

DON'T LET OSHA SPOIL YOUR SUMMER FUN

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As summer approaches, companies begin preparing for morale-building activities such as company-sponsored picnics, amusement park outings and other activities meant to build camaraderie and reduce stress. But employers should remember that any injuries sustained during such company-sponsored activities may need to be recorded on their Occupational Safety and Health Administration (OSHA) injury and illness logs.

Under OSHA's Recordkeeping Forms and Recording Criteria standard, an employer with more than 10 employees, and which is not otherwise exempt, must record each injury that is 1) work-related; 2) constitutes a new case; and 3) meets one or more of the general recording criteria, such as requiring medical treatment beyond first aid, resulting in restricted work activity, or requiring one or more days away from work. OSHA defines an injury as "work-related" if one or more employees are working or present at a location as a condition of employment.

Last year, in a letter signed by Keith Goddard, director of OSHA's Directorate of Evaluation and Analysis, OSHA said that an injury that occurred while an employee was go-cart racing following an off-site meeting and lunch was work-related. Although the employee was permitted to choose between go-cart racing, returning to work, or taking a half-day vacation day following the meeting and luncheon, OSHA determined that the employee in question would not have been at the go-cart facility absent his required attendance at the meeting and lunch earlier that day. As a result, the injury was reportable and had to be recorded in the injury and illness log.

A more recent interpretation letter reiterated that an injury sustained when an employee fell on his way out of the restroom during an unpaid lunch break was reportable.

The determination of work-relatedness does not take into consideration the nature of the activity in which the employee is engaged at the time of the event or exposure, the degree of employer control over the employee's activity, the preventability of the incident, or the concept of fault. For purposes of OSHA recordkeeping, a covered employer can only escape reporting an injury if the employee is not required to be present at the injury location as a condition of employment, or doing a personal task unrelated to employment outside of her assigned work hours. Consequently, injuries sustained during extracurricular activities scheduled at any time during the normal work-day, including unpaid lunch periods, are likely to be reportable.

To minimize the risk that an injury sustained during an offsite activity is reportable, you should consider:

- making participation in the activities completely voluntary;
- holding the activities at locations where the employees would not be expected to carry out any work-related duties or activities; and
- offering the activities on days when the employees are not normally scheduled to work, or either before or after the employees' normal working hours