

WAC 296-27-02111 Employee involvement. (1) Your employees and their representatives must be involved in the recordkeeping system in several ways. The employer must do the following:

(a) Inform each employee of how they are to report an injury or illness to you.

(b) Provide employees with the information described in subsection (2) of this section.

(c) Provide access to your injury and illness records for your employees and their representatives as described in subsection (3) of this section.

(2) The employer must do the following to ensure employees report work-related injuries and illnesses to them:

(a) Establish a reasonable procedure for employees to report work-related injuries and illnesses promptly and accurately. A procedure is not reasonable if it would deter or discourage a reasonable employee from accurately reporting a workplace injury or illness;

(b) Inform each employee of your procedure for reporting work-related injuries and illnesses;

(c) Inform each employee that:

(i) Employees have the right to report work-related injuries and illnesses; and

(ii) The employer is prohibited from discharging or, in any manner, discriminating against employees for reporting work-related injuries or illnesses.

(d) The employer must not discharge or, in any manner, discriminate against any employee for reporting a work-related injury or illness.

(3) Your employees, former employees, their personal representatives, and their authorized employee representatives have the right to access the OSHA injury and illness records, with some limitations, as discussed in subsections (4) through (8) of this section.

(4) When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored OSHA 300 Log(s) for an establishment the employee or former employee has worked in, the employer must give the requestor a copy of the relevant OSHA 300 Log(s) by the end of the next business day.

(5) The employer must leave employee names and any other information on the OSHA 300 Log before giving copies to an employee, former employee, or an employee representative. However, to protect the privacy of injured and ill employees, the employer may not record the employee's name on the OSHA 300 Log for certain "privacy concern cases," as specified in WAC 296-27-01119(3).

(6) When an employee, former employee, or personal representative asks for a copy of the OSHA 301 Incident Report describing an injury or illness to that employee or former employee, the employer must give the requestor a copy of the OSHA 301 Incident Report containing that information by the end of the next business day.

(7) When an authorized employee representative asks for copies of the OSHA 301 Incident Reports for an establishment where the agent represents employees under a collective bargaining agreement, the employer must give copies of those forms to the authorized employee representative within seven calendar days. The employer is only required to give the authorized employee representative information from the OSHA 301 Incident Report section titled "Tell us about the case." The employer must remove all other information from the copy of the OSHA 301 Incident Report or the equivalent substitute form that they give to the authorized employee representative.

(8) The employer may not charge for these copies the first time they are provided. However, if one of the designated persons asks for additional copies, the employer may assess a reasonable charge for retrieving and copying the records. An example of what a "reasonable charge" would be is what a print company would charge for copying the same documents.

[Statutory Authority: RCW 49.17.010, 49.17.040, and 49.17.050. WSR 19-17-068, § 296-27-02111, filed 8/20/19, effective 1/1/20; WSR 15-11-066, § 296-27-02111, filed 5/19/15, effective 7/1/15; WSR 02-01-064, § 296-27-02111, filed 12/14/01, effective 1/1/02.]