

## OSHA ISSUES NEW MANDATORY REPORTING REQUIREMENTS FOR SERIOUS INJURIES; DATA TO BE MADE PUBLIC

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On September 11, 2014, [OSHA announced a final rule](#) which greatly expands the scope of injuries which must be reported to OSHA on an expedited basis. Currently, employers only have an affirmative obligation to report an injury/illness to OSHA under the following circumstances: a) a work-related fatality (within 8 hours); b) the hospitalization of three (3) or more employees (within 8 hours) or c) the occurrence of a point-of-operation injury on a mechanical power press (within 30 days). Under the revised standard, an employer has the following mandatory reporting obligations effective January 1, 2015:

- All work-related fatalities – within 8 hours
- All work-related in-patient hospitalizations (overnight stay not simply observation in the ER) -- within 24 hours;
- All amputations - within 24 hours; and
- All losses of an eye – within 24 hours

In a surprise move, Assistant Secretary Michaels announced that these “**new reports of severe injuries and illnesses will be public, on the OSHA website.**” This continues OSHA’s prior emphasis of “regulation by shaming” by issuing detailed press releases about specific employers. Each mandatory report of a fatality or severe injury will be posted on the OSHA website. This will be used by OSHA as a tool to trigger inspections against employers as it has in the past. Unfortunately, this information will also be available to union organizers, competitors and the press as well. Even employers who are exempt from routine recordkeeping (i.e., 10 or fewer employees) must follow these mandatory reporting requirements. Employers only have to report fatalities which occur within 30 days of the work-related incident. With respect to in-patient hospitalizations, amputations or losses of an eye, an employer only has to report that it occurs within 24 hours of the work-related incident. Employers should report by telephone to the nearest local OSHA office during business hours or to OSHA’s 24-hour hotline after business hours (1-800-321-OSHA). OSHA is currently working on an electronic method for reporting as well on their website ([www.osha.gov](http://www.osha.gov)). **For a more detailed explanation of the mandatory recordkeeping requirements, you may download a copy of the [Barnes & Thornburg LLP Legal Alert at our website.](#)**

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