OSHA Recordkeeping: Should COVID-19 Claims be Recorded?

Recordkeeping requirements and COVID-19
The question: How does the pandemic affect OSHA's recordkeeping requirements?

Answer: It is complicated. Suspected work-related cases and an insurance carrier's investigation can cause confusion as to how to proceed in determining if cases are to be documented on an organization's OSHA 300 Log or not.

A workers' compensation determination of compensability, either accepted or denied, does not automatically dictate whether the illness should be on your OSHA 300 Log. Generally speaking, we treat workers' compensation and OSHA requirements as separate entities for recordkeeping purposes. While investigating to determine whether a case should be on your OSHA 300 Log, there will be many factors to consider. We recommend using a workers' compensation determination as just one factor in your determination.

Under OSHA's recordkeeping requirements, COVID-19 is a recordable illness, and thus employers are responsible for recording cases of COVID-19, if:

1. The case is a confirmed case of COVID-19, as defined by the Centers for Disease Control and Prevention (CDC);
2. The case is work-related as defined by 29 CFR § 1904.5; and
3. The case involves one or more of the general recording criteria set forth in 29 CFR § 1904.7

OSHA released COVID-19 recordability guidelines that require organizations to perform their own investigations as to the work-relatedness (step #2 above) of any case to be placed on an OSHA 300 Log. Employers should:

- Document investigations
- Consider interviewing

- Request a statement from affected employees
- Reference OSHA's website for guidance **here**

OSHA allows employers to amend logs as an injury/illness case develops, whether it be Coronavirus-related or not. Appropriately reporting workers' compensation claims is critical. Over reporting can lead to higher incident rates, which can negatively affect an organization's safety standings.

Source: Marsh & McLennan Agency Risk Consultant