

OSHA[®] FactSheet

Updates to OSHA's Recordkeeping Rule: Who is Required to Keep Records and Who is Exempt

Under OSHA's recordkeeping regulation, certain covered employers are required to prepare and maintain records of serious occupational injuries and illnesses using the **OSHA 300 Log**. This information is important for employers, workers and OSHA in evaluating the safety of a workplace, understanding industry hazards, and implementing worker protections to reduce or eliminate hazards.

The revised rule updates the list of industries that are exempt from the requirement to routinely keep OSHA injury and illness records due to relatively low occupational injury and illness rates.

Who is exempt under the new rule?

There are two classes of employers that are partially exempt from routinely keeping injury and illness records. First, employers with ten or fewer employees at all times during the previous calendar year are exempt from routinely keeping OSHA injury and illness records. **OSHA's revised recordkeeping regulation maintains this exemption.**

Second, establishments in certain low-hazard industries are also partially exempt from routinely keeping OSHA injury and illness records. **Starting on January 1, 2015, there will be a new list of industries that will be partially exempt from keeping these OSHA records. Establishments located in states under Federal OSHA jurisdiction must begin to comply with the new requirements on January 1, 2015. Establishments located in states that operate their own safety and health programs should check with their state plan for the implementation date of the new requirements.**

Since 1982, this list has included establishments in the divisions of retail trade; finance, insurance and real estate; and the service industry if the three-year average lost workday case rate for their major industry group was 75 percent below the overall three-year average of the lost workday case rate for private industry. **OSHA's revised recordkeeping regulation provides an updated**

list of low-hazard industries that are exempt from routinely keeping OSHA injury and illness records. The new list of exempt industries is now classified by the North American Industry Classification System (NAICS), which is the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing and publishing statistical data related to the U.S. business economy. Also, the injury and illness rate threshold is based on more recent Bureau of Labor Statistics (BLS) data.

Am I required to prepare and maintain records under the new rule?

To find out if you are required to prepare and maintain records under the updated rule, first determine your NAICS code by:

1. Using the search feature at the U.S. Census Bureau NAICS main webpage: www.census.gov/eos/www/naics. In the search box for the most recent NAICS, enter a keyword that describes your business. Choose the primary business activity that most closely corresponds to you, or refine your search to get more choices.
2. Viewing the most recent complete NAICS tables on the U.S. Census Bureau NAICS main webpage: www.census.gov/eos/www/naics. Select the two-digit sector code and choose a six-digit industry code to read its definition.

- Using an old Standard Industrial Classification (SIC) code to find your NAICS code using the detailed conversion tables on the U.S. Census Bureau Concordances page: www.census.gov/eos/www/naics/concordances/concordances.html.
- Contacting your nearest OSHA office or state agency for help.

Once you have found your NAICS code, you can use **Table 1** below to determine if your industry is exempt from the recordkeeping rule.

NOTE: Establishments of companies with 10 or fewer employees at all times in the previous year continue to be exempt from keeping OSHA injury and illness records, regardless of their industry classification. The partial exemption for size is based on the number of employees in the entire company.

What forms do I need to complete?

The OSHA injury and illness [recordkeeping forms](#) are:

- the Log of Work-Related Injuries and Illnesses (OSHA Form 300),

- the Summary of Work-Related Injuries and Illnesses (OSHA Form 300A), and
- the Injury and Illness Incident Report (OSHA Form 301).

Employers must fill out the Log and the Incident Report only if a recordable work-related injury or illness has occurred. Employers must fill out and post the Summary annually, even if no recordable work-related injuries or illnesses occurred during the year.

In place of the OSHA forms, employers may also use equivalent forms (forms that have the same information, are as readable and understandable, and are completed using the same instructions as the OSHA forms they replace). Many employers use an insurance form instead of the Incident Report, or supplement an insurance form by adding information required by OSHA.

Where can I find more information?

For more information about the updated industry codes, visit OSHA's webpage on the updated recordkeeping rule at www.osha.gov/recordkeeping2014.

