



UNIVERSITY OF  
**TEXAS**  
ARLINGTON

# What You Need to Know about OSHA's New Electronic Reporting Rule

## 2016 Texas Safety Summit

**Bob Braun, CHSO**

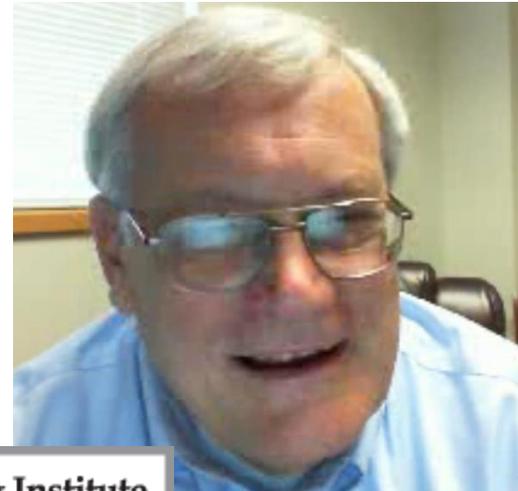
**Director, Safety & Health Programs**

**UTA OSHA Education Center**

**+1 (870) 405-8508**

**robbraun@uta.edu**

**August 8-10, 2016**



# Bob Braun

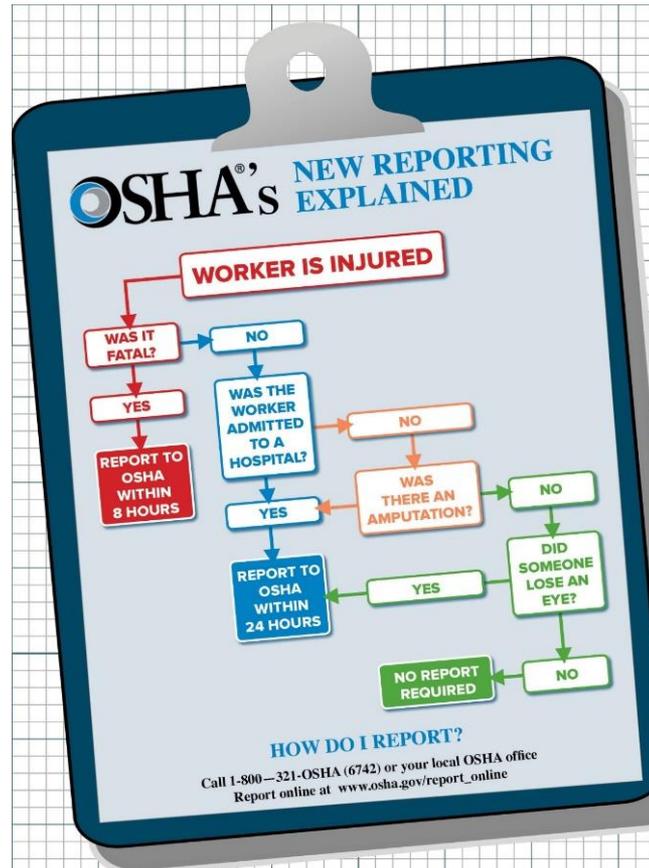




# Agenda

- Review of OSHA's new electronic recordkeeping requirements:

- ✓ Why?
- ✓ When?
- ✓ What?
- ✓ Who?



