



Mid-Atlantic
Construction
Safety Council



Reporting and Recording of Work Related Cases of Coronavirus Disease 2019 (COVID-19)

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Disclaimer

This information has been developed by an OSHA Compliance Assistance Specialist and is intended to assist employers, workers, and others improve workplace health and safety. While we attempt to thoroughly address specific topics [or hazards], it is not possible to include discussion of everything necessary to ensure a healthy and safe working environment in this presentation. This information is a tool for addressing workplace hazards, and is not an exhaustive statement of an employer's legal obligations, which are defined by statute, regulations, and standards. This document does not have the force and effect of law and is not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. It does not create (or diminish) legal obligations under the Occupational Safety and Health Act. Finally, OSHA may modify rules and related interpretations in light of new technology, information, or circumstances; to keep apprised of such developments, or to review information on a wide range of occupational safety and health topics, you can visit OSHA's website at –

www.osha.gov

Recording and Reporting Occupational Injuries and Illness



- [1904.5\(b\)\(2\)](#) *Are there situations where an injury or illness occurs in the work environment and is not considered work-related?* Yes, an injury or illness occurring in the work environment that falls under one of the following exceptions is not work-related, and therefore is not recordable.
- 1904.5(b)(2) You are not required to record injuries and illnesses if . . .

VIII- The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work).

OSHA – recordkeeping exposures to COVID-19

The image shows a sample of OSHA's Form 300, 'Log of Work-Related Injuries and Illnesses', for the year 2020. The form is divided into several sections: 'Identify the person', 'Describe the case', 'Classify the case', and 'Record the case'. It includes fields for the employer's name, the employee's name, the date of the incident, the location, and a detailed description of the injury or illness. There are also checkboxes for the type of injury or illness (e.g., death, days away from work, restricted work or transfer to another department, job transfer, medical treatment beyond first aid, and loss of consciousness). The form is designed to be filled out by employers to track and report work-related injuries and illnesses.

- **COVID-19 can be a recordable illness if a worker is infected as a result of performing their work-related duties.** However, employers are only responsible for recording cases of COVID-19 if all of the following are met:
 - The case is a **confirmed case of COVID-19** (see CDC information on persons under investigation and presumptive positive and laboratory-confirmed cases of COVID-19);
 - The **case is work-related**, as defined by 29 CFR 1904.5; and
 - The **case involves one or more of the general recording criteria set forth in 29 CFR 1904.7** (e.g., medical treatment beyond first-aid, days away from work).
- OSHA is providing enforcement discretion around recordkeeping for most sectors.

OSHA enforcement discretion



OSHA **April 10, 2020** Memorandum- Enforcement Guidance for Recording Cases of Coronavirus Disease 2019-

Employers of workers in the healthcare industry, emergency response organizations (e.g., emergency medical, firefighting, and law enforcement services), and correctional institutions must continue to make work-relatedness determinations pursuant to 29 CFR § 1904.

Until further notice, however, OSHA will not enforce 29 CFR § 1904 to require other employers to make the same work-relatedness determinations **except where:**

There is objective evidence that a COVID-19 case may be work-related.

OSHA enforcement discretion



OSHA **April 10, 2020** Memorandum- Enforcement Guidance for Recording Cases of Coronavirus Disease 2019-(Cont.)

Objective evidence that a COVID-19 case may be work-related could include, for example, a number of cases developing among workers who work closely together without an alternative explanation; and

The evidence was reasonably available to the employer. For purposes of this memorandum, examples of reasonably available evidence include information given to the employer by employees, as well as information that an employer learns regarding its employees' health and safety in the ordinary course of managing its business and employees.

OSHA enforcement discretion



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OSHA **May 19, 2020** Memorandum- Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019

The Memo Acknowledges-it remains difficult to determine whether a COVID-19 illness is work-related and provides-

In determining whether an employer has complied with this obligation and made a reasonable determination of work-relatedness, CSHOs should apply the following considerations:

- The reasonableness of the employer's investigation into work-relatedness.
- The evidence available to the employer.
- The evidence that a COVID-19 illness was contracted at work.

www.osha.gov/coronavirus

OSHA enforcement discretion



OSHA **May 19, 2020** Memorandum- Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (Cont.)

- The evidence that a COVID-19 illness was contracted at work.
- Likely work related-
 - several cases develop among workers who work closely together
 - job duties include having frequent, close exposure to the general public in a locality with ongoing community transmission

OSHA enforcement discretion



OSHA **May 19, 2020** Memorandum- Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (Cont.)

- The evidence that a COVID-19 illness was contracted at work.
- **NOT** Likely work related-
 - If only one worker contracts COVID-19 in that vicinity, and the job duties do not include having frequent contact with the general public, regardless of the rate of community spread.
 - If the worker outside the workplace, closely and frequently associates with someone (e.g., a family member, significant other, or close friend) who (1) has COVID-19; (2) is not a coworker, and (3) exposes the employee during the period in which the individual is likely infectious.

