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OSHA Requirements for Reporting and Recording Workplace Injuries and Illnesses

The OSHA Standard for Reporting and Recording Occupational Injuries and Illnesses, 29 C.F.R. § 1904, requires that certain employers track work-related injuries and illnesses of their employees throughout the year, post the summaries of those injuries at the end of the year, maintain records for five years and report to OSHA work-related deaths and hospitalizations of three or more employees. This *Alert* will identify the employers who must comply with the standard and provide a simplified guide for employers to use in conjunction with the standard in order to understand the requirements. The posting requirements were addressed in a January 2012 *Alert*, [OSHA Alert - February 1 Deadline for OSHA 300-A](#).

Does the Standard Apply to My Business?

If your company has 10 or fewer employees in the entire company at all times during the year you do not have to keep the records required by the standard. Also, businesses classified as low hazard retail, service, finance, insurance or real estate industry are not required to keep the records. A complete listing of exempt businesses by Standard Industrial Classification (SIC) code are provided in Appendix A to the standard, which is reproduced on page 5 of this *Alert*.

Even if your company is exempt from the “recording” requirements, it still must comply with the “reporting” requirements. All employers must report to OSHA within eight hours of learning of it, any workplace fatality or the hospitalization of three or more employees which occurs within 30 days of a workplace incident. The employer can call their local Area Office or 800-321-OSHA. Even deaths due to heart attack, which may not appear to be work-related but occurred at the workplace must be reported.

GENERAL RECORDING REQUIREMENTS

The recording requirements of the standard dictate that employers record (1) new cases of (2) work-related injuries and illnesses that occur during the year and that result in (3) loss of consciousness, restricted work activity or job transfer, days away from work, or (4) diagnosis or medical treatment beyond first aid. For each such instance, the employer is required to complete an Injury and Illness Incident Report, OSHA Form 301, or its equivalent. Each instance must also be entered into the Log of Work-Related Injuries or Illnesses, OSHA Form 300. These must be completed within seven calendar days of the incident.

(1) New Cases

Injuries of the same type to the same part of the body that had completely recovered would be considered a new case, as would such things as an episode of occupational asthma as a result of a new exposure in the workplace. However, recurrence of symptoms of chronic work-related illnesses, such as occupational cancer, asbestosis, and silicosis, would not be a new case.

(2) Work-related

An injury or illness is work-related if an event or exposure in the workplace either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition. Pre-existing conditions from non work-related activities occurring outside the workplace do not have to be recorded. There are a number of examples of injuries which are considered as non work-related, including: the employee was present at the workplace as a member of the general public; the symptoms surface at work from an event that happened outside of work; it occurred from voluntary participation in such things as wellness program or recreational activity; it was related to the employee eating or preparing food for personal consumption; personal tasks; related to grooming or is self inflicted; a motor vehicle accident while commuting to or from work; a common cold or flu; or a mental illness. The evaluation of injuries when an employee is on travel status proceeds as if the employee has established a home away from home at the temporary residence and incidents that occur at the temporary workplace are recordable while incidents that occur at the temporary residence or while commuting are generally not recordable.

(3) Results in Loss of Consciousness, Restricted Work Activity or Job Transfer, Days Away From Work

Every instance of loss of consciousness by a worker, no matter how brief, is recordable.

Restricted work activity, job transfer or days away from work, are evaluated based upon the day after the injury occurred, even if the employee was not scheduled to work that day. If an employee leaves work on the day of the incident to receive first aid but returns at the normal time the following morning, that is not a day away from work. If, however, the employee leaves work early on a Friday, is not scheduled to work over the weekend, but when he does return on Monday, he produces a note from a physician that says he should not work on Saturday, that would be considered a day away from work. The injury was serious enough to warrant a day without work and if it were not recorded, the fortuity of the injury falling on a Friday would cause an under recording of such incidents.

Restricted work activity occurs when an employee is kept, by either the employer or by a physician, from performing one or more of the routine functions of his or her job or from working the full workday that he or she would have otherwise worked. Vague instructions from a doctor that the employee engage only in "light duty" or "take it easy" should be recorded, unless the employer can verify with the doctor that the employee can perform all of his duties and work a full shift.