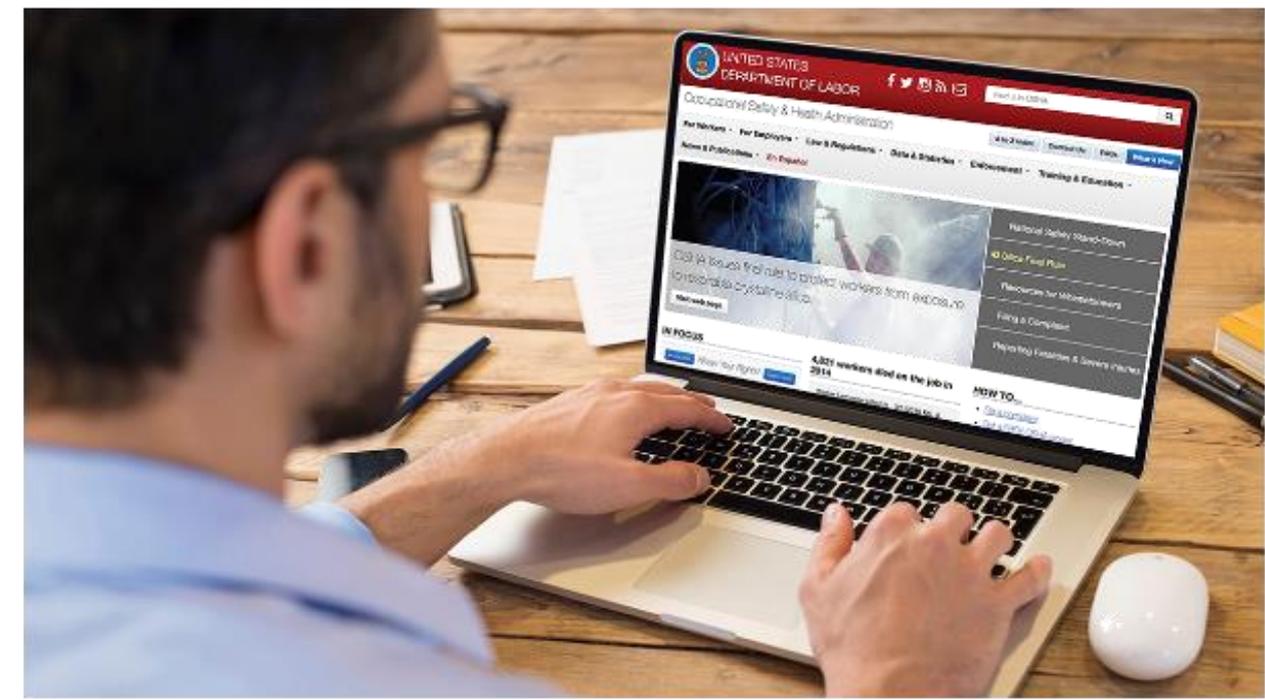
# *Crumple Survey*

- Complete the survey"
- **Don't put your name on it!**
- Crumple it up"
- Toss it to someone  
you don't know





# Final Rule Issued to Improve Tracking of Workplace Injuries and Illnesses



## About

[Read the Rule](#)

[Regulatory Text for Recordkeeping Standard - Part 1904 - \[Amended\]](#)

[Corrected Text](#)

[Fact Sheet](#)

[Frequently Asked Questions](#)

[Press Release](#)

[Blog by Deputy Secretary Chris Lu](#)

[Blog by Paul O’Neill](#)

## Related Links

[Recordkeeping Webpage](#)

[Recordkeeping Forms](#)

[Examples of Rate-Based Incentive Programs Submitted to OSHA Regulatory Docket](#)

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

OSHA will post establishment-specific injury and illness data on [www.osha.gov](http://www.osha.gov)



# Electronic Collection

## Electronic submission simple and quick:

- (1) Log on to OSHA's web-based submission system;
- (2) Enter basic establishment information (first time only);
- (3) Copy required injury and illness information from establishment's records into electronic forms; and
- (4) Hit button to submit to OSHA



# Electronic Collection

WHY?



# Why?

## Modernize system for collection of injury and illness data...

- ✓ to assure data are timely,
- ✓ complete,
- ✓ accurate, and
- ✓ accessible and useful to employees, employers, responsible government agencies and members of the public.



# Why?

## How Does OSHA Currently Get Data?

- ✓ OSHA currently obtains injury and illness data only through onsite inspections, or
- ✓ Inclusion of establishment in survey pursuant to 29 CFR 1904.41
- ✓ **OSHA Data Initiative (ODI).** § 1904.41 OSHA requested injury and illness data from approximately 80,000 larger establishments (20 or more employees) in selected industries/year.



# Why?

- ✓ BLS is prohibited from releasing establishment-specific data to OSHA or general public



# Behavioral Economics

- OSHA believes electronic data collection – and public disclosure of employers’ workplace injuries – will help “identify and mitigate workplace hazards and thereby prevent worker injuries and illness ”
- OSHA claims is relying on “behavioral economics ”



# Electronic Collection

"Our new rule will 'nudge' employers to prevent work injuries to show investors, job seekers, customers and the public they operate safe and well-managed facilities. Access to injury data will also help OSHA better target compliance assistance and enforcement resources, and enable 'big data' researchers to apply their skills to making workplaces safer."

