

Attorney General Raoul Announces Resolution Of Lawsuit Seeking Stronger Worker Safety Rules

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CHICAGO - Attorney General Kwame Raoul announced the resolution of a multistate federal lawsuit resulting from the final adoption of a robust Occupational Safety and Health Administration (OSHA) rule to protect worker safety.

The new rule, which strengthens public reporting of workplace health and safety information, will go into effect in January 2024. As a result, Raoul and the states have asked the U.S. Court of Appeals for the District of Columbia to dismiss the case.

“Having sound data on workplace injuries allows employers to improve safety, which benefits everyone,” Raoul said. “Employees deserve safe working environments. Having better information about potential hazards could also reduce employers’ costs in defending against workers’ compensation claims and potentially prevent costs from being passed on to consumers.”

On-the-job injuries and illnesses remain unacceptably high, with American workers experiencing more than 3 million serious injuries and illnesses per year. The much-anticipated final rule will improve workplace safety by encouraging employers to abate existing hazards, and empowering workers to identify risks specific to their jobs and seek improvements. The rule was first proposed under the Obama administration in 2016, but was subsequently delayed and then reversed under the following administration.

In May 2019, Illinois, Maryland, Massachusetts, Minnesota, New Jersey and New York [filed a lawsuit](#) challenging OSHA’s decision to roll back the public reporting requirements. Amid the states’ litigation, OSHA under the Biden administration reversed its position and released a final rule similar to the one it released in 2016, making the civil case moot.

The final rule provides for even greater reporting of injuries and illnesses in high-risk industries than the initial proposal in 2016. The final rule’s detailed injury and illness reporting requirements apply to employers with 100 or more workers in designated high-risk industries, whereas the requirements originally applied only to workplaces with 250 or more employees regardless of industry.

The new rule requires certain large employers – those with 100 or more employees in high-risk industries – to submit to OSHA information from two different workplace injury and illness tracking forms that employers are already required to maintain. Specifically, the rule requires these employers to annually submit a Log of Work-Related Injuries and Illnesses (OSHA Form 300) and an Injury and Illness Report (OSHA Form 301) to OSHA.

The forms request detailed information about workplace injuries and illnesses, such as what the injured employee was doing before the accident, how the injury occurred, the specific injury or illness, which part(s) of the body were affected, the location in the establishment the injury occurred, the job title of the affected employee, and what object or substance directly harmed the employee. This comprehensive information about the

nature and severity of workplace safety incidents and risks will help determine patterns that inform educational and compliance outreach.

In addition, the collected information will be made available to the public electronically. Any employee-identifying information will be excluded, as will names of health care professionals and names and addresses of facilities where treatment was provided if treatment was administered away from the worksite.