Table 1: New List of Partially Exempt Industries

NAICS Code and Industry Description					
4412	Other Motor Vehicle Dealers	5151	Radio and Television Broadcasting	5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services
4431	Electronics and Appliance Stores	5172	Wireless Telecommunications Carriers (except Satellite)	5413	Architectural, Engineering, and Related Services
4461	Health and Personal Care Stores	5173	Telecommunications Resellers	5414	Specialized Design Services
4471	Gasoline Stations	5179	Other Telecommunications	5415	Computer Systems Design and Related Services
4481	Clothing Stores	5181	Internet Service Providers and Web Search Portals	5416	Management, Scientific, and Technical Consulting Services
4482	Shoe Stores	5182	Data Processing, Hosting, and Related Services	5417	Scientific Research and Development Services
4483	Jewelry, Luggage, and Leather Goods Stores	5191	Other Information Services	5418	Advertising and Related Services
				6213	Offices of Other Health Practitioners
				6214	Outpatient Care Centers
				6215	Medical and Diagnostic Laboratories
				6244	Child Day Care Services
				7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures
				7115	Independent Artists, Writers, and Performers
				7213	Rooming and Boarding Houses

NAICS Code and Industry Description

4511	Sporting Goods, Hobby, and Musical Instrument Stores	5211	Monetary Authorities - Central Bank	5511	Management of Companies and Enterprises	7221	Full-Service Restaurants
4512	Book, Periodical, and Music Stores	5221	Depository Credit Intermediation	5611	Office Administrative Services	7222	Limited-Service Eating Places
4531	Florists	5222	Nondepository Credit Intermediation	5614	Business Support Services	7224	Drinking Places (Alcoholic Beverages)
4532	Office Supplies, Stationery, and Gift Stores	5223	Activities Related to Credit Intermediation	5615	Travel Arrangement and Reservation Services	8112	Electronic and Precision Equipment Repair and Maintenance
4812	Nonscheduled Air Transportation	5231	Securities and Commodity Contracts Intermediation and Brokerage	5616	Investigation and Security Services	8114	Personal and Household Goods Repair and Maintenance
4861	Pipeline Transportation of Crude Oil	5232	Securities and Commodity Exchanges	6111	Elementary and Secondary Schools	8121	Personal Care Services
4862	Pipeline Transportation of Natural Gas	5239	Other Financial Investment Activities	6112	Junior Colleges	8122	Death Care Services
4869	Other Pipeline Transportation	5241	Insurance Carriers	6113	Colleges, Universities, and Professional Schools	8131	Religious Organizations
4879	Scenic and Sightseeing Transportation, Other	5242	Agencies, Brokerages, and Other Insurance Related Activities	6114	Business Schools and Computer and Management Training	8132	Grantmaking and Giving Services
4885	Freight Transportation Arrangement	5251	Insurance and Employee Benefit Funds	6115	Technical and Trade Schools	8133	Social Advocacy Organizations
5111	Newspaper, Periodical, Book, and Directory Publishers	5259	Other Investment Pools and Funds	6116	Other Schools and Instruction	8134	Civic and Social Organizations
5112	Software Publishers	5312	Offices of Real Estate Agents and Brokers	6117	Educational Support Services	8139	Business, Professional, Labor, Political, and Similar Organizations
5121	Motion Picture and Video Industries	5331	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	6211	Offices of Physicians		
5122	Sound Recording Industries	5411	Legal Services	6212	Offices of Dentists		

Table 2: Industries That Include Establishments Newly Required to Keep Records

NAICS Code	Title of NAICS Code
3118	Bakeries and tortilla manufacturing
4411	Automobile dealers
4413	Automotive parts, accessories, and tire stores
4441	Building material and supplies dealers
4452	Specialty food stores
4453	Beer, wine, and liquor stores
4539	Other miscellaneous store retailers
4543	Direct selling establishments
5311	Lessors of real estate
5313	Activities related to real estate
5322	Consumer goods rental
5324	Commercial and industrial machinery and equipment rental and leasing
5419	Other professional, scientific, and technical services
5612	Facilities support services
5617	Services to buildings and dwellings
5619	Other support services
6219	Other ambulatory health care services
6241	Individual and family services
6242	Community food and housing, and emergency and other relief services
7111	Performing arts companies
7113	Promoters of performing arts, sports, and similar events
7121	Museums, historical sites, and similar institutions
7139	Other amusement and recreation industries
7223	Special food services
8129	Other personal services

This is one in a series of informational fact sheets highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.