— *Dr. David Michaels, Assistant Secretary of Labor for Occupational Safety and Health*





# **Behavioral Economics**

**Behavioral economics seeks to unite the basic principles of neoclassical economics with the realities posed by human psychology.**

# Behavioral Economics

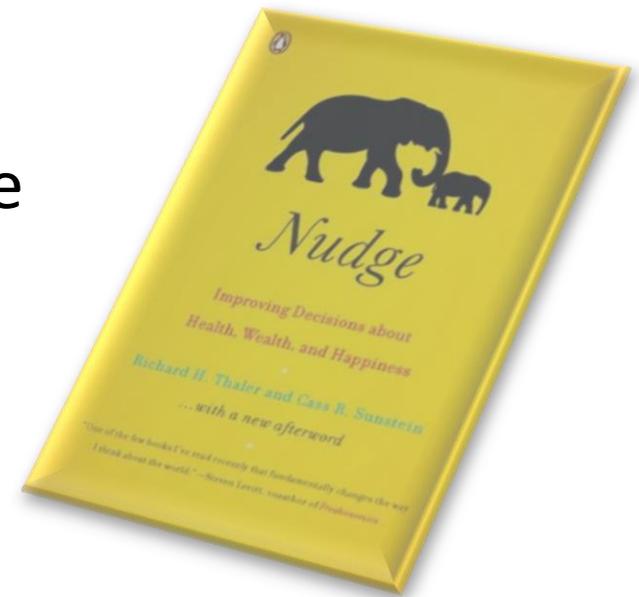
case. They were  
something has d  
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**definition** of a v  
meaning, especi  
that something  
you mean that

Understanding and influencing decision making to prevent worker injuries and illnesses. Final rule recognizes that public disclosure of data can be a powerful tool in changing behavior.



# Nudge

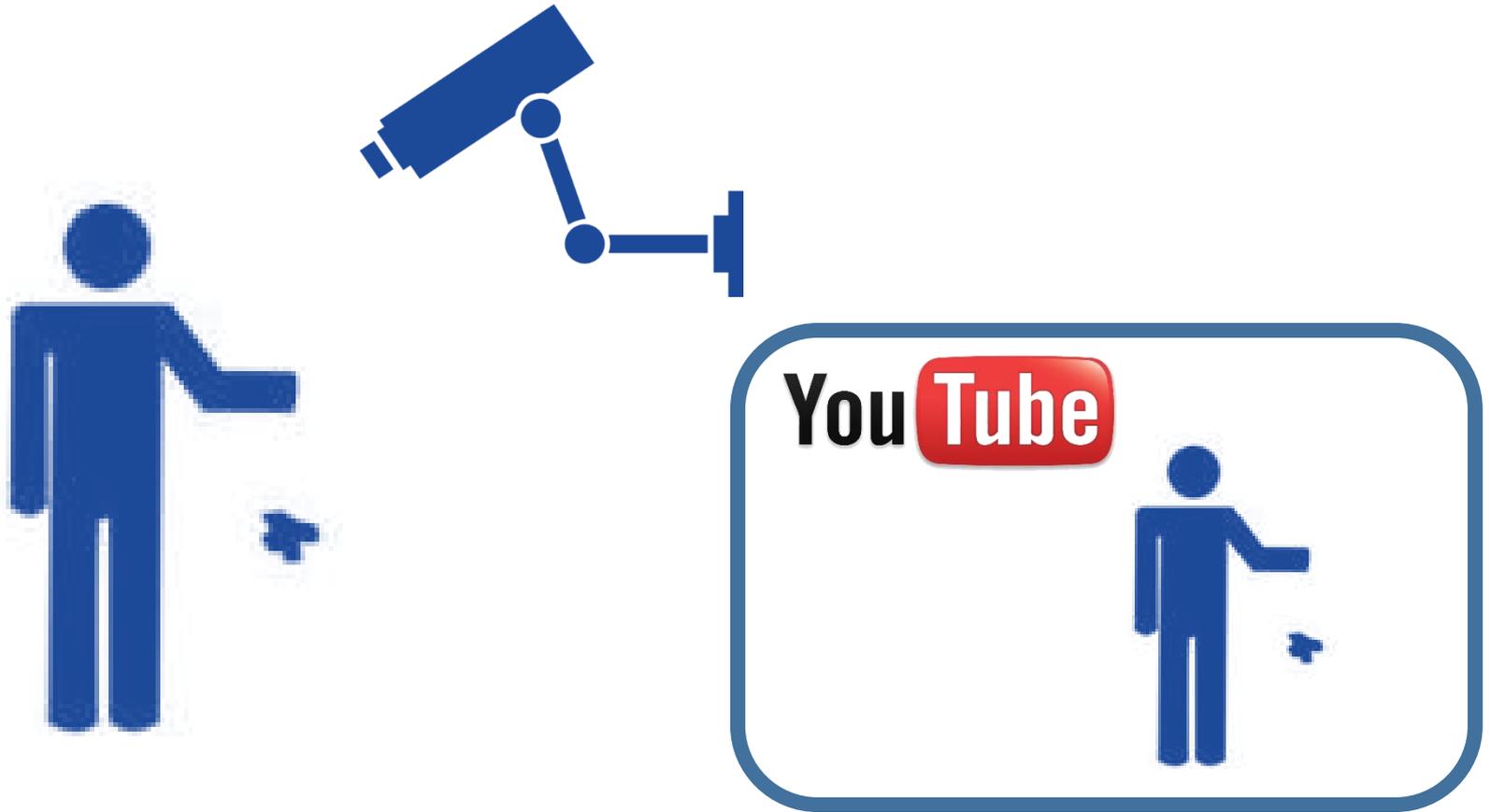
- OSHA believes disclosure of and public access to these data will “nudge” some employers to abate hazards and thereby prevent workplace injuries and illnesses, without OSHA having to conduct onsite inspections



