

RWDSU

Retail, Wholesale & Department Store Union
UFCW, AFL-CIO, CLC
30 East 29th Street
New York, NY 10016

HEALTH AND SAFETY FACT SHEET

Using the OSHA Log of Workplace Injuries and Illnesses

The Occupational Safety and Health Administration (OSHA) require most employers with more than 10 full-time employees to keep a yearly log of all work-related injuries and illnesses. Effective January 1, 2002 OSHA has changed many provisions of the Occupational Injury and Illness Recording and Reporting Requirements (Section 1904).

WHAT IS THE OSHA FORM 300?

The OSHA Log 300 replaces the OSHA Log 200. It is a list of all injuries or illnesses in the workplace that requires more than first-aid treatment. This includes injuries which result in restricted or light duty, or transfer to another job. Under the new standard, needle sticks and sharps cases where objects are contaminated with another person's blood, or other potentially infectious material, must be recorded. Tuberculosis and occupational hearing loss cases, and cases where individuals are moved out of a job for medical reasons to avoid further exposure must also be reported.

WHAT IS THE OSHA FORM 300-A?

The Form 300-A is the summary of work-related injuries and illnesses. It must include the total recordable injuries for the previous calendar year and be posted in the workplace from February 1-

April 30. A company executive must sign and certify that the information on the form is correct and complete.

WHAT IS THE OSHA FORM 301?

The 301 form takes the place of the OSHA Form 101 (Supplemental Record of Occupational Injuries and Illnesses). It provides information on how and where each injury or illness case occurred.

ARE WE ALLOWED TO SEE THIS INFORMATION?

Yes. Employees, former employees, personal representatives, or their union representative must be given access to injury and illness records, including a copy of the OSHA 300 Logs by the end of the next business day. The names of the affected employees must be left on the OSHA 300 Log unless there are privacy issues (see below). Employees, former employees or their personal representatives must be given a copy of a requested Form 301 (Incident Report) by the end of the next business day. Union representatives are entitled to this form, with all personal information about the employee removed, within seven calendar days. Employees must provide copies of all forms free of charge the first time they are requested.

EMPLOYER DUTIES

Effective January 1, 2002 employers, under Section 1904.35, are required to inform employees how they are to report

injuries and illnesses. Employers must set up a way to receive these reports promptly. Employers must keep the OSHA 300 Log, Form 300-A, and Form 301 for 5 years. The stored OSHA Logs must also be updated by the employer to include any newly discovered recordable injuries or illnesses.

NO DISCRIMINATION

Section 11(c) of the OSHA law prohibits the employer from discriminating against a worker for reporting a work-related death, injury or illness, filing a safety and health complaint, asking for injury and illness records or for exercising any other rights under the law. Many employers have established "safety incentive" or "injury discipline" programs which reward or punish workers based on reporting a workplace injury or illness. Workers who have been discriminated based on reporting an injury or illness may want to file a complaint under the OSHA law.

PRIVACY

New provisions in the standard prohibit the employer from entering an employee's name on the OSHA 300 Log to protect the privacy of workers in certain situations: sexual assaults, mental illnesses, HIV infection, hepatitis, tuberculosis and needle sticks involving possible contamination with infectious agents.

ARE ALL RWDSU WORKPLACES COVERED UNDER THE STANDARD?

No. Some workplaces that OSHA considers low hazard (ex. schools, universities, small retail shops) are not covered by the Recordkeeping Standard. However every employer covered by the OSHA law must report to OSHA anytime there is a death or three or more workers are hospitalized.

WHY IS THIS INFORMATION IMPORTANT?

The information on the OSHA Logs can be very valuable to us in identifying

workplace hazards. Reviewing the Logs can help evaluate the types, frequency, and location of injuries in our workplaces. The information can be used to identify hazards that need to be better controlled or eliminated.

The Logs are not, however, a complete and accurate accounting of all workplace injuries and illnesses. Some injuries or illnesses are not reported if the employer does not believe they are work-related. Other injuries are not required to be reported on the forms.

Additional sources of important information on workplace injuries and illnesses include surveys of workers, mapping of hazards and health insurance and Workers' Compensation Data. This information can help us work together to **make our workplaces safer.**

SAMPLE REQUEST FOR OSHA LOGS OF INJURIES AND ILLNESSES

[Date]

[Company]

[Address]

SUBJECT: OSHA Forms

Dear [name of plant manager]

As a employee (or former employee) of _____, and pursuant to Federal OSHA Regulation 29 CFR 1904.35, I hereby request that a copy of the Log and Summary of Recordable Occupational Injuries and Illnesses, (OSHA Form 300 and 300-A) for 2002 and the OSHA 200 and 200-A forms for 2001 and 2000 [you can go back five years] be made available to [your name] by the end of the next business day. The Log and Summary for the entire establishment is requested.

Sincerely,

[Signature]

[Union Office, if any]

If you have questions or need help analyzing workplace Injury and Illness logs contact:
RWDSU Health and Safety Department
30 East 29th Street
New York, NY 10016
(212) 684-5300

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