

# OSHA Changes Rule to Cover Up Vaccine Injuries

Analysis by [Dr. Joseph Mercola](#) ✓ Fact Checked

## STORY AT-A-GLANCE

- › The U.S. Occupational Safety and Health Administration (OSHA) has amended its injury recording rule in a way that will hide the true extent of the damage that the COVID job mandate will have on the American workforce
- › According to OSHA rules, employers must record and report work-related illnesses, injuries and fatalities. This recording requirement initially also applied to adverse reactions suffered by employees who had to get the COVID shot as a requirement for employment. This rule was changed in late May 2021
- › OSHA will not enforce the recording requirement if the injury or fatality involves the COVID job, even if required for employment. The nonenforcement will remain through May 2022. With this change, OSHA is covering up vaccine injuries – and hindering workers from seeking workers' compensation
- › Meanwhile, federal employees required to get the COVID job will be eligible for compensation for injuries through the Federal Employee's Compensation Act (FECA)
- › Having large numbers of injury reports can raise a company's insurance costs. However, if OSHA is going to require all employers with 100 or more employees to implement vaccine mandates, then companies will be in the same boat and none will be at a particular disadvantage, so OSHA really needs to change its recordability guidance back

As reported by Kim Iversen above, around the world people are gathering for massive protests against COVID shot mandates. In mid-September 2021, Italy became the first

European country to announce the implementation of mandatory COVID-19 health passes (so-called “Green Pass”) for all workers, both public and private.

The Italian mandate took effect October 15, 2021. Residents have been protesting in the streets for months on end and there’s no sign of them letting up. Demonstrations are also taking place in The Netherlands, Switzerland, Luxembourg, Greece, Romania, Slovenia, Australia and France.

Even in Israel, mass protests are now taking place as it was announced Israeli’s will lose their health pass privileges unless they get a third booster shot six months after their second dose. New York City has also seen large protests in the wake of its vaccine requirement for restaurants and other public venues.

## **Leaders Turn a Blind Eye**

Yet, despite massive protests, the push for vaccine mandates and vaccine passports that will create a two-tier society continue unabated. With few exceptions, world leaders are simply turning a blind eye and a deaf ear to the fact that their residents want nothing to do with their new world order.

At the same time, government agencies charged with keeping us safe are doing the complete opposite. That includes the Occupational Safety and Health Administration (OSHA), which President Biden has placed in charge of enforcing his unconstitutional edict that private companies with 100 employees or more must make COVID “vaccination” a requirement for employment or face fines of as much as \$700,000 per incidence.<sup>1</sup>

OSHA will issue the mandate for employers as an emergency temporary standard (ETS), but as of this writing, no official mandate has actually been issued.

According to an October 18, 2021, report by PJ Media,<sup>2</sup> OSHA has sent a draft to the Office of Management and Budget (OMB) for review. Since it’s being issued as an ETS, there will be no public comment period.

Once the OMB review is finalized, the vaccination rule will be published. Only then will the mandate actually go into effect. That said, OSHA has already amended an already existing rule in a way that will hide the true extent of the damage that this mandate will have on the American workforce.

## **OSHA Rule Change Covers Up Vaccine Injuries**

According to OSHA rules (29 CFR 1904<sup>3</sup>), employers must record and report work-related illnesses, injuries and fatalities, whether the employer was at fault or not. As reported May 26, 2021, by employment law firm Ogletree Deakins,<sup>4</sup> this recording requirement initially also applied to adverse reactions suffered by employees who had to get the COVID shot as a requirement for employment.

The original guidance stated that employers were required to record an employee's adverse reaction to the COVID jab if the shot was a) work-related, 2) a new case under 29 C.F.R. 1904.6 and 3) met one or more OSHA general recording criteria set out in 29 C.F.R. 1904.7. OSHA specified that an adverse reaction to the jab would be considered "work-related" if the shot was required for employment.

Then, in late May 2021, OSHA suddenly revoked this guidance, saying it will not enforce the recording requirement if the injury or fatality involves the COVID jab, even if required for employment. The nonenforcement will remain in place through May 2022, at which time the agency will reevaluate its position.

Why would they remove the requirement to record and report vaccine injuries incurred as a result of a vaccine mandate? According to OSHA, the agency is "working diligently to encourage COVID-19 vaccinations," "does not wish to have any appearance of discouraging workers from receiving COVID-19 vaccination, and also does not wish to disincentivize employers' vaccination efforts."<sup>5,6</sup> As reported by Ogletree Deakins:<sup>7</sup>

*"There is no doubt that OSHA's guidance created a disincentive for employers to mandate that their employees get vaccinated. With a mandatory vaccination policy, the guidance ensured that employees' adverse reactions (with arguably little correlation to actual work-related injuries) could end up on a company's*

*OSHA recordkeeping logs – which could, in turn, negatively affect its insurance rates and, in some industries, its ability to bid for work.”*

What Ogletree fails to address is that by not enforcing this recording requirement for COVID job injuries, OSHA is intentionally covering up the ramifications these vaccine mandates might have on employees' health. Meanwhile, employers are still required to record and report COVID-19 infections and COVID-19 deaths among their employees.

