



EMPLOYMENT LAW UPDATES WEEK OF AUGUST 30 - SEPTEMBER 3

OSHA Moving Forward With New Regulations Regarding “Musculoskeletal Disorders”

OSHA has moved forward with its new final regulation for “musculoskeletal disorder” injury and illness recordkeeping. Under the new regulation, 29 C.F.R. 1904.12, effective January 1, 2011, all covered non-partially exempt employers will be required to record musculoskeletal disorders (MSD) in the column added to the OSHA 300 Log and 300A Form. MSD is defined by OSHA as,

“...disorders of the muscles, nerves, tendons, ligaments, joints, cartilage, and spinal disk. MSD’s DO NOT include disorders caused by slips, trips, falls, motor vehicle accidents, or other similar accidents...”

The proposed rule also expressly states that recordable MSD’s include an employee’s subjective complaints such as “pain, tingling, burning, numbness or any other subjective symptoms of a MSD.” Whether it is a specific medically diagnosable condition, or just a “subjective” symptom, OSHA’s proposed rule indicates that a MSD will only be recordable, as with other injuries and illness, if it is work-related, a new case, and meets one or more of the general recording criteria. OSHA also intends to remove certain language to avoid potential confusion and underreporting of work-related MSD’s.

Contact us for more information on how these changes could potentially affect your business.

These alerts are intended to be informational and not to solve individual legal problems. Use of and access to this alert does not create an attorney-client relationship between Rajkowski Hansmeier Ltd. and the user. The opinions expressed at or through this alert are the opinions of the individual author and may not reflect the opinions of the firm or any individual attorney. If you have further questions about this information, please contact us for an attorney's opinion.