



**Insurance Services**  
*Global Resources — Client Focused*



## **OSHA's Final Rule on Electronic Reporting**

- **Employers must inform employees that they have a right to report work-related injuries and illnesses free from retaliation; and**
- **Employers must adopt reasonable procedures that employees can use to report workplace injuries and illnesses.**
- **Scheduled to take effect on November 1, 2016.**

According to the final rule, a procedure or system is reasonable if it does not deter or discourage employees from reporting workplace injuries or illnesses.

- **The final rule does NOT prohibit an employer from performing drug tests on employees who are injured at the workplace. However, the final rule does limit how drug testing is approached at the workplace.**
- **Employers CANNOT adopt a blanket policy requiring all employees to submit to a drug test following an accident / workplace incident.**
- **Incentive programs violate anti-retaliation procedures if they discourage employees from reporting workplace accidents.**
  - OSHA has been concerned about incentive programs that intentionally or inadvertently discourage appropriate reporting of workplace safety incidents.

- **Currently, OSHA's role is reactive, meaning that it can investigate and cite employers after receiving a retaliation claim from an employee.**
- **The new rule integrates the new anti-retaliation provisions into OSHA's regulations allowing OSHA to take a more proactive enforcement role.**