



# OSHA Determining Work-Relatedness for Recordkeeping Purposes 29 CFR 1904.5



Employers that are required by 1904.4(a) to keep records of fatalities, injuries and illnesses must record each fatality, injury and illness that is

- Work-related
- A new case
- Meets the general recording criteria of 1904.7 or the application to specific cases of 1904.8-1904.12

## Recordkeeping & Recording Criteria



# Who is required to keep records?



10 or fewer employees at all times during the previous calendar year



Low-hazard industries are partially exempt from routinely keeping OSHA injury and illness records

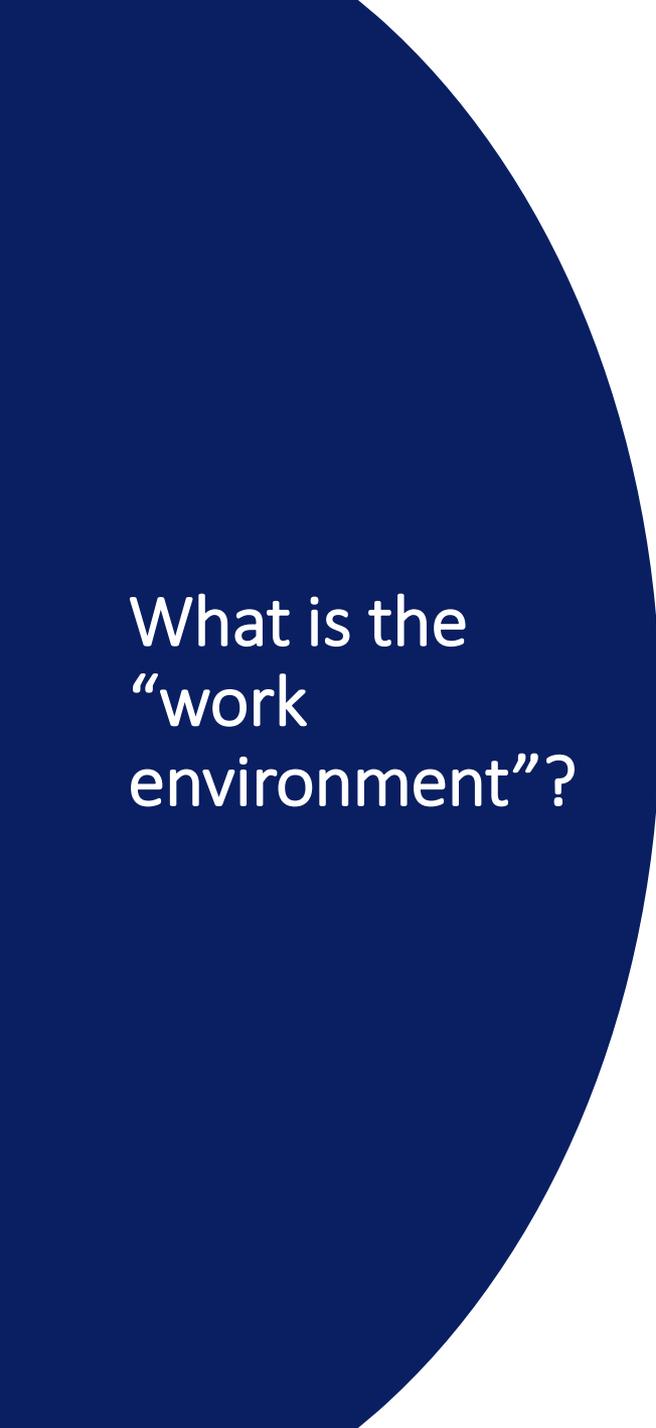


New List of Industries exempt from OSHA recordkeeping  
<https://www.osha.gov/recordkeeping/ppt1/RK1exempttable.html>

# Determining Work- Relatedness

Understand the basic requirements

*““You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in 1904.5(b)(2)(2) specifically applies.”*



## What is the “work environment”?

OSHA defines the work environment as “the establishment and other locations where one or more employees are working or are present as a condition of their employment.

The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his or her work.”



## Are there situations where an injury or illness occurs in the work environment and is not considered work-related?

You are NOT required to record injuries and illnesses if:

1. At the time of the injury or illness, the employee was present in the work environment as a member of the general public rather than as an employee.
2. The injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment
3. The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.

