

## Compliance with OSHA's New Electronic Reporting Rule

On May 12, 2016, the Occupational Safety and Health Administration (OSHA) issued the final rule requiring some employers to electronically submit their work-related injury and illness data to OSHA. The data submitted will be made available on OSHA's website, with the hope that the public exposure will encourage employers to improve their safety programs. The rule also reinforced and expanded existing anti-retaliation regulations to increase the accuracy of injury data collected.

The new rule took effect on January 1, 2017, but will be phased in through 2019. The first submission deadline, which was moved from July 1, 2017 to December 1, 2017, requires establishments with 250 or more employees that are currently required to keep injuries and illness data, and those with 20-249 employees in [certain industries](#), to submit their 2016 Form 300A (Summary of Work-Related Injuries and Illnesses) data. Employers must submit their data via one of the three options provided on the [Injury Tracking Application \(ITA\) page](#).

The remaining deadlines and requirements are listed in the table below. Data from the Form 300 (Log of Work-Related Injuries and Illnesses) and Form 301 (Injury and Illness Incident Report) will be required of some employers starting in 2018.

| Submission Deadline                       | Number of Employees  |           |
|-------------------------------------------|----------------------|-----------|
|                                           | 250+                 | 20-249    |
| December 1, 2017                          | Form 300A            | Form 300A |
| July 1, 2018                              | Forms 300A, 300, 301 | Form 300A |
| March 2, 2019 (and every year thereafter) | Forms 300A, 300, 301 | Form 300A |

Some other important notes regarding the new requirements:

- Prior to any injury/illness data information being posted, all personally identifiable information will be removed to protect the identity of individual employees.
- This regulation *does not* require employers to start keeping new records or change the way they are currently keeping records. It only requires electronic submission of said records.
- The rule may impact your organization's current drug testing policy and/or incentive program. Changes may be required to ensure they do not deter employees from reporting work-related injuries and illnesses.
- Some state plans have not yet adopted the electronic reporting requirement. A list of these states can be found on the [ITA page](#).

If you are concerned about your establishment's compliance status, the Loss Prevention team at Ward Insurance can help. Please don't hesitate to reach out to us with any questions or concerns!