

FIVE EMPLOYER WORRIES RAISED BY OSHA'S NEW INJURY RULE

News

May 11, 2016

The article, "Five Employer Worries Raised By OSHA's New Injury Rule," featured in *Law360*, examined potential consequences of OSHA's new injury rule, which will make workplace injury data recorded by employers publicly accessible.

Howard Mavity discussed his concern regarding the new rule.

According to Howard, the big question is how OSHA will use the rule to enforce workplace safety. The forms were not created with the intent to regulate employers, he said, but rather as a means to give regulators a sense of what hazards existed and what regulations could be created to address them.

Injury and illness data aren't necessarily good indicators of workplace safety and could distract employers, Howard said. "This process puts the focus on the numbers and won't really improve workplace safety," he said.

Howard said proof of impairment is hard to come by with drugs like marijuana whose effects are not apparent, and employers could face trouble if they drug test employees without concrete proof they were impaired at the time of an incident.

He similarly noted that unions and other third-party groups could use the information to "give employers a black eye."

"One thing that'll drive employees to unionize is if they think their company doesn't care about their safety, it's the No. 1

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reason," Howard said. "If I were a union organizer, I'd be all over this. It's an effective tool."

To read the full article, please visit [Law360](#).