



TEAMSTERS **Safety & Health** **FACTS**

Safety and Health Department, International Brotherhood of Teamsters
25 Louisiana Avenue, NW, Washington, DC 20001 ♦ 202/624-6960 ♦ ibtsafety@teamster.org

OSHA'S REVISED RECORDKEEPING RULE AND THE OSHA FORM 300

29 CFR 1904

The Occupational Safety and Health Administration (OSHA) standard on Recording and Reporting Occupational Injuries and Illnesses (29 CFR 1904) describes the responsibilities of employers and the rights of employees regarding work-related injuries, illnesses and deaths. It also provides several forms for recording injuries and illnesses.

Who Is Covered By OSHA's Recordkeeping Rule? [1904.1 and 1904.2]

The rule applies to private sector employers with more than 10 employees. State and local government employers are covered in states with federally approved State OSHA Plans. Several other states have job safety laws that cover state and local government workers, and they adopt OSHA rules.

OSHA does not require employers in industries it considers "low hazard" to keep injury records. This category includes educational services (schools, colleges, universities, and libraries), medical and dental clinics and laboratories, and some other workplaces where Teamster members are employed. These employers must still report any workplace incident that results in a death or causes three or more employees to be hospitalized.

Multi-employer Worksites and Multiple Business Establishments

The rule requires employers to record injuries and illnesses that affect workers who they supervise on a day-to-day basis, including employees of temporary help services, employee-leasing services, personnel supply services, and contractors. On a multi-employer worksite, contractors and sub-contractors are responsible for keeping OSHA 300 Logs for their employees.

For businesses with multiple establishments, a separate OSHA 300 Log must be kept by an employer for each establishment that is expected to be in operation for one year or longer.

What Is Required?

Employers must record occupational injuries and illnesses on the OSHA 300 Log and the OSHA 301 Injury and Illness Incident Report. The rule includes new requirements to record job-related needlesticks, tuberculosis infections, hearing loss cases, and musculoskeletal disorders. Workers and union representatives have the right to review and obtain copies of employer injury and illness records. Employers must post a summary of this information (OSHA Form 300A) in the workplace each year, from February 1 through April 30.

Which Injuries and Illnesses Must the Employer Record? [1904.4-1904.12]

Employers must record new cases of work-related fatalities, injuries, and illnesses that involve:

- ◆ death,
- ◆ days away from work,
- ◆ restricted work or transfer to another job,
- ◆ medical treatment beyond first aid,
- ◆ loss of consciousness, or
- ◆ significant injury or illness diagnosed by a physician or other licensed health care professional. The new language for "significant injury or illness" is improved and includes illnesses such as work-related cancer, silicosis, broken bones and punctured eardrums.

An injury or illness is considered to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in Section 1904.5(b)(2) specifically applies.

What Forms Must Employers Use to Record Injuries And Illnesses? [1904.29]

OSHA requires that employers use the following forms to record work-related injuries and illnesses:

- ◆ **OSHA Form 300** (Log of Work-Related Injuries and Illnesses) is for recording injuries and illnesses. It replaced the OSHA 200 Log. It has been simplified and printed on smaller, legal size paper. A new form must be used effective January 1, 2004.
- ◆ **OSHA Form 301** (Injury and Illness Incident Report), or a similar form, must be used to record details for each injury or illness that is entered on the OSHA 300 Log. It replaces the OSHA Form 101, the Supplementary Record of Occupational Injuries and Illnesses, and includes more data about how the injury or illness occurred.
- ◆ **OSHA Form 300A** (Summary of Work-Related Injuries and Illnesses) includes the total of all cases, the number of days involving restricted duty or days off the job, and the number of each type of injury and illness for the year. The OSHA Form 300A is easier to

understand than the old summary. A new form that includes a “hearing loss” section must be used effective January 1, 2004.

Employers must record each case on the OSHA 300 Log and the Form 301 Incident Report within seven (7) calendar days after being notified that an injury or illness occurred. For each case, employers must check one of the following injury/illness categories on the OSHA 300 Log:

1. injury,
2. skin disorder,
3. respiratory condition,
4. poisoning,
5. all other illnesses.

Employers must now use calendar days (including holidays and weekends) instead of scheduled workdays, for recording days away from work [1904.7]. Employers may now cap days away from work at 180 days.