# Nudge



# Behavioral Economics



# Behavioral Economics

- [Executive Order 13707](#) “Using Behavioral Insights to Better Serve the American People,” states,
  - “(a) Executive departments and agencies are encouraged to (i) identify policies, programs, and operations where applying behavioral science insights may yield substantial improvements in public welfare, program outcomes, and program cost effectiveness.”



# Poll

- I am concerned about OSHA's new recordkeeping rule
- I support the need for better access to establishment's injury and illness data





# Benefits

- ✓ Better compliance with OSHA's statutory directive “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” ([29 U.S.C. 651](#)(b))
- ✓ Prevention of workplace injuries and illnesses as a result of expanded access to timely, establishment-specific injury/illness information
- ✓ Promotion of complete and accurate reporting of work-related injuries and illnesses



# Explanation

- OSHA currently obtains injury and illness data only through onsite inspections, or
- Inclusion of establishment in survey pursuant to the previous [29 CFR 1904.41](#)
- OSHA used authority in the previous § 1904.41 to collect establishment-specific injury and illness data through OSHA Data Initiative (ODI)





# Concerns

- ✓ **Publicity**
- ✓ **Increased Scrutiny**
- ✓ **Trade secrets, proprietary information, confidential**
- ✓ ***“reasonable procedure”* for employee reporting**
- ✓ **Employee privacy**
- ✓ **Redaction of private employee information**



# Explanation

- New provision (§ 1904.35(b)(1)(iv)) provides OSHA additional enforcement tools to promote the accuracy and integrity of injury and illness records
- Under section 11(c), OSHA may not act against an employer unless an employee files a complaint



# Concerns

## Drug Testing



# Incentive Programs



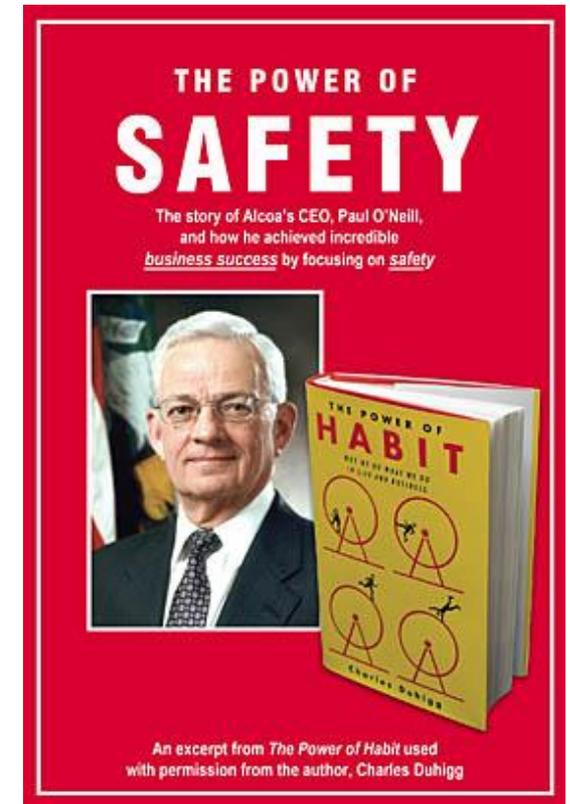
## SAFETY INCENTIVE PLAN

*Employer Safety Incentive and Disincentive Policies  
and Practices (Mar. 12, 2012)*



