Standard Interpretations
/ Determining if Injuries and Illnesses are work-related when employees commute from home to work and from a hotel to a worksite.

- **Standard Number:** 1904.5

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 https://www.osha.gov.

March 17, 2021

Ms. Elizabeth Treanor
PRR Sacramento Office
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Sacramento, California 95866

Dear Ms. Treanor:

Thank you for your letter to the Occupational Safety and Health Administration (OSHA) regarding the recordkeeping regulation contained in 29 CFR 1904 – Recording and Reporting Occupational Injuries and Illnesses. You request specific guidance on whether to record injuries that occur to an employee when commuting from home to a worksite, and when commuting from a hotel to a worksite.

Scenario 1: An employee has visits to multiple customer worksites scheduled for the day. The employee leaves from her home to travel to the first customer contact, but before arriving at the worksite, she is involved in a motor vehicle accident that results in medical treatment beyond first aid.

Response 1: OSHA's recordkeeping regulation at 29 CFR 1904.5(a) provides that an injury or illness must be considered work-related if an event or exposure in the work environment caused or contributed to the injury or illness or significantly aggravated a pre-existing injury or illness. Section 1904.5(b)(1) defines the work environment as the establishment and other locations where one or more employees are working or are present as a condition of their employment. Work-relatedness is presumed under Part 1904 for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in Section 1904.5(b)(2) specifically applies.

Section 1904.5(b)(6) provides that injuries and illnesses that occur when an employee is on travel status are work-related if, at the time of the injury or illness, the employee was engaged in work activities "in the interest of the employer." For example, travel to and from customer contacts, conducting job tasks, and entertaining or being entertained to transact, discuss, or promote business. However, as OSHA explained in the preamble to the final rule revising the recordkeeping regulation, injuries and illnesses that occur during an employee's normal commute to and from work are not considered work-related and therefore do not need to be recorded. See, 66 Federal

Register 5916 at 5960 (January 19, 2001). When an employee commutes to and from work, that employee is not at the work establishment, nor is that employee performing a work activity in the interest of the employer. Instead, the commute represents a non-work-related activity that is within the personal control of the employee.

For purposes of OSHA recordkeeping, an employee's first trip of the day from home to a permanent worksite or to a customer's worksite is considered a commute. The employee's normal commute from home to work ends once the employee arrives at the work environment or starts traveling "in the interest of the employer." See, OSHA's February 6, 2007, letter of interpretation to Brandon Muffoletto. Therefore, the employee's injury described above that resulted from a motor vehicle accident during her commute from home to a customer's worksite is not work-related and does not need to be recorded on the OSHA 300 log.

Scenario 2: An employee travels to another state and checks into a hotel. The next morning, she travels to the first customer contact, one of many scheduled for the day. Before arriving at the first worksite, she is involved in a motor vehicle accident that results in medical treatment beyond first aid.

Response 2: As noted above, Section 1904.5(b)(6) provides that injuries and illnesses that occur to an employee when on travel status are work-related if the employee was engaged in work activities "in the interest of the employer." However, Section 1904.5(b)(6)(i) provides that, when an employee is on travel status and checks into a hotel, motel, or other temporary residence, the employee is considered to have established a "home away from home." In such cases, an employee's activities must be evaluated in the same manner as an employee who leaves work and is essentially "at home." Accordingly, when an employee has established a "home away from home," and is reporting to a fixed worksite, injuries or illnesses are not considered work-related if they occur while the employee is commuting between the temporary residence and the job location and are therefore not recordable. See, 66 Federal Register at 5960.

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. Also, from time to time we update our guidance in responses to new information. To keep appraised of such developments, you can consult OSHA's website at http://www.osha.gov.

Sincerely,

Lee Anne Jillings, Acting Director
Directorate of Technical Support and Emergency Management

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