

OSHA ADVISORY

OSHA Issues Enforcement Guidance on Recording COVID-19 Cases



On April 10, 2020, OSHA issued an [Enforcement Guidance Memorandum](#) to its Compliance Safety and Health Officers (CSHOs) regarding the obligation to record COVID-19 cases. This memo states that during the current health crisis, only employers in certain industries are required to make the determination as to whether a COVID-19 transmission is “work-related” such that it needs to be recorded on an employer’s OSHA 300 log. These industries include healthcare, emergency response organizations, and correctional institutions. According to OSHA, all other industries where there is an ongoing community transmission “may have difficulty making determinations about whether workers who contracted COVID-19 did so due to exposures at work.”

The memo goes on to note, however, that employers may still need to record COVID-19 cases where: (1) there is objective evidence that a case is work-related, such as when a number of cases develop among employees who work close together, and (2) this evidence was reasonably available to the employer, i.e. the employer gets the information from its employees or from the normal management of its business.

Although the memo does not directly address the obligation to report COVID-19 fatalities and hospitalizations to OSHA, because most employers will not have to determine work-relatedness for recording purposes they should not have to do so for reporting purposes, either.

OSHA’s purpose in issuing the memo is to “help employers focus their response efforts on implementing good hygiene practices in their workplaces, and



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otherwise mitigating COVID-19's effects, rather than on making difficult work-relatedness decisions in circumstances where there is community transmission." Employers are encouraged to continue to take the steps necessary to ensure proper hygiene and social distancing in the workplace.