

## Final Rule to Improve Tracking of Workplace Injuries and Illnesses

Since 1970, the Occupational Safety and Health Act (OSHA) has required certain employers in identified industries to maintain and track information about their workers' injuries and illnesses, by recording information on the OSHA log. Comprised of 3 specific forms (301, 300, 300A), the log - along with an organizational Privacy Log (not included in the new OSHA electronic recordkeeping requirements) - reflects those injuries and illnesses that employers have recorded, satisfying specific recording requirements.

The new legislation requires employers to electronically submit their injury illness data to OSHA, with a submission deadline of December 1, 2017. This applies to establishments with 250 more employees that are currently required to keep OSHA injury and illness records, and establishments with 20-249 employees that are classified in [certain industries](#) with historically high rates of occupational injuries and illnesses (visit [www.osha.gov/recordkeeping/NAICScodesforelectronicsubmission.html](http://www.osha.gov/recordkeeping/NAICScodesforelectronicsubmission.html) for applicable industries).

### Electronic Reporting Rationale

Under a final rule that became effective on January 1, 2017, OSHA has determined that in addition to in-house completion/maintenance of these forms, organizations will now be required to submit some of this recorded information to OSHA electronically for posting on the OSHA website. Per OSHA, the rationale for the electronic reporting is:

1. To encourage employers to step-up their efforts to deter worker injuries and illnesses.
2. To create a competitive environment between like employers.
3. To enable researchers to do extensive data mining to identify new and repetitive workplace safety hazards before they become widespread.
4. To encourage workers to report work-related injuries and illnesses to their employers and to prohibit employers from retaliating against them for doing so.
5. To permit access to establishment specific information by the public in order to facilitate industry benchmarking.
6. To provide OSHA with data to assist the agency to improve allocation of compliance assistance, including "...opportunities to advance the fields of injury and illness causation and prevention results."

### OSHA Electronic Reporting

On the [OSHA website](http://www.osha.gov/injuryreporting/) ([www.osha.gov/injuryreporting/](http://www.osha.gov/injuryreporting/)) you will find a button on the top right hand corner of the page called LAUNCH ITA. Once the online page loads, you will have the opportunity to create an account or log in with your user name and password. Once the account is created and you log in, you can follow the instructions to either upload your information via an application programming interface or a CSV file, or manually enter the information from the log forms (Instructions are available on the OSHA website).

### Electronic Submission Time Frames

With the current December 1, 2017 electronic submission deadline, requirements are as follows:

1. Establishments with 250 or more employees are required to report the information from the 2016 log (300, 301 and 300A forms).

## Electronic Submission Time Frames (continued)

2. Establishments with 20-249 employees are required to report information from the 2016 log - form 300A only.
3. The electronic submission requirements do not change employers' internal recordkeeping obligations.
4. It is expected that in following years, the dates for electronic submission will be in March of each year for "...surveillance and intervention activities. The earlier a workplace hazard can be identified, the earlier it can be removed, reducing the chances of another worker being injured or becoming ill."

## Posting

OSHA will post all of the submitted establishment-specific data on its public website, and will remove all Personally Identifiable Information (PII) before such information is released. This final rule also permits OSHA to obtain information from those employers who are not required to submit information to OSHA on a routine basis.

## Retaliation

In order to encourage a more detailed database, OSHA has addressed retaliation in this rule. While Section 11 of the Occupational Safety and Health Act prohibits any discrimination against an employee for reporting a fatality, injury or illness, OSHA may not act under this section unless the employee files a complaint with OSHA within 30 days of such retaliation. Under this final act, OSHA will be able to cite an employer for retaliation regardless of whether the employee filed a complaint or whether the employer has a program that deters reporting through the threat of retaliation. The final rule gives OSHA the ability to protect employees who may have been subject to retaliation even if they are not able to speak up for themselves.

In order to facilitate accurate reporting of work-related injuries and illnesses, there are three (3) provisions addressed in the retaliation guidelines as follows:

1. Employers must inform employees of their right to report work-related injuries and illnesses without fear of retaliation. One way to achieve this is to post the [OSHA Job Safety and Health - It's the Law](http://www.osha.gov/Publications/poster.html) workers' rights poster ([www.osha.gov/Publications/poster.html](http://www.osha.gov/Publications/poster.html)).
2. Employers must establish a procedure to report such events that is reasonable and must not deter employees from reporting.
3. An employer may not retaliate against their employees for report such workplace injuries and illnesses.

## Employee Rights

Employees have the right to:

1. Working conditions that do not pose a risk of serious harm - see General Duty Clause responsibilities for employers.
2. Receive information about workplace hazards, how to prevent them and what OSHA standards apply to individual organizations in a language and with a vocabulary that the employee understands.
3. Review records of work-related injuries and illnesses.
4. File a complaint directly with OSHA to request a workplace inspection should they feel that there is a serious hazard in the workplace and/or the employer is not following OSHA regulations.
5. Exercise their rights under this law without fear of retaliation.

## Injury Tracking Application FAQ's

View [Frequently Asked Questions](#) around OSHA's Injury Tracking Application and the electronic submission of injury of illness records at the U.S. Department of Labor - OSHA website ([www.osha.gov/injuryreporting](http://www.osha.gov/injuryreporting)).

**CONTACT YOUR LOCAL HUB** for additional risk management resources and advisement for your business.

For even more information, visit [www.hubinternational.com](http://www.hubinternational.com)