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OSHA's New Reporting Requirements Must Be Included in February 1st Reporting Deadline

Employers are due to submit the first annual summary of workplace incidents to the U.S. Occupational Safety and Health Administration ("OSHA") according to recent rule changes to OSHA's recordkeeping and reporting requirements, which took effect [January 1, 2015](#). This rule changed who must complete certain OSHA forms that record workplace incidents, and it also increased certain requirements for employers to orally report workplace incidents to OSHA. With the February 1st deadline for submitting their annual summary of workplace incidents looming, employers should ensure that their reporting and recordkeeping procedures comply with all of OSHA's requirements.

Additionally, the new rule requires all employers to report all hospitalizations, amputations, or loss of an eye within 24 hours. This is in addition to the existing rule, which requires employers to report any workplace incident resulting in death or in-patient hospitalization of 3 or more employees within 8 hours. Notably, OSHA now will make the information public on its website. Employees' personal information will be redacted, but accident histories of individual employers will be made available.

Who is required to complete recordkeeping? Employers with eleven (11) or more employees who are not partially exempt industries must submit an annual report of workplace-related injuries and illnesses to OSHA. Partially exempt industries are those in "low risk" industries. In the new rule, OSHA removed from the list of partially exempt industries those companies in the commercial and industrial machinery and equipment rental and leasing industry, whose subset includes the rental and leasing of aircraft. These companies must now submit an annual summary by February 1.

However, under the new rule, "nonscheduled air transportation" has been added to the list of partially exempt industries from OSHA's recordkeeping requirements. In other words, air charter companies may be exempted from the requirement to post an annual report by February 1, unless they are covered by another required industry category or have otherwise been advised by OSHA that they must maintain records. Nevertheless, it should be remembered that this exemption is only "partial." These companies must still adhere to OSHA's *reporting*



requirements, which include the new requirement that they orally report to OSHA all work-related fatalities within 8 hours, and all work-related hospitalizations, amputations, or loss of an eye within 24 hours.

What are the recordkeeping logs? Certain types of work-related incidents must be recorded, including:

- Death,
- Loss of consciousness,
- Days away from work,
- Restricted work activity or job transfer, or
- Medical treatment beyond first aid
- Additional specific criteria for illnesses related to hearing loss, needlestick injury, and tuberculosis.

What are the consequences for failing to comply with OSHA's recordkeeping requirements? If OSHA finds that an employer's recordkeeping logs and procedures are not compliant, the employer can be subject to hundreds of thousands of dollars in penalties.

If you have any questions or would like further information regarding these rules, please contact our office.

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