

Information You Must List in Accident Reports – Know the Laws of Your Province



Don't use legally required incident reports to 'tell the story of the accident'.

OHS laws require employers to report serious workplace accidents, injuries and illnesses to the government. Not filing a proper accident report can expose the company and its officials to the risk of prosecution and fines. Here's a quick breakdown of the rules in each jurisdiction.

Injury, Incident & Accident Reporting Requirements

FEDERAL

Reportable Incidents: (a) disabling injury; (b) electric shock, toxic atmosphere or oxygen deficient atmosphere that causes an employee to lose consciousness; (c) implementation of rescue, revival or other emergency procedures; or (d) a fire or explosion (*COHS Regs.*, Sec. 15.8(1))

Reporting: Employer must submit 'without delay' the *Hazardous Occurrence Investigation Report (Form LAB 1070)* to the MOL and JHSC to report incident (*COHS Regs.*, Sec. 15.8(1))

ALBERTA

Reportable Incidents: (a) fatalities; (b) hospital admissions; (c) unplanned or uncontrolled explosion, fire or flood; (d) collapse or upset of a crane, derrick or hoist; and (e) collapse or failure of any component of a building or structure necessary for structural integrity (*OHS Act*, Sec. 33)

Reporting: Employer must give OHS Division and JHSC written report listing circumstances of any reportable injury, illness, incident or worker exposure and the corrective action, if any, undertaken to prevent a recurrence (*OHS Act*, Sec. 33)

BRITISH COLUMBIA

Reportable Incidents: (a) Worker's serious injury or the death; (b) major structural failure or collapse of a building, bridge, tower, crane, hoist, temporary construction support system or excavation; (c) major release of a

hazardous substance; or (d) fire or explosion that had a potential to cause a worker serious injury (*Workers Comp Act*, Sec. 68)

Reporting: Employer must immediately notify WorkSafeBC; employer must then investigate and give WorkSafeBC preliminary investigation report listing, if possible: (a) incident place, date and time; (b) names and job titles of any persons killed or injured or; (c) names and job titles of witnesses or others who might be needed for a proper investigation; (d) a statement of sequence of events that preceded the incident; (e) identification of any unsafe conditions, acts or procedures significantly contributing to incident; (f) employer identification and contact information; (g) brief description of incident; (h) names and job titles of all persons who took part in preliminary investigation; (i) interim corrective actions determined necessary to prevent recurrence of similar incidents, whether they've been implemented or when they will be; and (j) reasons for not being able to provide any of the above information (WorkSafeBC Policy Item: P2-71-1, *Preliminary Incident Investigation, Report and Follow-Up Action*)

MANITOBA

Reportable Incidents: 'Serious incidents,' including: (a) Worker killed; (b) Worker suffers: (i) injury resulting from electrical contact, (ii) unconsciousness as result of a concussion, (iii) fracture to skull, spine, pelvis, arm, leg, hand or foot, (iv) amputation of arm, leg, hand, foot, finger or toe, (v) third-degree burns, (vi) permanent or temporary loss of sight, (vii) a cut or laceration requiring medical treatment at a hospital, or (viii) asphyxiation or poisoning; or (c) Incident involving: (i) collapse or structural failure of a building, structure, crane, hoist, lift, temporary support system or excavation, (ii) an explosion, fire or flood, (iii) an uncontrolled spill or escape of a hazardous substance, or (iv) the failure of an atmosphere-supplying respirator (*WSH Reg*, Sec. 2.6)

Immediate Reporting: Employer must immediately notify branch of serious incidents and list: (a) name and address of each person involved; (b) name and address of employer and employer of anybody else involved; (c) name and address of each person who witnessed incident; (d) date, time and location of incident; (e) apparent cause and circumstances that gave rise to it (*WSH Reg*, Sec. 2.7)

Post-Investigation Reporting: Employer must investigate serious incidents and create a written report listing: (a) name of anybody injured or killed; (b) the date, time and place; (c) description; (d) any graphics, photographs or other evidence that may help determine cause(s); (e) explanation of cause, including any factors or events that indirectly contributed to it; (f) any immediate corrective action taken; (g) any long-term action to be taken to prevent recurrence, or reasons for not taking such action (*WSH Reg*, Sec. 2.9(3))

NEW BRUNSWICK

Reportable Incidents: (a) loss of consciousness; (b) amputation; (c) fracture to something other than fingers or toes; (d) burn requiring medical attention; (e) loss of vision in one or both eyes; (f) a deep laceration; (g) hospitalization; and (h) death (*OHS Act*, Sec. 43)

