CLIENT ALERTS & INSIGHTS

OSHA Provides New Guidance on Reporting COVID-19 Hospitalizations and Deaths

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OSHA released its latest guidance on when employers must notify it of workers being hospitalized or dying because of COVID-19. The new guidelines provide the following changes for reporting purposes:

Hospitalization

- Prior guidance stated that hospitalization must be reported within 24 hours of diagnosis.
- New guidance states that hospitalization must be reported within 24 hours from the on-the-job exposure and hospitalization.

Fatality

- Prior guidance stated fatality must be reported if it occurs within 30 days of diagnosis.
- New guidance states fatality must be reported if it occurs within 30 days from on-the-job exposure.

In essence, employers now need to determine the date and time of exposure, not diagnosis. Additionally, if a fatality occurs due to the on-the-job exposure, employers must notify OSHA within eight hours of knowing both that the employee has died, and that the cause of death was a work-related case of COVID-19.

The above reporting requirements apply to reporting only, not recordkeeping. However, employers should nevertheless ensure that they comply with OSHA's recordkeeping requirements. The OSHA 300 Log must be updated and an OSHA 301 Report must be completed upon receipt of notice that an employee suffered a work-related COVID-19 illness, which would typically require days away from work.

OSHA's latest guidance applies to employers subject to federal OSHA standards. Employers with operations in states with their own safety and health agencies and regulations should review their state requirements. Employers who have questions regarding their OSHA reporting or recordkeeping requirements should consult with their attorneys or safety consultants.

If you have any questions, we encourage you to reach out to your Benesch contact or one of the attorneys below to discuss.

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Please note that this information is current as of the date of this Client Alert, based on the available data. However, because COVID-19's status and updates related to the same are ongoing, we recommend real-time review of guidance distributed by the CDC and local officials.

