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## Injury Report Form

# 9 EXCEPTIONS TO OSHA INJURY REPORTING

### Executive Summary

To record or not to record? That is the question when an employee gets sick or injured at work. In most cases, injuries that occur at work are work-related and must be recorded to maintain compliance with OSHA regulation. That said, OSHA provides nine specific exceptions to this general rule.

# According to the National Safety Council, an American worker gets hurt on the job every 7 seconds.

At that rate, employers who keep OSHA 300 logs of injuries and illnesses make thousands of decisions each day about which injuries must be recorded.

The injury recording requirement applies to employers with ten or more full-time-equivalent employees (including temp workers and contractors). While some industries are partially exempt from this requirement, all employers must still report the most serious incidents [29 CFR 1904.2(a)].

## What gets recorded?

An injury must be recorded if it is a new case that is work-related, and it:

- Results in death
- Results in days away from work, restricted work, or transfer to another job function (DART)
- Requires medical treatment beyond first aid
- Involves loss of consciousness
- Is a “significant injury or illness” as diagnosed by a medical professional

[29 CFR 1904.7]

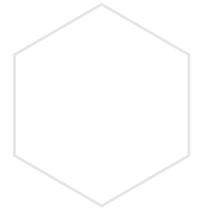
## What’s a “new case”?

An injury or illness is a “new case” if:

- The employee has not previously experienced a recorded injury or illness of the same type that affects the same part of the body
- The employee previously experienced a recorded injury or illness of the same type that affected the same part of the body BUT had recovered completely before an event or exposure at work caused signs or symptoms to re-appear

[29 CFR 1904.6(a)]

Read on to see the 9 injuries or illnesses you don’t record.



## What's "work-related" and what's not?

Every injury or illness at work should be addressed properly. But not every injury that occurs at work is "work-related." Therefore, not every injury needs to be recorded for OSHA compliance purposes.

In the 29 CFR regulations, OSHA helps employers determine recordability by providing 9 specific exceptions to the injury recordkeeping rule.

### Exception #1:

At the time of the injury or illness, the employee is present in the work environment as a member of the general public, rather than as an employee.

**Example:** A cashier slips and falls while buying groceries on her day off.



### Exception #2:

The injury or illness involves signs and symptoms that surface at work, but result solely from a non-work-related event or exposure that occurs outside the work environment.

**Example:** A forklift driver hits his head during a pick-up football game with friends outside of work, then shows signs of a concussion the next day when starting his shift.



### Exception #3:

The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity like a blood donation, physical examination, flu shot, or exercise class.

**Example:** During a break from work, a machine operator breaks her thumb while throwing a frisbee outside the facility.



### Exception #4:

The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption.

**Example:** An employee reaches into the toaster to grab toast he made for himself and burns his hand.

*There are a couple of exceptions to this one:*

**Exception 1:** If an employee is made ill by ingesting food that was contaminated by workplace contaminants, e.g. lead, the illness is considered work-related and should be recorded.

**Exception 2:** If an employee gets food poisoning from food supplied by the employer, the illness is considered work-related and should be recorded.



## Exception #5:

The injury or illness is solely the result of an employee doing personal tasks (unrelated to his or her employment) at the establishment outside of the employee's assigned working hours.

**Example:** A hardware store employee cuts his hand while shopping for a chainsaw after his shift ends.



## Exception #6:

The injury or illness is solely the result of personal grooming or self-medication for a non-work-related condition or is intentionally self-inflicted.

**Example:** An employee has an allergic reaction to cough medicine taken of her own volition during work hours.



## Exception #7:

The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.

**Example:** After a fender bender in the parking lot one morning, an employee complains of neck pain.



## Exception #8:

The illness is a common cold or flu.

**IMPORTANT:** Other contagious diseases like tuberculosis, brucellosis, or hepatitis A are considered work-related if the employee is infected at work.



## Exception #9: The illness is a mental illness.

**Example:** An employee reports symptoms of depression to his manager.

Mental illness is not considered work-related unless the employee voluntarily provides the employer with an opinion from a health care professional stating that the employee has a mental illness that is work related.



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