# Paul Oniel - Alcoa

- Don't fear transparency. Embrace it.
- A focus on safety – even in the glare of public scrutiny – will not only help your workers, it will also improve your bottom line.
- Bottom lines and safety transparency are definitely compatible, and sustainable.



*Paul O'Neill* former Secretary of the Treasury and former CEO of ALCOA.



## Zero Is Possible



Zero work-related injuries and illnesses have been long-standing goals for Alcoa. But when zero first became the target, it seemed unreachable. "Accidents are inevitable" was often the response.

They're not. We can attain zero. It is possible, and, in many locations, it is already here thanks to dedicated effort and a firm commitment to our core values, one of which is to work safely, promote wellness, and protect the environment.

As of Wednesday, July 27, 2016, 23:00 Greenwich Mean Time (GMT), Alcoa's lost workday (days away) rate for 2016 stands at **0.084**, and the 2016 DART (days away plus restricted and job transfer) rate stands at **0.340**. Alcoa calculates and publishes these rates in real time. Each represents the number of injuries and illnesses cases per 100 full-time workers.

In the 12-month period ending June 30, 2016:

39.8% of Alcoa's 191 locations worldwide had zero recordable injuries; 47.6% had zero days away, restricted, or transferred; and 75.9% had zero lost workdays.

99.4% of our employees had zero days away, restricted, and transfer incidents.

99.8% of our employees had zero lost workdays.

Working in teams and as individuals, we can build on this outstanding effort—and see zero extended to every Alcoa location,



# OSHA's New Electronic Reporting Rule

## August 10, 2016

- Section 1904.35 – Employee Involvement
- Section 1904.36 – Prohibition Against Discrimination

## November 1, 2016

- Section 1904.36 – Prohibition Against Discrimination

**January 1, 2017** - Final rule becomes effective



# Timeline



August 10,  
2016

November 1,  
2016

January 1,  
2017



## August 10, 2016

- Section 1904.35 – Employee Involvement

## November 1, 2016

- Section 1904.36 – Prohibition Against Discrimination

**January 1, 2017** - Final rule becomes effective



# Timeline



July 1,  
2017

July 1,  
2018

March 2,  
2019



- ✓ 2016 OSHA forms by July 1, 2017
- ✓ 2017 OSHA forms by July 1, 2018
- ✓ 2019 OSHA forms by March 2 following year



Submission year	Establishments submitting under paragraph (a)(1) of this section must submit the required information from this form/these forms:	Establishments submitting under paragraph (a)(2) of this section must submit the required information from this form:	Submission deadline
2017	300A	300A	July 1, 2017.
2018	300A, 300, 301	300A	July 1, 2018.



**WHAT!**

**WHAT?**

**WHAT!**

**WHAT?**



# New Rule – Two Parts



**#1**  
**Electronic Reporting  
&  
Data Collection**

**#2**  
**Employee Involvement  
&  
Retaliation**

# Electronic Reporting and Data Collection

**January 1, 2017**

Covered employers with 250 to more employees must electronically submit...

- ✓ OSHA Form 300A Summary of Workplace Injuries and Illnesses



# OSHA Form 300A: Summary of Work-Related Injuries and Illnesses

OSHA's Form 300A (Rev. 01/2004)

## Summary of Work-Related Injuries and Illnesses

Year 20\_\_



U.S. Department of Labor  
Occupational Safety and Health Administration

Form approved OMB no. 1218-0175

All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0."

Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.35, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

### Number of Cases

Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
_____	_____	_____	_____
(G)	(H)	(I)	(J)

### Number of Days

Total number of days away from work	Total number of days of job transfer or restriction
_____	_____
(K)	(L)

### Injury and Illness Types

Total number of . . .	
(M)	
(1) Injuries _____	(4) Poisonings _____
(2) Skin disorders _____	(5) Hearing loss _____
(3) Respiratory conditions _____	(6) All other illnesses _____

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

Public reporting burden for this collection of information is estimated to average 58 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about these estimates or any other aspects of this data collection, contact: U.S. Department of Labor, OSHA Office of Statistical Analysis, Room N-3644, 200 Constitution Avenue, NW, Washington, DC 20203. Do not send the completed forms to this office.