OSHA enforcement discretion



OSHA **May 19, 2020** Memorandum- Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (Cont.)

- If the employer cannot determine whether it is more likely than not that exposure in the workplace played a causal role with respect to a particular case of COVID-19, the employer does not need to record that COVID-19 illness.
- In all events, it is important as a matter of worker health and safety, as well as public health, for an employer to examine COVID-19 cases among workers and respond appropriately to protect workers, regardless of whether a case is ultimately determined to be work-related.
- COVID-19 is a respiratory illness and should be coded as such on the OSHA Form 300. Because this is an illness, if an employee voluntarily requests that his or her name not be entered on the log, the employer must comply as specified under 29 CFR § 1904.29(b)(7)(vi).

OSHA Reporting

OSHA requires all employers to report work-related COVID-19 illnesses that result in a fatality or an employee's in-patient hospitalization-

- In- Patient Hospitalizations of one employee need to be reported within 24 hours
- Fatalities need to be reported within 8 hours

Note- 1904.39(b)(6)

You must only report a fatality to OSHA if the fatality occurs within thirty (30) days of the work-related incident. For an in-patient hospitalization, amputation, or loss of an eye, you must only report the event to OSHA if it occurs within twenty-four (24) hours of the work-related incident. However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.

www.osha.gov/coronavirus



U.S. Department of Labor Issues Frequently Asked Questions and Answers About Reporting Work-Related Cases of the Coronavirus

WASHINGTON, DC – The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) has published additional frequently asked questions and answers (FAQs) regarding the need to report employees’ in-patient hospitalizations and fatalities resulting from work-related cases of the coronavirus.

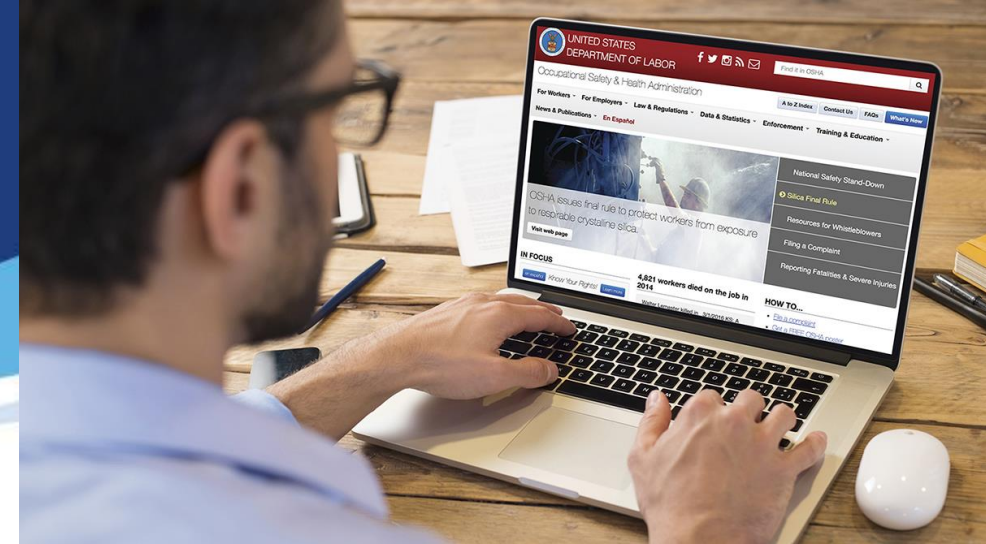
OSHA’s new FAQs provide information to help employers apply the agency’s existing injury and illness recording and reporting requirements to the coronavirus. In particular, the FAQs provide guidance on how to calculate reporting deadlines for in-patient hospitalizations and fatalities, and clarify the meaning of the term “incident” as it relates to work-related coronavirus in-patient hospitalizations and fatalities.

<https://www.osha.gov/SLTC/covid-19/covid-19-faq.html#reporting>

Electronic Reporting

- **March 2, 2021, is the deadline** . Collection will begin January 2, 2021.
- **OSHA Form 300A data** for calendar year 2020.
- **Employer Identification Numbers (EIN).**
- Establishments with 250 or more employees
- Establishments with 20-249 employees that are classified in [certain industries](#)

www.osha.gov/injuryreporting/index.html



Posting

- **300A posted from Feb 1 - April 30**
- A paper copy of the Form 300A must be posted in a conspicuous place or places where notices to employees are customarily posted.
- Keep a separate OSHA 300 Log for each establishment and post the summary in each establishment.
- Keep a separate OSHA 300 Log for each establishment that is expected to be in operation for one year or longer.

www.osha.gov/injuryreporting/index.html



Questions?



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