

MIOSHA Fact Sheet

Injury and Illness Recordkeeping Requirements for Temporary Workers

MIOSHA Injury and Illness Log Requirements

MIOSHA Part 11 – Recording and Reporting of Occupational Injuries and Illnesses requires employers to record work related injuries and illnesses on the MIOSHA 300 log for all employees on their payroll. **The injury and illness reporting and recordkeeping requirements of an employer are determined by which employer handles the day-to-day supervision of the temporary worker in performing their tasks.** Day to day supervision is defined as when the employer "supervises not only the output, product, or result to be accomplished by the person's work, but also the details, means, methods, and processes by which the work objective is accomplished. Host employers who use the services of temporary staffing agencies and who provide day-to-day supervision of the temporary employee are required to record the employee's injuries on the host employer's log. If the temporary staffing agency provides the day-to-day supervision of the activities of the temporary employee, then the injury should be recorded on the staffing agency's log.

If the temporary staffing agency provides the day-to-day supervision of the activities of the temporary employee while on the host employer's worksite, then the injury should be recorded on the temporary staffing agency's log and reported to MIOSHA by the temporary staffing agency. If the host employer provides the day-to-day supervision of the activities of the temporary employee on the host's worksite, then the injury should be recorded on the host employer's log and reported to MIOSHA by the host employer. This is expressly outlined in the Part 11, Rule 1131(2)(b):

R 408.22131 Covered employees.

Rule 1131. (1) Basic requirement. You must record on the MIOSHA 300 Log the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must record the recordable injuries and illnesses that occur to employees who are not on your payroll if you supervise these employees on a day-to-day basis. If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.

(2) All of the following apply to implementation of subrule (1) of this rule:

(a) If a self-employed person is injured or becomes ill while doing work at my business, do I need to record the injury or illness?

No, self-employed individuals are not covered by these rules.

(b) If I obtain employees from a temporary help service, employee leasing service, or personnel supply service, am I required to record an injury or illness occurring to one of those employees?

You must record these injuries and illnesses if you supervise these employees on a day-to-day basis.

(c) If an employee in my establishment is a contractor's employee, must I record an injury or illness occurring to that employee?

If the contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness. If you supervise the contractor employee's work on a day-to-day basis, you must record the injury or illness.

(d) Must the personnel supply service, temporary help service, employee leasing service, or contractor also record the injuries or illnesses occurring to temporary, leased, or contract employees that I supervise on a day-to-day basis?

No, you and the temporary help service, employee leasing service, personnel supply service, or contractor should coordinate your efforts to make sure that each injury and illness is recorded only once: either on your MIOSHA 300 Log if you provide day-to-day supervision or on the other employer's MIOSHA 300 Log if that company provides day-to-day supervision.

The Department of Labor and Economic Opportunity is an equal opportunity employer/program.



It is important that host employers and temporary staffing agencies communicate in advance of hiring to outline injury reporting procedures for temporary staff and to clearly identify each other's responsibilities in accordance with MIOSHA rules. If a host employer holds the responsibility for recordkeeping and reporting due to its day-to-day supervision of the temporary employee, then the host employer must make arrangements with the temporary agency to receive the necessary medical information in order for the host employer to fulfill its reporting and recordkeeping obligations to MIOSHA.

Employee Involvement

The MIOSHA Recordkeeping standard also provides provision for employee involvement as it relates to the reporting of occupational injuries and illness. Employers are required to ensure that their employees know how to report an injury or illness. Employers also must provide employees and their representatives' limited access to injury and illness records. Employee involvement can be facilitated by establishing a system by which employees can report a work-related injury and illness promptly.

Recording and Reporting Occupational Injuries and Illnesses

Keeping track of accidents, injuries, and illnesses can help prevent them in the future. Using accident, injury, and illness data helps identify problem areas. The more that is known, the better to identify and correct hazardous workplace conditions.

Accurate record keeping will allow an employer to better administer safety and health programs. As employee awareness about accidents, injuries, illnesses, and hazards in the workplace improves, employees are more likely to follow safe work practices and report workplace hazards.

Here are some important tips:

- The staffing agency should involve the host staff responsible for safety and health when placing temporary employees to ensure they have reporting/emergency contact information for the temporary agency on file and it is readily accessible.
- Host safety and health staff should maintain a list of temporary employees in the work area and the responsible staffing agencies to ensure they have correct forms, etc. on file.
- The host employer should ensure all temporary employees are included in a company orientation that is essentially the same as company employees' orientation (especially includes safety and health procedures).
- Host employers who regularly use the same temporary agency may wish to include a link to the temporary agency's incident forms with the contact information for the temporary agency on the host employer's website. This information should be included during the temporary employees' orientation.
- Read and refer to MIOSHA Part 11 - Recording and Reporting of Occupational Injuries and Illnesses.

Resources

MIOSHA's Consultation Education and Training (CET) Division offers statewide safety and health assistance to employers and employees. To learn more about free services available from the CET Division, or to request a visit, call the Lansing office at 517-284-7720 or 800-866-4674, or submit your request electronically at www.michigan.gov/cetrca.

Download free materials from the MIOSHA and OSHA websites:

[Recordkeeping Standard](#)

[Recordkeeping Forms and Guidelines](#)

[Updates to OSHA's Recordkeeping Rule](#)