### Establishment information

Your establishment name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Industry description (e.g., Manufacturer of motor truck trailer)

Standard Industrial Classification (SIC), if known (e.g., 3715)

OR

North American Industrial Classification (NAICS), if known (e.g., 336212)

**Employment information** (If you don't have these figures, use the Handbook on the back of this page to estimate.)

Annual average number of employees \_\_\_\_\_

Total hours worked by all employees last year \_\_\_\_\_

### Sign here

Knowingly falsifying this document may result in a fine.

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Company executive \_\_\_\_\_ Title \_\_\_\_\_  
( ) - / /  
Phone \_\_\_\_\_ Date \_\_\_\_\_



# Electronic Reporting and Data Collection

**January 1, 2017**

Covered employers with 250 to more employees must electronically submit...

- ✓ OSHA Form 300A Summary of Workplace Injuries and Illnesses
- ✓ OSHA Form 300 Log of Work-Related Injuries and Illnesses, and



# OSHA Form 300: Log of Work-Related Injuries and Illnesses

<b>OSHA's Form 300 (Rev. 01/2004)</b>						<b>Attention:</b> This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.		Year <input type="text"/>									
<b>Log of Work-Related Injuries and Illnesses</b>								U.S. Department of Labor		Occupational Safety and Health Administration							
You must record information about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR 1904.8 through 1904.12. Feel free to use two								Form approved OMB no. 1218-0176									
						Establishment name <input type="text"/>											
						City <input type="text"/>		State <input type="text"/>									
Identify the person			Describe the case			Classify the case											
(A) Case No.	(B) Employee's Name	(C) Job Title (e.g., Welder)	(D) Date of injury or onset of illness (mo./day)	(E) Where the event occurred (e.g. Loading dock north end)	(F) Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g. Second degree burns on right forearm from acetylene torch)	CHECK ONLY ONE box for each case based on the most serious outcome for that case:				Enter the number of days the injured or ill worker was:		Check the "injury" column or choose one type of illness:					
						Death	Days away from work	Remained at work		Away From Work (days)	On job transfer or restriction (days)	(M) Injury	Skin Disorder	Respiratory Condition	Poisoning	Hearing Loss	All other illnesses:
						(G)	(H)	Job transfer / restriction	Other recordable cases	(K)	(L)	(1)	(2)	(3)	(4)	(5)	(6)
1	Mark Bagin	Welder	5/25	basement	fell from ladder	<input checked="" type="checkbox"/>						<input checked="" type="checkbox"/>					
2	Shana Alexander	Foundry man	7/2	pouring dock	poisoning from lead fumes		<input checked="" type="checkbox"/>			12					<input checked="" type="checkbox"/>		
3	Sam Sander	Electrician	8/5	2nd floor storeroom	sprained left foot, fell over box			<input checked="" type="checkbox"/>			10	<input checked="" type="checkbox"/>					
4	Ralph Boccella	Laborer	9/17	packaging department	back strain lifting a box		<input checked="" type="checkbox"/>			5	14	<input checked="" type="checkbox"/>					



# Electronic Reporting and Data Collection

**January 1, 2017**

Covered employers with 250 to more employees must electronically submit...

- ✓ OSHA Form 300A Summary of Workplace Injuries and Illnesses
- ✓ OSHA Form 300 Log of Work-Related Injuries and Illnesses, and
- ✓ OSHA Form 301 Injury and Illness Incident Report.



# OSHA Form 301: Injury and Illness Incident Report

## OSHA's Form 301 **Injury and Illness Incident Report**

**Attention:** This form contains information about employee health and must be used in a manner that protects the confidentiality of employees to the maximum possible while the information is being used for occupational safety and health purposes.

This *Injury and Illness Incident Report* is one of the first forms you must fill out when a recordable work-related injury or illness has occurred. Together with the *Log of Work-Related Injuries and Illnesses* and the accompanying *Summary*, these forms help the employer and OSHA develop a picture of the extent and severity of work-related incidents.

