

CLIENT ALERT: Reporting COVID-19 Cases to OSHA
October 2, 2020

Back in May we wrote a [client alert](#) detailing the circumstances in which an employer must report and record COVID-19 cases for OSHA purposes. OSHA has just provided new guidance on reporting COVID-19 hospitalizations and fatalities, which we summarize below. For more information, or to discuss a specific case, please contact Peter Lowe at plowe@brannlaw.com or 207-754-5672, Dan Stockford at dstockford@brannlaw.com or 207-607-3290, or Hannah Wurgaft at hwurgaft@brannlaw.com or 207-713-0118.

OSHA Recordkeeping Requirements

As a refresher, OSHA requires employers to record cases of COVID-19 if: 1) the case is confirmed by health care officials, 2) the case is work-related, and 3) results in death, days away from work, restricted work, or medical treatment. Illnesses are “work-related” when they result from events or exposures in the work environment. To determine if a case is “work-related,” OSHA encourages employers to 1) ask the employee how they believe they contracted the illness, 2) discuss the employee’s work and out-of-work activities that may have led to the illness, while respecting privacy, and 3) review the employee’s work environment for exposure, including whether other workers in that environment contracted COVID-19. Employers should consider information reasonably available. If an employer engages in a reasonable and good faith inquiry into the origins of their employee’s COVID-19 illness but cannot determine if the employee was exposed in the workplace, the employer need not record the case.

OSHA Reporting Requirements

An employer who learns their employee has been hospitalized with a work-related, confirmed case of COVID-19 must report the hospitalization to OSHA if the hospitalization occurred within 24 hours of the work-related exposure. “Hospitalization” means a formal, in-patient admission to a hospital or clinic for care or treatment. The employer must report the hospitalization to OSHA within 24 hours of learning the hospitalization resulted from a work-related exposure. The incident should also be recorded on the employer’s OSHA injury and illness records.

Similarly, an employer who learns their employee has died of a work-related, confirmed case of COVID-19 must report the fatality to OSHA if it occurred within 30 days of an exposure at work, and must do so within eight hours of learning the fatality resulted from a work-related exposure. The fatality should also be recorded on the employer’s OSHA injury and illness records.

Employers may report hospitalizations and fatalities by calling the nearest OSHA office, calling the 24-hour OSHA hotline, or [online](#). Employers should be prepared with the following information: 1) business name, 2) names of affected employees, 3) location and time of incident, 4) brief description of incident, and 5) contact information for OSHA to follow up.