## **Federal Employees Get Special Treatment**

In related news, federal employees must be fully “vaccinated” by November 22, 2021, or face the unemployment line. While coercion of this nature is abhorrent under any circumstance, federal employees at least get special treatment if they're injured by the required job. As reported by Stacey Lennox for PJ Media:<sup>8</sup>

*“... October 1, 2021, the Federal Employee's Compensation Act (FECA) issued a bulletin regarding coverage for vaccine injuries.<sup>9</sup> FECA did not traditionally cover preventative measures and any resulting illness or injury. As of September 9, 2021, when President Biden announced the federal mandate, adverse reactions to COVID-19 vaccination are covered.”*

As indicated in FECA Bulletin No. 22-01, dated October 1, 2021:<sup>10</sup>

*“... this executive order now makes COVID-19 vaccination a requirement of most Federal employment. As such, employees impacted by this mandate who receive required COVID-19 vaccinations on or after the date of the executive order may be afforded coverage under the FECA for any adverse reactions to the vaccine itself, and for any injuries sustained while obtaining the vaccination.”*

“This bulletin is an interesting turn of events given previous OSHA guidance to private employers,” Lennox writes.<sup>11</sup> Indeed, while OSHA is selectively choosing to hide the vaccine injuries of private employees, federal employees will have access to financial

compensation for their vaccine injuries, over and above the Countermeasures Injury Compensation Act (CICP).<sup>12</sup>

## **Who Will Pay for Private Employees Injured by the Jobs?**

On the whole, it's clear that private employees will be at a distinct disadvantage in terms of compensation. If their employer requires them to get the job to keep their job, and they get injured by it, the only recourse they have is to file a CICP claim, which is near-impossible to get. By not requiring companies to record vaccine injuries, it effectively shuts down the path for an employee to seek worker's compensation if they're injured by a mandated COVID job.

*"While OSHA recordability does not govern worker's compensation, after managing both for several employers, I have never seen a compensable injury that is not OSHA recordable," Lennox writes.*<sup>13</sup>

As for CICP, in its 15-year history, it has paid out fewer than 1 in 10 claims.<sup>14,15,16</sup> It also offers rather limited help, as you first have to exhaust your personal insurance before it kicks in to pay the difference.

Even if they can get it, CICP awards are likely to be a drop in the bucket for most people. The average award is \$200,000, and compensation for fatalities are capped at \$370,376.<sup>17</sup> Meanwhile, you can easily rack up a \$1 million hospital bill if you suffer a serious thrombotic event.<sup>18</sup>

**“ Private sector employees deserve the same protection as federal employees in the face of mandatory vaccines. The mandates will put a severe risk between them and their ability to earn a living for some people ... If employers don't want the liability, they should fight the mandate. ~ Stacey Lennox, PJ Media ”**

Perhaps most egregious of all, it's your responsibility to prove your injury was the "direct result of the countermeasure's administration based on compelling, reliable, valid, medical and scientific evidence beyond mere temporal association."

In other words, you basically have to prove what the vaccine developer itself has yet to ascertain, seeing how you are part of their still-ongoing study. You must also pay for your own legal help and any professional witnesses you may need to support your claim.

## **Union Workers Now Have Another Bargaining Chip**

The fact that federal workers who are injured by the mandated COVID jabs will be covered by FICA now gives unionized employees a new bargaining chip though. As noted by Lennox:<sup>19</sup>

*"Without the OSHA ETS, unions would have bargained about having a vaccine mandate as a term or condition of employment at all. Now, unions should still have an opportunity for effects bargaining to ensure their members are covered if they sustain a vaccine injury."*

## **Recordability Guidance Must Be Changed Back**

As mentioned earlier, the OSHA requirement to record vaccine injuries was scrapped because it disincentivized employers to mandate the shot. Having large numbers of injury reports can raise a company's insurance costs. However, if OSHA is now going to require all employers with 100 or more employees to implement vaccine mandates, then most companies will be in the same boat.

Since no employer will be at a particular disadvantage, OSHA really needs to change its recordability guidance back, Lennox says, adding:<sup>20</sup>

*"Private sector employees deserve the same protection as federal employees in the face of mandatory vaccines. The mandates will put a severe risk between them and their ability to earn a living for some people."*

*If they [employers] cave, they should be liable just as every taxpayer is now liable for a vaccine injury to a federal employee. If employers don't want the liability, they should fight the mandate."*

## Sources and References

---

- <sup>1</sup> Reuters September 13, 2021
- <sup>2, 8, 11, 13, 19, 20</sup> PJ Media October 18, 2021
- <sup>3</sup> OSHA 29 CFR 1904
- <sup>4, 7</sup> Ogletree.com May 26, 2021
- <sup>5</sup> OSHA FAQ Vaccine Related Questions
- <sup>6</sup> OSHA Protecting Workers, COVID-19
- <sup>9</sup> FECA Bulletin 2020-2024 (Archived)
- <sup>10</sup> FECA Bulletin No. 22-01 October 1, 2021
- <sup>12</sup> Congressional Research Service Legal Sidebar CACP March 22, 2021 (PDF)
- <sup>14</sup> Life Site News June 15, 2021
- <sup>15</sup> Insurance Journal August 14, 2020
- <sup>16, 17</sup> Insurance Journal December 29, 2020
- <sup>18</sup> The Defender June 2, 2021