

First Report and OSHA 300 Log

The differences you need to know when filling out both forms

Employers sometimes are confused by the differences in what they need to report to their workers' compensation insurer and what they need to record on their OSHA log.

By law, an employer must report all work injuries to its workers' compensation insurer. SFM recommends that you submit a First Report of Injury even if the employee needed only minimal treatment. Having this "Incident Only" report on file can be helpful if the employee reports symptoms or needs treatment later.

You also need to submit a First Report of Injury even if you question whether the illness or injury is work-related. Failure to report a claimed injury can result in state fines. SFM is experienced in investigating questionable claims and determining whether they are legitimate.

However, not all injuries that you report to your workers' compensation insurer need to be recorded on your federal Occupational Safety and Health Administration forms. OSHA recording is limited to work-related injuries and illnesses that involve:

- Death.
- Days away from work.
- Restricted work or job transfer.
- Medical treatment beyond first aid.
- Loss of consciousness.
- Diagnosis by a licensed healthcare professional as a significant injury or illness.

'Restricted work'

OSHA's newly revised regulations clarify what constitutes "restricted work," item three in the list above. This is also sometimes referred to as "light duty" or "modified duty" work.

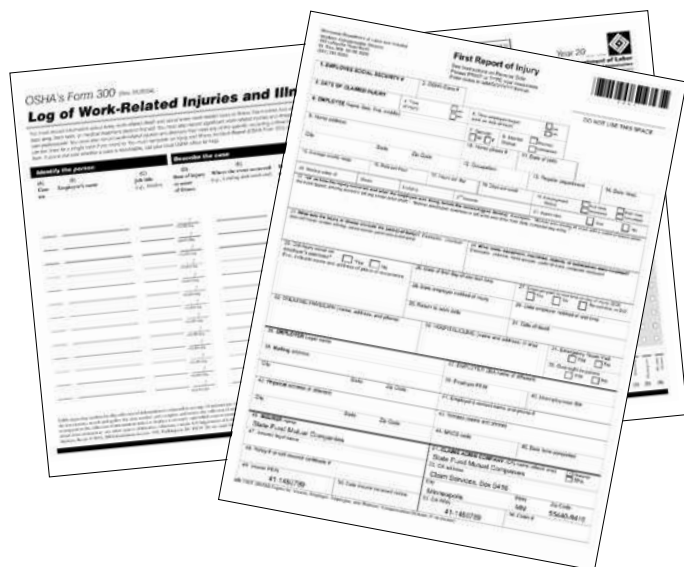
Employers are required to record any case where the employee works only partial days or is restricted from doing "routine functions," which OSHA defines as work activities performed at least once a week.

'Lost time'

Don't be confused by terminology. The Wisconsin First Report of Injury calls it "lost time." The OSHA 300 log calls it "days away from work." They are both talking about the same thing—missing work because of an injury or illness.

Here's the rule of thumb: For both worker's compensation reporting and OSHA recording, the first day of lost time begins after the day the injury occurred. Lost time does not include the day of injury.

Example: Linda is injured on Wednesday,



immediately goes to the doctor and misses work the rest of the day, but she does return to regular work on Thursday. For both worker's compensation reporting and OSHA log recording, there is no "lost time" or "days away from work."

Try another scenario. Let's say Linda continues to have problems on Thursday. She goes back to the doctor on Thursday, thereby losing time from work, and returns to restricted work on Friday. Because of the lost time on Thursday, you would indicate that this injury involves "lost time" on the worker's compensation First Report of Injury. It is a "days away from work" injury on your OSHA log. If Linda's medical restrictions limit the number of hours she is allowed to work, then those shortened workdays would be considered additional "days away from work" for OSHA recording.

If Linda has medical restrictions that restrict her from performing routine functions of her job but do not limit the number of hours, then those days on which she is restricted from doing her routine functions are counted as "days of restricted work" on the OSHA log but are not lost time for worker's compensation.

Let's alter the scenario yet again. Let's say Linda did not lose any work time at first, and so you did not indicate any lost time when you submitted the First Report of Injury form. But later she needed to go to the doctor and missed time from work. It's absolutely essential that you call your workers' compensation claims representative right away so wage-replacement benefits can be paid. Failing to pay worker's compensation benefits within certain state deadlines can result in state penalties. You'll also need to update your OSHA log entry.

'First aid'

"Medical treatment beyond first aid" is also listed above as a situation requiring you to make an entry on your OSHA log.