## Are there situations where an injury or illness occurs in the work environment and is not considered work-related?

4. The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption (whether bought on the employer's premises or brought in). For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related. *Note: If the employee is made ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related.*
5. The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours.

## Are there situations where an injury or illness occurs in the work environment and is not considered work-related?

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

## Are there situations where an injury or illness occurs in the work environment and is not considered work-related?

8. The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work). The illness is a mental illness. Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner etc.) stating that the employee has a mental illness that is work-related.

How do I handle a case if it is not obvious whether the precipitating event or exposure occurred in the work environment or occurred away from work?

In these situations, you must evaluate the employee's work duties and environment to decide whether or not one or more events or exposures in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition.



# How do I know if an event or exposure in the work environment “significantly aggravated” a preexisting injury or illness?

A preexisting injury or illness has been significantly aggravated, for purposes of OSHA injury and illness recordkeeping, when an event or exposure in the work environment results in any of the following:

- Death
  - Loss of Consciousness
  - Days Away from Work
  - Medical Treatment where no medical treatment was needed prior
-

# What if my employee is on travel status at the time the injury or illness occurs?

Injuries and illnesses that occur while an employee is on travel status are work-related if, at the time of the injury or illness, the employee was engaged in work activities "in the interest of the employer." Examples of such activities include travel to and from customer contacts, conducting job tasks, and entertaining or being entertained to transact, discuss, or promote business (work-related entertainment includes only entertainment activities being engaged in at the direction of the employer).

# What if my employee is on travel status at the time the injury or illness occurs?

If the employee has: Taken a detour for personal reasons

- You may use the following to determine if an injury or illness is work-related: Injuries or illnesses are not considered work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (e.g., has taken a side trip for personal reasons).

## HOW DO I DECIDE IF A CASE IS WORK-RELATED WHEN THE EMPLOYEE IS WORKING AT HOME?

Injuries and illnesses that occur while an employee is working at home, including work in a home office, will be considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work rather than to the general home environment or setting.





# Recording and Reporting Occupational Injuries and Illness 29 CFR 1904.39



## Basic Requirement

- Within eight (8) hours after the death of any employee as a result of a work-related incident, you must report the fatality
- Within twenty-four (24) hours after the in-patient hospitalization of one or more employees or an employee's amputation or an employee's loss of an eye, as a result of a work-related incident, you must report the in-patient hospitalization, amputation, or loss of an eye to OSHA



