



OSHA Issues Workplace Injury Reporting Rule

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06.03.2016

On May 11, 2016, the Occupational Safety and Health Administration (OSHA) finalized a rule that requires employers to electronically submit certain information about workplace injuries and illnesses.

Moreover, the rule clarifies that employers must have an explicit, reasonable policy for reporting work-related injuries and illnesses, and cannot retaliate against employees who report injuries. The rule will apply to all establishments with 250 or more employees, though employers with 20 to 249 employees (as well as some employers in hazardous industries) will also be required to electronically submit detailed information about workplace injuries and accidents.

The electronic reporting portion of the rule, which becomes effective on January 1, 2017, allows OSHA to publicly post data from the employers' electronic submissions on a website. While OSHA has assured the public that sensitive information will be removed from the electronic submissions before making the information publicly available, employers are justifiably concerned about the publicizing of such information. Given the rapidly approaching effective date for the new rule, employers should begin looking at their policies and practices regarding work-related injuries/illnesses and related reporting now.

Employers should also become familiar with the types of data that will be electronically submitted (and, thus, publicly posted) to determine what types of confidentiality concerns, if any, they have and to familiarize themselves with the format of the requested data.

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