

SAFETY NEWSLETTER

SELF INSURED WORKER'S COMPENSATION FUND MEMBERS

FEBRUARY 2017

Your organization's safety record is publicly available

Provisions call for employers to electronically submit injury and illness data that they already record.

Why is OSHA issuing this rule?

This simple change in OSHA's rulemaking requirements will improve safety for workers across the country. One important reason stems from our understanding of human behavior and motivation. Behavioral economics tells us that making injury information publicly available will "nudge" employers to focus on safety. And, as we have seen in many examples, more attention to safety will save the lives and limbs of many workers, and will ultimately help the employer's bottom line as well. Finally, this regulation will improve the accuracy of this data by ensuring that workers will not fear retaliation for reporting injuries or illnesses.

What does the rule require?

The new rule, which took effect Jan. 1, 2017, requires certain employers to electronically submit injury and illness data that they are already required to record on their onsite OSHA Injury and Illness forms. Analysis of this data will enable OSHA to use its enforcement and compliance assistance resources more efficiently. Some of the data will also be posted to the OSHA website. OSHA believes that public disclosure will encourage employers to improve workplace safety and provide valuable information to workers, job seekers, customers, researchers and the general public. The amount of



data submitted will vary depending on the size of company and type of industry.

How will electronic submission work?

OSHA will provide a secure website that offers three options for data submission. First, users will be able to manually enter data into a web form. Second, users will be able to upload a CSV file to process single or multiple establishments at the same time. Last, users of automated recordkeeping systems will have the ability to transmit data electronically via an API (application programming interface). The site is scheduled to go live in February 2017.

Anti-retaliation protections

The 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, which can be satisfied by posting the already-required OSHA workplace poster.

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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 become effective August 10, 2016, but OSHA delayed their enforcement until Dec. 1, 2016.

Compliance Schedule

The new 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.

OSHA State Plan states must adopt requirements that are substantially identical to the requirements in this final rule within 6 months after publication of this final rule.



MIOSHA Director, Bart Pickelman News Release, January 2017

Now in effect, Michigan employers must follow new injury and illness reporting requirements that will help modernize data collection, make injury and illness data publicly accessible, and encourage employers to increase efforts to prevent work-related injuries and illnesses.

The new rule requires employers to inform workers of their right to report work-related injuries and illnesses and that employers are prohibited from discharging or discriminating against employees for reporting work-related illnesses or injuries. The rule also clarifies that an employer must have a reasonable procedure for reporting work-related injuries that does not deter or discourage employees from reporting.

The rule requires establishments with 250 or more employees in industries covered by the recordkeeping regulation to submit information from form 300A in 2017 and forms 300A, 300 and 301 beginning in 2018.

Establishments with 20-249 employees in certain designated industries must submit information from Form 300A. While employers are already required to collect this data, now they must submit the information electronically to federal OSHA for posting on the agency's website. By making a wealth of injury and illness data available, OSHA hopes to enable researchers to better study injuries, identify new workplace safety hazards, and evaluate the effectiveness of injury and illness prevention efforts.