



Injury and Illness Recordkeeping

National Emphasis Program

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Background

- ◆ Academic Studies
 - Boden –Between 25% and 50% under-recording
 - Rosenman - Between 61% and 68% under-recording
- ◆ OSHA Recordkeeping Audits
 - Between 10% and 20% under-recording

Background (continued)

- ◆ GAO Study in August, 2008
- ◆ Three stated objectives
 - Assess OSHA's efforts to ensure that employers are properly recording injuries and illnesses
 - Determine what current studies and research say about the accuracy of employers' injury and illness rate data
 - Determine the role that occupational physicians play

Background (continued)

- ◆ Use on-site inspections to review CY 2007 and CY 2008 injury and illness records
- ◆ Under-recording may exist at be low rate establishments operating in high rate industries.



Scope

- High rate industries

Animal Slaughtering, Poultry Processing and Support Activities except Poultry; Steel Foundries; Soft Drink Manufacturing; Couriers; Nursing Homes

- Selected establishments with 40 or more employees

Scope - Some Requirements of Establishments to be Inspected

- ◆ If the establishment is a VPP or SHARP site, do not perform the inspection
- ◆ If you identify the establishment as outside of the scope of the NEP

What Documents are Needed?

- ◆ OSHA Logs, summaries, employment and hours worked for 3 years
- ◆ Roster of employees
 - W-2 forms
- ◆ Location of documents
 - Medical records, Workers' Comp records, etc.
 - Any off-site clinics used

Inspection Procedures

- ◆ Three main components of inspection
 - Records Review
 - Interviews
 - Limited Walkaround

Records Inspection

- ◆ Use employee sample
- ◆ Review ALL available records for each employee (medical records, Workers' Comp, absentee records, audiograms, OSHA Form 301, etc.), including off-site clinics
- ◆ Review “non-work related” records
- ◆ Document correctly recorded cases, unrecorded cases and mis-recorded cases.

HIPAA

Health Insurance Portability and Accountability Act

- ◆ Section 164.512(a) of the privacy regulation allows covered entities to use or disclose protected health information, without authorization, when they are "required" to do so by another law, provided the use or disclosure meets or is limited to the relevant requirements of such law.
- ◆ As a result, the privacy regulation does not allow a covered entity to restrict or refuse to disclose protected health information required by OSHA on the ground that the authorization of individual employees has not been obtained.



Interviews



- ◆ Recordkeeper
- ◆ Management
- ◆ Employees
- ◆ Health Care Provider

Employee Interviews

- ◆ Identify system for reporting cases
- ◆ Identify injuries and illnesses
 - Follow-up on leads for both employee and co-workers
- ◆ Identify incentive and disincentive programs that could affect reporting cases

Management Interview

- ◆ Identify system for reporting cases
- ◆ Identify system for treating injuries and illnesses
- ◆ Identify incentive and disincentive programs that could affect reporting cases – obtain copies of written policies

Recordkeeper Interview

- ◆ Identify system for reporting cases
- ◆ Identify level of training received
- ◆ Identify incentive and disincentive programs that could affect reporting cases – obtain copies of written policies

Health Care Provider Interview

- ◆ Identify knowledge of OSHA recordkeeping system
- ◆ Identify influence of recordability on treatment provided
- ◆ Identify awareness of incentive and disincentive programs that could affect reporting cases

Recordkeeping Trends

- ◆ Identify Trends
 - Unrecorded cases
 - Misrecorded cases
 - Musculoskeletal Disorders (MSDs)
- ◆ Evaluate if recordkeeping discrepancies are corporate-wide



Recordkeeping Issues

- ◆ Employer policy for reporting
- ◆ Employers that discourage reporting
- ◆ Incentive programs

Recordkeeping Citations

- ◆ When an employer fails to record an injury or illness case on the OSHA 300 Log or equivalent form:
- ◆ When an employer fails to record a case correctly (e.g., incorrectly recorded a Days Away from Work case as Restricted Work/Job Transfer or as Other Recordable case)

Recordkeeping Citations

(Continued)

- ◆ When an employer fails to fill out or did not accurately complete an OSHA 301 or equivalent form for each injury or illness case
 - **Cite 1904.29(b)(2)**
- ◆ When an employer fails to complete an OSHA Form 300A
 - **Cite 1904.32(a)(2)**





- ◆ OSHA'S MISSION



“To save lives, prevent injuries & illnesses & protect the health & safety of America’s workers”



**Occupational Safety and
Health Administration**

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