Mission
For this best practice:

Develop industry stakeholder guidance for process of how on-site incident investigations involving government authorities will be conducted.

Develop a user’s guide to help industry personnel guide their actions during such an investigation.
Incident Investigation Guidelines

Best Practices committee:

– Co-chair
  • COAA Safety Committee
  • Alberta Employment and Immigration - Workplace Health & Safety

– Core Team:
  • Brian Edwards – IOR Co-Chair
  • Mark Rice – Alberta WHS Co-Chair
  • Eric Reitsma – Alberta WHS
  • Randy Gauthier – Alberta WHS
  • Edith Cook – Syncrude
  • Peter MacEachern – Fluor
  • Kevin Mather – Novacor (Statoil)
  • Mike Rogers – Nexen (Long Lake)
  • Bill Hogan – KBR
Incident Investigation Guidelines

Stakeholders: Stakeholder Benefits

- Industry – Owners & Contractors
  - More efficient … Employees as individuals and as company officials understand;
  - Process to be used … roles for each stakeholder
  - Their rights & their obligations within that process
  - What to expect during WHS investigations
  - Less time spent developing / understanding process at time of an investigation
  - Transparency in key information collection – what, why, how

- More effective … Able to talk to involved parties, collect information in a timely manner;
  - Improve accuracy of information collected
  - Improve completeness of information collected
  - Process drives improved quality – determining direct and root cause of incident
Incident Investigation Guidelines

Stakeholders: Stakeholder Benefits

- **Government – WHS investigators**
  - More efficient … An industry that understands the process to be followed
    - WHS authorities – roles and responsibilities
    - Steps to be taken within the investigation process
    - Clear expectations for potential outcomes of investigation process
  - More effective … An industry that understands the process to be followed
    - Investigation “process” is understood and is transparent
Incident Investigation Guidelines

Scope:
• Alberta OH&S reportable incident
  – Initial notification to completion of government investigation
• Roles and Responsibilities – Owners, Contractors, Government Officials

Investigation:
• Incident investigation process
  – Collection of information on site by owner, contractor, government agency
    1) Immediately  2) Same day  3) Future days
  – Determining Direct Cause
  – Completion of Investigation Report

Excluded
• Owner / Contractor case management
  – Care for the injured party
  – Elimination of release/emission
  – Owner / Contractor incident classification process
• Owner / Contractor incident investigation process to determine root cause
Incident Investigation Guidelines

**Incident Occurs**

**Initial Response**

1) Assess risk and secure the Scene
2) Treat & protect personnel
3) Establish Safe Boundaries
4) Protect & Preserve the Incident Scene to the fullest possible extent while ensuring Safe conditions (If, while securing scene - evidence or scene must be disturbed – ensure records are kept – photographs / document)
5) Ensure safety of all personnel (Company, Contractor - compliance with safety standards)

**Yes**

1) Establish appropriate company phone numbers to complete notification – designate contact person & back-up
2) Contact government’s WHS (1-866-415-8690) - Complete incident notification process

**Evaluate severity of incident & determine if reportable to WHS (OH&S Act section 18(2) & OHS code section 544)**

**In addition - Prime Contractor or Owner responsible to notify appropriate agencies for Emergency Response or Criminal Activity if required (ERCB, Local Fire Dept., Transport Canada, RCMP)**

**No - Initiate company investigation**
Incident Investigation Guidelines

1) Determine lead investigating Agency - WHS, RCMP, EUB, DOT etc
2) Establish single Company Contact person for overall incident management – Internal and communication with OHS officer
3) Contact Company Law Dept (or outside counsel) – determine Law Department involvement

1) Confer with WHS Officer before initiating Operations activities

1) WHS have control of scene and activities until released to company

WHS on-site investigation? WHS decision

Yes

1) Establish Company management personnel for daily review of investigation status
2) Review guidelines for WHS incident investigations – Control of scene, access to information and personnel, etc.
3) Determine information to be collected/preserved

No

Initiate Company Incident investigation process – Note: May occur in parallel with WHS investigation
Incident Investigation Guidelines

Identify Key Personnel/Witness’s for Incident Investigation
- Counsel personnel in safe area to avoid cross contamination of evidence.
- Consider the requirements for witness preparation
- Consider the requirements for Critical Stress debriefing.
- Consider having witness’ independently document their observations both before and during incident – review with Company management for clarity, completeness
- Consider debrief process for witnesses post interview with WHS officer

Establish timing for WHS Officer to arrive at scene - determine what interim steps should be taken
- Ensure that witness’s will be available to interview by WHS Officer

- Work with WHS Officer to gather information, materials, samples, equipment, data etc.
- Ensure safety of all personnel (Company, Contractor, WHS Investigating Officers—compliance with safety standard
- Consider photographing aspects of the Incident Scene
- WHS Officers have full authority for their investigation
Incident Investigation Guidelines

- Record & Obtain Receipts for all documentation, material, equipment, etc. requested by WHS
  - Ensure there is a company focal point to manage this process
  - Do not provide extraneous material that is not directly related to the Incident

WHS Issues Orders where applicable
WHS releases scene and direction of activities to Owner – WHS continues internal review process – 3 possible outcomes;
  - WHS can require responsible party’s report be made readily available; or
  - WHS investigation report issued to all stakeholders; or
  - Alberta Justice to lay charges (2 yr less a day) – summons issued to party charged

Complete company internal incident investigation – determine root cause
  - Prepare incident investigation report per section 18 of OHS Act – review for completeness and correctness - ensure address time frame and process steps leading up to incident

Establish Corrective Actions

1) Address causes of incident – may be direct, indirect, root causes
2) Address other findings (direct or systemic) from incident investigation process
Incident Investigation Guidelines

Key Messages – Owner / Contractor

1. Understand the legislation - Compliance with OH&S Act;
   • Reporting incidents – Company investigation report made available to OH&S
   • Scope, powers of investigating officer
   • Duties and obligations to comply

2. Secure the scene
   • Control entry - Focus on preservation / documentation of evidence

3. Assign a site contact person to interface with OHS

4. Create a site management team to manage process

5. Ensure care of witnesses
   • Consider need for critical stress debriefing – formal or informal
   • Prepare witnesses
     • Guidance - Complete, Factual, Don’t speculate, Understand question etc.
     • Counsel may not be allowed in room - can request to receive advice
     • In general, statements cannot be used against individual
   • Immediately start process of collecting statements
   • Debrief post interview with WHS investigating officer
Incident Investigation Guidelines

Key Messages – Owner / Contractor

6. Understand the process to be followed;
   • Authority under which investigation is occurring
   • Effective preservation of evidence
   • Required to provide a broad range of information

7. Flow information through a defined channel
   • Log all items, information provided – attach receipts to log

8. Required to provide information which may help WHS investigation
   • Use site management team to guide this activity

9. OH&S control the scene until returned to owner
   • Owner is responsible for safety of all parties on-site

10. Start own investigation as soon as possible
    • Can occur in parallel with WHS investigation
    • Consider whether to conduct under solicitor:client privilege – should be decided at start of investigation
Incident Investigation Guidelines

Questions?

Best Practice - Publish Q4-2009

– Process Flow
– Guidance document
– Tools
– FAQs