

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



Reply to the attention of:

JUL 13 2016

MEMORANDUM FOR THE REGIONAL ADMINISTRATORS

FROM:


DOROTHY DOUGHERTY
Deputy Assistant Secretary

SUBJECT:

Delay of Enforcement of the employee rights provisions under 29
CFR 1904.35

The final rule to Improve Tracking of Workplace Injuries and Illnesses prohibits employers from discouraging workers from reporting an injury or illness. The final rule requires employers to inform employees of their right to report work-related injuries and illnesses free from retaliation; clarifies the existing implicit requirement that an employer's procedure for reporting work-related injuries and illnesses must be reasonable and not deter or discourage employees from reporting; and incorporates the existing statutory prohibition on retaliating against employees for reporting work-related injuries or illnesses. These provisions under § 1904.35 become effective August 10, 2016.

In order to provide the opportunity to conduct additional outreach to the regulated community, we have decided to delay enforcement of these provisions until November 1, 2016. We are currently developing educational materials for employers and enforcement guidance for your staff that will be made available shortly. Please instruct your staff to provide these materials to employers that are subject to the requirements under § 1904.35 and to provide guidance on what steps the employers can take to ensure that they are in compliance with the new provisions when enforcement begins on November 1, 2016.