



## 2016 SAFETY AND HEALTH BULLETIN

**TO:** All SMACNA Members **SB: 16-04**

**FROM:** Michael A. McCullion, CSP, ARM  
Director of Market Sectors and Safety

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**SUBJECT: OSHA reporting rule – reporting procedures and incentive programs**

SMACNA Safety Bulletin 16-03 summarized the new reporting requirements under the new OSHA rule for electronic reporting of injury and illness data. This safety bulletin provides further information.

In summary, most sheet metal and HVAC firms, except those with less than 20 employees, will be required to follow this new rule. Under the new rule, all establishments with 250 or more employees in industries covered by the recordkeeping regulation must electronically submit to OSHA injury and illness information from OSHA Forms 300 (OSHA Log), Form 300A (Log Summary), and Form 301 (Injury/Illness Incident Report). Sheet metal and HVAC company establishments with 20-249 employees must electronically submit information from OSHA Form 300A only.

The final rule also has certain criteria for implementing a program for reporting injuries and illnesses that focuses on promoting an open reporting policy, specifically regarding fear of retaliation and incentive programs. Employers are required to establish and implement “reasonable” reporting procedures that employees must follow including the right to report work related injuries and illnesses without fear of retaliation, discrimination, or disciplinary actions. The procedures should not include “incentive programs” that result in under-reporting of incidents due to employees fear of losing a bonus or prize for “zero injury” awards.

Another underlying aspect of the new rule affects drug testing policies and avoidance of drug testing programs that include blanket post-injury drug testing policies that deter proper reporting. Post incident drug testing may need to focus on a reasonable suspicion of drug use that may have contributed to the incident. However, this issue of injury reporting and drug testing is one that will need further assessment as OSHA considers enforcement actions.

The new requirements take effect August 10, 2016, with phased in data submissions beginning in 2017. These requirements do not add to or change an employer's obligation to complete and retain injury and illness records under the [Recording and Reporting Occupational Injuries and Illnesses regulation](#). For more information see the [news release](#) and visit OSHA's [webpage on the final rule](#), which includes links to a fact sheet and frequently asked questions. For additional information or guidance, contact Mike McCullion, SMACNA's director of market sectors and safety at [mmccullion@smacna.org](mailto:mmccullion@smacna.org) or 703-995-4027.