

OSHA Delays Enforcement of Injury Reporting Anti-Retaliation Provisions

July 15, 2016

We recently alerted you to provisions affecting employer drug testing and safety incentive programs contained in the amended OSHA Injury & Illness Recordkeeping Standard. (Please see Miller Canfield's July 5 alert: "*New OSHA Rule Could Affect Employers' Drug Testing and Safety Incentives.*") Drug testing and safety incentives that OSHA deems to unreasonably restrict employee reporting of injuries would be considered illegal retaliation against an employee for reporting an injury. OSHA is delaying enforcement of the anti-retaliation provisions to conduct additional outreach and provide educational materials and guidance for employers. Originally scheduled to begin August 10, 2016, enforcement will now begin November 1, 2016.

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