

Incident Reporting & Investigation: The Who, /What, /When/Where/How of Incident Notification



What's At Stake

While prevention is the paramount goal, effective incident response is critical to OHS compliance. The starting point is to provide proper and timely notification of health and safety incidents that occur in your workplace. Unfortunately, that's not as simple as it sounds. Incident notification, aka, reporting rules are complicated and vary significantly by jurisdiction. Here's what you need to know to ensure compliance, no matter which part of the country you're in.

Layers of Incident Notification

Incident reporting is a layered process that begins with immediate notification, i.e., within 24 hours of occurrence, and continues with post-investigation notification 3 to 5 days later. Incidents may also trigger separate notification requirements under workers' comp laws. As safety coordinator, you need to keep all these layers distinct and not let them bleed into each other so you know exactly where you are in the notification continuum and comply with what's required at that particular stage.

What This Analysis Covers

This analysis focuses on layer 1, immediate notification. OHSI will break down the rules governing the other 2 layers in separate stories.

Immediate Notification Requirements

Immediate notification is all about letting the proper parties know that a reportable incident has occurred at your workplace and furnish them the preliminary information they need to decide what to do about it, e.g., by initiating (or in the case of the JHSC/HSR, participating in) an investigation.

>WHO

The employer or prime contractor in charge of safety is responsible for providing immediate notification of incidents occurring at the site. Such notification must be provided to:

- The government agency in charge of OHS enforcement (all jurisdictions); and
- The workplace joint health and safety committee (JHSC) or health and safety representative (HSR) in ON, SK, QC, the 4 Maritime Provinces and NT and NU. (In SK, notification must be made to the JHSC co-chairs.)

>WHAT

The most critical part of incident notification compliance is knowing which incidents you do and don't have to report. Explanation: The whole point of making employers report incidents is to provide the transparency the OHS system needs to function effectively. Government OHS agencies need to know when workplace incidents occur so they can respond and carry out their enforcement functions in a timely fashion. Other stakeholders like the JHSC and HSR also need to be informed of incidents so they can carry out their health and safety responsibilities under the internal responsibility system, e.g., initiate or participate in an internal investigation.

By the same token, incident reporting is not only burdensome but legally risky to employers to the extent it requires them to call attention to potential breakdowns in their own OHS programs. OHS laws are designed to balance these concerns by requiring employers to provide notification only of significant incidents. As a result, each jurisdiction has predesignated its own set of incidents triggering the obligation to report.

Table 1. Incidents Requiring Immediate Notification (1)

Jurisd.	TRIGGERING INCIDENT	
	Serious Injury/Death Trigger	Catastrophic Event Regardless of Actual Injury Trigger
FED	<u>Accident, occupational disease or other hazardous occurrence resulting in:</u> *Employee death * Disabling injury to 2 or more employees *Loss of body member or use *Permanent impairment of body function	*Explosion *Damage to boiler or pressure vessel resulting in fire or rupture to boiler or pressure vessel *Free fall of elevating device *Damage to elevating device rendering it unserviceable
AB	*Fatal injury or accident to worker *Injury or accident resulting in worker's hospitalization as inpatient for more than 2 days (2)	*Unplanned or uncontrolled explosion including near misses not resulting in actual injury *Collapse or upset of crane, derrick or hoist *Collapse or failure of component integral to integrity of building or structure

