

# ***AFL-CIO Fact Sheet***

## **Trump Administration Moves to Roll Back Workplace Injury Reporting**

### ***Oppose This Action to Hide Workplace Injuries***

On July 30, 2018, the Trump administration, siding with corporate interest against workers, proposed to revoke parts of OSHA's 2016 Improve Tracking of Workplace Injuries and Illnesses rule that requires employers to report workplace injury data to OSHA. (83 FR 36494). <https://www.gpo.gov/fdsys/pkg/FR-2018-07-30/pdf/2018-16059.pdf>. This will allow employers to hide their injury records, and keep workers, the public and OSHA in the dark about injuries and illnesses that are occurring in American workplaces. It will make it harder to identify dangerous workplaces, the types of injuries that are occurring and the hazards that are causing them, and to take action to prevent them.

We must fight back to oppose this latest attack on worker safety and health protections. Please join us and tell the Department of Labor to keep this important rule. The deadline for comments is September 28, 2018.

### **Background on OSHA Injury Tracking Rule**

In May 2016, the Obama administration issued an important new regulation- Improve Tracking of Workplace injuries and Illnesses (81 FR 29624) – to provide OSHA, workers, employers, researchers and the public ready access to workplace injury data to help identify hazards and prevent injuries. <https://www.gpo.gov/fdsys/pkg/FR-2016-05-12/pdf/2016-10443.pdf>. Winning this rule was a major victory for workers, making it easier to track workplace injuries and strengthening protections for workers who report injuries.

The Injury Tracking rule does not impose any new recordkeeping requirements on employers. It simply requires certain employers to report the data from their OSHA required injury records to the agency. OSHA has required employers to keep workplace injury records since 1971, and workers, unions and OSHA have the right to access injury records at individual workplaces. But there has been no way to get direct, timely systematic access to workplace specific injury and illness data. Prior to the new rule, OSHA required a small number of employers to send summary injury information to OSHA under the OSHA Data Initiative. The 2016 rule greatly expanded the number of employers required to submit injury data, and expanded the detail of information submitted by large employers. It also strengthened protections for workers who report injuries.

Specifically, the 2016 OSHA Injury Tracking rule:

- Requires establishments with 20 or more workers in high hazard industries and all large establishments with 250 or more workers to electronically report summary injury and illness information from their OSHA 300A forms to OSHA annually starting in 2017.
- Requires large establishments with 250 or more workers to electronically submit more detailed injury data from their OSHA 300 logs and information from the OSHA 301 individual case reports starting in July 2018. (To protect worker privacy, this excluded information that would identify individual workers.)

- Strengthens anti-retaliation protections for workers who report injuries, prohibiting employers from discouraging or retaliating against workers for reporting injuries, and made such actions violations of the rule subject to citation. (In effect since December 2016).
- Announced OSHA would make the workplace injury data reported by employers available to the public, posting the data on the OSHA website (except for personally identifiable information in order to protect worker's privacy), bringing OSHA injury data collection, access and utilization into the 21<sup>st</sup> Century.

### **Industry Groups Oppose the Rule – The Trump Administration Proposes Rollback**

Many industry groups and employers strongly opposed the Injury Tracking rule. They want to hide their workplace injury records and keep this information from OSHA, workers and the public. The U.S. Chamber of Commerce and other industry groups challenged the rule in court, and put it on their hit list for repeal by the Trump administration.

The Trump administration responded. First, they delayed the rule, refused to enforce it and announced plans to roll it back. Now they have taken formal action and proposed to repeal major parts of the rule.

The administration proposes to repeal the requirements for large employers (establishments of 250 or more workers) to report the injury data from the OSHA 300 log and the injury case reports (OSHA 301s). This would mean that **information on the types of injuries that are occurring and the hazards that cause them would no longer have to be reported to OSHA**. OSHA would only get information on the number and rates of workplace injuries reported on the OSHA 300A summary. Moreover, the Trump administration is refusing to make any of the injury data it receives publicly available, even though OSHA has been making workplace specific injury rate data previously collected by the agency available to the public since 2005.

### **Phony Claims about Worker Privacy – Siding with Industry to Hide Workplace Injuries**

The Trump administration claims it is repealing injury reporting requirements in order to protect worker's privacy and because the detailed injury data is not useful to OSHA. These claims are false. The 2016 injury reporting rule was specifically designed to protect worker privacy. No information that would identify individual workers was required to be reported. Indeed OSHA directed employers **not to report** this information. OSHA made clear that any personally identifiable information that was mistakenly reported by employers, would be scrubbed from the files and not released to the public.

The 2016 rule found that systematic collection and access to workplace injury and illness data would greatly assist the identification of workplace injuries and hazards and efforts to prevention. The detailed injury data would allow OSHA to identify workplaces where particular types of injury are occurring and hazards are present and target enforcement and compliance assistance efforts to these workplaces. It would provide workers and unions with data to track injuries across different establishments of the same employer. It would enable employers to benchmark their performance against others in the industry. It would enable public health officials to identify emerging problems and detect patterns of injury and illness. And it would assist researchers in studying the causes of work-related injuries and the effectiveness of interventions to prevent them.

The truth is that the administration has sided with industry to hide workplace injuries and illnesses from workers and the public. Instead of moving into the 21<sup>st</sup> Century and using data and technology to advance worker safety and health, they want to return to the Dark Ages where employers control all access to critical injury and illness information.

**Take Action to Oppose the Trump Proposal to Hide Workplace Injuries**

We urge you to join the fight to oppose Trump's proposal to hide workplace injuries. Tell the Trump administration that access to workplace injury and illness information will help identify hazards and prevent job injuries. Tell them to protect workers and keep the OSHA Injury Tracking rule in place. You can file comments on-line at Regulations.gov, Docket OSHA-2013-0023. <https://www.regulations.gov/document?D=OSHA-2013-0023-1922>.

**The deadline for filing comments is Friday, September 28, 2018.**

For more information, contact AFL-CIO Safety and Health at 202-637-5366.

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