What's "first aid"? Under OSHA's recently expanded definition of "first aid," you do not need to record on your OSHA log any injury treated by:

- Visits to a doctor or healthcare professional for observation or counseling.
- Diagnostic procedures, including administering prescription medications when solely for diagnostic purposes.
- Using non-prescription medications at non-prescription strength.
- Administering tetanus immunizations.
- Cleaning wounds on the skin surface.
- Using wound coverings such as bandages, gauze pads, or butterfly bandages.
- Using hot or cold therapy.
- Using totally non-rigid means of support such as, elastic bandages, wraps.
- Using temporary immobilization devices while transporting an accident victim, such as splints, neck collars or back-boards.
- Drilling a fingernail or toenail to relieve pressure or draining a blister.
- Using eye patches.
- Using simple irrigation or cotton swab to remove foreign bodies not embedded in or adhered to the eye.
- Using irrigation, tweezers, cotton swab or other simple means to remove splinters or foreign material from areas other than the eye.
- Using finger guards.
- Using massages.
- Drinking fluids to relieve heat stress.

For example, Fred sustained an injury that required a doctor visit but no treatment other than a non-prescription pain reliever. This would not be recorded on your OSHA log. However, you would

need to report it to your worker’s compensation insurer, SFM.

Privacy

With the new emphasis on patient privacy and federal Health Insurance Portability and Accountability Act, employers sometimes wonder about recording the name of the employee on the OSHA 300 log. OSHA requires the name of the employee to be recorded unless there are specific privacy concerns.

Examples include injuries that involve the reproductive system, sexual assault, HIV, hepatitis or tuberculosis, mental illness and other instances where an employee specifically and voluntarily requests that his name not be entered on the log.

In these cases, you should enter “Privacy case”

in the space for the employee’s name. If other information would make the individual identifiable, it may also be left out as long as information regarding the cause and severity of the injury or illness is provided.

OSHA 301 Form

One convenience to be aware of is that by completing the workers’ compensation *First Report of Injury* form, you don’t need to complete the OSHA Form 301, “Injury incident report.” Please note that this isn’t the same as the OSHA 300 Log.

On the Form 301, the instructions say, “Some state workers’ compensation . . . reports may be acceptable substitutes.”

That’s the case in Minnesota and Wisconsin.

	Workers’ compensation reporting	OSHA recording	OSHA reporting
How	First Report of Injury. Submit online, or mail or fax to SFM.	Complete OSHA 300 Log. Post 300A summary.	Call OSHA. Minn. (651) 284-5050 Wis. (312) 353-2220
Minor injuries	All injuries should be reported. Minor injuries may be reported as “Incident only.”	Not recordable if only “first aid” is used (see OSHA’s definition).	N/A
Lost time from work: Does it include the date of injury?	Yes in Minnesota. No in Wisconsin.	No.	N/A
Counting days of lost time	N/A (State law requires your insurer to count calendar days for purposes of calculating wage-loss benefits.)	“Days away from work” is counted using calendar days. Stop counting when total calendar days (full or partial) reaches 180.	N/A
When to report or record	Injuries: Within 24 hours.	Within seven days.	Fatalities and catastrophic: Call within eight hours.
What’s a “catastrophic” accident?	Involves any serious injury, such as brain injury or amputation.		When three or more employees are hospitalized.

Each state's newest *First Report of Injury* form contains the questions asked on the OSHA Form 301, so by completing the First Report, you don't need to complete the OSHA 301.

Just be sure you have the latest version of the *First Report of Injury* form. You can download it from the "Resources catalog" at SFM's website. Better yet, report injuries to SFM online through SFM's website and you won't need to fill out the OSHA 301.

Reporting to OSHA

Work injuries do not need to be reported to OSHA unless they involve death or catastrophic injury. OSHA defines a catastrophe as an accident that involves three or more employees who are

hospitalized as a result of their injuries. Death and catastrophic injuries must be reported to OSHA within eight hours.

So, you don't have to submit your OSHA log to OSHA unless it is specifically requested. However, you are required to post each calendar year's OSHA 300A "Summary" form Feb. 1 through April of the following year. OSHA forms and logs should be kept five years.

If you have questions about the OSHA log or the recent revisions to OSHA regulations, please contact your SFM loss prevention representative at (952) 838-4200. The OSHA 300 Log and OSHA 301 forms, including instructions, may be downloaded or ordered through the "Resource catalog" at SFM's website, www.sfmic.com.