BC	<p><u>Accident that:</u> Results in worker's death or serious injury</p>	<p><u>Accident that:</u> *Involves major structural failure or collapse of crane, tower, building, bridge, hoist, temporary construction support system or excavation *Involves major release of hazardous substance *Involves a fire or explosion including near misses not resulting in actual injury</p>
MB	<p><u>Serious incident in which:</u> *Worker killed *Worker injured from elec. contact; unconsciousness from concussion; fractured arm, leg, skull, spine, hand, pelvis, foot; amputated arm, leg, hand, foot, toe, finger; third degree burns; permanent or temporary loss of sight; cut or laceration requiring hospitalization; asphyxiation or poisoning</p>	<p><u>Serious incident involving:</u> *Collapse or structural failure of crane, building, structure, hoist, lift, temporary support system or excavation *Explosion, fire or flood *Uncontrolled spill or escape of hazardous substance *Failure of atmosphere-supplying respirator</p>
NB	<p><u>Serious injury to employee resulting in(3):</u> *Death *Loss of consciousness *Amputation *Fracture (other than to finger or toe) *Burn requiring medical attention *Loss of vision in one or both eyes *Deep laceration *Admission to hospital as inpatient</p>	<p>*Accidental explosion or exposure to biological, chemical or physical agent at workplace including near misses not resulting in actual injury *Catastrophic event or equipment failure at workplace including near misses not resulting in actual injury</p>
NL	<p><u>Fatality to any person</u> <u>Serious injury to any person resulting or near misses with potential to cause but not actually resulting in:</u> *Fracture of skull, spine, pelvis, femur, humerus, fibula, tibia, ulna, radius *Amputation of major part of hand or foot *Loss of sight in an eye *Serious internal hemorrhage *Burn requiring medical attention *Gas poisoning or asphyxiation causing total or partial loss of physical control *Other injury likely to endanger life or cause serious injury (4)</p>	—
NS	<p><u>Fire, flood or accident causing:</u> *Unconsciousness *Fracture of skull, spine, pelvis, arm, leg, ankle, wrist or major part of hand or foot *Loss or amputation of leg, arm, hand, foot, finger or toe *Loss of sight in one or both eyes *Poisoning or asphyxiation *Injury requiring inpatient hospital admission *Any injury endangering an employee's life(4) <u>Fatality</u></p>	<p>*Accidental explosion *Major structural failure or collapse of building or structure *Major release of hazardous substance *Falls in situations requiring fall protection, including near misses not involving actual injuries</p>

ON	<u>Incidents in which a person is killed or 'critically injured,' i.e., suffers injury that:</u> *Places life in jeopardy *Produces unconsciousness *Results in substantial blood loss *Fractures arm or leg (but not finger or toe) *Amputates arm, leg or hand (but not finger or toe) *Consists of burns to major portion of body *Causes sight loss in an eye	—
PEI	<u>Accident in which worker seriously injured in a way which may cause and near misses involving potential but not actual:</u> *Death *Loss of limb *Unconsciousness *Substantial blood loss *Fracture *Amputation of leg, arm hand or foot *Burn to major portion of body *Sight loss in an eye	Accidental explosions with or without injuries
QC	<u>Accidents causing:</u> *Worker's death *Worker's total or partial loss of limb or its use *Significant physical trauma to worker *Serious injuries to several workers preventing them from working for at least 1 day *Property damage of \$166,612(5) or more	—
SK	<u>Accidents causing serious bodily injury, i.e:</u> *Actually causing a worker's death *That had the potential to but didn't actually cause a worker's death, e.g., a near miss *A worker's hospitalization as an inpatient for at least 72 hours	<u>Dangerous occurrences that could have caused serious injury or death including:</u> *Structural failure or collapse of structure, scaffold, temporary falsework or concrete framework, all or part of an excavated shaft, tunnel, caisson, coffer dam, trench or excavation *Failure of crane or hoist *Overturning of crane or unit of powered mobile equipment *Accidental contact with energized elec. conductor *Bursting of grinding wheel *Uncontrolled spill or escape of toxic, corrosive or explosive substance *Premature or accidental detonation of explosives *Failure of elevated or suspended platform *Failure of atmosphere-supplying respirator

NT/NU	<u>Accidents causing serious bodily injury, i.e.:</u> *Actually causes an individual's death *That had the potential to but didn't actually cause an individual's death *An individual's hospitalization as an inpatient for at least 24 hours	<u>Dangerous occurrences that could have but didn't result in individual's serious bodily injury, including:</u> *Structural failure or collapse of structure, scaffold, temporary falsework or concrete framework, all or part of an excavated shaft, tunnel, caisson, coffer dam, trench or excavation *Failure of crane or hoist *Overturning of crane or unit of powered mobile equipment *Accidental contact with energized elec. conductor *Bursting of grinding wheel *Uncontrolled spill or escape of toxic, corrosive or explosive substance *Premature or accidental detonation of explosives *Failure of elevated or suspended platform *Failure of atmosphere-supplying respirator
YK	<u>Serious injury resulting in:</u> *Death *Fracture of major bone, including skull, spine, pelvis or femur *Amputation (other than finger or toe) *Loss of sight in an eye *Internal bleeding *Third degree burns *Dysfunction caused by concussion, electrical contact, lack of oxygen or poisoning *Injury causing paralysis (permanent loss of function)	<u>Serious accident, i.e.:</u> *Uncontrolled explosion *Failure of safety device on hoist, hoist mechanism or hoist rope *Collapse or failure or collapse of load-bearing component of building or structure *Collapse or failure of temporary support structure *Inrush of water in underground working *Collapse or cave-in of trench, excavation wall, underground working or stockpile *Accidental release of a hazardous product *Brake failure on powered mobile equipment causing a runaway *Any accident that likely would have caused serious injury but for safety precautions, rescue or luck

