Incident Investigation & Reporting Policy



This Model Policy is based on Ontario OHS and WSIB requirements and you'll need to adapt it to meet the reporting rules of your own jurisdiction.

1. **PURPOSE**

ABC Company has adopted this Policy to ensure that injuries, illnesses, and health and safety related incidents and accidents that occur at its workplaces are properly investigated and where necessary, reported to the required government agencies and other parties in accordance with the Ontario *Occupational Health and Safety Act* ("OHS Act"), the *Workplace Safety & Insurance Act* ("WSIA"), associated regulations ("Regulations"), the ABC Company Occupational Health and Safety Program ("OHS Program"), and other applicable requirements and standards.

2. **DEFINITIONS**

For purposes of this Policy:

- **"Board"** means the Ontario Workplace Safety and Insurance Board;
- **"Critical injury"** means an injury of a serious nature that:
    - places life in jeopardy;
    - produces unconsciousness;
    - results in substantial loss of blood;

    - involves the fracture of a leg or arm but not a finger or toe;
    - involves the amputation of a leg, arm, hand or foot but not a finger or toe;
    - consists of burns to a major portion of the body; or
    - causes the loss of sight in an eye.
- **“Director”** means an inspector under the OHS Act who is appointed as a Director for the purposes of the OHS Act;
- **“inspector”** means an inspector appointed for the purposes of the OHS Act and includes a Director;
- **“Near miss”** means an incident that likely would have but did not actually result in death or critical injury thanks to safety measures, rescue, and/or luck;
- **“Reprisal”** means dismissing or threatening to dismiss a worker, disciplining or suspending or threatening to discipline or suspend a worker, imposing any penalty upon a worker, or intimidating or coercing a worker by ABC Company or persons acting on its behalf directed against the worker in retaliation for exercising his/her health and safety rights.

3. **POLICY STATEMENT**

ABC Company recognizes the importance of investigating the causes of injuries, illnesses, incidents, accidents, and near misses that may occur at our work spites despite our best efforts to prevent them. This Policy sets out the rules for investigating and reporting these occurrences to the appropriate government authorities and other parties.

Workers and other personnel are reminded that they are not only encouraged but required to immediately notify ABC Company of injuries, illnesses, incidents, accidents, or near misses that they witness or are involved in and that they **will not suffer any reprisal for doing so.**

4. **IMMEDIATE INCIDENT RESPONSE MEASURES**

4.1. Incident Response Team

ABC Company will designate internal personnel to be responsible for responding to incidents at the workplace—either individually or as a team. Incident responders will include:

- The worker member of the workplace Joint Health Safety Committee ("Safety Committee");
- The Health and Safety Representative ("Safety Representative") if there is no Safety Safety Committee at the workplace; or
- Another competent worker who does not exercise managerial duties if there is neither a Safety Committee nor a Safety Representative at the workplace.

4.2. Immediate Reporting of Fatalities & Critical Injuries

If a person is killed or critically injured from any cause at an ABC Company workplace, ABC Company and the constructor for the workplace, if there is one, shall notify an inspector, and the Safety Committee, Safety Representative and trade union, if any, immediately by telephone or other direct means.

4.3. Notification of Internal Response Personnel

ABC Company will also immediately notify internal incident response personnel of the incident and order such personnel to report to the scene and initiate measures necessary to (subject to the restrictions set out in Section 4.4. below):

- Help or rescue the injured;
- Stabilize the situation to prevent or minimize risk of further injuries, environmental damage, or property damage;
- Secure barricade or isolate the scene as appropriate; and
- Make a determination about whether to conduct a full-blown internal incident investigation.

4.4. Incident Scene Not to Be Disturbed

Neither internal incident response personnel sent to stabilize the situation nor any other person at the scene of a workplace incident in which a person is killed or is critically injured may interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector, except for the purpose of:

- Saving life or relieving human suffering;
- Maintaining an essential public utility service or public transportation system; or
- Preventing unnecessary damage to equipment or other property.

5. DETERMINING NEED FOR INTERNAL INVESTIGATION

5.1. Incidents that Must Be Investigated

Internal incident response personnel must perform an internal investigation of workplace:

- Incidents in which a person is killed or critically injured; or
- Accidents, explosions, fires or incident of workplace violence that do not result in death or critical injury but do result in causing a person to be disabled from performing his/her usual work or require medical attention.

5.2. Incidents that May Be Investigated

An internal investigation may also be conducted of other incidents that do **not** meet the above criteria, including but not limited to near misses and minor incidents, to the extent incident response personnel believe that an investigation is necessary to protect the future health and safety of workers and other at the workplace.

6. **INTERNAL INVESTIGATION PROCEDURE**

The objective of an internal incident investigation is to:

- Determine the incident's cause(s);
- Identify any unsafe acts, conditions, or procedures that contributed in any manner to the incident ("contributing factors"); and
- Determine what actions are necessary to correct the problem and prevent similar incidents.

The incident investigation must begin as soon as possible after the scene has been secured and a determination has been made that it is safe to proceed with the investigation. Methods to be used to gather information for incident investigations may include (without limitation):

- Interviewing victims, workers, supervisors, and other witnesses;
- Recording the statements of interviewed witnesses;
- On-site observations and assessments;
- Taking of photographs, videos, tape recordings, and drawings; and
- Consultations with suppliers, constructors, contractors, subcontractors, manufacturers, outside experts and other third parties.

