

COMPLIANCE OVERVIEW

OSHA Electronic Reporting Rule

The Occupational Safety and Health Administration (OSHA) requires certain establishments to report information from their injury and illness records to OSHA electronically by March 2 of every year.

The electronic reporting rule also contains three provisions aimed at strengthening employee anti-retaliation protections. 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.

This Compliance Overview provides an overview of the electronic reporting requirements under the 2016 final rule, as amended in 2019.

LINKS AND RESOURCES

- OSHA recording and reporting [website](#)
- [Instructions](#) for submitting electronic records to OSHA
- OSHA's recordkeeping [regulations](#)

Affected Establishments

- ☑ Establishments with 250 or more employees must electronically submit data from their OSHA 300A forms by **March 2** every year.
- ☑ Establishments with between 20 and 249 employees must submit data from their OSHA 300A forms if they are part of an identified high-risk industry.
- ☑ Establishments with 100 or more employees in certain high-hazard industries must electronically submit information from their Form 300-Log and Form 301 to OSHA once a year.

Submitting the Report

Employers must use the ITA to submit electronic reports by **March 2** of every year. The ITA allows employers three options:

- Manual entry;
- Comma-separated value (CSV) file upload; and
- Application programming interface (API) transmission.

Provided to you by **Chittenden Group**



CHITTENDEN GROUP
INSURANCE

COMPLIANCE OVERVIEW



Affected Establishments

OSHA's electronic reporting rule affects establishments that:

- ✓ Are already required to create and maintain OSHA injury and illness records and have 250 or more employees;
- ✓ Have between 20 and 249 employees and belong to a [high-risk industry](#); or
- ✓ Receive a specific request from OSHA to create, maintain and submit electronic records, even if they would otherwise be exempt from OSHA recordkeeping requirements.

Coverage under the electronic reporting rule applies to establishments, not employers. An employer may have several worksites or establishments. In these situations, some establishments may be affected while others are not.

To determine whether an establishment is affected, employers must determine each establishment's peak employment during the calendar year and must **count every individual** that worked at that establishment, regardless of whether he or she worked full-time, part-time, or was a temporary or seasonal worker. A firm with more than one establishment may submit establishment-specific data for multiple establishments.

OSHA will collect information on injuries and illnesses to identify emerging hazards, characterize specific areas of concern, or target inspection and outreach initiatives under OSHA's emphasis program.

Reporting Requirements

OSHA requires certain employers in designated [high-hazard industries](#) to electronically submit injury and illness information – that they are already required to keep. The following are the submission requirements:

- Establishments with 100 or more employees in certain high-hazard industries must electronically submit information from their Form 300-Log of Work-Related Injuries and Illnesses, and Form 301-Injury and Illness Incident Report to OSHA once a year. These submissions are in addition to submission of Form 300A-Summary of Work-Related Injuries and Illnesses.
- Establishments are required to include their legal company name when making electronic submissions to OSHA from their injury and illness records to better improve data quality.

The rule retains the current requirements for electronic submission of information from Form 300A from establishments with 20-249 employees in certain high-hazard industries and from establishments with 250 or more employees in industries that must routinely keep OSHA injury and illness records.

OSHA publishes some of the data collected on its website to allow employers, employees, potential employees, employee representatives, current and potential customers, researchers and the general public to use information about a company's workplace safety and health record to make informed decisions. OSHA believes that providing public access to the data will ultimately reduce occupational injuries and illnesses.

Electronic reports must be submitting by using OSHA's [Injury Tracking Application](#) (ITA). The ITA is a secure website that was created specifically for the electronic reporting rule. The ITA allows employers three options to submit their reports:

- Manual entry;
- Comma-separated value (CSV) file upload; and
- Application programming interface (API) transmission.

COMPLIANCE OVERVIEW



The ITA offers affected establishment instructions and sample files and templates to help them complete the submission process.

OSHA-approved State Plans

The final rule required OSHA-approved State Plans to adopt the electronic rule or “substantially identical” requirements within six months of the final rule’s publication date. This means that OSHA-approved State Plans have the authority to adopt reporting requirements that go above and beyond what is required by the federal rule. For this reason, establishments located in OSHA-approved State Plan jurisdictions should consult with their local OSHA offices to make sure they are satisfying all electronic reporting requirements.

More Information

Contact the Chittenden Group or see the OSHA [webpage](#) on the tracking of workplace injuries and illnesses for more information.