OSHA has updated its rules for annual electronic reporting of injuries and illnesses to account for worker privacy. The new final rule was published in the Federal Register on January 25, 2019 and is **effective February 25, 2019**.

**What Has Changed?**

**Employers with more than 250 employees were to begin including OSHA Forms 300 and 301 with their electronic submittals starting in 2019.** These forms name the particular workers affected, along with the body parts injured, date of birth, date of hire, address, and treatment. This information could have made it to the online, searchable database, compromising sensitive employee information.

**The new rule removes this requirement in order to protect worker privacy.** Employers with more than 250 employees are still required to submit their 300As.

In addition, **OSHA is requiring employers to submit their Employer Identification Numbers with their electronic submissions.** OSHA feels this new requirement will help better organize and track submissions and avoid duplications.

**Below is a revised table of requirements.** Are you required to submit electronically? If you have questions, please contact us!

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| If your company has… | 250+ Employees | 20-249 Employees (Covered Industries) | 20-249 Employees  (Not Covered Industries) | 19 or Fewer Employees |
| Who Reports Electronically? | All | There are 66 categories of establishments included.  (Link is below) | None | None |
| Which Records to Submit to OSHA? | Form 300A Only | Form 300A Only | None | None |
| Electronic Data Due to OSHA | March 2 for Previous Year’s Records | March 2 for Previous Year’s Records | None | None |
| How Do You Calculate Number of Employees? | Count the maximum you had AT ANY TIME throughout the previous year.  So, for example, if you have 250 employees for only 2 months of the previous year, you’d still fall in the 250+ category even if you were below it for the other 10 months. | | | |
| Do Part-Time, Seasonal and Temp Workers Count in the Final Total? | Yes | Yes | Yes | Yes |
| Data for Previous Year Still Posted at Workplace Feb 1-Apr 30? | Yes | Yes | Yes | Yes (10-19 employees) |
| Required to Maintain Forms 300 and 301 Onsite | Yes | Yes | Yes | Yes (10-19 employees) |

[Click here for a list of NAICS Codes covered industries applicable to this regulation.](https://isienvironmental.com/wp-content/uploads/2017/07/Electronic_Recordkeeping_Companies.pdf)