7. **INTERNAL INCIDENT INVESTIGATION REPORT**

After the investigation ends, internal incident response personnel will prepare a written report listing, among other things:

- A description of the incident and the events that preceded it;
- Any graphics, photographs or other evidence that may help to determine the cause(s) of the incident;
- An explanation of the incident's cause or causes, including a determination of:

- The root cause;
- The direct and indirect causes;
- Other contributing factors, including without limitation, with respect to:
    - People
    - Equipment
    - Material
    - Environment
    - Processes
- A description of corrective action(s) taken to address the root cause and prevent a recurrence; and
- A corrective action plan that includes:
    - Long-term actions to be taken to address the root cause and prevent a recurrence and a tentative timetable for implementing them; or
    - The reasons for **not** taking such long-term corrective actions;

ABC Company will furnish a copy of the incident report to the Safety Committee or Safety Representative to the extent counsel advises that it may do so without compromising the report's status as a privileged document.

8. **REPORTING TO GOVERNMENT AGENCIES & OTHER EXTERNAL PARTIES**

8.1. Reporting of Fatalities & Critical Injuries to Director

If a person is killed or critically injured at the workplace, ABC Company will within 48 hours of the occurrence send the Director a written report of the circumstances listing:

- The name and address of ABC Company and the constructor for the site, if any;
- The nature and circumstances of the occurrence and bodily injury sustained;

- A description of the machinery or equipment involved;
- The time and place of the occurrence;
- The name and address of the person who was killed or critically injured;
- The names and addresses of all witnesses to the occurrence; and
- The name and address ofany physician or surgeon that is or was tending to the victim.

8.2. Reporting of Fatalities & Critical Injuries to Director et al.

ABC Company will also report to the Director , Safety Committee, Safety Representative or trade union, any workplace accidents, explosions, fires or incident of workplace violence that do not result in death or critical injury but do result in causing a person to be disabled from performing his/her usual work or require medical attention with four days of the occurrence. Where the occurrence is an accident, explosion or fire disabling a worker from performing his/her usual work, the notice will list:

- ABC Company's name, address and type of business;
- The nature and circumstances of the occurrence and bodily injury or illness sustained;
- A description of the machinery or equipment involved;
- The time and place of the occurrence;
- The name and address of the victim;
- The names and addresses of all witnesses to the occurrence; and
- The name and address ofany physician or surgeon that is or was tending to the victim; and
- The steps taken to prevent recurrence of further illness.

8.3. Reporting of Occupational Illnesses to Director et al.

If ABC Company is advised on a worker's behalf that a worker

has filed a workers' compensation claim with the Board for an occupational illness, it will within four days send a report to the Director , Safety Committee, Safety Representative or trade union listing:

- ABC Company's name, address and type of business;
- The nature and circumstances of the occurrence and occupational illness sustained;
- A description of the machinery or equipment involved;
- The time and place of the occurrence;
- The name and address of the worker;
- The names and addresses of all witnesses to the occurrence; and
- The name and address ofany physician or surgeon that is or was tending to the worker; and
- The steps taken to prevent recurrence of further illness.

8.4. Reporting of Accidents to Board

If an accident results in a worker's needing health care or not being able to earn full wages, ABC Company will notify the Board within three days of learning of the accident by submitting a written accident report on WSIB Form 7. A copy of the notice will also be provided to the worker. For the purposes of this Section 8.4., "accident" accident" includes:

- A wilful and intentional act by somebody other than the worker;
- A chance event occasioned by a physical or natural cause; and
- Disablement arising out of and in the course of employment.

8.5. Reporting & Retention Guidelines

ABC Company personnel that prepares the above written incident reports shall list ONLY the information prescribed in this Policy unless expressly instructed by ABC Company legal

counsel (or an ABC manager acting on counsel's instructions) to include other details contained in the internal investigation report or other sources. ABC Company shall retain the above records for at least a year or longer if necessary to ensure that at least the two most recent reports are retained.

9. **FOLLOW-UP & CORRECTIVE ACTION**

After an incident investigation ends, ABC Company will without undue delay take any corrective action required to prevent recurrence of similar incidents based on the findings of the incident investigation.

10. **CONSTRUCTORS, CONTRACTORS & SUBCONTRACTORS**

All constructors, contractors, and subcontractors hired to perform work at an ABC Company workplace will be notified of and required to cooperate with incident investigations and reports made under the terms of this Policy. Constructors in control of work at an ABC Company work site must report deaths and critical injuries to the Director in accordance with Section 51 of the OHS Act and Section 8.1. of this Policy. Constructors must also cooperate with and may be asked to conduct internal investigations in accordance with this Policy or an equivalent policy or procedure approved by ABC Company.

11. **TRAINING**

All personnel assigned investigation and reporting duties under this Policy will receive the training necessary to carry out those duties competently and effectively.

12. **EVALUATION**

This Policy will be reviewed at least once a year and more often in response to significant changes and developments that may affect or serve notification of its effectiveness.