

## **Employment Law Update** *June 2017*

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We represent clients ranging from large corporations to small enterprises and individuals. We have the resources to assemble a coordinated team of lawyers and support staff to meet the specific needs of each client.

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The Occupational Safety and Health Administration (OSHA) recently decided to delay the compliance deadline for its rule requiring certain employers to electronically submit worker illness and injury data to the agency. OSHA's Injury and Illness Recordkeeping and Reporting Requirements website states that: "OSHA is not accepting electronic submissions of injury and illness logs at this time, and intends to propose extending the July 1, 2017 date by which certain employers are required to submit the information[.]" Those "certain employers" include employers with over 250 workers and smaller employers in high hazard industries.

OSHA plans to post the work injury and illness information that it obtains from employers on its public website. Originally, the electronic filing of this information was to begin on July 1, 2017. Electronically reporting accident and illness records to OSHA—and having those records subsequently made available to the public online—is of great significance to employers. Potential implications include that an employer's customers, competitors, and the general public will have easy access to a company's illness and injury history. This information could also be utilized by potential investors and potential clients.

In regards to this electronic submission of records and data publication plan, speculative comments have been made as to whether or not employers might under-report injuries in order to avoid unwanted publicity. Anticipating this, OSHA had amended the recordkeeping regulations with anti-retaliation provisions in order to encourage employers to report workplace injuries despite the fact that the information will be made available online to the public.

OSHA has not given any indication as to when it plans to publicize a new deadline for the electronic reporting requirements, but it is important for employers to be diligent in accurately and honestly maintaining and reporting workplace and injury data in accordance with OSHA's final rule. Employers would also be wise to review their safety programs to ensure that they do not have the effect of discouraging employees from reporting workplace injuries.

If you have any questions or would like to discuss the above issues in more detail, please do not hesitate to contact Bryan Niemeyer, Certified Labor and Employment Law Specialist, Faulkner, Garmhausen, Keister & Shenk, A Legal Professional Association, at 937-492-1271 or [bniemeyer@fgks-law.com](mailto:bniemeyer@fgks-law.com).

