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OSHA RECORDKEEPING AND COVID-19

ANSWERS TO OUR MOST FREQUENTLY ASKED QUESTIONS

On Tuesday, March 10, 2020, OSHA provided guidance requiring the recording and reporting of workplace exposures to COVID-19. To provide clarity, below are answers to the most frequent questions we have received since the COVID-19 outbreak:

1. If an employee contracts COVID-19, is it recordable on the OSHA 300 Log?

Yes, confirmed COVID-19 cases are recordable per OSHA guidance.

According to OSHA, if an employee who has a confirmed COVID-19 case where the workplace was the likely cause or contributing factor of the illness, then that incident would be recordable as long as one of the following criteria is met:

1. Medical treatment (beyond first aid) is provided, such as prescription medication is issued
2. Restricted duty is imposed by the treating physician or the employer
3. Days away from work (lost time) is imposed by the treating physician (where the employee is kept from work and cannot work at home due to the virus)

Based on the characteristics of the virus, it's almost a certainty that one of these 3 criteria would be met as medical treatment will be needed or the employee will have to maintain a safe distance from fellow employees for a designated period of time.

2. Do I have to record a case if the employee believes COVID-19 was contracted in the workplace?

Maybe, depending on the circumstances.

You must determine, on a case-by-case basis, whether it is more likely than not that an event or exposure in the work environment caused or contributed to the illness based on review of the circumstances, such as an employee's work duties (e.g., was he in close contact with someone who has the illness or

worked in an area with other employees who may have also contracted the virus). If it is more likely than not to be work-related, you must record.

Keep in mind, an employee reporting an illness to an employer or asserting they contracted the illness in the work environment does not make the case recordable; it is the employer's responsibility to determine work-relatedness based on available info.



Don't Forget:
Only confirmed
COVID-19 cases must
be recorded on the
OSHA Log.

3. Do I have to record a COVID-19 case if my employee knows he contracted the virus outside the work environment?

No. If exposure occurred outside the workplace, it is not considered work-related and would not need to be reported to OSHA.

Keep in mind, if employee diagnosed with COVID-19 was in the workplace after exposure, future cases of employees with COVID-19 may be work-related (i.e., if an exposure in the work environment caused or contributed to the illness, there is a presumption the illness is work-related)

4. Must employers notify OSHA directly of COVID-19 cases?

It depends. A case is only reportable to OSHA if the employee dies or is hospitalized as an in-patient (outpatient hospitalizations are not reportable to OSHA) as a result of COVID-19 contracted from performing work-related duties.

This follows the normal criteria for reporting severe injuries to OSHA as business owners must report any worker fatality within eight hours and any amputation, loss of an eye, or hospitalization of a worker within 24 hours.



5. If an employee contracts COVID-19 on a business trip while outside the United States, is this a recordable case?

No. Since the exposure occurred outside the jurisdictional boundaries of the United States, this is not a recordable illness.

However, if the employee returns to the workplace in the US and works closely with a co-worker who then contracts COVID-19, the 2nd case may be recordable if it meets all the criteria addressed in question #1 from above.

6. Does workers' compensation related to COVID-19 have any impact on recording a case?

Absolutely not. Whether a workers' compensation claim is filed or not and whether the claim is paid or denied has no bearing on whether a COVID-19 case is recordable.

7. Are recordable COVID-19 cases considered a privacy case and therefore must be kept on a separate log?

No. A privacy case is defined very specifically in the regulations and a COVID-19 case does not meet that definition.

8. Are other infectious diseases such as the common cold or flu recordable cases?

You are not required to record injuries and illnesses if the illness is the common cold or flu as they are specifically excluded per OSHA regulations.

Other contagious diseases, such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work.

