



OSHA NEW RULES POST COVID-19

February 11, 2021

Presented by Clare Vazquez-Peace

General Duty Clause

Employers are required to provide their employees with a place of employment that is “free from recognized hazards that are causing or are likely to cause death or serious physical harm.”



Employer Responsibility

- ▶ Companies ten (10) or fewer employees do not need to keep OSHA injury and illness records unless OSHA or the BLS informs you in writing.
- ▶ All employers covered by the OSH Act must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees.
- ▶ Are you exempt?
<http://www.census.gov/eos/www/naics>

Every employee counts

- Full-time
- Part-time
- Seasonal
- Temporary



Poll Question #1

Is a temporary agency or the host employer responsible for: (1) OSHA-required safety training; (2) OSHA hazard communication; and (3) OSHA injury reporting and log requirements?

OSHA Whistleblower Act

Your Employees have Rights

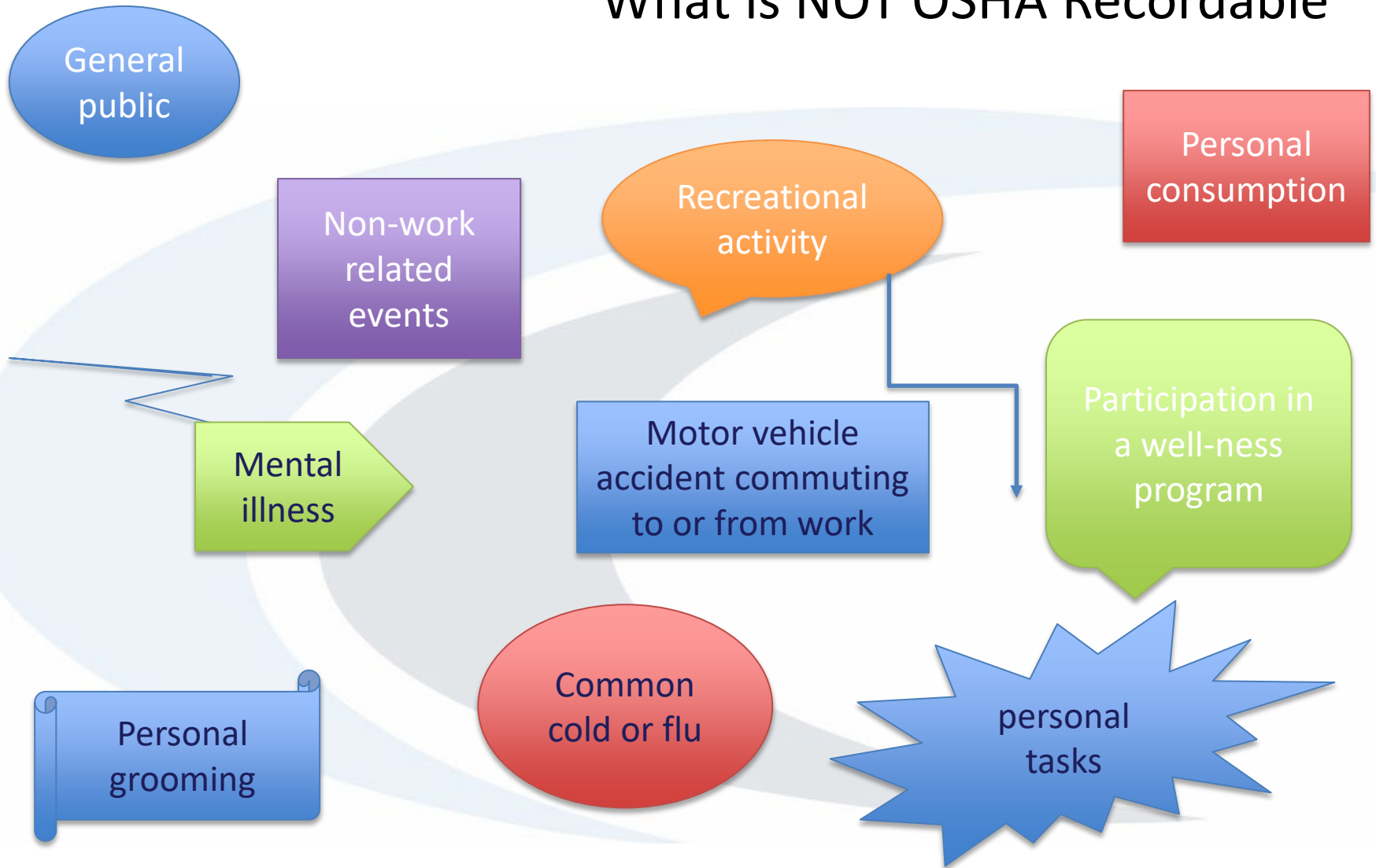
- Right to speak up about hazards **without fear of retaliation.**
- Receive workplace safety and health training in a language they understand
- Work on machines that are safe
- Receive required safety equipment, such as gloves, masks
- Be protected from toxic chemicals
- Request an OSHA inspection, and speak to the inspector
- Report an injury or illness, and get copies of their medical records
- Review records of work-related injuries and illnesses
- **Is this policy in your handbook?**

New Recordkeeping Guidance effective May 26, 2020

COVID-19 is a recordable illness if:

- Confirmed case of COVID-19
- Case is work-related or exposure occurs in the work environment
- Case involves one or more of the general recording criteria

