



# Electronic Alert

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## **OSHA Delays Enforcement of Rule Tracking Workplace Injuries and Illnesses By Amy Angel and Nicole Elgin**

The Occupational Safety and Health Administration (OSHA) has announced that it is delaying enforcement of the anti-retaliation provisions of its final rule to [Improve Tracking of Workplace Injuries and Illnesses](#). OSHA issued the final rule this past May and enforcement was originally scheduled for August 2016. The agency is delaying enforcement until December 1, 2016, because of a pending challenge to the final rule in the U.S. District Court for the Northern District of Texas.

We explained the impact of the rule's anti-retaliation provisions on employers' drug testing policies in our [e-alert](#) this summer. Additionally, employers are required to inform employees of their right to report work-related injuries and illnesses without fear of retaliation. All reporting procedures must be reasonable and may not deter workers from accurately reporting workplace injuries, including safety incentive programs. OSHA will also now have the authority to cite employers for violations of the rule, even when an employee has not filed a complaint. The new rule also requires employers to electronically submit certain forms based on their number of employees. E-submission is required beginning in 2017 and OSHA has announced that its submission site will be live in February 2017.

States with OSHA state plans, like Oregon, must adopt requirements that are substantially identical to those under OSHA's rule by mid-November. Oregon OSHA is currently [accepting comments](#) on proposed changes to OAR 437-001-0700 Recording Workplace Injuries and Illness. Employers should review [Oregon's proposed changes](#) and submit questions and concerns before the commentary period closes on November 4, 2016.