Reporting: Employer must immediately report above incidents to WorkSafeNB and

JHSC (*OHS Act*, Sec. 43). In addition, employer must submit Employer Report of Injury or Illness form to WorkSafeNB within 3 days (*Workers Comp Act*, Sec. 44)

NEWFOUNDLAND and LABRADOR

Reportable Incidents: 'Serious injuries' that: (a) Place life in jeopardy; (b) unconsciousness; (c) substantial loss of blood; (d) fracture to leg or arm but not finger or toe; (e) amputation of leg, arm, hand, foot, finger or toe; (f) burns to a major portion of the body; or (g) loss of sight in an eye (*OHS Regs*, Sec. 10)

Reporting: Employer must immediately report 'serious injuries' to WorkplaceNL and, within 3 days, provide the agency written notice listing: (a) the time, place and nature of the accident; (b) the name and address of the injured worker and treating physician (*OHS Regs*, Sec. 10)

NOVA SCOTIA

Reportable Incidents: (a) Fatality or injury likely to be fatal; (b) Fire, flood or accident that causes (i) unconsciousness, (ii) fracture to skull, spine, pelvis, arm, leg, ankle, wrist or a major part of hand or foot, (iii) loss or amputation of a leg, arm, hand, foot, finger or toe, (iv) third degree burn, (v) loss of sight in one or both eyes, (vi) asphyxiation or poisoning, (vii) any injury that requires hospital admission, or (viii) any injury that endangers employee's life, unless it can be treated by immediate first aid or medical treatment and person can return to work the next day; and (c) Any of the following: (i) accidental explosion, (ii) major structural failure or collapse of a building or other structure, (iii) major release of a hazardous substance, or (iv) a fall from a work area in circumstances where fall protection is required, regardless of whether anybody is injured (*OHS Act*, Sec. 63)

Reporting: Employer must report above within 24 hours (immediately if it's a fatality or potentially fatal injury) by submitting WCB Injury Report Form to WCB (*OHS Act*, Sec. 63)

ONTARIO

Reporting obligations differ depending on type injury or incident reported and under which part of the OHS Act they must be reported:

Critical Injury (*OHS Act*, Sec. 51): Employer must immediately notify MOL and JHSC if worker killed or 'critically injured' (defined as: placing life in jeopardy, unconsciousness, substantial loss of blood, (d) fracture to leg or arm but not finger or toe, amputation of a leg, arm, hand or foot but not a finger or toe, burns to a major portion of the body, or loss of sight in an eye), and then must submit MOL report within 48 hours listing: (a) Employer's name, address and type of business; (b) Constructor's name and address if it happens at a construction project; (c) Worker's name and address; (d) Nature of bodily injury; (e) Time, date, place, nature and circumstances of occurrence, including a description of any machinery, equipment or procedure involved; (f) Name and address of medical practitioner, registered nurse or medical facility attending to worker; (g) Names and addresses or other contact information of any witnesses; and (h) Steps taken to prevent a recurrence (*Notices & Reports Reg*,

Sec. 3)

Disabling Injury (Sec. 52(1)): Employer must, within 4 days, notify MOL and JHSC if a worker is disabled from performing his/her usual work or requires medical attention because of an accident, explosion, fire or incident of workplace violence, in which nobody dies or is critically injured, in a written report listing: (a) Employer's name, address and type of business; (b) Worker's name; (c) Nature of bodily injury; (d) Time, date, place, nature and circumstances of occurrence, including a description of any machinery, equipment or procedure involved; (e) Names and addresses or other contact information of any witnesses; and (f) Steps taken to prevent a recurrence (*Notices & Reports Reg*, Sec. 3)

Occupational Illness (Sec. 52(2)): Employer must notify WSIB and JHSC within 4 days of being advised that a worker has an occupational illness or that a claim for that occupational illness has been filed with the WSIB, in a written report listing: (a) Employer's name, address and type of business; (b) Worker's name; (c) Nature of occupational illness; (d) Description of cause or suspected cause; (e) Names and addresses or other contact information of any witnesses; and (f) Steps taken to prevent further illness (*Notices & Reports Reg*, Sec. 3)

Note: Section 53 of the *OHS Act* imposes additional requirements for reporting certain incidents at construction projects, mines, diving operations and other 'prescribed' sites.

