

## Employee Involvement with OSHA

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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**Reference Number:** MTAS-1495

The OSHA recordkeeping standard requires that employees and their representatives be involved in the recordkeeping system in several ways. You must inform each employee of how he/she is to report an injury or illness and must provide limited access to the injury and illness records for employees and their representatives. 29 C.F.R. § 1904.35(a). A personal representative of an employee or former employee is any person whom the employee or former employee designates in writing as such, or the legal representative of a deceased or legally incapacitated employee or former employee. 29 C.F.R. § 1904.35(b)(ii).

If an employee or representative asks for access to the OSHA 300 Log and/or the OSHA 301 Incident Report, you must give the requester a copy of the relevant Log and Incident Report by the end of the next business day. If the authorized employee representative asks for copies of the OSHA 301 Incident Report, you must give copies of those forms within seven calendar days. You are authorized to give the representative only information from the Incident Report section titled "Tell us about the case." You must remove all other information from the copy of the OSHA 301 form. 29 C.F.R. § 1904.35(b)(v).

You may not charge for copies the first time copies of the records are provided. If one of the designated persons asks for additional copies, you may assess a reasonable charge for retrieving and copying the records. 29 C.F.R. § 1904.35(b)(vi).

Employers are prohibited from discriminating against an employee for reporting a workplace fatality, injury or illness. The employee is also protected who files a safety complaint or ask for access to records. 29 C.F.R. § 1904.35(b)(iv).

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