

Corporate Injury, Illness, and Fatality Reporting Act Summary

April 24, 2009

Justification for the Legislation

In 1970, Congress passed the Occupational Safety and Health Act with the goal of assuring safe working conditions for all Americans. While there have been great improvements since then, many workers remain at risk of injury, illness or even death at their jobs. In fact, each year about 6,000 workers are killed on the job, and thousands more are severely injured.

Since the Occupational Safety and Health Administration (OSHA) is not mandated to conduct nationwide investigations into specific industries or companies with multiple establishments, and only requires companies to report when a worker is killed or three or more employees are sent to the hospital for a work-related event, we do not have a clear picture of the types of hazards or the number of injuries that exist across American industries, particularly at large companies.

Often times OSHA does not know about workplace health and safety problems until a fatality occurs. Of even greater concern, additional injuries or fatalities have taken place at worksites where OSHA has issued citations for safety and health violations.

It is vitally important that OSHA knows who the managers of companies are and the workplaces for which they are responsible in order to hold them accountable for complying with workplace safety and health standards, or abating known hazards. In that way, when OSHA finds the early-warning signs of a serious problem, it will be better equipped to determine the scope of the problem and how best to assure the problem is resolved everywhere within a corporation, saving workers' lives in the process.

Summary of Legislation

The "Corporate Injury, Illness, and Fatality Reporting Act" aims to strengthen corporate responsibility for the safety and health of employees, and improve OSHA's ability to inspect large, multi-site companies. Specifically, the bill requires employers with more than one establishment and 500 or more employees to report on the numbers and rates of work-related deaths, injuries, and illnesses at all their worksites. They must also provide compliance data regarding OSHA inspections and citations that have occurred at any (or all) of their sites.

Section by Section of the Legislation

SECTION 1: Short Title.

SECTION 2: Regulations and Reporting

Regulations

1) The Secretary of Labor must prescribe regulations requiring large employers to maintain accurate records for each establishment they operate regarding the numbers and rates of work-

related deaths, injuries, and illnesses, and data on company compliance with OSHA inspections and violations.

2) Employers must provide certified reports of those records to the Secretary of Labor not less than annually.

Identification of Each Establishment

On all records and reports submitted to the Department of Labor, each employer must identify each of its establishments, and whether any establishment has been acquired, sold or transferred since the last report filed.

Reporting

The Secretary of Labor must post all reports on the Department of Labor website no later than 6 months after the deadline of submission.

SECTION 3: Enforcement

The Secretary shall issue citations pursuant to the Occupational Safety and Health Act of 1970 to any large employer, including those with establishments in States with an approved State plan, for violations of any of the reporting requirements described in Section 2.

SECTION 4: Definitions

Provides definitions for:

- “construction industry,” which is excluded from the bill’s requirements
- “employee”
- “employer”
- “establishment”
- “inspection number”
- “large employer”
- “opening date”
- “subsidiary corporation”