For assistance, contact us. We can help. It's confidential.



www.osha.gov (800) 321-OSHA (6742)



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OSHA's Recordkeeping Rule / Industries That Include Establishments that Would Be Newly Required to Keep Records

Industries That Include Establishments that Would Be Newly Required to Keep Records

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Recordkeeping Training Presentations / Non-Mandatory Appendix A to Subpart B -- Partially Exempt Industries

Starting on January 1, 2015, the following NAICS will be partially exempt from OSHA recordkeeping requirements:

Non-Mandatory Appendix A to Subpart B -- Partially Exempt Industries

Employers are not required to keep OSHA injury and illness records for any establishment classified in the following North American Industry Classification System (NAICS), unless they are asked in writing to do so by OSHA, the Bureau of Labor Statistics (BLS), or a state agency operating under the authority of OSHA or the BLS. All employers, including those partially exempted by reason of company size or industry classification, must report to OSHA any workplace incident that results in a fatality, in-patient hospitalization, amputation, or loss of an eye (see §1904.39).

NAICS Code	Industry Description	NAICS Code	Industry Description
4412	Other Motor Vehicle Dealers	5411	Legal Services
4431	Electronics and Appliance Stores	5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services
4461	Health and Personal Care Stores	5413	Architectural, Engineering, and Related Services
4471	Gasoline Stations	5414	Specialized Design Services
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OSHA's Recordkeeping Rule

[Home](#) [Reporting Fatalities and Severe Injuries/Illnesses](#) [Who Keeps Records](#) [FAQs](#) [Additional Resources](#)

"OSHA will now receive crucial reports of fatalities and severe work-related injuries and illnesses that will significantly enhance the agency's ability to target our resources to save lives and prevent further injury and illness. This new data will enable the agency to identify the workplaces where workers are at the greatest risk and target our compliance assistance and enforcement resources accordingly."

— Assistant Secretary of Labor for Occupational Safety and Health, Dr. David Michaels

The Occupational Safety and Health Administration's revised recordkeeping rule includes two key changes:

First, the rule updates the list of industries that are exempt from the requirement to routinely keep OSHA injury and illness records, due to relatively low occupational injury and illness rates. The previous list of industries was based on the old Standard Industrial Classification (SIC) system and injury and illness data from the Bureau of Labor Statistics (BLS) from 1996, 1997, and 1998. The new list of industries that are exempt from routinely keeping OSHA injury and illness records is based on the North American Industry Classification System (NAICS) and injury and illness data from the Bureau of Labor Statistics (BLS) from 2007, 2008, and 2009. Note: The new rule retains the exemption for any employer with ten or fewer employees, regardless of their industry classification, from the requirement to routinely keep records.

Second, the rule expands the list of severe work-related injuries that all covered employers **must report** to OSHA. The revised rule retains the current requirement to report all work-related fatalities within 8 hours and adds the requirement to report all work-related in-patient hospitalizations, amputations and loss of an eye within 24 hours to OSHA.

Establishments located in States under Federal OSHA jurisdiction must begin to comply with the new requirements on January 1, 2015. Establishments located in states that operate their own safety and health programs (State Plan States) should check with their state plan for the implementation date of the new requirements. OSHA encourages the states to implement the new coverage provisions on 1/1/2015, but some may not be able to meet this tight deadline.

The final rule will allow OSHA to focus its efforts more effectively to prevent fatalities and serious work-related injuries and illnesses. The final rule will also improve access by employers, employees, researchers and the public to information about workplace safety and health and increase their ability to identify and abate serious hazards.

Changes to reporting requirements: What needs to be reported to OSHA?

OSHA's updated recordkeeping rule expands the list of severe injuries that employers must report to OSHA.

As of January 1, 2015, all employers must report

As of January 1, 2015, all employers must report

- All work-related fatalities within 8 hours.
- All work-related inpatient hospitalizations, all amputations and all losses of an eye within 24 hours.

