OSHA Incident Tracker: Q&A

Q: Does this tool make annual reporting to OSHA seamless?
A: Yes. In the reporting area, there is a link to provide your OSHA 300A report to OSHA’s electronic recordkeeping site, ITA.

Q: Can multiple people have access to the same homepage?
A: No. The license is meant to provide one user with access to OSHA Incident Tracker. We do offer bulk discount rates for companies that may need more than one license.

Q: We have multiple companies and need different people to have access. Is that possible?
A: Yes. If more than one person is responsible for tracking incidents, we offer bulk discount rates for each person to have access.

Q: Is there a way to import data from another system/database?
A: If you are able to export the location and employee data from another system, you can copy and paste it onto our Excel spreadsheets and upload it into OSHA Incident Tracker. You are not able to upload prior incidents, but you are able to back-date them in order to put them into the program.

Q: Can information be extrapolated to an insurance carrier?
A: You may provide the First Report of Injury form to your insurance carrier to start the workers’ comp claim.

Q: What form should I use to post my annual summary of workplace injuries and illnesses?
A: The OSHA 300A can be used to post the annual summary of injuries and illnesses. The OSHA 300A is a separate, unique form.

Q: Are volunteers considered employees for recordkeeping purposes?
A: An OSHA letter of interpretation dated 05/13/2005 about coverage of volunteers says that if staff are volunteers who receive no monetary or other compensation, it is OSHA’s view that they are not employees subject to coverage under the federal OSH Act.

However, some states that operate their own occupational safety and health laws also extend coverage to certain volunteers and other workers exempt from federal OSHA authority.

Regardless of whether volunteers are covered, OSHA encourages organizations to ensure that their volunteers receive the training outlined in OSHA’s standards. That way, the organization will reduce the risks and provide a safer working environment for its volunteer workers.

Q: Can the employer be cited if the employee fails to follow a work restriction?
A: From the National Association of Manufacturers (NAM) legal challenge to OSHA’s Recording and Reporting regulations:

“Section 1904.7(b)(4)(viii) deals with the recordability of cases in which a physician or other health care professional has recommended a work restriction. The section also states that the employer ‘should ensure that the employee complies with [the recommended] restriction.’ This language is purely advisory and does not impose an enforceable duty upon employers to ensure that employees comply with the recommended restriction.”
Q: For injury and illness recordability, is the parking lot considered part of the work environment? What if the employee has not clocked in yet?

A: The parking lot issue arises from the definition of “work environment” in §1904.5(b). OSHA defines the work environment as “the establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his or her work.”

Employees are present in the parking lot as a condition of employment, which means the parking lot is part of the “work environment.” As stated in §1904.5(a), “You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness.” This also means that the recordability is not affected by whether or not the employee has clocked in for the day—the employee is present as a condition of employment.

For example, if an employee drives to work, parks in an employee parking lot, gets out of the car and slips on some ice with the result being a broken arm, the case is recordable. The injury was caused by an exposure in the work environment and does not specifically meet an exemption given in §1904.5(b)(2), which includes (among other things) employees who are present as members of the general public.

The confusing part is that the “work environment” must have some connection to the workplace. For example, if an establishment does not have a designated parking area, employees may have to park on a public street. In this case, the public street is not considered part of the work environment, partly because the employer has no control over the conditions of the street (such as snow removal). On the other hand, if the company forms an agreement to use and maintain a designated area of a larger parking lot that is shared by several employers, there is arguably a connection to the workplace. Thus, the parking area could be considered part of the work environment.