

New OSHA Electronic Reporting Rule Takes Effect



Injuries and Illnesses) and Form 301 (Injury and Illness Incident Report), and their Form 300A.

The new rule leaves in place existing regulations requiring:

- Businesses with 20 to 249 workers in certain high-hazard industries to electronically submit information from their Forms 300A once per year.
- All employers with 250 or more workers to electronically submit information from their Forms 300A once per year.

The final day to submit the above electronic files is March 2, 2024. You can find a full list of the affected 104 industries [here](#). ❖

IT'S TIME TO POST YOUR OSHA FORM 300A

Employers with 10 or more employees must post their completed OSHA Form 300A by Feb. 1 and keep it posted in their workplace until April 30.

The form must be posted where the company usually posts other staff notices, like minimum wage and worker rights posters. The Annual Summary (Form 300A) requires the following information from the Form 300 Log:

- The total number of non-first-aid injury and illness cases.
- The total number of cases with days away from work and cases with job transfer or restriction, and total number of other recordable cases.
- The total number of days from all injuries, including days away from work and job transfer restrictions.
- The number of injury/illness cases, including skin disorders, respiratory conditions, poisoning and hearing loss.

A NEW RULE by the Department of Labor requires firms with 100 or more employees in certain industries to electronically submit their OSHA Form 300 and 301 logs, starting in 2024. These are in addition to submission of Form 300A (Summary of Work-Related Injuries and Illnesses).

The new rule applies to businesses in 104 high-hazard industries that include the agricultural, food production, manufacturing, retail, wholesale, transportation and medical sectors.

All employers that are subject to OSHA regulations are required to annually submit to OSHA Form 300 (Log of Work-Related

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Revisit Your Practices If You Use Independent Contractors

Is the person's work integral to the employer's business?

The more integral the work is, the more likely the person is to be an employee. The less integral it is, the more likely they are to be an independent contractor.

Does the worker use specialized skills developed outside the employment? If the worker doesn't use specialized skills or depends on the employer for training, they are more likely to be an employee. If the person brings those skills to work and does not rely on the employer for training, they are more likely an independent contractor.

The takeaway

If your firm uses independent contractors as a normal course of business, you will need to revisit your practices and determine if the new rule changes your relationship with them. It may be wise to consult legal counsel.

Finally, business organizations have already indicated they will challenge the rule-making in court. And some Senate Republicans have said they will seek to repeal the rule via the Congressional Review Act.

For now, however, the new rule is codified and applicable. It takes effect on March 11, 2024. ❖