

# OSHA Issues Final Workplace Injury Electronic Reporting Rule

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On May 11, 2016, the **Occupational Safety and Health Administration (OSHA)** finalized a rule that requires certain employers to electronically submit injury and illness data and inform workers of their right to report such work-related injuries and illnesses without fear of retaliation. While the reporting requirements will take effect January 1, 2017, the retaliation provisions will become effective August 10, 2016.

## Goal of Final Rule

Under the current OSHA regulations, covered employers already must submit records of their workplace injuries and illnesses. The majority of this data, however, is not shared outside the workplace. The goal of the new rule, therefore, is to increase data transparency by making such information available online to the public (once cleared of personal information) and employers. Chris Lu, the U.S. Deputy Secretary of Labor, explained in a May 11, 2016 [blog post](#):

The final rule will enable employers to benchmark their safety and health performance against industry leaders, encouraging them to improve their safety programs. Additionally, the rule allows industry researchers to better understand the causes of recurring injuries and identify emerging health hazards that would be difficult to detect by looking at the data of a single employer.

Lu also commented on the need for the retaliation provisions:

The data . . . will only be accurate if employees feel free to report injuries and illnesses without fear of retaliation. To ensure complete and accurate reporting, the rule includes provisions that protect the rights of workers who report these incidents.

## Covered Employers

Under the new rule, a covered employer's compliance schedule will depend on the size of the employer and will occur over a period of two years:

- **Employers with 250 or more employees in industries covered by OSHA's record keeping regulation must submit:** information from their 2016 Form 300A by July 1, 2017; information from their 2017 Forms 300A, 300 and 301 by July 1, 2018; and in every year thereafter, information from their yearly Forms 300A, 300 and 301 by March 2 of each year.
- **Establishments with 20-249 employees in certain covered [high-risk industries](#) must submit:** information from their 2016 Form 300A by July 1, 2017; information from their 2017 Form 300A by July 1, 2018; and in every year thereafter, information from their yearly Form 300A by March 2 of each year.

In addition, employers should watch for requirements from their respective states, as the final rule also requires OSHA State Plan states (check your state's status [here](#)) to adopt substantially similar requirements within 6 months after the rule is published.

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