

Reporting COVID-19 Fatalities and In-Patient Hospitalizations to OSHA



OSHA's COVID-19 Emergency Temporary Standard (ETS) requires employers to report all work-related COVID-19 fatalities and in-patient hospitalizations to OSHA. This document explains the reporting requirements.

The ETS requires employers to report each work-related COVID-19 fatality or in-patient hospitalization of any employee, regardless of the amount of time between the exposure to COVID-19 in the work environment and the death or in-patient hospitalization. Employers must report each employee COVID-19 fatality to OSHA within 8 hours of learning about the fatality. Employers must also report each employee COVID-19 in-patient hospitalization to OSHA within 24 hours of learning about the in-patient hospitalization.

These requirements are similar to the OSHA requirements for reporting fatalities and hospitalizations under 29 CFR 1904.39. The only difference is that under the ETS, employers are required to report a COVID-19 in-patient hospitalization or fatality that occurs *at any time* after a work-related incident (i.e., exposure). Under 1904.39, employers are only required to report fatalities that occur within 30 days of the work-related incident and in-patient hospitalizations that occur within 24 hours of the work-related incident (see 1904.39(b)(6)). Those limits do not apply to the ETS's reporting requirements.

The ETS's reporting requirements apply to all employers covered by the COVID-19 ETS. Where an employer is required to report a fatality or in-patient hospitalization under both 1904.39 and the ETS, a single report will fulfill both requirements.

Employers can report COVID-19 fatalities and in-patient hospitalizations by:

- Calling the OSHA Area Office that is nearest to the site of the incident (see www.osha.gov/contactus/bystate);
- Calling the OSHA toll-free telephone number, 1-800-321-OSHA (1-800-321-6742); or
- Submitting information through OSHA's website at www.osha.gov.

When reporting a COVID-19 fatality or in-patient hospitalization, the employer should have the following information available:

- The employer's business name;
- The name of the deceased or hospitalized employee;
- The time and location of the work-related incident (i.e., exposure) that led to the fatality or in-patient hospitalization, if known;
- The type of reportable event (i.e., fatality or in-patient hospitalization);
- The number of employees who suffered a fatality or in-patient hospitalization (if applicable);
- A brief description of the incident; and
The name and contact information of the employer's designated contact person.

How to determine if an employee contracted COVID-19 at work?

A key component of the requirement to report a fatality or hospitalization is for the employer to make a determination as to whether the COVID-19 case is work-related. In order to determine whether the exposure occurred in the work environment or occurred away from work, the employer must evaluate the employee's work duties and environment. To address this issue the employer must follow the criteria in OSHA's recordkeeping regulation at 29 CFR 1904.5 for determining work-relatedness.

Under 29 CFR 1904.5 *Determination of work-relatedness*, an employer must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition. If the COVID-19 exposure event likely occurred within the employee's work environment, and the subsequent illness led to either death or in-patient hospitalization, reporting of this incident would be required.

An employer is not required to report a fatality or hospitalization if the employer determines that exposure to COVID-19 clearly did not occur in the workplace. For example, if an employee had been on vacation when the case of COVID-19 was contracted, this would be an indication that this was not a workplace exposure event.

Because an employee can contract COVID-19 from an exposure at work or outside of the workplace, an employer whose employee has been hospitalized or is deceased due to COVID-19 needs to consider the following:

- The type, extent, and duration of contact the employee had at the work environment with other people, particularly the general public;
- Physical distancing and other controls that impact the likelihood of work-related exposure;
- The extent and duration of time spent in a shared indoor space with limited ventilation; and
- Whether the employee had work-related contact with anyone who exhibited signs and symptoms of COVID-19.

OSHA expects that healthcare employers will typically report in-patient hospitalizations and fatalities resulting from confirmed cases of COVID-19 among employees working in areas where suspected or confirmed COVID-19 patients are treated absent evidence suggesting the exposure occurred outside of the workplace. For example, if a nurse is working on a hospital floor dedicated to the treatment and care of COVID-19 patients, and there is an outbreak among co-workers, it is likely that a COVID-19 illness contracted by the nurse is work-related, absent evidence of an outside exposure.

This document is intended to provide information about the COVID-19 Emergency Temporary Standard. The Occupational Safety and Health Act requires employers to comply with safety and health standards promulgated by OSHA or by a state with an OSHA-approved state plan. However, this document is not itself a standard or regulation, and it creates no new legal obligations.