

FEDS TO PUBLISH COMPANIES' ON-THE-JOB INJURY DATA

News

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The article, "Feds to Publish Companies' On-the-job Injury Data," featured in the *Memphis Business Journal*, addressed the Occupational Safety and Health Administration's (OSHA) new rule that will allow data on injuries and illnesses occurring in high-risk occupations to be made publicly available.

Rob Ratton weighed in on the new rule.

"Essentially, this rule takes what was an internal record-keeping process and makes it public," said Rob.

While OSHA says the public disclosure will hold more companies and industries accountable, Rob said labor and employment attorneys have concerns the information could be abused or misconstrued by unions, competitors or even the general public.

However, Rob noted, the data creates a new cause of action and makes the employer more likely to be subject to investigation.

The new rule also enables employees who fear retaliation to report injuries and illnesses directly to OSHA and makes it clear that employers are required to have a policy or procedure in place that doesn't discourage reporting on-the-job injuries or illnesses.

For example, some companies require employees who have been injured on the job to undergo a drug test, which could discourage employees from properly reporting the injury, Rob said.

"It could also become fodder for unions to throw back in [employers'] faces," he said.

The plus side, he said, is the collection of data will make it easier for OSHA or third-party researchers to identify trends in certain high-hazard industries such as construction or agriculture.

As the new reporting requirements take effect August 10 — with phased-in data submissions beginning in 2017 — Rob said the biggest thing he'll be telling his clients is to make sure their policies provide a way to report injuries without retaliation.

To read the full article, please visit the [*Memphis Business Journal*](#).