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Labor and Employment Alert: OSHA Rescinds Key Portion of Its Electronic Injury Submission Rule

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OSHA recently issued a final rule eliminating the short-lived requirement for establishments with 250 or more employees to electronically submit information from OSHA Forms 300 and 301. However, these establishments are still required to electronically submit information from OSHA Form 300A.

Under OSHA regulations, employers with more than 10 employees in most industries must keep records of occupational injuries and illnesses at their establishments. These employers must record each recordable employee injury and illness on an OSHA Form 300 (the Log of Work-Related Injuries and Illnesses) and prepare an OSHA Form 301 (Injury and Illness Incident Report) providing additional details about those incidents. Employers must also prepare an annual summary report of all injuries and illnesses on the OSHA Form 300A (Summary of Work-Related Injuries and Illnesses), and post that form in a visible location in the workplace.

In 2016, OSHA amended its regulations to require establishments with 250 or more employees to electronically submit information from their OSHA Forms 300, 300A, and 301. These reporting requirements technically became effective in January 2017, but were subsequently extended and ultimately never truly enforced by OSHA.

Going forward, establishments with 250 or more employees (or with 20-249 employees in designated high risk industries) must (1) maintain OSHA Forms 300 and 301 on-site, and (2) electronically submit information from OSHA Form 300A. Electronic reporting of 2018 Form 300A data is due by March 2, 2019.

Contact your Vorys lawyer if you have questions about OSHA compliance or injury reporting.