

# OSHA Issues Final Electronic Reporting Rule

*Amundsen Davis OSHA Legal Update*

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After years of talking about it, OSHA finally issued its electronic reporting rule just hours ago, requiring virtually all employers with more than twenty employees to report their injury and illness data electronically to OSHA. Under the new rule, employers with more than 250 employees are required to submit their OSHA 300, 300A, and 301 Forms electronically to OSHA, and employers with more than 20 employees in most industries (including construction, manufacturing, trucking, warehousing and storage, health care, etc.) are required to submit their OSHA 300A Forms electronically to OSHA.

OSHA intends to use that data to determine which industries and employers to inspect, and also, intends to post that data online in searchable format in an effort to publicly “nudge” employers to place a greater emphasis on safety. This data will be available to everyone, including the employers’ customers, competitors, employees, the media, etc.

In addition to the new reporting requirements, the rule also requires employers to implement a reasonable procedure to ensure accurate reporting of injuries and illnesses by its employees without fear of retaliation from the employer or the other employees. Notably, by way of this requirement, OSHA is further signaling that it will not tolerate, and will cite employers for maintaining, “safety incentive programs” that effectively discourage employees from reporting injuries or illnesses (i.e. if no injuries for one month, everyone gets a gift card or a half day).

The new rule goes into effect August 10, 2016, with phased-in data submissions beginning 2017. For more information, see OSHA’s press release regarding the new rule on their website and the rule itself [here](#).

Going forward, employers should be aware of OSHA’s increasing role in all industries, its ever-changing reporting requirements, its recommendations for improving workplace safety, its intention to enforce those recommendations, and its drastically increasing fine schedule. Based on OSHA’s clear intention to increase its presence in all industries, employers would be prudent to confirm that their facilities, systems, and processes satisfy the applicable standards. The failure to do this now will likely result in significant citations when an OSHA inspector comes knocking.

## PROFESSIONALS

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