



Comment from C, S; Private Citizen

This is a Comment on the Occupational Safety and Health Administration (OSHA) Notice: Recordkeeping and Reporting Occupational Injuries and Illnesses; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

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Comment Period Closed
Apr 21 2014, at 11:59 PM E

ID: OSHA-2010-0055-0005
Tracking Number: 1jy-8atz-y

Comment

As safety professionals with decades of industrial workplace experience, we respectfully offer the following comments concerning proposed §1904.41 Electronic submission of injury and illness records to OSHA:
“(a) Basic requirements—(1) Quarterly electronic submission of Part 1904 records by establishments with 250 or more employees.”

We believe that this section (a)(1) of the proposed regulation would provide a significant disincentive for employees to report their work-related injuries to their employers and significantly reduce the ability of employers to implement corrective actions to prevent injury recurrences.

Current OSHA regulations require only the annual posting in the workplace of the site injury summary Form 300A. Co-workers, nor any other party can identify employee names or other identifying information from the details contained in the summary. The OSHA log Form 300 and injury report Form 301 which contain the injured employees' personal information as well as precise descriptions of their injuries are never posted or disclosed to other employees or any other party with the exception of duly authorized officials in accordance with statutory requirements. Since OSHA Form 300, 300A and 301 are not used to target employers for inspections, nor are they publicly available to customers or the general public, they currently pose no disincentive to employees to promptly report all work-related injuries. Even with these privacy safeguards, employees are often reluctant to report workplace injuries for fear of jeopardizing their relationships with their co-workers or their future job security.

The proposed (and highly public - via internet posting) quarterly reporting of injury logs and injury reports would allow OSHA to select workplaces with high injury rates or certain injury types for prompt inspection under one of the various OSHA emphasis programs. These workplaces would be subject to unfavorable publicity when the data is placed on the internet for public viewing by the entire world. The resulting unfavorable publicity could negatively impact employer sales and financial health. Such outcomes could entice some employers to find ways to classify fewer of their injuries as recordable. Furthermore, injured employees could feel they may perhaps increase the probability of OSHA inspections and negative public relations by reporting their injuries.

Rather than endanger the financial stability of their source of livelihood, many employees could be tempted not to report injuries; instead treating them via their individual health insurance. This could become increasingly true where injuries were not so severe as to cause lost work days or restricted duty. Therefore, employee reluctance to report injuries could be amplified over concern of harm to their employer leading to plant shutdown or employee layoffs. A decrease in reporting injuries seriously hampers employers' ability to identify root causes of accidents and implement corrective actions. Non-reporting of injuries may also delay prompt and effective medical treatment which in many cases

Document Information

Date Posted:
Mar 10, 2014
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could aggravate the injuries.

As proposed, the quarterly public reporting of injury logs and injury reports could also change the focus of employer safety programs from compliance with safety standards and proactive safety measures to an unhealthy preoccupation with the "fallout" from publicity of workplace injuries. The proposed regulation would thus seriously hamper productive efforts to improve workplace safety. To prevent workplace injury reporting from sharply declining, the delaying of proper medical treatment and handcuffing employers in eliminating workplace hazards, we respectfully recommend that proposed § 1904.41(a)(1) be eliminated from the proposed regulation changes.