What is NOT OSHA Recordable



Coronavirus Violations

- \$3,301,932 total penalties
- 244 cited establishments

• Failures due to:

Implementing a written respiratory protection program

Reporting an injury, illness, or fatality

Providing training on PPE and respirator

Recording an injury or illness on OSHA recordkeeping form

Complying with the General Duty Clause

General Duty Clause Violations

- Boilers not inspected and maintained
- Cell phone use while driving
- Combustible dust hazards
- Ergonomic hazards
- Industrial storage racking not:
 - Having maximum permissible load amount posted,
 - Not secured in place where there is potential to be tipped over, or
 - Significant damage
- Personal fall protection equipment not inspected on annual basis
- Powered Industrial Truck (forklift) drivers not wearing a seat belt while operating
- Storing incompatible chemicals together
- Structural damage to building causing struck by hazard
- Thermal stress (high heat and cold)
- Workplace violence risk that goes unmitigated

OSHA Penalties

- Updated January 8, 2021

Type of Violation	2020 Penalty	2021 Penalty
Serious or posting requirements	\$13,494 per violation	\$13,653 per violation
Willful or Repeat	\$134,937 per violation	\$136,532 per violation
Failure to abate	\$13,494 each day beyond the abatement date	\$13,653 each day beyond the abatement date

Poll Question #2

My employees are teleworking-Do I need to worry about OSHA work injuries at home?

Injuries sustained at home to be considered a “work-related” injury must have:

- 1) occurred while the employee is being paid to work, and
- 2) be directly related to the performance of the employee’s work duties (rather than to the general home environment). Employers should have a legal obligation in helping ensure home worksites are safe

Criteria for recording work related injury



Death



Loss of consciousness



Days away from work



Restricted work activity, job transfer, light duty



Medical treatment beyond first aid

What forms must be completed?



OSHA FORM 300 LOG OF
INJURIES AND ILLNESSES



OSHA FORM 301 INCIDENT
REPORT OF INJURIES AND
ILLNESSES



OSHA FORM 300A
SUMMARY 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, developed soreness in wrist over time."

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

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

Summary of Work-Related Injuries and Illnesses

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)

Estab

Your ad

Street

City

Industry

Standar

OR

North A

Empl

Workstat

Annual

Total he

Sign I

Knowl



OSHA Form 300A: Summary of Work-Related Injuries and Illnesses (continued)

Establishment information

Your establishment name _____

Street _____

City _____ State _____ ZIP _____

Industry description (e.g., *Manufacture of motor truck trailers*)

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, see the Worksheet 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.

Do you have to submit OSHA 300A Data?

Establishments that meet *any* of the following criteria **DO NOT** have to send their information.

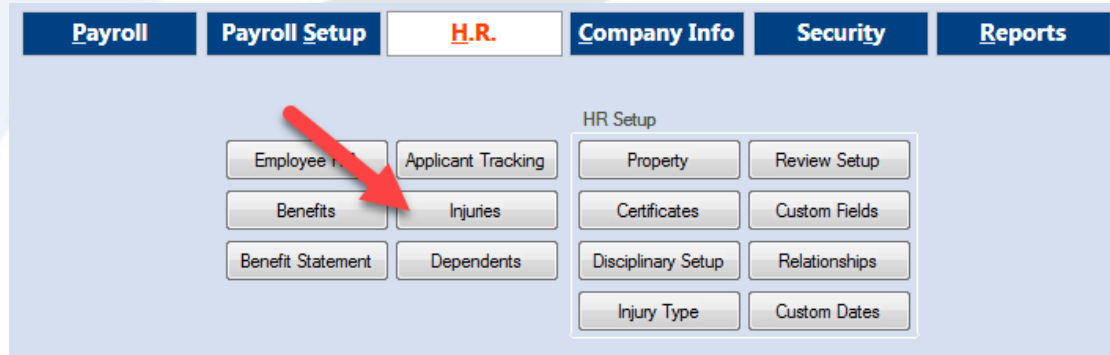
- Previous calendar year was 19 or fewer, regardless of the establishment's industry.
- The establishment's industry is on the **NAICS code** regardless of the size of the establishment.
- The establishment had a peak employment between 20 and 249 employees during the previous calendar year **AND** the establishment's industry ***is not the list.***
- <https://www.osha.gov/recordkeeping/presentations/exempttable>

Poll Question #3

I just had COVID but I am negative. My employer is requiring me to sign a liability waiver upon returning to work. Does this prevent me from filing a complaint about safety, health or retaliation?

CertiPay System Tracking

- ▶ Track all claims within the CertiPay System



Workers Comp = OSHA Records

- ▶ Recording does not prove an OSHA Violation
- ▶ Recording does not affect a person's entitlement to workers compensation
- ▶ Rules for compensability differs state to state

Keep the Forms on File

- Do not send copies to OSHA unless you are asked to do so or you are in a high risk industry.
- Allow access to records
- File and update for 5 years
- Keep WC claims in a separate folder (red)



CertiPay

KEY POINTS To Remember!

- Complete forms within 7 calendar days
- Determine if the incident is work related and a new case
- Evaluate for general or specific recording criteria
- Post the summary by February 1st
- Retain records for 5 years and update past OSHA 300 Logs
- Electronically submit OSHA logs to OSHA

THANK YOU!

CONTACT US AT HRINFO@CERTIPAY.COM

