



Last month's article by On-Site, "New Year, New OSHA Logs," discussed completing a new OSHA 300 log, leading to a surge of questions. Before answering the fundamental question that every safety and health professional encounters during their career, we must first clarify what a workplace environment is, and understand OSHA's definition of an establishment. We will also delve into the definition of "workplace activities" before we can adequately respond to the question: **Should I record injuries sustained due to slips, trips, and falls from ice or snow while employees are at or commuting to work?**

29 Code of Federal Regulation (CFR) [Part 1904](#)¹ is OSHA's Injury and Illness Recordkeeping Rule. All references in this article stem from this standard and individual hyperlinks will guide readers to either OSHA's Frequently Asked Questions (FAQs) or Standard Interpretations. These interpretations are OSHA's official responses to employer questions received via letters or emails, offering insight into applying everyday scenarios to OSHA standards. Each published standard includes interpretations, with a complete list available [here](#)².

Commuting to Work: When does OSHA consider an employee to have arrived at work? To answer this, we need to understand what constitutes a workplace or establishment. OSHA defines an establishment as any physical location where business is conducted or where services or industrial operations occur. In simpler terms, an establishment is where your employees perform work. A single business location can be divided into multiple establishments based on operations and property size. Ownership or control of the property is not part of this definition; however, ownership or control becomes critical when addressing commuting-related injuries.

Last year, OSHA clarified [Ms. Leann Johnson-Koch's](#)³ questions regarding commuting injuries, reaffirming that injuries sustained during commutes to and from an establishment are not deemed as work-related. However, once employees enter property controlled or owned by the employer and exit a vehicle, all injuries sustained during the commute are considered work-related. According to [OSHA's recordkeeping resources](#)⁴, questions 5-10 explain that injuries occurring in non-establishment parking lots or shared parking areas, which are not under the employer's control or ownership, do not fall under the worksite definition. Consequently, incidents occurring while traveling to work outside of a vehicle are not considered work-related until the employee enters the employer's controlled or owned property.

Workplace Activities: OSHA has outlined exemptions for injuries or illnesses that are not considered work-related within the work environment; specifically, 1904.5(b)(2)¹ lists nine exempted scenarios. Let's focus on subparagraph (iii), which pertains to participation in a voluntary wellness program while "on the clock." Employers are not required to record injuries if employees are on the property as members of the general public, voluntarily participating in wellness programs, eating or drinking for personal consumption, performing personal tasks **outside** of assigned working hours, engaging in personal grooming, receive self-inflicted injuries, or experience motor vehicle accidents on the establishment grounds. While there are additional exemptions, they fall outside the scope of this article.

In 2000, OSHA addressed [Linda Ballas' question](#)⁵ regarding the recordability of employees' injuries sustained by walking during lunch or breaks while on company property that is not a recreational facility. OSHA said these would be recordable incidents, emphasizing, "Injuries occurring in the work environment are considered work-related. The specific activity the employee was engaged in at the time of the injury is not the controlling factor." Clocking in does not affect the determination of work-



relatedness as this would fall under the commuting clause of the standard. The phrase “personal task” from 1904.5(b)(2) ¹ has been used unsuccessfully to argue against recordability, as recently addressed in Ms. Leann Johnson-Koch’s inquiry ³. OSHA clarified that if employees slip on ice and are injured during a smoke break, such incidents must be considered work-related because they occurred during working hours, even if they were engaged in personal tasks.

Should I record injuries sustained due to slips, trips, and falls from ice or snow while employees are at or commuting to work? Based on OSHA’s standard 1904.5 ¹, FAQs ⁴, and Standard Interpretations ², the answer is YES, but only after they have entered property controlled or owned by the employer and they have exited their vehicle. This applies regardless of being “on the clock.” It is advisable to keep employer-controlled or owned sidewalks, parking lots, and roadways clear of slip, trip, and fall hazards to prevent employee injuries.

The Illinois On-Site Safety and Health Consultation Program can be an invaluable resource for employers to help identify other slip, trip, and fall hazards at your establishment. While the Illinois Department of Labor cannot help you fill out the OSHA forms line-by-line, we do offer free and confidential safety and health assistance to small and medium-sized businesses. Consultation services include on-site visits, air and noise sampling, and program assistance and training, all of which can contribute to creating a safer and healthier work environment while also potentially lowering your worker’s compensation insurance premiums. This program, brought to you at no cost by the State of Illinois*, can provide the support and guidance you need to identify hazards, develop a hierarchy of controls for those hazards, and create an enduring safety and health program. Visit <https://worksafe.illinois.gov/> or contact Harry (Hap) Hileman with the Illinois Department of Labor at 217-993-2111 or harry.hileman@illinois.gov for more information.



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1. <https://www.osha.gov/laws-regs/regulations/standardnumber/1904/1904.5>
2. <https://www.osha.gov/laws-regs/standardinterpretations/standardnumber>
3. <https://www.osha.gov/laws-regs/standardinterpretations/2004-01-15>
4. <https://www.osha.gov/recordkeeping/resources>
5. <https://www.osha.gov/laws-regs/standardinterpretations/2000-02-02>