

It behooves us all to keep track of the OSHA 300 Log for injuries



Manuel L. Peralta Jr.

Under the regulations of the Occupational Health and Safety Administration (OSHA), employers are responsible for recording trackable injuries, updating and maintaining those records and providing certain forms when requested. The following federal regulations provide the necessary guidance on this matter:

Section 1904.7 General recording criteria.

(a) Basic requirement. You must consider an injury or illness to meet the general recording criteria, and therefore to be recordable, if it results in any of the following: death, days away from work, restricted work or transfer to another job, medical treatment

beyond first aid, or loss of consciousness. You must also consider a case to meet the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

Section 1904.33 Retention and updating. (a) Basic requirement. You must save the OSHA 300 Log, the privacy case list (if one exists), the annual summary, and the OSHA 301 Incident Report forms for five (5) years following the end of the calendar year that these records cover.

Section 1904.35 (b) (2) *Do I have to give my employees and their representatives access to the OSHA injury and illness records?* Yes, your employees, former employees, their personal representatives, and their authorized employee representatives have the right to access the OSHA injury and illness records, with some limitations, as discussed below.

(i) *Who is an authorized employee representative?* An authorized employee representative is an authorized collective bargaining agent of employees.

(iii) *If an employee or representative asks for access to the OSHA 300 Log, when do I have to provide it?* When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored OSHA 300 Log(s) for an establishment the employee or former employee has worked in, you must give the requester a copy of the relevant OSHA 300 Log(s) by the end of the next business day.

Section 821.11 of the *Employee and Labor Relations Manual (ELM)* in part provides that:

The PS Form 1769/301, Accident Report, Generated by the EHS [Employee Health and Safety system] is equivalent to the OSHA Form 301, which is a required reporting tool in each recordable injury or illness.

I have previously addressed the duties and responsibilities of the Local Safety Committee (*The Postal Record*, May 2015), including a review of Form 1769. Based on the above regulations and the *ELM* language, we should be regularly reviewing the OSHA 300 Log to determine if management is reporting all recordable accidents.

In reviewing the 300 Log, we may discover that an NALC member has suffered an injury for which he or she may need Office of Workers' Compensation Program (OWCP) assistance. The earlier our OWCP representatives get involved, the better off the employee and his or her representative will be.

“We should be regularly reviewing the OSHA 300 Log to determine if management is reporting all recordable accidents.”

If you request a copy of the OSHA injury and illness records and your supervisor/manager refuses to provide it or fails to provide it by the end of the next business day, you should file a formal complaint with OSHA and possibly also a grievance.

Once you receive the log, you may discover that there are missing entries, which may prompt you to file a formal complaint with OSHA and a grievance.

If an accident/injury is not properly reported, there will not be a Form 1769 available for the local safety committee to review in fulfillment of its duties and responsibilities.

Why is it important to keep an eye on this? If we don't, management may get away with under-reporting injuries.

This week we were provided with a copy of an OSHA citation following inspection 1334387.015, which in part found that: “On or about June 27, 2018, the employer failed to record a heat related illness requiring medical treatment beyond first aid on the OSHA 300 log for the calendar year 2018. The employee was diagnosed by a medical professional with heat exhaustion.” OSHA issued a nominal fine for this infraction. This is not the first failure and it won't be the last.

Keep an eye on each other.