



# LEGAL UPDATE

## OSHA Recording Guidance for Adverse COVID-19 Vaccine Reactions

On Apr. 20, 2021, the Occupational Safety and Health Administration (OSHA) provided [guidance](#) for recording COVID-19 vaccination adverse reactions. The guidance comes in the format of frequently asked questions for adverse reactions under two scenarios: employer-required and voluntary vaccination.

### Employer-required Vaccination

According to OSHA's guidance, employers are required to record adverse reactions to the vaccine if the reactions are:

- Work-related;
- A [new case](#); and
- The case meets one or more of OSHA's [general recording criteria](#).

With this guidance, OSHA has clarified that "work-related" includes vaccines that are required as a condition of employment. This means that adverse reactions to COVID-19 vaccines are recordable for employers with a mandatory vaccination policy if all other recording requirements are met.

### Recommended or Voluntary Vaccination

Under OSHA's [recording requirements](#), adverse reactions to voluntary or recommended COVID-19 vaccinations may also be recordable. However, OSHA has indicated that, at this time, it will limit its enforcement discretion to only adverse reactions to employer-required COVID-19 vaccination cases.

With this guidance, OSHA has clarified that vaccination is "recommended" only if it is truly voluntary, meaning that the choice to receive or deny the vaccine will not affect an employee's performance rating or professional advancement at work.

### Impact on Employers

This guidance clarifies OSHA's position on recording adverse reactions to the COVID-19 vaccines during the pandemic. The guidance does not change or amend any other injury or illness recording requirements.

### Voluntary Vaccination

Recommended or voluntary vaccination efforts may include:

- Making COVID-19 vaccines available to employees at work;
- Arranging for employees to receive a vaccine off-site; and
- Offering vaccination as part of a voluntary health and wellness program.

***Adverse reactions to COVID-19 vaccines are recordable for employers with a mandatory vaccination policy if all other recording requirements are met.***

Provided to you by **Wallace Welch & Willingham**

This Legal Update is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. ©2021 Zywae, Inc. All rights reserved.



**WALLACE WELCH  
& WILLINGHAM**

INSURANCE & RISK MANAGEMENT SINCE 1925