



## OSHA Issues New Workplace Injury Reporting Rule

By H. Carlton Hilson

May 2016

On May 11, 2016, OSHA finalized its long anticipated rule requiring employers with 250 or more employees to electronically submit injury and illness information from OSHA Forms 300, 300A, and 301 for publication by OSHA. Further, establishments with 20-249 employees in specified hazardous industries must electronically submit information kept on OSHA Form 300A only. The final rule also requires employers to inform employees of their right to report work-related injuries and illnesses without fear of retaliation, and clarifies that an employer must have a reasonable procedure for reporting work-related injuries that does not discourage employees from reporting. Importantly, these new requirements do not add to or change an employer's obligation to complete and retain injury and illness records under the recordkeeping and reporting OSHA regulation. The new reporting requirements will become effective in January 2017.

After removing any personally identifiable information, OSHA intends to publish recordkeeping data gathered from employers on its public website ([www.osha.gov](http://www.osha.gov)). OSHA contends its new reporting requirements will improve workplace safety through more expansive and timely access to comparative safety and health performance data. "Since high injury rates are a sign of poor management, no employer wants to be seen publicly as operating a dangerous workplace," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "Our new reporting requirements will 'nudge' employers to prevent worker injuries and illnesses to demonstrate to investors, job seekers, customers and the public that they operate safe and well-managed facilities. Access to injury data will also help OSHA better target our compliance assistance and enforcement resources at establishments where workers are at greatest risk, and enable 'big data' researchers to apply their skills to making workplaces safer."

Employers are encouraged to review common workplace policies such as those concerning reports of occupational injuries and illnesses and post-accident drug testing with counsel for compliance.

---

### **If you would like more information, please contact:**

[H. Carlton Hilson](#) in Birmingham at (205) 458-5195 or [chilson@burr.com](mailto:chilson@burr.com)  
or the Burr & Forman attorney with whom you regularly work.

*No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.*