



OSHA Recordkeeping & COVID-19

As of March 2020

Many questions are arising daily due to the current COVID-19 pandemic and its effect on our daily activities and places of business. One such work-related question that has recently been posed is whether a case of COVID-19 must be recorded on an employer's OSHA 300 log.

OSHA requires many employers with more than 10 employees to keep a record of serious work-related injuries and illnesses – with many low-risk industries being exempted. Those industries required to keep this log are now asking if they need to record these COVID-19 cases to prevent being in violation of the OSHA standards.

The most current information that is available from the OSHA website reads as follows:

Recording workplace exposures to COVID-19

OSHA recordkeeping requirements at 29 CFR Part 1904 mandate covered employers record certain work-related injuries and illnesses on their OSHA 300 log. COVID-19 can be a recordable illness if a worker is infected because of performing their work-related duties. However, employers are only responsible for recording cases of COVID-19 if all of the following are met:

- The case is a confirmed case of COVID-19 (see CDC information on persons under investigation and presumptive positive and laboratory-confirmed cases of COVID-19);
- The case is work-related, as defined by 29 CFR 1904.5; and
- The case involves one or more of the general recording criteria set forth in 29 CFR 1904.7 (e.g. medical treatment beyond first-aid, days away from work).

The instances where COVID-19 cases will meet all of OSHA's requirements for a recordable illness may be limited. The main limiting factor would be in the determination if the case is work-related. This may be easier to determine for employees working in the medical or other similar fields, but in other types of businesses it would potentially be more difficult. It is foreseeable that the latter will occur in only somewhat unique circumstances. In addition, the requirement for confirmation of the COVID-19 illness would also limit the recordability. The CDC is the agency that is currently confirming presumptive cases. This confirmation would need to occur before the instance would be recordable.

Additional information regarding OSHA and COVID-19 can found here:

<https://www.osha.gov/SLTC/covid-19/>
<https://www.osha.gov/Publications/OSHA3990.pdf>

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