Within 7 calendar days after you receive information that a recordable work-related injury or illness has occurred, you must fill out this form or an equivalent. Some state workers' compensation, insurance, or other reports may be acceptable substitutes. To be considered an equivalent form, any substitute must contain all the information asked for on this form.

According to Public Law 91-596 and 29 CFR 1904, OSHA's recordkeeping rule, you must keep

### Information about the employee

- 1) Full name \_\_\_\_\_
- 2) Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_
- 3) Date of birth \_\_\_\_/\_\_\_\_/\_\_\_\_
- 4) Date hired \_\_\_\_/\_\_\_\_/\_\_\_\_
- 5)  Male  
 Female

### Information about the physician or other health care professional

- 6) Name of physician or other health care professional \_\_\_\_\_

### Information about the case

- 10) Case number from the *Log* \_\_\_\_\_
- 11) Date of injury or illness \_\_\_\_/\_\_\_\_/\_\_\_\_
- 12) Time employee began work \_\_\_\_\_
- 13) Time of event \_\_\_\_\_
- 14) **What was the employee doing just before the injury?** "Worker was carrying roofing materials"; "spraying"
- 15) **What happened?** Tell us how the injury occurred. "Worker fell 20 feet"; "Worker was sprayed with paint and developed soreness in wrist over time."



# Electronic Reporting and Data Collection

**January 1, 2017**

Covered employers in certain “**high-risk industries**” with 20 or more employees but less than 250 employees must electronically submit...

- ✓ OSHA Form 300A.



# Electronic Reporting and Data Collection

**January 1, 2017**

Upon notification, employers electronically submit information from part 1904 recordkeeping forms



# Employee Involvement and Retaliation

**August 10, 2016/November 1, 2016**

Employers currently required to report workplace injuries and illnesses must:

- (1) Inform employees of right to report injuries and illnesses;
- (2) Inform employees that employer is prohibited from retaliating against any employee who makes report;
- (3) Establish reasonable procedure for employees to make reports and inform employees of procedure; and**
- (4) Provide employees and their representatives with access to *non-redacted* illness and injury records.





# Who?

## **Establishments**

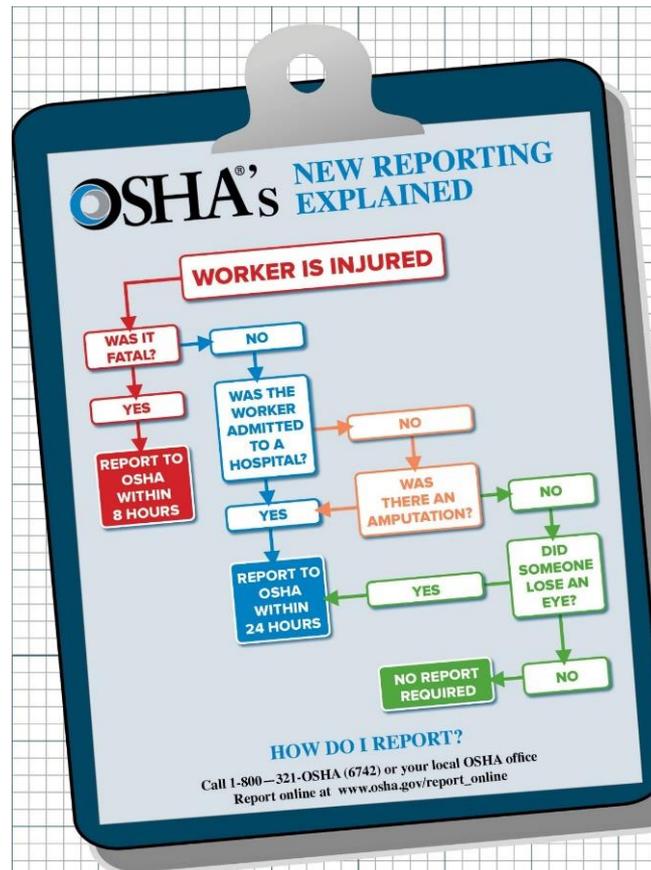
A single physical location where business is conducted or where services or industrial operations are performed. For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas and sanitary services; and similar operations, establishment is represented by main or branch offices, terminals, stations, etc. that either supervise such activities or are the base from which personnel carry out these activities.



# Summary

- OSHA's new electronic recordkeeping requirements:

- ✓ Why?
- ✓ When?
- ✓ What?
- ✓ Who?



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