

Recording Adverse Employee Reactions to COVID-19 Vaccines

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The Occupational Safety and Health Administration (“OSHA”) has issued guidance on when an employer must record an employee’s adverse COVID-19 vaccine reaction in its OSHA 300 Log. OSHA’s guidance explains that an adverse reaction must be recorded if the reaction is (1) work-related; (2) a new case; (3) generally recordable (e.g. causes days away from work, restricted work, or medical treatment beyond first aid); and (4) caused by a *required* vaccine.

Accordingly, an employee’s adverse reaction to a COVID-19 vaccination must be recorded in an employer’s OSHA 300 log only when the employer *mandates* the vaccine. However, OSHA notes that an employee’s choice to be vaccinated must be truly *voluntary*. For example, an employee’s choice to accept or reject the vaccine cannot affect his or her performance rating, professional advancement, or any other opportunity.

Employers that want to avoid OSHA 300 recordkeeping requirements and tracking vaccinated and un-vaccinated employees, should clearly communicate that vaccination is voluntary and keep record of such communication. Otherwise, employers must keep track of employees who suffer adverse reactions to COVID-19 vaccinations to avoid penalties if inspected by OSHA.

Bodman’s Workplace Law Group can assist employers in tailoring a vaccine policy to their needs. Any employer interested in issuing a vaccination policy to its workforce or that has additional questions about recording adverse reactions in its OSHA 300 Log should contact any member of **Bodman’s Workplace Law Group**. Bodman cannot respond to your questions or receive information from you without first clearing potential conflicts with other clients. Thank you for your patience and understanding.

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