

Complying with OSHA's Ruling on Electronic Tracking of Workplace Injuries

For Senior Living & Social Services

OSHA's final rule on Electronic Tracking of Workplace Injuries covers two primary areas:

- Electronic submission of work injury data to OSHA.
- Employee protection from retaliation for reporting work-related injuries.

This final rule doesn't create new recordkeeping requirements, but specifies which forms need to be electronically submitted. The following forms are addressed by OSHA:

- **OSHA 300** – the log that lists every recordable injury.
- **OSHA 300A** – the summary report that is posted from February 1 to April 30.
- **OSHA 301** – while this specific form isn't required in Wisconsin, it replicates the information on the Workers' Compensation First Report of Injury (**WKC12**).

The electronic reporting requirements become effective January 1, 2017, and will be gradually phased in:

- By July 1, 2017, all senior living and social service agencies, regardless of size, will be required to submit data from OSHA Form 300A.
- By July 1, 2018, senior living and social service agencies with more than 250 employees will be required to submit data from OSHA Forms 300A, 300, and 301. This number of employees includes part-time, full-time, and occasional employees.
- By March 2, 2019, all required data must be submitted, and by every March 2 thereafter.

Additional points:

- M3 will be working with our carrier partners to provide a copy of the WKC12 back to our clients after the First Report of Injury has been electronically filed. This will be the equivalent record to OSHA 301 form.
- For employers with more than 250 employees that are required to submit the WKC12, OSHA will be scrubbing any personal identifying information before the data is posted.
- Keep in mind that the WKC12 needs to be submitted only for those injuries that are recordable on the OSHA 300 log. Not all workers' compensation claims are OSHA recordable.
- The PDF record generated by the system on M3 Connect could be used for submission to OSHA.

The anti-retaliation provisions of the final rule become effective August 10, 2016. OSHA requires that, by August 10, employees must be informed of their right to report work-related injuries and illnesses without employer retaliation. One way for employers to meet this requirement is by posting the OSHA "It's the Law" worker rights poster from April 2015 or later (<http://www.osha.gov/Publications/poster.html>). Employers should also have a reporting process in place that doesn't discourage an employee from reporting injuries.

M3 will be seeking legal guidance regarding the circumstances under which post-accident drug testing will be allowable.

About M3

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