



## **OSHA RECORD KEEPING FORMS**

Vs.

## **WORKER'S COMPENSATION FORMS**

### **WHAT'S THE DIFFERENCE?**

OSHA Form 300, OSHA Form 300A, OSHA Form 301, WC Form 19. What do I do with all these Forms?

Recently, Risk Management Services has been fielding many inquiries about the new OSHA Record keeping requirements and the confusing issue as to which forms need to be completed.

**First and foremost.** It is important to understand that OSHA and Worker's Compensation are two separate and distinct laws. Each has separate and distinct reporting and record keeping requirements. Neither OSHA nor Worker's Compensation have similar forms. Each has their own forms and they cannot be interchanged.

So, that being said, what do you need to do?

#### **OSHA:**

##### **1) OSHA FORM 300:**

OSHA requires all public agencies, regardless of the number of employees, to keep and maintain a "**Log of Work-Related Injuries and Illnesses**", known as OSHA Form 300. A copy is included for your use. There are specific requirements for recording injuries and illnesses on this Log. You are required to keep this Log on file for five (5) years following the year to which they pertain. This Log is to be maintained on a Calendar year basis.

##### **2) OSHA FORM 300A:**

This is OSHA's "**Summary of Work-Related Injuries and Illnesses**". This Form is to be used as the new annual summary that is to be posted every year on February 1<sup>st</sup>. The Form 300A **replaces** the old method of posting your annual summary. You must now post this form for three months from February 1<sup>st</sup> until April 30<sup>th</sup> of each year, beginning February 1, 2003. A copy is included for your information and use.

### **3) OSHA FORM 301:**

Now we get into an area that has been confusing to many people. This new OSHA Form, titled “**Injury and Illness Incident Report**”, is one of the first forms you should fill out when an OSHA recordable work-related injury or illness has occurred. This Form is the **only** acceptable form to be used as the back up to report all information relating to any OSHA recordable injury or illness. You may, however, design your own internal form as a substitute, **as long as your form contains the identical information as the OSHA Form 301.**

#### **What does that mean?**

It means you **cannot use** the Worker’s Compensation Form 19, “Employer’s Report of Employee Injury or Occupational Disease to the Industrial Commission” as your incident report.

#### **Why not?**

The Form 19 does not contain all of the required information that appears on OSHA Form 301.

#### **What is different?**

There are nine items on the OSHA Form 301 that do not appear on the WC Form 19. They include:

- A) ATTENTION notice. See the box at the top of OSHA Form 301 and Form 300
- B) Date hired
- C) Name of treating physician or other health care professional
- D) Address of treatment facility
- E) If employee was treated in an emergency room
- F) If employee was hospitalized
- G) Case number you assigned from the OSHA 300 Log
- H) Time employee began work
- I) What object or substance directly harmed the employee

#### **What if I design my own employee incident form?**

You may do so, as long as it contains all of the same information that appears on the OSHA 301 Form. You may want to include additional information for your own records.

#### **What are “Privacy concern case” requirements?**

OSHA requires that you maintain a separate Form 300 Log for those cases that fall into specific criteria. See your OSHA record keeping rules for these cases.

### **4) WC FORM 19:**

#### **Do I still have to fill out a Form 19?**

**YES.** Remember, Worker’s Compensation rules apply to employee injuries or occupational diseases that arise out of and in the course of their employment. An employee may be entitled to

benefits under Worker's Compensation. You need to submit a Form 19 to the RMS Worker's Compensation Claims unit. Maintain a copy for your own records.

**Are Worker's Compensation injuries required to be recorded on the OSHA 300 Form?**

Not necessarily. A Worker's Compensation injury or occupational disease is to be included on the OSHA 300 log in those cases where the incident is considered **recordable** under OSHA criteria. First aid cases are not OSHA recordable, for example. However, these cases may be a Worker's Compensation claim.

**Are OSHA recordable injuries or illnesses also Worker's Compensation claims?**

Again, not necessarily. Definitions for recordability under OSHA may not meet the criteria of a Worker's Compensation claim. Here, again, this depends on the incident.

**How come OSHA and the Industrial Commission haven't designed a common form?**

This is in the discussion phase between the two Departments. However, no agreement has been reached. Remember that NC OSHA must follow Federal rules when developing record keeping requirements. Therefore, you must continue to keep these two records separate from one another.

For additional information contact risk management services at **1- 800-228-0986** and select "**safety and risk control**" from the available options.

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