



## OSHA Final Rule Released

Under the **final rule** released earlier this month by the Occupational Safety and Health Administration (OSHA), certain employers will be required to electronically submit data from their work-related injury records to OSHA. The final rule also solidifies employee anti-retaliation protections for reporting work-related injuries and illnesses.

### Submitting Electronic Data

The final rule requires employers to electronically submit the injury and illness information they are already required to keep under existing OSHA regulations. The ruling applies to employers with:

- 250 or more employees; or
- 20 and 249 employees and are in a high-risk industry

The data an employer must submit and the timeline for submitting this information to OSHA depends on the employer's size (see chart below).

Submission Deadline	Number of Employees	
	250 or more	Between 20 and 249 (High-Risk Industries)
July 1, 2017	Form 300A	Form 300A
July 1, 2018	Forms 300A, 300, 301	Form 300A
March 2 (2019 and beyond)	Forms 300A, 300, 301	Form 300A

Employers in high-risk industries with between 20 and 249 employees will be required to submit some information from their OSHA Form 300A.

Employers with 250 or more employees will be required to submit information from their OSHA Forms 300A, 300 and 301. However, these employers have an additional year to file data from their 300 and 301 forms.

During 2017 and 2018, the final rule requires employers to submit required information by July 1. For 2019 and beyond, employers will be required to submit required information by March 2.

## Employee Privacy

The final rule allows OSHA to publicize the electronic data it collects from employers on a public website. The public may use this information to learn about the safety and health hazards associated with working for certain employers. For this reason, the final rule also stipulates that certain personally identifiable information must be omitted from electronic submissions mentioned above. Specifically, employers should **not** submit:

- Information from **Column B** ("Employee name") on OSHA Form 300
- Information from **Field 1** ("Employee name"), **Field 2** ("Employee address"), **Field 6** ("Name of physician or other health care professional") or **Field 7** ("If treatment was given away from the worksite, where was it given?") on OSHA Form 301.

## Anti-retaliation Provisions

The final rule also contains three new provisions aimed at strengthening employee anti-retaliation protections, which become effective **Aug. 10, 2016**. These provisions:

- Require employers to inform employees of their right to report work-related injuries and illnesses free from retaliation;
- Clarify that work-related injury and illness reporting methods must be reasonable and should not deter or discourage employees from reporting health and safety incidents; and
- Prohibit employers from retaliating against employees for reporting work-related injuries or illnesses.

## Questions?

If you have questions about this regulation, contact your Scott Risk Advisor or Risk Performance Specialist. You can also visit the [OSHA website](#) for more information.