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IS COVID-19 AN OSHA RECORDABLE?

Companies are dealing with many challenges in the face of the current pandemic but following health and safety policies are as important as ever, and OSHA recordkeeping still needs to be maintained. Organizations should be prepared to address potential COVID-19 exposures, and what to do with a confirmed case.

COVID-19 Can Be a Recordable Illness

OSHA recordkeeping requirements at [29 CFR Part 1904](#) require recording certain work-related injuries and illnesses on their OSHA 300 Log. COVID-19 can be a recordable illness if a worker is infected as a result of performing their work-related duties. However, employers are only responsible for recording cases of COVID-19 if all of the following are true:

1. 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);
2. The case is work-related (as defined by [29 CFR 1904.5](#)); and
3. 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).

OSHA Enforcement Update

This leads to a difficult question, “*How would an organization know that their employee contracted COVID-19 at their workplace, and not through community transmission?*” Unless you work within the healthcare industry or emergency response services (e.g., emergency medical, firefighting, and law enforcement services), it is difficult to make a work-related determination. In light of those difficulties, OSHA has adjusted its enforcement discretion for other industries:

Until further notice, OSHA will not enforce recordkeeping rules to require employers to make work-relatedness determinations, except where:

1. *There is objective evidence that a COVID-19 case may be work-related. This could include, for example, a number of cases developing among workers who work closely together without an alternative explanation; and*
2. *The evidence was reasonably available to the employer. For purposes of this memorandum, examples of reasonably available evidence include information given to the employer by employees, as well as information that an employer learns regarding its employees’ health and safety in the ordinary course of managing its business and employees.*

[OSHA issued this temporary enforcement policy](#) to help employers focus their efforts on implementing good hygiene practices in their workplaces, and otherwise mitigating

COVID-19's effects, rather than on making difficult work-relatedness decisions in circumstances where there is community transmission.

If you have additional questions relating to OSHA recording criteria, or other health and safety issues, feel free to contact Keith Gaydosh (330-854-9066 x.21) at Affinity Consultants, Inc.