

Manager/Supervisor Risk Management

#147– 4/29/13

A twice weekly e-mail training for YCPARMIA members

TOPIC: SAFETY – REPORTING SERIOUS INJURIES TO CAL/OSHA

This is a simple topic, but it generates a number of calls from our members on an annual basis. It is a State requirement that employers immediately report serious injury, illness or death of an employee occurring in a place of employment, or in the course of employment. The purpose of the law is to keep employers from deliberately hiding serious injuries, and to give Cal/OSHA the opportunity to investigate. This reporting requirement is separate and above the Cal/OSHA 300 log of work related injuries and illnesses. Failure to comply can result in fines of up to \$5,000.

“Immediately” means within 8 hours of the employer knowing, or with diligent inquiry would have known, that a serious injury has occurred. In other words, the reporting requirement is triggered when the employer knew, or should have known. The term “employer” should also be considered broadly. It is no defense that the actual person responsible for reporting did not know; it is probable that a supervisor’s knowledge will be imputed to the person charged with reporting. If there are exigent circumstances (emergency conditions requiring immediate action), a delay of up to 24 hours may be permissible.

“Serious injury or illness” is defined as:

- one that results in inpatient hospitalization for more than 24 hours for other than observation, or three or more employees hospitalized for treatment regardless of duration (i.e. catastrophe);
- a loss of a body member/amputation; or
- a serious degree of permanent disfigurement.

It does not include injury or death caused by a crime, or a motor vehicle accident on a public street or highway.

The employer’s report of serious injury should be sent to the closest Cal/OSHA’s Enforcement Unit by telephone or fax. It is important that the employer be able to document when and how they gave notice. In addition to a description of the accident, the employer’s report should include the time, date and location of the accident; the employer’s name, address and telephone number; the name and job title of the reporting person; the name and address of the injured employee; the nature of the injury, and the location of where the injured employee was taken; and a list of any involved law enforcement agencies that responded.

It is suggested that the entity have a formal internal policy designating one individual with the responsibility for contacting Cal/OSHA – and that involved supervisors are instructed to keep that person informed of triggering incidents, including any response from Cal/OSHA. After notifying the State, the employer should contact YCPARMIA. Early involvement can allow us to assist in defending any Cal/OSHA violations, while at the same time address potential workers comp and liability issues.

Next Topic: Safety – Respiratory Protection

