



An overview of OSHA recordkeeping essentials for hotel managers

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This will be the first in a series of upcoming articles on the Occupational Safety & Health Administration – OSHA. Even though an employer’s efforts to guarantee a safe workplace go beyond the requirements of the federal Occupational Safety and Health Act, the Act and its associated safety standards are perhaps the best place to start.

General background

OSHA establishes an enforcement framework beginning with the “General Duty Clause” which states:

Each employer –

- (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;
- (2) shall comply with occupational safety and health standards promulgated under this Act.

Specific OSHA standards are set out in OSHA regulations and are grouped under categories. Most employers are covered under the “General Industry Standards,” which applies to the Service industry, including hotels and resorts.

The Occupational Safety and Health Act encourages states to develop and operate their own job safety and health plans. OSHA approves and monitors these plans. The following states and territories have approved State Plans:		
<ul style="list-style-type: none"> ▪ Alaska ▪ Arizona ▪ California ▪ <i>Connecticut</i> ▪ Hawaii ▪ Indiana ▪ Iowa ▪ Kentucky ▪ Maryland 	<ul style="list-style-type: none"> ▪ Michigan ▪ Minnesota ▪ Nevada ▪ <i>New Jersey</i> ▪ New Mexico ▪ <i>New York</i> ▪ North Carolina ▪ Oregon ▪ Puerto Rico 	<ul style="list-style-type: none"> ▪ South Carolina ▪ Tennessee ▪ Utah ▪ Vermont ▪ <i>Virgin Islands</i> ▪ Virginia ▪ Washington ▪ Wyoming
NOTE: The <i>Connecticut, New Jersey, New York and Virgin Islands</i> plans cover public sector (State & local government) employment only.		

OSHA-approved occupational safety and health plans must adopt and enforce standards identical to, or at least as effective as, the federal standards and provide extensive programs of voluntary compliance and technical assistance, including consultation services.

Recordkeeping

Perhaps the best place to begin an in-depth review is with OSHA recordkeeping. Therefore, every hotel manager should ask himself whether his property’s Injury and Illness Records for the hotel are up to date. For many managers, this may

not be something that they have considered recently, but if the hotel was inspected by OSHA, this would be one of the first areas that a compliance officer would review. Keep in mind that OSHA inspectors have the right to conduct unannounced inspections of employer properties and personnel records.

Recordkeeping requirements are fairly unambiguous as the OSHA rule is clear: "If your company had more than ten (10) employees at any time during the last calendar year, you must keep OSHA injury and illness records." In most instances, the hotel industry must follow these guidelines, with few exceptions.

In 2002, the Occupational Safety & Health Administration made some significant changes to the recordkeeping guidelines. To complicate matters even further, in 2004 the OSHA recordkeeping forms changed once again. All of the necessary forms can be found and downloaded from the OSHA website: www.osha.gov. Because of these recent changes, many of the hotels have failed to implement the various nuances that were incorporated into the new guidelines. Thus, the compliance officer during an inspection will focus considerable time and attention on the hotel's recordkeeping protocols to ensure that all changes have been implemented and are being followed.

Target issues during an audit

With this in mind, please remember that the inspection by the compliance officer can include the current OSHA 300 Log as well as the OSHA 300 Logs for the previous 5 years. In order for a hotel's OSHA records to pass an inspection by a compliance officer, please be attentive to the following items as these components seem to be target issues during the audit process:

1. Each recordable injury or illness must be entered on the OSHA 300 Log within seven (7) calendar days of receiving information that a recordable injury or illness has occurred. The "General Recording Criteria" as defined by OSHA is as follows: "You must consider an injury or illness to meet the general recording criteria, and therefore to be recordable, if it results in any of the following: death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. You must also consider a case to meet the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness."
2. The exact location for each recordable injury or illness must be listed in column (E) on the OSHA Log, (e.g. Loading dock north end).
3. The description for each recordable injury or illness in column (F) on the OSHA Log must include a description of the injury, such as "contusion" or "sprain" and the body part affected by the injury/illness. In addition, the "object/substance that directly injured or made the person ill" must also be recorded (e.g., Second-degree burn on right forearm from acetylene torch).
4. In a case where the injured employee has both "days away from work", as well as, "job transfer or restriction," only the column indicating the most serious result of the case should be checked. In this instance, column (H) "days away from work" should only be checked.
5. If the case resulted in days of "job transfer or restriction" then column (I) should be checked, not column (J) "other recordable cases".
6. The actual number of days of "days away from work" should be recorded in column (K) for each case.
7. The actual number of days of "on the job transfer or restriction" should be recorded in column (L) for each case.
8. The day count should be capped at 180 days when a combined total of days away from work plus restricted days is reached.
9. Every employer is required to post the annual summary section of the log, OSHA form 300A, by February 1 of the year following the year covered by the records. This summary must remain in place until April 30. The 300A must also be certified by the highest-ranking executive at the establishment. This would typically be the General Manager. The copy of the annual summary must be posted in each establishment in a conspicuous place or places where notices to employees are customarily posted. You must ensure that the posted annual summary is not altered, defaced or covered by other material.
10. The OSHA Form 301, Injury and Illness Incident Report, should be completed for each case, or an equivalent form must be utilized. For OSHA to consider the form equivalent and acceptable, the form must include all information asked for on the 301. Reviewing the internal Employee Accident Investigation report that a hotel currently utilizes to ensure the equivalency test has been met is certainly recommended.

It would be a good idea to review the OSHA logs dating back to 2002 to ensure the aforementioned items have been addressed. If not, your hotel could face various citations and penalties. This topic will be presented in greater detail in the next issue of TRC with the follow-up article, "Is Your Hotel Prepared for an OSHA Inspection?" ✧

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