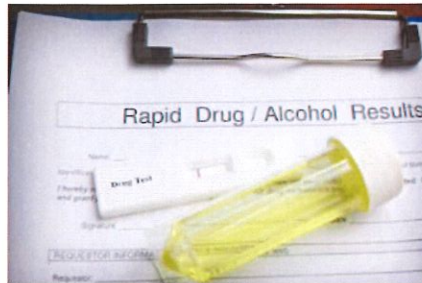




ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2018-05 [16 October 2018]

OSHA Interprets the Meaning of Recordkeeping Regulations Impacting Safety Incentive Programs; Drug/Alcohol Testing



On 11 October, OSHA issued an interpretation to the agency's latest injury/illness reporting regulations that pretty much reverse the original stated intention of those rules as they apply to employee safety incentive programs and post-accident drug/alcohol testing. For your convenience, we attach a copy of that interpretation to this OSH Alert.

In sum, the regulations at issue were designed to require an encourage employers and employees to report all workplace-related injuries and illnesses. Moreover, those regulations strictly prohibit an employer from retaliating against any employee on the basis of simply reporting either an injury or an illness.

OSHA's original interpretations considered implicit threats to withhold incentives to one or more employees if a worker reported an injury/illness as a form of retaliation; likewise stated that the threat of blanket post accident drug & alcohol testing (given that such a threat could dissuade workers from reporting an accident) could be considered a form of retaliation.

Both or those original positions have been greatly modified by the 11 October interpretation, and we encourage our labor and management constituency to review it carefully.

Should any questions arise about any aspect of these OSHA requirements, the JSC stands ready to assist all ILA and USMX Members and Local Labor Unions.

Got an OSH-related question? Write to the JSC at: blueoceana@optonline.net

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