

OSHA Publishes New Rule on Workplace Injury and Illness Reporting

The Occupational Safety and Health Administration (OSHA) recently published a [final rule](#) to expand submission requirements for injury and illness data provided by employers in certain high-hazard industries. The most notable change for demolition contractors will be a new requirement for establishments to include their legal company name when making electronic submissions to OSHA from their injury and illness records.

It is important to note that the demolition industry **was not** included in the rule's new [appendix B to subpart E](#) which will now require certain employers to submit their Form 300 (the Log) and Form 301 (Incident Report), in addition to their Form 300A.

The final rule retains the existing requirement that establishments with 20 or more employees in certain industries, including demolition contractors, to electronically submit information from their Form 300A to OSHA once a year. OSHA also said it will publish some of the data collected from employers' submission forms on a public website.

A summary of the final rule's requirements for demolition contractors is listed below:

REQUIREMENT STILL IN EFFECT:

- Establishments with 20 or more employees will continue to electronically submit information from their Form 300A to OSHA once a year.

NEW REQUIREMENT:

- Establishments will now be required to include their legal company name when making electronic submissions to OSHA from their injury and illness records.

The final rule is scheduled to take effect on Jan. 1, 2024. However, the rule could face legal challenges in court over the next several months. NDA will be sure to provide members with updates and guidance documents as they become available.

NDA and CSIC Submit Comments to OSHA on Leading Indicators

In May, OSHA [announced](#) its plans to develop a Leading Indicators Resource and requested feedback from employers on the leading indicators they currently use and their effectiveness in managing the safety and health management system of their businesses. Employers typically use lagging indicators such as Days Away, Restricted or Transferred (DART) rate and Total Case Incident Rate (TCIR) to measure their compliance with OSHA standards and regulations.

Unlike lagging indicators, however, leading indicators are proactive, preventive, and predictive measures that provide information about the effective performance of safety and health-related activities. Examples of leading indicators include daily or weekly safety toolbox talks, hazard identification and analysis programs, substance abuse prevention programs, regular safety program performance reviews, and more. NDA partnered with the Construction Industry Safety Coalition (CISC) to [submit comments](#) to OSHA providing feedback on behalf of the construction industry as OSHA develops this resource.

NLRB to Issue Final Joint Employer Rule in August

The National Labor Relations Board (NLRB) has confirmed that it will publish its joint employer final rule this month, meeting its target release date set in the Spring 2023 Regulatory Agenda. Under the proposed rule published last year, the NLRB would consider evidence of reserved and indirect control over employees' essential terms and conditions of employment when analyzing and determining joint employer status along with other factors.

NDA [submitted comments](#) on the proposed rule last year and opposes the expansion of the traditional test to determine joint employer status. NDA will continue to monitor NLRB's rulemaking and keep members updated on the latest developments.