

Are You Reporting Potentially Serious Incidents?



Alberta employers have long been required to report “serious workplace injuries and incidents” to Alberta Occupational Health and Safety (“OHS”) as soon as possible.

In addition, since June 1, 2018, Alberta employers have also been required to report certain potentially serious incidents (“PSIs”) to Alberta OHS.

The Alberta Ministry of Labour interprets a PSI to be “any event where a reasonable and informed person would determine that under slightly different circumstances, there would be a high likelihood for a serious injury to a person.”

Reporting Potentially Serious Incidents

When determining whether an incident is a PSI, the [Ministry of Labour](#) recommends taking the following factors into consideration:

- the actual circumstances of the incident (person, place, time, work practices being followed);
- the hazards present at the time of the incident;
- the existence of appropriate controls in place at the time of the incident;
- whether slightly different circumstances (timing, distance, body position, etc.) may have resulted in a

- serious injury; and
- whether similar incidents have resulted in a serious injury at the employer or prime contractor's operations in the past 2 years.

Examples from Alberta OHS Website

Alberta OHS has provided examples of incidents it views as reportable as a PSI. The following are examples from the Alberta government website.

Reportable PSI:

- An armed person storms onto a work site and threatens workers with death. The armed person robs the work site and leaves. Workers are not physically injured but experience psychological harm;
- A resident at a group home becomes aggressive towards their support worker but does not injure workers physically or psychologically. The employer was aware of the resident's tendency towards aggressive behaviour but failed to inform workers;
- A chemical substance is unexpectedly discharged into the open air at a product processing site when no persons were present. This was not a planned event; and
- While hoisting a motor, the weld on the lifting eye breaks. The area around and below the electric motor is not secured with appropriate controls. The motor falls.

Non-Reportable Incidents:

- A worker is being harassed at work. The employer does not have history of this type of incident and has policies and procedures in place to deal with harassment and violence. The employer is working with the worker and joint work site health and safety committee to

address the issue;

- A resident is known to be aggressive and all staff are made aware and trained to deal with aggressive residents. A resident is aggressive with staff and the staff implement training and controls appropriately;
- A chemical release at a plant is planned and all persons present are wearing appropriate personal protective equipment; and
- While hoisting a motor, the area around and below is secured with the appropriate controls. One of the hoisting straps inadvertently releases and the motor shifts.

It appears from the above examples that where non-reportable incidents is that where training and controls are both in place and implemented effectively, the PSI is likely not deemed reportable.

Other PSI Obligations

In addition to reporting the PSI using the online form, the employer or prime contractor (if there is one) must also carry out an investigation of the PSI and prepare a report that outlines the investigation, including any corrective actions. The joint work site health and safety committee or health and safety representative must participate in the investigation. The investigation report must be provided to Alberta OHS on request and a copy of the report must be kept for at least two years after the PSI.

Non-Compliance

If an employer is found to have breached their obligation to report a serious incident or a PSI, Alberta OHS regulators may issue orders (e.g. stop work, testing, compliance steps) or administrative penalties of \$10,000.00 per day per contravention of the OHS Act. In egregious circumstances,

Alberta OHS regulators may charge individuals and companies with offences under the OHS Act. The first offence may be a fine of up to \$500,000.00 and/or 6 months in jail. The second or subsequent offence may be up to \$1,000,000.00 and/or up to 12 months in jail.

Key Takeaways for Employers

- Determining whether an incident is a PSI or not can be difficult and requires careful consideration of a number of relevant factors;
- Employers should consider establishing internal processes to ensure events that may constitute a PSI are reported to the appropriate contact within the company for further evaluation;
- Employers should ensure workers and supervisors are appropriately trained on recognizing events that may constitute a PSI and are aware of company policies and practices relating to health and safety;
- Consider recording reasons for determining the incident is not a PSI (in the event that the company is later challenged on the decision to not investigate or report); and
- The employer or prime contractor (if there is one) is responsible for reporting any event where a reasonable and informed person would determine that under slightly different circumstances, there would be a high likelihood for a serious injury to a person.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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