

Recordkeeping 201: Part 10

Recording cases and reporting claims – A tale of two systems

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True or false: If an injury or illness is reported as a workers' compensation claim, it must also be entered on the establishment's OSHA log.

The correct answer is “false,” because cases that may be compensable under a jurisdiction's workers' compensation laws may not meet the requirements for becoming an OSHA recordable case (and vice versa). The recordability of work-related injuries and illnesses is determined by the federal government's OSHA recordkeeping requirements (29 CFR 1904), which are not related to any jurisdiction's workers' compensation laws.

The literary and the historic

The two central characters in Dickens' *A Tale of Two Cities*, Charles Darnay and Sidney Carton, look alike, but they are very different people, from different backgrounds and with very different personalities. They look similar enough that one character impersonates the other. A similar situation occurs with OSHA log recording and the reporting of workers' compensation claims. Both systems involve work-related injuries and illnesses, but they come from different backgrounds and use the information for different purposes.

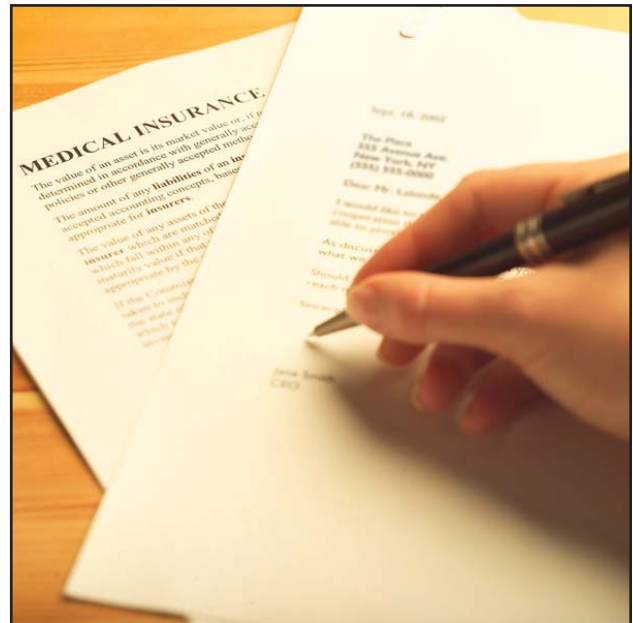
The OSHA recordkeeping system was developed as a nationally standardized system for employers to keep track of the work-related injuries and illnesses for each business establishment. This tracking system provides a tool for employers to monitor the performance of their workplace safety programs and compare their performance to state and national standards. The Bureau of Labor Statistics gathers an annual sample of the OSHA logs to compute national injury and illness estimates, providing statistics for workplace safety researchers and benchmarks for employers. OSHA collects log data annually in selected industries and establishment sizes to help the federal and state OSHA compliance system identify establishments for inspection.

State government workers' compensation systems were developed as administrative systems to provide predictable, equitable and timely benefits to injured workers. These administrative systems required an insurance component to provide the funds to pay for the benefits and match business risks to insurance costs. Each state developed an independent workers' compensation system, and these were in place decades before the Occupational Safety and Health Act became law.

A close reading of the OSHA recordkeeping requirements and workers' compensation laws shows there will be OSHA recordable cases that are not workers' compensation claims and there will be workers' compensation claims that are not OSHA recordable cases.

Cases that shouldn't appear in both systems

While the majority of workplace injuries and illnesses that are reported to one system should also be



reported to the other system, there are some types of injuries and illnesses that do not belong in both systems. Here is a short list of some of the reasons that injuries and illnesses that are reported to one system shouldn't be reported to the other system.



1. Injuries and illnesses that do not result in days away from work, job restriction or transfer, and which are treated with only first aid are not recordable on the OSHA log, with a few exceptions. Even though these cases might have received hundreds of dollars of medical diagnostic testing, which may be compensable as workers' compensation medical benefits, they do not belong as recordable cases on the OSHA log. For a more complete discussion, see [Recordkeeping 201, part 6](#).

2. Work relatedness for OSHA recordability is presumed for all injuries and illnesses that occur in the workplace, where work may be only one of many contributing factors. The recordkeeping requirements provide a set of exceptions. In contrast, workers' compensation systems have much more complex determinations of work-relatedness, which are often shaped by case law. In many jurisdictions, work must be the primary factor or a major contributing factor to the injury or

illness. Even in cases where workers' compensation benefits have been denied by the insurer and where primary liability has never been accepted, the injury or illness may meet the requirements for OSHA log recordability.

3. In some jurisdictions, certain types of injuries and illnesses are defined as noncompensable. For example, many states do not allow compensation for a mental injury that occurs without any physical harm to the worker. These injuries are recordable on OSHA logs if the worker has one or more days away from work, job restriction or transfer, requires medical care beyond first aid or suffers a loss of consciousness.

4. When a worker returns to work following an injury and re-injures that same body part that may not have been fully healed, it is not recordable as a new OSHA recordable case, but it may generate a new workers' compensation claim. See [Recordkeeping 201, Part 8](#), for a more complete discussion.

Another situation for reporting errors occurs with temporary workers and leased employees. If the establishment where they are working controls the employees on a day-to-day basis, even if they are not on the employer's payroll, their injuries and illnesses must be entered on the establishment's log. For workers' compensation purposes, the temporary help agency or employee leasing company often has responsibility for reporting the injury or illness to the workers' compensation insurer. Thus, the same injury or illness case may show up on the OSHA log for one company and become part of the workers' compensation record for a different company.

For help determining whether an injury or illness is recordable, contact the Department of Labor and Industry's Policy Development, Research and Statistics unit at dli.research@state.mn.us or (651) 284-5025.

Next installment: *Work-relatedness of injuries and illnesses*