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A TO Z INDEX

ABOUT OSHA ▾ **WORKERS** ▾ **EMPLOYERS** ▾ **REGULATIONS** ▾ **ENFORCEMENT** ▾ **TOPICS** ▾ **NEWS & PUBLICATIONS** ▾ **DATA** ▾ **TRAINING** ▾

Standard Interpretations - Table of Contents

• **Standard Number:** 1904.7(b)(4)

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>

November 21, 2016

Arthur H. Roede
Welwyn Associates, LLC
200 Arden Crest Court
Cary, North Carolina 27513-3831

Dear Mr. Roede:

Thank you for your letter to the Occupational Safety and Health Administration (OSHA) regarding the recordkeeping regulation contained in 29 CFR Part 1904 - Recording and Reporting Occupational Injuries and Illnesses. Specifically, you ask if the following scenario constitutes restricted work activity for OSHA recordkeeping purposes.

Scenario

An employee suffers a work-related laceration but is physically capable of performing all routine job functions. However, the employee is prevented from performing normal job duties in close proximity to the biological production area of the facility as a precaution against potential biocontamination of the output of its processes.

Response:

Section 1904.7(a) of OSHA's recordkeeping regulation provides that employers must consider an injury or illness to meet the general recording criteria, and therefore to be recordable, if it results in restricted work or transfer to another job. Restricted work occurs when, as the result of a work-related injury or illness, (a) an employer keeps the employee from performing one or more of the routine functions of his or her job, or from working the full workday that he or she would otherwise have been scheduled to work; or (b) a physician or other licensed health care professional recommends that the employee not perform one or more of the routine functions of his or her job, or not work the full workday that he or she would otherwise have been scheduled to work. See, Section 1904.7(b)(4)(i).

Restricted work cases are those which involve restrictions that are imposed or recommended as the result of a work-related injury or illness. If an employee has a work-related injury or illness, and that employee's work is restricted by the employer to prevent exacerbation of, or to allow recuperation from, that injury or illness, the case is recordable as a restricted work case because the restriction was necessitated by the work-related injury or illness. Please note that if the employee's work-related illness or injury played any role in the restriction, OSHA considers the case to be a restricted work case. See, the preamble to the January 19, 2001 final rule revising OSHA's recordkeeping regulation at 66 Federal Register 5981.


In the scenario presented, the restriction was placed on the employee to protect the integrity of the product being produced rather than for preventing exacerbation of, or to allow recuperation from, that injury or illness. Accordingly, the case described above does not involve restricted work activity.

We hope you find this information helpful. OSHA requirements are set by statute, standards, and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules.

Sincerely,

Amanda Edens, Director
Directorate of Technical Support and Emergency Management

UNITED STATES DEPARTMENT OF LABOR

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Frequently Asked Questions
A - Z Index
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