

## OSHA-Proposed Mandatory Reporting Rule Could Include Enterprise-Wide Reporting

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As we [previously reported in November](#), OSHA issued a proposed [new recordkeeping rule](#) on Nov. 8, 2013 which would require mandatory electronic reporting of recordable work-related injuries and illnesses on a quarterly (> 250 employees) or an annual basis (> 20 employees in certain industries including manufacturing, construction, retail and transportation).

OSHA has [publicly stated](#) that the proposed rule “does not add any new requirement to keep records” but this is not true with respect to the proposed alternative of “enterprise-wide reporting.” This has not been publicized by OSHA as it would add a new recordkeeping burden which is not currently required at the corporate level. The proposal would require “enterprises” with a minimum of 5 or more establishments to collect summary 300A data from each of its establishments and then the enterprise would be required to submit all of the separate sets of data for each establishment. OSHA has indicated that this would cover the umbrella corporations with various levels of subsidiaries as well for all establishments “it controls.” This could be large burden for companies with 100s or 1000s of establishments across the country (i.e., big box retailers or manufacturers).

OSHA held public meetings on Jan. 9 and 10, 2014 for public comments on the proposed rule during which it received negative feedback from both employers and union representatives. It also has extended the deadline to submit written comments on the rule until [March 8, 2014](#).

OSHA admits the mandatory reporting will be used as a basis to “target” employers for future inspection. Currently, OSHA’s Establishment Search lists information for specific corporate entities but does not reference corporate parents and/or subsidiaries. By requiring enterprise-wide reporting, anyone, including your competitors, union organizers and/or OSHA will be aware of the relationship of larger corporate entities. This increased publicity could result in a variety of negative outcomes including union organizing activity, negative advertising of an employer’s safety record by competitors as well as increased OSHA inspection activity.

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