Obviously, if an employee does not report to work upon physician's orders, that is recordable. Possibly not so obvious, is that if an employee reports back to work against doctor's orders, that is also recordable. The rationale is that the unadvised actions of the employee should not cause an under recording of incidents. Similarly, if an employee completes all of the routine tasks of his job or works a complete shift against doctor's orders, that would still constitute a recordable incident.

(4) Diagnosis or Medical Treatment Beyond First Aid

Injuries which are treated with first aid and that do not result in loss of consciousness, restricted work activity or job transfer or days away from work are not recordable. Conversely, any injury that does require medical treatment even if there is no restricted activity or days away from work is recordable. Whether something is first aid or medical treatment is determined by a strict definition in the standard, which does not consider who is providing the treatment, i.e., a doctor can provide first aid and a nurse can provide medical treatment.

First aid includes using a non-prescription medication; tetanus shots; cleaning skin wounds; covering skin wounds with bandages, or using butterflies or Steri-Strips; hot or cold therapy; non-rigid support, such as elastic bandages or wraps; temporary immobilization devices while transporting an accident victim; drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister; eye patches; removing foreign bodies from the eye using only irrigation or a cotton swab; removing splinters or foreign material from areas other than the eye by irrigation, tweezers, or other simple means; finger guards; massages; or drinking fluids for relief of heat stress.

Diagnosed significant injuries or illnesses, such as work-related cancer, chronic irreversible diseases, fractured or cracked bones, or punctured eardrums, must always be recorded even if they do not result in days away from work or restricted or job transfer.

Other Recordable Incidents

Every work-related injury from needlesticks or cuts from sharp objects that involve exposure to bloodborne pathogens is recordable. If an employee is exposed to bloodborne pathogens, but not cut or injured, but later is diagnosed with a bloodborne illness, such as HIV or hepatitis, that would be recordable as a significant diagnosed illness.

Some OSHA standards, e.g., the lead, cadmium, and benzene standards, have medical removal requirements for workers who have been exposed. Any incident involving a worker removed from his routine job due to those standards is recordable. If a worker experiences a Standard Threshold Shift in his hearing, per the occupational noise standard, 29 CFR § 1910.95, that would be recordable. If a worker had an occupational exposure to tuberculosis and subsequently developed tuberculosis that would be recordable.

EXAMPLES

An employee is injured on the job, and returns to work the next day with no restrictions:

- a) he sees a doctor in the afternoon who flushes his eye with saline to remove a foreign object; not recordable, first aid, no lost days or restriction.
- b) he sees a doctor in the afternoon who uses tweezers to remove a foreign object from his face; not recordable, first aid, no lost days or restriction.
- c) he sees a nurse in the afternoon who uses tweezers to remove a foreign object from his eye; recordable, medical treatment.
- d) he sees a doctor who prescribes Tylenol at a dose greater than indicated on the over-the-counter label and the employee does not take the medicine; recordable, medical treatment.
- e) he places a splint on his wrist at the jobsite, sees a doctor who determines there are no broken bones and prescribes that the wrist be wrapped with an Ace bandage; not recordable, first aid.
- f) he places a splint on his wrist at the jobsite, sees a doctor who determines there are no broken bones and prescribes that the wrist be immobilized with a rigid wrist brace; recordable, medical treatment.
- g) he places a splint on his wrist at the jobsite, sees a doctor who determines there is a cracked bone and prescribes the wrist be wrapped with an Ace bandage; recordable, significant injury.

An employee becomes dizzy when working in a hot environment:

- a) she is given fluids and returns to work after a break; not recordable, first aid.
- b) she is seen by the on-site nurse who administers a saline drip and she returns to work that afternoon; recordable, medical treatment.
- c) she is walking to the nurse's station, passes out, and after drinking fluids and taking a break returns to work; recordable, loss of consciousness.

An employee is struck by a company vehicle in the parking lot of the office and is admitted to the hospital:

- a) the employee was walking into the office to begin work in the morning; not recordable; not work-related.
- b) the employee was loading another company vehicle to make a delivery during the day; recordable, work-related, medical treatment.

An employee suffers from food poisoning from food he ate while on the premises:

- a) the employee brought the food from home; not recordable, not work-related.
- b) the food was purchased from a vending machine; not recordable, not work-related.
- c) the food was brought from home but was contaminated with a solvent at the workplace; recordable, work-related.
- d) the food was supplied by the employer; recordable, work-related.

