



A Union of Professionals

OSHA's Recordkeeping and Reporting Requirements in the Public Sector

Twenty-seven states and two territories operate their own occupational safety and health programs for private and public sector workers. These locations are known as "state plans" and are approved by the Occupational Safety and Health Administration. Sadly, the absence of OSHA-approved plans in the other states and territories leaves more than 8 million public sector workers excluded from OSHA protections.

In a state plan location, all employers must comply with OSHA's rules, regulations and standards, including OSHA's recordkeeping and reporting requirements.

Did you know that most injuries and illnesses associated with your work must be recorded by your employer?

- Employers must adhere to all recordkeeping requirements and record work-related injuries and illnesses on forms known as OSHA 300, 301 and 301A. Your state plan may have a state-specific form(s) that your employer is required to use.

Why is this information important to the union?

Monitoring work-related illness and injury records can be a useful tool for local unions. The union can use this information to evaluate the safety of a workplace; identify types, locations and patterns of hazardous exposures in the workplace; and advocate for worker protections to reduce and eliminate hazards to prevent future workplace injuries and illnesses. Also, the union can make sure the employer is recording all required injuries and illnesses on the appropriate OSHA log.

- When requested, the employer must provide copies of current or stored OSHA 300 logs for an establishment the employee or former employee has worked in by the end of the next business day and at no charge. This includes access to the OSHA 301 incident reports, which must be provided within seven calendar days.
- OSHA requires that employers leave the names on the 300 log, except for certain "privacy concern cases."
- The records must be maintained at the worksite for at least five years, and you have the right to see them at any time.

The **American Federation of Teachers** is a union of 1.7 million professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

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- The other OSHA forms—300 and 301—must be maintained on an ongoing basis. Recordable injuries and illnesses must be entered on these forms as they occur throughout the year. Any work-related injury or illness that meets certain severity criteria must be entered on the forms within seven calendar days of learning about its occurrence.

Are employers required to keep records of workplace illness for COVID-19?

A confirmed COVID-19 case can be a recordable illness if a worker is infected because of their work-related duties. Employers are responsible for recording cases of COVID-19 if it is a confirmed case of COVID-19, the case involves medical treatment beyond first aid or days away from work, and the case is work related. COVID-19 is considered a recordable illness if:

- The worker, while on the job, has frequent, close contact with the public with ongoing community transmission, and/or
- The employer has failed to implement multiple layers of controls (e.g., physical distancing, maintaining ventilation systems and properly using face coverings or personal protective equipment when appropriate), and/or
- There is no alternative explanation for the worker's infection.

Did you know that employers must report information directly to OSHA in some cases?

Employers must report any worker fatality within eight hours and any amputation, loss of an eye or in-patient hospitalization (formal admission) of a worker within 24 hours to OSHA, as well as work-related cases of COVID-19. All employers under OSHA jurisdiction must report these incidents to OSHA, even employers that are exempt from routinely keeping OSHA records due to company size or industry.

Did you know that employees are protected from retaliation for reporting work-related injuries and illnesses?

- Employees have the right to report work-related injuries and illnesses, and employers are prohibited from discharging or discriminating against employees for reporting work-related injuries or illnesses.

Did you know that your employer could face penalties for noncompliance with this standard?

Recordkeeping and reporting violations often are cited by OSHA as "other-than-serious" since they do not directly affect employee safety and health. OSHA may propose penalties of up to \$15,625 for other-than-serious violations.

In summary, two things you can do to ensure that your employer's recordkeeping is up to par:

- Don't hesitate to report any work-related illness or injury to your employer and to your union.
- Look for your employer's OSHA 300A summary February through April. If you can't find it, let your union representative know.

For more information, contact the Health Issues Health and Safety team at 4healthandsafety@aft.org for assistance.
