

July 2016

## Labor & Employment Relations Alert

### OSHA Pushes Back Effective Date of Anti-Retaliation Provisions of Final Rule

As we have previously have reported, the Occupational Safety and Health Administration (OSHA) published its final rule revising its Recording and Reporting of Occupational Injuries and Illnesses regulations this past May. One of the most immediate impacts of the final rule is the new retaliation provision that can be enforced by OSHA, even if no complaint has been filed. This provision was scheduled to become effective on August 10, 2016. Now, [in a press release issued on July 13, 2016](#), OSHA has pushed back the effective date of the anti-retaliation provisions of the final rule from August 10, 2016 to November 1, 2016. OSHA's stated reason for the delay is so that it can conduct "additional outreach and provide educational materials and guidance for employers."

The anti-retaliation provisions of the final rule purport to prohibit a number of common policies, including policies that: 1) discipline employees for not immediately reporting work-related injuries or illnesses; 2) contain incentive programs that may deter employees from reporting injuries; and 3) call for blanket, automatic post-accident/injury drug testing.

OSHA's announcement comes one day after the Manufacturer's Center for Legal Action filed a memorandum and emergency motion to enjoin the implementation of the final rule in the United States District Court for the Northern District of Texas, Dallas Division.

Other recent client alerts on this topic can be found here:

- [Part 1 – The Final Rule](#)
- [Part 2 – New Rule Might Make Automatic Post-Accident Testing Illegal](#)

Stay tuned as Michael Best's OSHA team continues to publish alerts breaking down the dramatic changes this new rule will bring. In the meantime, for questions and more information, please contact a member of our OSHA team:

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