An employee is working from home and is injured requiring medical treatment:

- a) she tripped over his dog while rushing to answer a business telephone call; not recordable, not work-related.
- b) she is electrocuted because of faulty home wiring; not recordable, not work-related.
- c) she drops a box of work papers on her foot; recordable, work-related.
- d) her finger becomes infected after being stuck with a needle from the sewing machine she used to perform garment work; recordable, work-related.

An employee is on temporary travel status and staying in a hotel:

- a) he is in a car accident while traveling to the temporary work site; not recordable, not work-related.
- b) he is in a car accident while traveling between customer contacts; recordable, work-related.
- c) he is in a car accident while on a personal detour from a reasonably direct route of travel between customer contacts; not recordable, not work-related.
- d) he is injured while entertaining clients at the hotel; recordable, work-related (if entertainment is at the direction of the employer).

An accident happens and two employees are immediately hospitalized:

- a) a third employee was admitted to the hospital at 6:00 am the next morning but the employer doesn't learn of that until 11:30 am; recordable, and must be reported to OSHA by 7:30 pm.
- b) the employer learns at 3:30 pm the next day that one of the employees has died; recordable and must be reported to OSHA by 11:30 that evening.
- c) the employer learns 28 days after the incident that one of the employees has just died; recordable and must be reported to OSHA within 8 hours of learning of the death.

An employee suffers his second heart attack in two years:

- a) and he dies in the copy room while making copies of his child's book report after hours; not recordable, not reportable, not work-related.
- b) and he dies while taking part in a voluntary wellness program at the office; not recordable, not reportable, not work-related.
- c) and he is overcome while walking between floors in the office, he is transported to the hospital and expires in the afternoon but the employer doesn't learn of his death until 8:00 am the following morning; recordable, and must be reported to OSHA by 4:00 pm.

29 CFR § 1904 APPENDIX A

Non-Mandatory Appendix A to Subpart B – Partially Exempt Industries

Employers are not required to keep OSHA injury and illness records for any establishment classified in the following Standard Industrial Classification (SIC) codes, unless they are asked in writing to do so by OSHA, the Bureau of Labor Statistics (BLS), or a state agency operating under the authority of OSHA or the BLS. All employers, including those partially exempted by reason of company size or industry classification, must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees (see § 1904.39).

SIC code	Industry description	SIC code	Industry description
525	Hardware Stores	725	Shoe Repair and Shoeshine Parlors
542	Meat and Fish Markets	726	Funeral Service and Crematories
544	Candy, Nut, and Confectionery Stores	729	Miscellaneous Personal Services
545	Dairy Products Stores	731	Advertising Services
546	Retail Bakeries	732	Credit Reporting and Collection Services
549	Miscellaneous Food Stores	733	Mailing, Reproduction, & Stenographic Services
551	New and Used Car Dealers	737	Computer and Data Processing Services
552	Used Car Dealers	738	Miscellaneous Business Services
554	Gasoline Service Stations	764	Reupholstery and Furniture Repair
557	Motorcycle Dealers	78	Motion Picture
56	Apparel and Accessory Stores	791	Dance Studios, Schools, and Halls
573	Radio, Television, & Computer Stores	792	Producers, Orchestras, Entertainers
58	Eating and Drinking Places	793	Bowling Centers
591	Drug Stores and Proprietary Stores	801	Offices & Clinics Of Medical Doctors
592	Liquor Stores	802	Offices and Clinics Of Dentists
594	Miscellaneous Shopping Goods Stores	803	Offices Of Osteopathic
599	Retail Stores, Not Elsewhere Classified	804	Offices Of Other Health Practitioners
60	Depository Institutions (banks & savings institutions)	807	Medical and Dental Laboratories
61	Nondepository	809	Health and Allied Services, Not Elsewhere Classified
62	Security and Commodity Brokers	81	Legal Services
63	Insurance Carriers	82	Educational Services (schools, colleges, universities and libraries)
64	Insurance Agents, Brokers & Services	832	Individual and Family Services
653	Real Estate Agents and Managers	835	Child Day Care Services
654	Title Abstract Offices	839	Social Services, Not Elsewhere Classified
67	Holding and Other Investment Offices	841	Museums and Art Galleries
722	Photographic Studios, Portrait	86	Membership Organizations
723	Beauty Shops	87	Engineering, Accounting, Research, Management, and Related Services
724	Barber Shops	899	Services, not elsewhere classified

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