

## Accident Investigations

### 1. Why are Accident (Incident) Investigations so important?

The purpose of an accident investigation is to determine the root causes of critical injuries/fatalities, disabling accidents or injuries, as well as any occupational illnesses or near miss events to ensure effective steps to prevent future recurrence. Establishing a consistent means of recording accident/incident investigation information, which will be used to prevent a recurrence of the same or similar accidents, is necessary to complying with The Occupational Health & Safety Act, Ministry of Labour and WSIB reporting procedures. It is not to find fault or lay blame but to improve health and safety in the workplace.

### 2. Definitions

The term "**accident**" can be defined as an unplanned event that interrupts the completion of an activity, and that may (or may not) include injury or property damage.

An "**incident**" usually refers to an unexpected event that did not cause injury or damage this time but had the potential. "**Near miss**" or "**dangerous occurrences**" are also terms for an event that could have caused harm but did not.

An "**injury**" refers to an injury arising out of or in the course of an accident, or a disease, suffered by an employee as a result of the work environment or activities performed in the course or employment.

"**Critical Injury**" as stated in the *Occupational Health and Safety Regulation 834* means an injury of a serious nature that:

- a) places life in jeopardy,
- b) produces unconsciousness,
- c) results in substantial loss of blood,
- d) involves the fracture of a leg or arm but not a finger or toe,
- e) involves the amputation of a leg, arm, hand or foot, but not a finger or toe,
- f) consists of burns to a major portion of the body, or
- g) causes the loss of sight in an eye.

"**Occupational Illness**" is any abnormal, debilitating condition of the body or mind other than a physical injury arising out of any accident, suffered by an employee as a result of the work environment or physical activities performed in the course of employment.

### 3. When is an investigation required?

Investigate as soon as after the accident/incident has occurred to ensure employees are aware that they should report accidents/incidents immediately to their management/supervisory.

### 4. What factors contribute to an accident/incident? You could have multiple factors:

- o *People* – human error, or training issues, or inadequate supervision, or other factors.
- o *Equipment* – the tools being used? Was it damaged or improperly used or did the equipment have a poor design or poorly maintained?
- o *Materials* – was material labeled and clear? Stored properly and PPE used?
- o *Environmental* – temperature, ventilation, or were housekeeping practices maintained?
- o *Process* – did the work flow set up result in hazards or proper work procedures carried out? Administrative issues such as scheduling or timing the fault?

### 5. Applicable Standards & Regulations

*Occupational Health & Safety Act*  
*Occupational Health & Safety Regulation 851 – Industrial Establishments*  
*Occupational Health & Safety Regulation 834 – Critical Injury Defined*

#### **Notice of death or injury**

**51. (1)** *Where a person is killed or critically injured from any cause at a workplace, the constructor, if any, and the employer shall notify an inspector, and the committee, health and safety representative and trade union, if any, immediately of the occurrence by telephone, telegram or other direct means and the employer shall, within forty-*

eight hours after the occurrence, send to a Director a written report of the circumstances of the occurrence containing such information and particulars as the regulations prescribe.

**Preservation of wreckage**

**51. (2)** Where a person is killed or is critically injured at a workplace, no person shall, except for the purpose of,

- (a) saving life or relieving human suffering;
- (b) maintaining an essential public utility service or a public transportation system; or
- (c) preventing unnecessary damage to equipment or other property,

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.

**Notice of accident, explosion or fire causing injury**

**52. (1)** If a person is disabled from performing his or her usual work or requires medical attention because of an accident, explosion or fire at a workplace, but no person dies or is critically injured because of that occurrence, the employer shall, within four days of the occurrence, give written notice of the occurrence containing the prescribed information and particulars to the following:

- 1. The committee, the health and safety representative and the trade union, if any.
- 2. The Director, if an inspector requires notification of the Director.

**Notice of occupational illness**

**52. (2)** If an employer is advised by or on behalf of a worker that the worker has an occupational illness or that a claim in respect of an occupational illness has been filed with the Workplace Safety and Insurance Board by or on behalf of the worker, the employer shall give notice in writing, within four days of being so advised, to a Director, to the committee or a health and safety representative and to the trade union, if any, containing such information and particulars as are prescribed.

**Notice of accident, inspection by representative**

**8 (14)** Where a person is killed or critically injured at a workplace from any cause, the health and safety representative may, subject to subsection 51(2), inspect the place where the accident occurred and any machine, device or thing, and shall report his or her findings in writing to a Director.

**9 (31)** The members of a committee who represent workers shall designate one or more such members to investigate cases where a worker is killed or critically injured at a workplace from any cause and one of those members may, subject to subsection 51 (2), inspect the place where the accident occurred and any machine, device or thing, and shall report his or her findings to a Director and to the committee.

**Notice of Accidents- Occupational Health & Safety Regulation 851 – Industrial Establishments**

**5. (1) The written report required by section 51 of the Act shall include,**

- (a) the name and address of the constructor and the employer;
- (b) the nature and the circumstances of the occurrence and the bodily injury sustained;
- (c) a description of the machinery or equipment involved;
- (d) the time and place of the occurrence;
- (e) the name and address of the person who was killed or critically injured;
- (f) the names and addresses of all witnesses to the occurrence; and
- (g) the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury.

**(2) For the purposes of section 52 of the Act, notice of,**

- (a) an accident, explosion or fire which disables a worker from performing his or her usual work; or
- (b) an occupational illness, shall include,
- (c) the name, address and type of business of the employer;
- (d) the nature and the circumstances of the occurrence and the bodily injury or illness sustained;
- (e) a description of the machinery or equipment involved;
- (f) the time and place of the occurrence;
- (g) the name and address of the person suffering the injury or illness;
- (h) the names and addresses of all witnesses to the occurrence;
- (i) the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury or illness; and
- (j) the steps taken to prevent a recurrence.

## **6. Who should conduct an investigation?**

The owner/supervisor, or a certified and designated Joint Health & Safety member or Health & Safety Representative should conduct the accident/incident investigation and write a report to the owner/senior manager for information and further action.

- o Critical Injuries – required to send a report to MOL within 48 hours
- o WSIA (Workplace Safety & Insurance Act, an employer must submit an "Employer's report of injury/illness also known as Form 7 to WSIB within 7 days

## **7. Key Steps for conducting an investigation:**

- o Accident/incident investigation should be conducted promptly, which will help in collecting the most accurate information before any changes occur to the site;
- o Use drawings, pictures to mark the layout of the accident;
- o Survey the accident scene, making a list of people present at time of the accident/incident;
- o Interview workers with a pre-set of standard questions (IAPA) and focus on the five W's such as WHY, when, where, and especially interview the injured worker (if available);
- o Examine the site and if the injury is critical, it is legislated to preserve the site by MOL/police arrive;
- o Organize the factors and answers to the questions and prepare the report, ensuring sufficient detail;
- o The actual report must detail any and all contributing factors that led to the accident-incident;
- o Take corrective actions that design out the hazard or physically guard the employee from the hazard if it can't be removed;
- o Ensure information is objective, factual and followed through with appropriate corrective measures.