# How to report

## 1904.39(a)(3)(i)

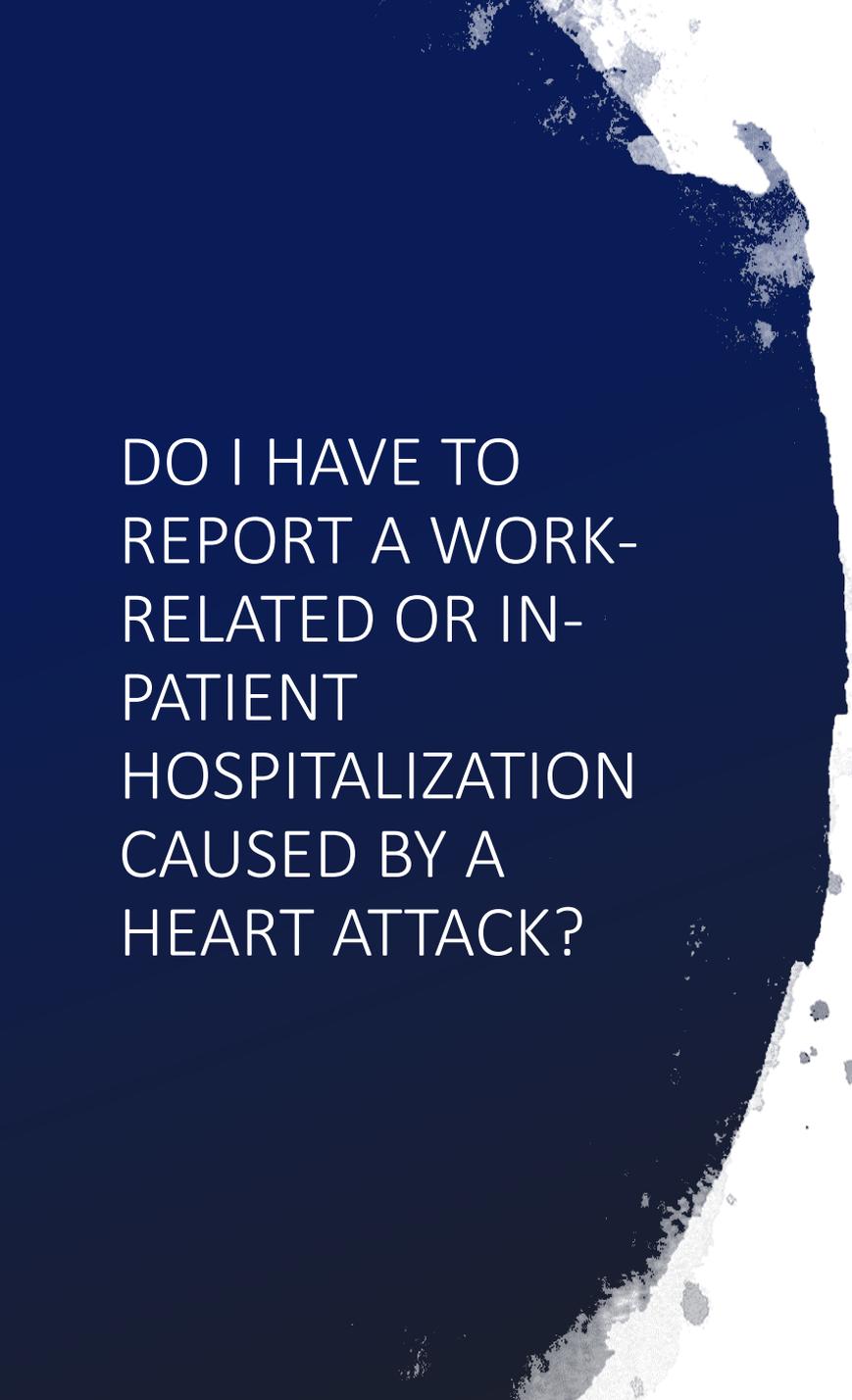
- By telephone or in person to the OSHA Area Office that is nearest to the site of the incident.

## 1904.39(a)(3)(ii)

- By telephone to the OSHA toll-free central telephone number, 1-800-321-OSHA (1-800-321-6742).