You can report to OSHA by

- Calling OSHA's free and confidential number at 1-800-321-OSHA (6742).
- Calling your closest Area Office during normal business hours.
- Using the new online form.

Employers under Federal OSHA's jurisdiction must begin reporting by January 1. Establishments in a state with a State run OSHA program should contact their state plan for the implementation date.

New OSHA Reporting/Recordkeeping Requirements Video



1. All work-related fatalities within 8 hours.
2. All work-related inpatient hospitalizations, all amputations and all losses of an eye within 24 hours.

You can report to OSHA by

1. Calling OSHA's free and confidential number at 1-800-321-OSHA (6742).
2. Calling your closest Area Office during normal business hours.
3. Using the new online form.

Only fatalities occurring within 30 days of the work-related incident must be reported to OSHA. Further, for an inpatient hospitalization, amputation or loss of an eye, these incidents must be reported to OSHA only if they occur within 24 hours of the work-related incident.

More information on new reporting requirements.

Changes to recordkeeping requirements: Who is required to keep records? Who is exempt from keeping records?

OSHA regulations require certain employers to routinely keep records of serious employee injuries and illnesses. However, there are two classes of employers that are partially exempt from routinely keeping records. First, employers with ten or fewer employees at all times during the previous calendar year are exempt from routinely keeping OSHA injury and illness records. **OSHA's revised recordkeeping regulation maintains this exemption.**

Second, establishments in certain low-hazard industries are also exempt from routinely keeping OSHA injury and illness records. Since 1982, this list has been comprised of establishments in the divisions of retail trade; finance, insurance and real estate; and the service industry if the three year average lost workday case rate for their major industry group was 75 percent or less of the overall three year average of the lost workday case rate for private industry. **OSHA's revised recordkeeping regulation provides an updated list of low-hazard industries that are exempt from routinely keeping OSHA injury and illness records.** The new list of exempt industries is now classified by North American Industry Classification System (NAICS), which is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing and publishing statistical data related to the U.S. business economy. The injury and illness rate threshold is based on more recent BLS data.

More information on updated recordkeeping requirements.

How are establishments located in State Plan States affected by the new requirements?

There are 28 states and U.S. territories that have their own OSHA-approved occupational safety and health programs called State Plans. State Plans are required to have standards that are at least as effective as OSHA's.

All State Plans have recordkeeping and reporting requirements in place right now. These requirements are at least equivalent to OSHA's previous reporting requirements for fatalities and catastrophes. In addition, several states have different or additional requirements that may already be in line with OSHA's revision.

All State Plans have reviewed their current reporting and recordkeeping requirements to determine how they compare to OSHA's new reporting requirements. See the status of State Plan adoption of the revised reporting requirements. To contact your State Plan about current recordkeeping and reporting requirements, and when and how those requirements will change, please visit: <https://www.osha.gov/dcsp/osp/index.html>.

NEW REPORTING REQUIREMENTS English* | Spanish*

Final rule (PDF*)

News release

Assistant Secretary's Statement

Changes to reporting requirements: What needs to be reported to OSHA?

Who is required to keep records? Who is exempt from keeping records?

Overview Fact Sheet*

New Reporting Requirements Fact Sheet*

Who Keeps Records Fact Sheet*

Forms, training, and other guidance materials on OSHA's injury and illness recordkeeping requirements

Frequently Asked Questions

Citations Under New Requirements:

- Ashley Furniture*
- Cotton Commercial*

When a Worker Loses an Arm, Who Knows About It? Blog post by Dr. David Michaels on September 12, 2014

Searchable recordkeeping Q&As

Recordkeeping page

Media Kit

A New Year, New OSHA Reporting Requirements Blog post by Dr. David Michaels on December 15, 2014

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occurring in the work environment that falls under one of the following exceptions is not work-related, and therefore is not recordable.