PRINCE EDWARD ISLAND

Workplace Accidents: Employer must notify OHS agency and JHSC in writing within 24 hours of an accident in which a worker is killed or injured in a life threatening way, suffers a loss of limb, unconsciousness, substantial loss of blood, a fracture, amputation of a leg, arm, hand, or foot, a burn to a major portion of the body, or the loss of sight in an eye (*OHS Act*, Sec. 36)

Disabling Injury: Employer must notify WCB within 3 days of learning of an accident or alleged accident to a worker during his/her employment that disables the worker from earning full wages or for which the worker is entitled to medical aid, by submitting the WCB Employer's Report – Form 7 (*Workers Comp Act*, Sec. 59(3))

QUÉBEC

Employer must notify CNESST within 24 hours and submit a *CNESST Register of Accidents, Incidents and First Aid Form* within 48 hours, of incident causing a worker's death, loss of a limb or part of a limb, total or partial loss of the use of a limb or a significant physical trauma to a worker, injuries to several workers serious enough to likely prevent them from performing their work for one working day, or material damage valued at \$150,000 or more; Employer must also notify JHSC without delay (*OHS Act*, Sec. 62)

SASKATCHEWAN

Serious Bodily Injury: Employer must notify OHS officials and JHSC co-chairs 'as soon as reasonably possible' of accident that causes or may cause a worker's death or require a worker to be admitted to a hospital for 72 hours or more in a

notice listing: (a) the name of each injured or deceased worker; (b) name of each injured or deceased worker's employer; (c) date, time and location of accident; (d) circumstances related to the accident; (e) the apparent injuries; and (f) name, telephone number and fax number of the employer or contact person (*Sask Emp Act*, Sec. 2-2(1))

Dangerous Occurrence: Employer must notify OHS officials and JHSC co-chairs 'as soon as reasonably possible' of any 'dangerous occurrence,' (defined as one that doesn't result in, but could have resulted in a serious bodily injury, including structural failure or collapse of a structure, scaffold, temporary falsework or concrete formwork, or all or any part of an excavated shaft, tunnel, caisson, coffer dam, trench or excavation, the failure of a crane or hoist or the overturning of a crane or unit of powered mobile equipment, an accidental contact with an energized electrical conductor, the bursting of a grinding wheel, an uncontrolled spill or escape of a toxic, corrosive or explosive substance, a premature or accidental detonation of explosives, the failure of an elevated or suspended platform, and the failure of an atmosphere-supplying respirator), in a written notice listing: (a) name of each employer, contractor and owner at the place of employment; (b) date, time and location of the dangerous occurrence; (c) the related circumstances; and (d) the name, telephone number and fax number of the employer, contractor or owner or a contact person (*Sask Emp Act*, Sec. 2-3)

NORTHWEST TERRITORIES & NUNAVUT

Serious Bodily Injury: Employer must notify OHS officials and JHSC co-chairs 'as soon as reasonably possible' of accident that causes or could reasonably expected to kill a person or require a person to be admitted to a hospital for 24 hours or more in a notice listing: (a) the name of each injured or deceased worker (which must be redacted from the JHSC co-chair notice); (b) name of each injured or deceased worker's employer; (c) date, time and location of accident; (d) circumstances related to the accident; (e) the apparent injuries; and (f) name, telephone number and fax number of the employer or contact person (*OHS Regs*, Sec. 8)

Dangerous Occurrence: Employer must notify OHS officials and JHSC co-chairs 'as soon as reasonably possible' of any 'dangerous occurrence,' (defined as one that doesn't result in, but could have resulted in serious bodily injury, including structural failure or collapse of a structure, scaffold, temporary falsework or concrete formwork, or all or any part of a tunnel, caisson, coffer dam, trench, excavated shaft or excavation, the failure of a crane or hoist or the overturning of a crane or unit of powered mobile equipment, accidental contact with an energized electrical conductor, bursting of a grinding wheel, uncontrolled spill or escape of a toxic, corrosive or explosive substance, a premature or accidental detonation of explosives, failure of an elevated or suspended platform, or failure of an atmosphere-supplying respirator), in a written notice listing: (a) name of each employer, principal contractor and owner at the work site; (b) date, time and location of the dangerous occurrence; (c) the related circumstances; and (d) the name, telephone number and fax number of the employer or a contact person (*OHS Regs*, Sec. 9)

YUKON

Employer has 3 days to report a 'serious injury' (defined as: (a) injury that results in death, (b) fracture of a major bone, including the skull, spine, pelvis, or thighbone, (c) amputation other than of a finger or toe, (d) loss of sight of an eye, (e) internal bleeding, (f) third degree burns, (g) dysfunction that results from concussion, electrical contact, lack of oxygen, or poisoning, or (h) an injury that results in paralysis) by submitting *Employer's Report of Injury/Illness* form to YWHCSB (*OHS Regs*, Sec. 30)