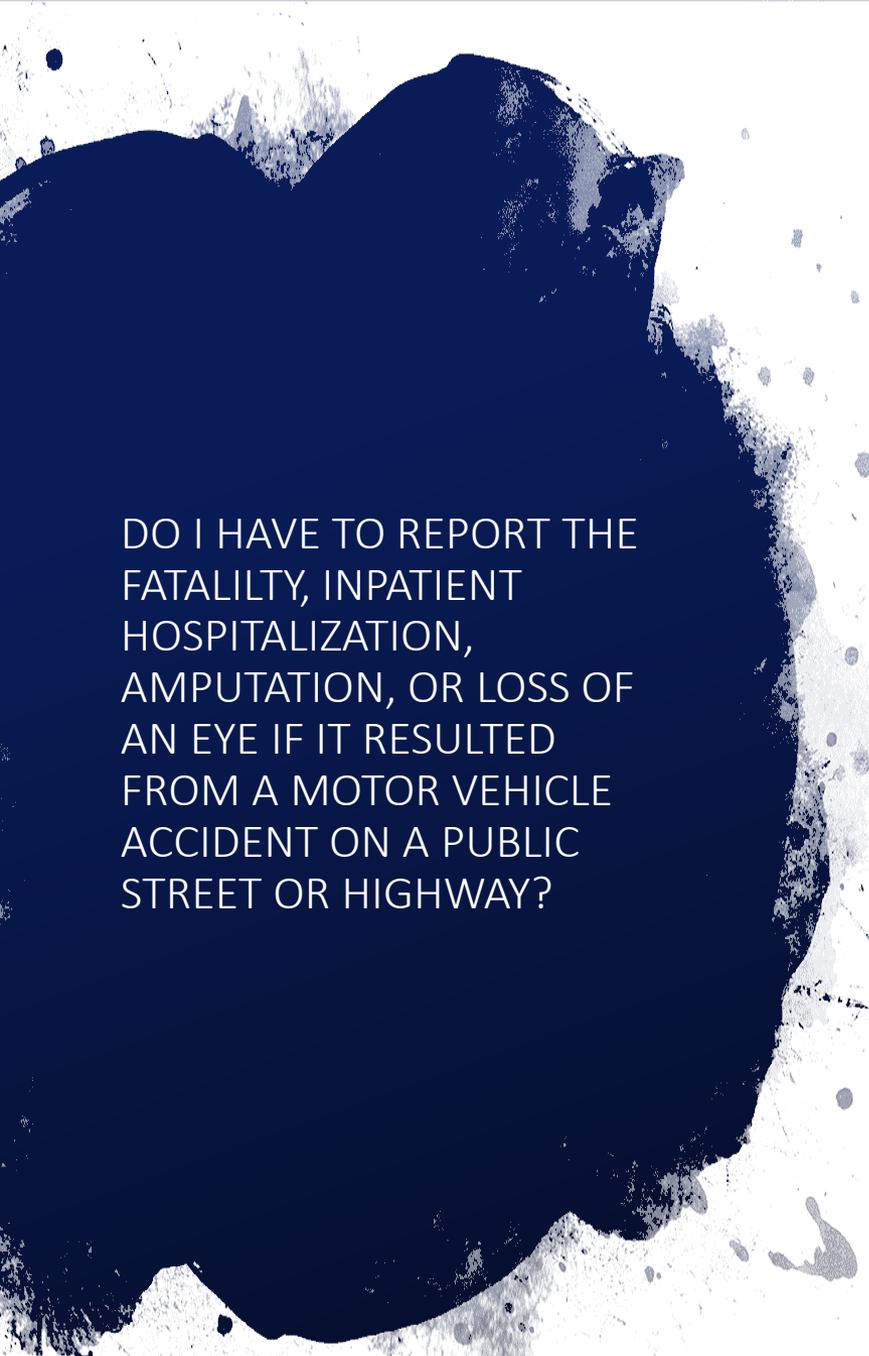
## 1904.39(a)(3)(iii)

- By electronic submission using the reporting application located on OSHA's public Web site at [www.osha.gov](http://www.osha.gov).



DO I HAVE TO  
REPORT A WORK-  
RELATED OR IN-  
PATIENT  
HOSPITALIZATION  
CAUSED BY A  
HEART ATTACK?

YES! Even if the coroner states that it isn't work related, your local OSHA Area Office director will decide whether to investigate the event, depending on the circumstances of the heart attack.



DO I HAVE TO REPORT THE FATALITY, INPATIENT HOSPITALIZATION, AMPUTATION, OR LOSS OF AN EYE IF IT RESULTED FROM A MOTOR VEHICLE ACCIDENT ON A PUBLIC STREET OR HIGHWAY?

- If the motor vehicle accident *occurred in a construction work zone, you must report the fatality, in-patient hospitalization, amputation, or loss of an eye.* If the motor vehicle accident occurred on a public street or highway, but not in a construction work zone, **YOU DO NOT HAVE TO REPORT THE FATALITY, INPATIENT HOSPITALIZATION, AMPUTATION OR LOSS OF AN EYE TO OSHA.** However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.

What if the fatality, in-patient hospitalization, amputation, or loss of an eye does not occur during or right after the work-related incident?

- You must only report a fatality to OSHA if the fatality occurs within thirty (30) days of the work-related incident. For an in-patient hospitalization, amputation, or loss of an eye, you must only report the event to OSHA if it occurs within twenty-four (24) hours of the work-related incident. However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.

How does  
OSHA define  
“in-patient”  
hospitalization?

OSHA defines inpatient  
hospitalization as a  
formal admission to  
the in-patient service  
of a hospital or clinic  
for care or treatment.

Do I have to report an in-patient hospitalization that involves only observation or diagnostic testing?

No, you do not have to report an in-patient hospitalization that involves only observation or diagnostic testing. You must only report to OSHA each inpatient hospitalization that involves care or treatment.



## Questions?



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