How Long Must Employers Keep Injury and Illness Records? [1904.33]

The employer must save the OSHA 300 Log, the Form 300A Annual Summary, any privacy case list, and the Form 301 Incident Report forms for 5 years. The OSHA 300 Logs must be updated if the employer learns of any new cases that were not recorded.

NOTE: OSHA has another standard for *Access to Employee Exposure and Medical Records* [29 CFR 1910.1020]. This standard requires employers to keep employee medical records for the time they are employed plus another 30 years, and exposure records for 30 years. Please see IBT Fact Sheet on *Access to Employee Exposure and Medical Records*.

What Are Workers’ and Union Representatives’ Rights? [1904.35 and 1904.36]

Workers and union representatives have important rights with regard to work-related injuries and illnesses:

- ◆ Employers must inform workers how to report injuries or illnesses and have procedures to receive these reports promptly.
- ◆ Employers must provide workers, former workers, union representatives, and personal representatives’ access to injury and illness records by the end of the next business day.
- ◆ A worker who requests a copy of a Form 301 Incident Report from the employer must be given a copy by the end of the next business day.
- ◆ A union representative who requests a copy of a Form 301 Incident Report from the employer must be given a copy within 7 calendar days. Employee representatives are given access only to the portion of Form 301 that contains information about the injury or illness, while personal information about the employee and his or her health care provider is withheld.
- ◆ Employers must provide copies of the OSHA 300 Logs and Form 301 Incident Report free of charge the first time they are requested.

- ◆ Employers are required to remove employees' names before providing injury and illness data to persons who do not have access rights under the rule.
- ◆ Employers are prohibited from discriminating against an employee for reporting a work-related fatality, injury or illness, filing a safety and health complaint, and asking for access to injury and illness records.

How Is an Employee's Privacy Protected?

Privacy Concern Cases [1904.29] – An employee's privacy is to be protected in the following ways:

- ◆ Employers are required to protect employee's privacy by withholding an individual's name on Form 300 for certain types of sensitive injuries/illnesses. These include:
 1. an injury to an intimate body part or the reproductive system,
 2. an injury or illness that is the result of a sexual assault,
 3. mental illnesses,
 4. infection with HIV, hepatitis, or tuberculosis,
 5. needlesticks or cuts from a sharp object that are contaminated with another person's blood or other potentially infectious material,
 6. other illnesses, including MSDs, that a worker independently and voluntarily requests not be entered on the log.
 7. Employers are allowed to withhold descriptive information about sensitive injuries in cases where not doing so would disclose the employee's identity.

How Can Injury and Illness Records Be Used to Correct Problems?

The OSHA 300, 301, and 300A forms can be valuable to workers and union representatives in determining:

- ◆ How many workers are getting injured or ill in the workplace.
- ◆ The kinds of injuries and illnesses workers are suffering.
- ◆ The departments or jobs where the most severe injuries/illnesses are occurring.
- ◆ Priorities for correcting job hazards.

Workers and union representatives need to be aware that employer injury and illness records are often not complete or accurate. In addition, employers are not required to record all injuries and illnesses. For example, employers do not have to record:

- ◆ Injuries, such as assaults by patients or clients that do not require more than first aid,
- ◆ Early signs and symptoms of some musculoskeletal disorders,
- ◆ Occupational illnesses such as cancer or musculoskeletal disorders that an employer does not accept as work-related,
- ◆ Health problems caused by stress on the job, or
- ◆ Injuries that result in lost time or restricted activity only for the day of the incident.

What are Some New Recordable Illnesses?

Needlesticks [1904.8] - All work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material must be recorded on the 300 Log. The employer may not enter the worker's name on the 300 Log.

Tuberculosis [1904.11] - Employers must record cases of workers who develop tuberculosis (TB) infection or disease after being exposed to an active case in the workplace. The case must be recorded in the "respiratory condition" column on the 300 Log, but without the worker's name.

Hearing Loss [1904.10] - Employers must record cases on the OSHA 300 Log where an employee's hearing test (audiogram) reveals that the employee has experienced a work-related change in hearing threshold (Standard Threshold Shift (STS)), relative to the baseline audiogram for that employee, of an average of 10 decibels (dB) or more in one or both ears, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS.

** Effective January 1, 2004, when you enter a recordable hearing loss case on the OSHA 300 Log, you must check the 300 Log column for hearing loss.

For more information, please contact the Safety and Health Department at (202) 624-6960.

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