1904.5(b)(2)	You are not required to record injuries and illnesses if . . .
(i)	At the time of the injury or illness, the employee was present in the work environment as a member of the general public rather than as an employee.
(ii)	The injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment.
(iii)	The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.
(iv)	<p>The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption (whether bought on the employer's premises or brought in). For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related.</p> <p>Note: If the employee is made ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related.</p>
(v)	The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours.
(vi)	The injury or illness is solely the result of personal grooming, self medication for a non-work-related condition, or is intentionally self-inflicted.
(vii)	The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.
(viii)	The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work).
(ix)	The illness is a mental illness. Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related.

1904.5(b)(3)

How do I handle a case if it is not obvious whether the precipitating event or exposure occurred in the work environment or occurred away from work? In these situations, you must evaluate the employee's work duties and environment to decide whether or not one or more events or exposures in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition.

1904.5(b)(4)

How do I know if an event or exposure in the work environment "significantly aggravated" a preexisting injury or illness? A preexisting injury or illness has been significantly aggravated, for purposes of OSHA injury and illness recordkeeping, when an event or exposure in the work environment results in any of the following:

1904.5(b)(4)(i)

Death, provided that the preexisting injury or illness would likely not have resulted in death but for the occupational event or exposure.

1904.5(b)(4)(ii)

Loss of consciousness, provided that the preexisting injury or illness would likely not have resulted in loss of consciousness but for the occupational event or exposure.

1904.5(b)(4)(iii)

One or more days away from work, or days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.

1904.5(b)(4)(iv)

Medical treatment in a case where no medical treatment was needed for the injury or illness before the workplace event or exposure, or a change in medical treatment was necessitated by the workplace event or exposure.

1904.5(b)(5)

Which injuries and illnesses are considered pre-existing conditions? An injury or illness is a preexisting condition if it resulted solely from a non-work-related event or exposure that occurred outside the work environment.

How do I decide whether an injury or illness is work-related if the employee is on travel status at the time the injury or illness occurs?

Injuries and illnesses that occur while an employee is on travel status are work-related if, at the time of the injury or illness, the employee was engaged in work activities "in the interest of the employer." Examples of such activities include travel to and from customer contacts, conducting job tasks, and entertaining or being entertained to transact, discuss, or promote business (work-related entertainment includes only entertainment activities being engaged in at the direction of the employer).

Injuries or illnesses that occur when the employee is on travel status do not have to be recorded if they meet one of the exceptions listed below.

1904.5(b)(6)	If the employee has . . .	You may use the following to determine if an injury or illness is work-related
(i)	checked into a hotel or motel for one or more days.	When a traveling employee checks into a hotel, motel, or into a other temporary residence, he or she establishes a "home away from home." You must evaluate the employee's activities after he or she checks into the hotel, motel, or other temporary residence for their work-relatedness in the same manner as you evaluate the activities of a non-traveling employee. When the employee checks into the temporary residence, he or she is considered to have left the work environment. When the employee begins work each day, he or she re-enters the work environment. If the employee has established a "home away from home" and is reporting to a fixed worksite each day, you also do not consider injuries or illnesses work-related if they occur while the employee is commuting between the temporary residence and the job location.
(ii)	taken a detour for personal reasons.	Injuries or illnesses are not considered work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (<i>e.g.</i> , has taken a side trip for personal reasons).

1904.5(b)(7)

How do I decide if a case is work-related when the employee is working at home? Injuries and illnesses that occur while an employee is working at home, including work in a home office, will be considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work rather than to the general home environment or setting. For example, if an employee drops a box of work documents and injures his or her foot, the case is considered work-related. If an employee's fingernail is punctured by a needle from a sewing machine used to perform garment work at home, becomes infected and requires medical treatment, the injury is considered work-related. If an employee is injured because he or she trips on the family dog while rushing to answer a work phone call, the case is not considered work-related. If an employee working at home is electrocuted because of faulty home wiring, the injury is not considered work-related.

[37 FR 736, Jan. 18, 1972, as amended at 42 FR 65165, Dec. 30, 1977; 47 FR 145, Jan. 5, 1982; 62 FR 44552, Aug. 22, 1997; 66 FR 6124, Jan. 19, 2001]

➔ Next Standard (1904.6)

⚙ Regulations (Standards - 29 CFR) - Table of Contents

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DEPARTMENT OF LABOR

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