Alcohol-Related Workplace Injuries Recordable, OSHA Says

June 1, 2016

Practices

Workplace Safety and Health

Employers are not exempt from the Occupational Safety and Health Administration's reporting rule for on-the-job injuries linked to alcohol intoxication even though the injured employee's consumption of alcoholic beverages took place off the job.

The interpretation was outlined in a letter from Amanda Edens, head of OSHA's Technical Support and Emergency Management Directorate, dated March 21, but was released April 18.

In general, OSHA mandates employers to record any workplace injury that requires treatment beyond first aid. However, OSHA's regulation at Section 1904.5(b)(2)(vi) states, "You are not required to record injuries and illnesses if the injury or illness is solely the result of personal grooming, self-medication for a non-work-related condition, or is intentionally self-inflicted."

The employer had asked OSHA whether a worker's "self-medicating with alcohol for his non-work-related condition of alcoholism" qualified for the reporting exemption. Then a post-injury drug test revealed the worker was intoxicated.

According to Edens, OSHA health care professionals concluded the exception for self-medication does not apply because consuming alcohol "does not treat the disorder of alcoholism. Instead, drinking alcohol is a manifestation of the disorder."

Although the case did not qualify for the exception, Edens explained when a situation would qualify. "Under this exception, an employee's negative reactions to a medication brought from home to treat a non-work-related condition would not be considered a work-related illness, even though it first manifested at work."

OSHA interpretive letters explain agency requirements as they apply to particular circumstances, but do not create additional employer obligations. Employers should consult with a Jackson Lewis attorney to determine whether and how their particular workplace situations are affected by this interpretation.