

**Dear HR Knowledge, what are the new OSHA Recordkeeping Requirements?**

The Occupational Safety and Health Administration (“OSHA”) revised its recordkeeping requirements, known as the “Final Rule”. The Final Rule includes provisions for certain employers to electronically submit injury and illness data that they are already required to report. The electronic reporting requirements went into effect January 1, 2017.

The Final Rule was put in place to help ensure the completeness and accuracy of injury and illness data that employers report to OSHA. The analysis of the data will improve OSHA's ability to identify, target, and remove safety and health hazards that can help prevent workplace injuries and illnesses.

**What employers are affected?**

The Final Rule reporting requirements will be phased in over two years.

**Establishments with 250 or more employees** in industries covered by the recordkeeping regulation must submit information from their 2016 Form 300A by July 1, 2017. These same employers will be required to submit information from all 2017 forms (300A, 300, and 301) by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2.

**Establishments with 20-249 employees** in certain high-risk industries must submit information from their 2016 Form 300A by July 1, 2017, and their 2017 Form 300A by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2.

**Establishments with fewer than 20 employees** at all times during the year do not have to routinely submit information electronically to OSHA.

**How will electronic submissions work?**

OSHA will provide a secure website that offers three options for data submission.

1. Manually enter data into a webform.
2. Upload a CSV file to process single or multiple establishments at the same time.
3. Users with automated recordkeeping systems can transmit data electronically via an API (application programming interface). The site is scheduled to go live in February 2017.



## Other Provisions of the Final Rule

The Final Rule also prohibits employers from discouraging workers from reporting an injury or illness. The final rule requires employers to inform employees of their right to report work-related injuries and illnesses free from retaliation. It also clarifies the existing implicit requirement that an employer's procedure for reporting work-related injuries and illnesses must be reasonable and not deter or discourage employees from reporting; and incorporates the existing statutory prohibition on retaliating against employees for reporting work-related injuries or illnesses. These provisions became effective December 1, 2016.

## Compliance Tips for Employers

1. To comply with OSHA notice requirements, all covered employers are required to display the OSHA Job Safety and Health: It's the Law poster in their workplace. Employers must display the poster in a conspicuous place where workers can see it. The poster is available for download [here](#).
2. Encourage employees to promptly report incidents and suggest ways to reduce or eliminate risks.
3. Promptly investigate all injuries and incidents and report them promptly.
4. Consider implementing safety training program. HR Knowledge has a partnership with **SafePersonnel**, a leading developer of safety and compliance training solutions with trainings geared towards safety in the workplace. Contact us [here](#) if interested in learning more.
5. While not necessarily a requirement under most state applicable laws or OSHA, most companies do implement a safety committee and/or a designated person to oversee this role. Often in smaller organizations this is the responsibility of the office manager, HR manager, or department manager.
6. The company should train the company managers on how to properly complete the notices required under state law and those to be furnished to the carrier. It is also encouraged that the company ensure employees are informed of how to report an incident, how to seek care if an incident is beyond a first-aid case, and limitations on reporting, as this can result in a loss of benefits.
7. For an OSHA compliance employer quick start guide, click [here](#).

## About HR Knowledge

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