NOTES

- (1) 1) Table 1 shows incident notification rules for general industry; most jurisdictions have separate and more stringent reporting requirements for mines and mining plants and other high-risk operations
- (2) Effective June 1, 2018 (under Bill 30), any inpatient hospitalization to a worker will require immediate notification'the 2-day threshold is being eliminated
- (3) Immediate injury notification in New Brunswick not required if workplace is a vehicle and employee is injured on a highway or public road
- (4) Immediate notification in Newfoundland and Nova Scotia doesn't include injuries that may be treated with first aid or medical treatment and from which worker can return to work either immediately or for next scheduled shift
- (5) Property damage reporting threshold in Qu bec is annually adjusted for inflation

Where the Triggers Overlap: For an incident to be reportable, it must occur in the workplace and either:

- Occur in the workplace; and
- Result in death or serious injury; and/or
- Involve a catastrophic event like a crane collapse, fire or explosion that would normally be expected to cause serious injury or death even if it didn't actually lead to such results in the particular incident, e.g., due to preventive measures or just dumb luck.

Where the Triggers Differ: Definitions of serious injury and catastrophic incident triggering the duty to notify differ by jurisdiction, with the key differences affecting:

Victim's identity: In most jurisdictions, the duty to notify of serious injury or death is triggered only if the victim is a 'worker' or 'employee.' Exception: In ON, NL and the 3 territories, serious injury/death to any person is reportable.

Near misses: A near miss, i.e., incident that could and should have been serious but didn't actually result in injuries, is reportable if it's one of the catastrophic events listed in the OHS laws as requiring immediate notification. But other near misses *are not* reportable; stated differently, incidents are reportable only if they result in *actual* serious injury or death. Exception: In NL and PEI, incidents are reportable if they cause or *had the potential to cause* serious injury or death. In SK, incidents are reportable if they caused or had the potential to cause a worker's death.

>WHEN

You must provide notification 'immediately' or 'as soon as reasonably practicable' after the incident occurs. Fed, NS, PEI and QC spell out what the other jurisdictions basically imply, i.e., that notice must be provided no later than 24 hours.

>HOW

Notification must be provided directly and via the fastest means available'phone, in-person or online on the agency's website for reporting incidents. Compliance Pointers:

- Notification via snail mail is *not* acceptable;
- In QC, notification must be in writing;
- In SK, NT and NU, notification must be by phone and in writing.

>HOW MUCH

The final challenge is determining which information to include in your incident notification. Keep in mind that immediate notification is preliminary; its objective is to break news, not break down causes. Accordingly, all you're expected to provide at this point is very basic information about the incident like:

- Victims' names;
- Types of injuries suffered;

- The prime contractor or controlling employer at the site or a contact;
- A very basic description of the incident; and
- In some jurisdictions, a very basic description of its cause.

Rule of Thumb: Provide only the information that's legally required for immediate notification and not a jot more. Be careful not to confuse immediate notification with the more detailed incident reporting required a few days later after you've had a chance to investigate the incident. Thus while most jurisdictions have their own incident reporting forms, such as the WorkSafeBC Form 7, Sask. WCB Form E1 or WCB Alberta Form C040, these are designed for post-investigation reporting and should not be used for immediate incident notification. Exception: You should use the WorkSafeNB notification form (but not the Form 67) for immediate notification in New Brunswick.

Click here to find out more about the Immediate Incident Notification rules of your own jurisdiction.

Click here for a Model Incident Reporting & Investigation Policy you can adapt
<https://ohsinsider.com/tools/incident-investigation-reporting-policy>