

## OSHA Issues Enforcement Guidance For Recording Cases of COVID-19

The Occupational Safety and Health Administration (OSHA) has issued [interim guidance](#) for enforcing OSHA's record-keeping requirements (29 CFR Part 1904) as it relates to recording cases of COVID-19.

Under OSHA's record-keeping requirements, COVID-19 **is a recordable illness**, and employers are responsible for recording cases of COVID-19, **if** the following applies:

- Is confirmed as a COVID-19 illness;
- Is work-related as defined by 29 CFR 1904.5; **and**
- Involves one or more of the general recording criteria in 29 CFR 1904.7, such as medical treatment beyond first aid or days away from work.

OSHA does not consider construction to be a high-risk industry like healthcare and emergency response industries are when it comes to transmission of the virus. As such, the agency said it will not enforce record-keeping requirements to mandate that contractors make determinations regarding whether a COVID-19 case is work related or not. Construction firms can use whatever information is reasonably available to them in deciding whether a COVID-19 case is recordable.

For example, if there are several workers who ride in the same work truck every day and one is diagnosed with COVID-19 and then a second worker who rides in that truck also is diagnosed, that is probably objective evidence that the transmission is work related. However, if both workers attended the same party at the home of someone who had COVID-19, then the employer can consider that evidence as well and determine the cases are not work related.

You may also be interested in this article: [OSHA Releases Alert and Guidance on COVID-19](#)