**Section** **350.390 Employee Involvement**

a) Basic Requirement

Employees and their representatives must be involved in the recordkeeping system in several ways.

1) The employer must inform each employee of how to report an injury or illness to the employer.

2) The employer must provide limited access to its injury and illness records for its employees and their representatives.

b) Implementation

1) The employer must establish a process for employees to report work-related injuries and illnesses promptly and must inform each employee regarding the process to report work-related injuries and illnesses.

2) The employer must give its employees and their representatives access to the OSHA injury and illness records. Employees, former employees, their personal representatives, and their authorized employee representatives have the right to access the injury and illness records, with the limitations provided in this subsection (b).

3) An authorized employee representative means an authorized collective bargaining agent of employees.

4) A personal representative is:

A) Any person that the employee or former employee designates as such, in writing; or

B) The legal representative of a deceased or legally incapacitated employee or former employee.

5) When an employee, former employee, personal representative, or authorized employee representative asks for copies of the current or stored OSHA Form 300 for an establishment the employee or former employee has worked in, the employer must give the requester a copy of the relevant OSHA Form 300s by the end of the next business day.

6) Privacy

A) The employer shall not remove the names of the employees or any other information from the OSHA Form 300 before giving copies to an employee, former employee, personal representative, or employee representative. However, to protect the privacy of injured and ill employees, the employer shall not record the employee's name on the OSHA Form 300 for privacy concern cases (see Section 350.340(b)).

B) When an employee, former employee, or personal representative asks for a copy of the OSHA Form 301 (Injury and Illness Incident Report) describing an injury or illness to the employee or former employee, the employer shall give the requester a copy of the OSHA Form 301 (Injury and Illness Incident Report) containing that information by the end of the next business day. When an authorized employee representative asks for copies of the OSHA Form 301s (Injury and Illness Incident Report) for an establishment where the authorized employee representative represents employees under a collective bargaining agreement, the employer shall give copies of those forms to the authorized employee representative within 7 calendar days. The employer is only required to give the authorized employee representative information from the OSHA 301 (Injury and Illness Incident Report) section titled "Tell us about the case". The employer shall remove all other information from the copy of the OSHA Form 301 (Injury and Illness Incident Report) or the equivalent substitute form given to the authorized employee representative.

7) The employer shall not charge for copies of OSHA reports the first time they are provided. However, if one of the designated persons asks for additional copies, the employer may assess a reasonable charge for retrieving and copying the records.

(Source: Amended at 46 Ill. Reg. 3518, effective February 15, 2022)