

## New OSHA rules to alter injury and illness reporting procedures, further improve worker safety



What categories of the entertainment business are affected by the new reporting requirements and how can the industry prepare for these changes?

AS OF JANUARY 1, 2017, new federal Occupational Safety and Health Administration (OSHA) rules will change reporting requirements for workplace injuries and illnesses and will impact select parts of the entertainment industry. These new requirements are being implemented to help improve reporting accuracy and better protect employees.

The new OSHA rules require employers with 250 or more employees to report injury statistics electronically. That means OSHA Forms 300 and 300A—until now, paper forms that employers completed by hand—must be filed online. But don't stop reading if your company has fewer than 250 employees. OSHA also requires specific "high risk" industries to report electronically if they have 20 to 249 employees. OSHA uses the national census bureau codes<sup>1,2</sup> when determining these high risk industries, and Code 7111 for Performing Arts Companies is included on that list. That means companies with 20 or more employees that fall under Code 7111 must report electronically starting in 2017.

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### What industries are affected?

If your company falls into any of these categories under Code 7111 for Performing Arts Companies and has 20 to 249 employees, you'll be required to file OSHA Form 300A online by July 1, 2017:

- 71111 Theater Companies and Dinner Theaters
- 71112 Dance Companies
- 71113 Musical Groups and Artists
- 71119 Other Performing Arts Companies

### Why is OSHA making these changes?

OSHA believes that reporting statistics publicly online will focus more attention on safety, with these benefits:

- Better protection for workers through the identification and removal of workplace safety and health hazards;
- Improved accuracy of statistics, since the new rule strengthens the prohibition against discouraging workers from reporting an injury or illness; and
- Allow employers to benchmark safety performance against others in their industry.

Also, electronic reporting will make it easier for OSHA to track injuries, look for industry patterns, and apply compliance resources when necessary.

### How will electronic submission work?

OSHA will provide a secure website for electronic reporting and will give employers three options for submitting their data, including:

- Manually entering data into a provided web form
- Uploading a CSV file (a file format commonly used by businesses to exchange data) to process single or multiple establishments at the same time

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- Transmitting data electronically with an application programming interface, a special application that allows two software programs to communicate.

## How you can get ready for the change?

A majority of the states are under OSHA's jurisdiction, but some entertainment organizations may be located in states that are not under the jurisdiction of OSHA and therefore follow the rules under their state's occupational safety and health agency. However, these state plans must put rules in place that are "substantially identical" to the OSHA requirements.<sup>3</sup>

## What should you do to get ready for the new reporting requirements?

- Find out whether your state is under OSHA's jurisdiction or has its own rules.
- Go to OSHA's website for the details.<sup>4</sup>
- Check out the list of frequently asked questions.<sup>5</sup>
- Talk to your risk manager, safety compliance officer, human resources manager, or other safety official. If your company

doesn't have such a position, or if you are that safety person and you have questions specific to your company, call your state occupational safety and health agency, OSHA's information line at 800.321.6742, or your worker's compensation insurance agent or carrier. ■



**Steven B. Serafin** is a member of several working groups in ESTA's Technical Standards Program, including groups creating ANSI Technical Standards for rigging, floors, and stage lifts, and most recently the Event Safety Working Group. He has also advised Broadway producers in risk identification and control. A Senior Property Casualty Risk Engineer at Chubb, Steven has consulted for the commercial industry and local government entities, and for clients in

Chubb's North America entertainment underwriting group. In the insurance loss control industry since 2002, Steven holds a Certified Safety Specialist designation and is a Certified Safety Professional.

## References

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3. <https://www.osha.gov/dcsp/osp/index.html>
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