

Final Rule to Improve Tracking of Workplace Injuries and Illnesses

Each year, millions of workers suffer serious injuries and illnesses on the job. Under the Federal *Occupational Safety and Health Act*, employers must provide their workers with worksites free of recognized serious hazards. In order to help prevent work-related injuries and illnesses, the Occupational Safety and Health Administration (OSHA) has for decades required employers to keep track of their workers' injuries and illnesses by recording them in what is often called an "OSHA log."

Under a final rule that becomes effective January 1, 2017, OSHA will revise its requirements for recording and submitting records of workplace injuries and illnesses to require that some of this recorded information be submitted to OSHA electronically for posting to the OSHA website.

We are taking information that employers are already required to collect and using these data to help keep workers safer and make employers, the public, and the government better informed about workplace hazards. Releasing the data in standard, open formats will:

- Encourage employers to increase their efforts to prevent worker injuries and illnesses, and, compelled by their competitive spirit, to race to the top in terms of worker safety; and
- Enable researchers to examine these data in innovative ways that may help employers make their workplaces safer and healthier and may also help to identify new workplace safety hazards before they become widespread.

In addition, the final rule includes provisions that encourage workers to report work-related injuries or illnesses to their employers and prohibit employers from retaliating against workers for making those reports.

OSHA expects this new rule will help improve workplace safety through expanded access to timely, establishment-specific injury and illness information for OSHA, employers, employees, employee representatives, potential employees, customers, potential customers, and public health researchers.

The rule will also provide OSHA with data to assist the agency in improving allocation of compliance assistance — help OSHA provide to employers who want to improve their safety standards — and enforcement resources, expanding the Agency's ability to identify, target and remove safety and health hazards, thereby preventing workplace injuries, illnesses and deaths. It will also enable OSHA to conduct more rigorous evaluations of the impact of government injury prevention activities.

In addition, behavioral science suggests that public disclosure of the data will "nudge" employers to reduce work-related injuries and illnesses in order to demonstrate to investors, job seekers, customers, and the broader public that their workplaces provide safe and healthy work environments for their employees. Currently, employers cannot compare their injury experience with other businesses in their industry; they can only compare their experience with their industry as a whole. Access to establishment-specific data will enable employers to benchmark their safety and health performance against industry leaders, encouraging them to improve their safety programs.

Finally, public access to very large sets of workplace injury and illness data will provide public health researchers with unprecedented opportunities to advance the fields of injury and illness causation and prevention research.

Background

In 2013, OSHA issued a proposed rule to improve tracking of workplace injuries and illnesses through the electronic collection of establishment-specific injury and illness data

to which OSHA currently does not have direct access. The agency held a public meeting in January 2014 and received comments on the proposal. After considering public comments, OSHA is now issuing a final rule that requires certain employers to electronically submit injury and illness data.

Electronic Submission Requirements

The final rule requires certain employers to electronically submit the injury and illness information they are already required to keep under existing OSHA regulations.

The requirement applies to the following:

- Establishments with 250 or more employees that are currently required to keep OSHA injury and illness records must electronically submit information from OSHA Forms 300 — *Log of Work-Related Injuries and Illnesses*, 300A — *Summary of Work-Related Injuries and Illnesses*, and 301 — *Injury and Illness Incident Report*.
- Establishments with 20-249 employees that are classified in certain industries with historically high rates of occupational injuries and illnesses must electronically submit information from OSHA Form 300A.

The electronic submission requirements do not change an employer’s obligation to complete and retain injury and illness records.

Data submission from OSHA Forms 300 — *Log of Work-Related Injuries and Illnesses*, 300A — *Summary of Work-Related Injuries and Illnesses*, and 301 — *Injury and Illness Incident Report* for these establishments will be phased in as follows:

| Submission year | Establishments with 250 or more employees | Establishments with 20-249 employees | Submission deadline |
|-----------------|---|--------------------------------------|---------------------|
| 2017 | Form 300A | Form 300A | July 1, 2017 |
| 2018 | Forms 300A, 300, 301 | Form 300A | July 1, 2018 |

Beginning in 2019, the submission deadline will be changed from July 1st to March 2nd. Timeliness of the data collected is important 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.

OSHA will post the establishment-specific injury and illness data it collects under this recordkeeping rule on its public Web site (www.osha.gov). OSHA will remove any Personally Identifiable Information (PII) before the data are released to the public.

The final rule retains the provision that allows OSHA to collect information from employers that do not submit the information to the Agency on a routine basis. These employers would only be required to submit the data requested upon written notification from OSHA or OSHA’s designee.

States that operate their own job safety and health programs, also called OSHA State Plan states, must adopt requirements that are substantially identical to the requirements in this rule within six months after publication of the final rule.

Employees’ Right to Report Free from Retaliation

These data will only be accurate if employees feel free to report injuries and illnesses without fear of retaliation. The rule therefore also contains three provisions to promote complete and accurate reporting of work-related injuries and illnesses.

- Employers must inform employees of their right to report work-related injuries and illnesses free from retaliation. This obligation may be met by posting the OSHA *Job Safety and Health — It’s The Law* worker rights poster from April 2015 or later (www.osha.gov/Publications/poster.html).
- An employer’s procedure for reporting work-related injuries and illnesses must be reasonable and must not deter or discourage employees from reporting.
- An employer may not retaliate against employees for reporting work-related injuries or illnesses.

Workers' Rights

Workers have the right to:

- Working conditions that do not pose a risk of serious harm.
- Receive information and training (in a language and vocabulary the worker understands) about workplace hazards, methods to prevent them, and the OSHA standards that apply to their workplace.
- Review records of work-related injuries and illnesses.
- File a complaint asking OSHA to inspect their workplace if they believe there is a serious hazard or that their employer is not following OSHA's rules. OSHA will keep all identities confidential.

- Exercise their rights under the law without retaliation, including reporting an injury or raising health and safety concerns with their employer or OSHA. If a worker has been retaliated against for using their rights, they must file a complaint with OSHA as soon as possible, but no later than 30 days.

For more information, see [OSHA's Workers page](#).

How to Contact OSHA

For questions or to get information or advice, to report an emergency, fatality, inpatient hospitalization, amputation, or loss of an eye, or to file a confidential complaint, contact your nearest OSHA office, visit www.osha.gov or call OSHA at 1-800-321-OSHA (6742), TTY 1-877-889-5627.

This is one in a series of informational fact sheets highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.

For assistance, contact us. We can help. It's confidential.



www.osha.gov (800) 321-OSHA (6742)



U.S. Department of Labor