Reporting and Investigating Injuries and Incidents

Alberta Employment and Immigration
Key points

- Role of government
- *Occupational Health and Safety Act*
  - Obligations on employers and workers
  - Authority of OHS Officers
- What happens after an incident is reported
- Endpoint of an investigation
- Available resources
Role of government

- Neutral party with many stakeholders
  - Employers
  - Workers
  - Workers’ families
- Works in the public’s interest
- We are all in this together
- We all have the same goals
Occupational Health and Safety Act
Section 18

• Creates obligation for prime contractor, contractor, or employer responsible for the worksite to **notify** Government of Alberta of any serious injury or incident
  – Report as soon as possible
Occupational Health and Safety Act
Section 18

• The following injuries and incidents must be reported:
  – Result in death
  – Hospitalization for more than two days
  – Unplanned or uncontrolled explosion, fire or flood that causes or has potential for serious injury
  – Collapse or upset of a crane, derrick or hoist
  – Collapse or failure of any component of a building or structure necessary for its structural integrity
How to notify the government

Report serious injuries and incidents to:
• Government of Alberta’s Workplace Health and Safety Contact Centre
  – 1-866-415-8690
  – 24 hours per day, 7 days per week
Mining operations

• For dangerous occurrences at a **mine or mine site**, there are additional reporting requirements

• Described in section 544 of Occupational Health and Safety Code
  – Major ground falls
  – Stoppage of underground ventilation
  – Out-of-control vehicles
  – 8 other situations
Occupational Health and Safety Act
Section 18

• Creates obligation for prime contractor, contractor, or employer responsible for the worksite to investigate any serious injury or incident (internal investigation)
  – Determine the circumstances surrounding the injury or incident
  – Prepare a report including corrective actions
  – Report to be available for 2 years for inspection by an OHS Officer
Occupational Health and Safety Act
Section 18

• A person may not **disturb the scene** of a serious injury or incident unless:
  – Attending to persons injured or killed
  – Preventing further injuries
  – Protecting property that is endangered

• A Director of Inspection, OHS Officer or a peace officer may grant permission for the scene to be disturbed
Occupational Health and Safety Act
Section 19

- **OHS Act** gives **authority** to an OHS Officer to attend scene of accident and make any inquiries to determine cause and relating circumstances
  - OHS officer authorized to use his or her own **discretion** in determining what is necessary
Occupational Health and Safety Act
Section 19

- Every person with information must **cooperate** with the Officer and provide information upon request
  - Witness statements
  - Documentation
  - Other assistance

- Under section 2 of the *OHS Act*, the **employer is responsible** for the health and safety of the OHS officer
Occupational Health and Safety Act
Section 19

• Related to an accident, an Officer may **seize or take samples** of any
  – Substance
  – Material
  – Product
  – Tool
  – Appliance
  – Equipment
• An Officer must provide a **receipt** when a sample is taken away from the worksite
• Items can be **returned** when no longer needed
Other powers of OHS Officers

- In addition to powers to investigate
  - OHS Officers have powers to inspect worksites at any reasonable time
  - Order people responsible to remedy unsafe conditions
  - Issue stop work orders
  - Issue stop use orders for tools, equipment, etc.

- These powers are always in place even when an Officer is conducting an investigation
After an injury or incident has been reported

• One or more OHS Officers may be dispatched to visit the scene
• An Officer may inspect the worksite or conduct a formal government investigation
• An employer must complete an internal investigation regardless of whether there is a government investigation
• Charges could result
Endpoint of a government investigation

- The Crown has up to 2 years less a day after the alleged offence to lay charges
Resources

• Workplace Health and Safety Bulletin: Reporting and Investigating Injuries and Incidents
  – Describes employer obligations
  – Includes sample forms for internal investigation reports and witness statements

• Work Safe Alberta Incident Investigation eLearning Program

• Resources available at worksafely.org
Presenter: Randy Gauthier
Investigations
Key Messages

• Introduction to WHS
• Field level interface/Chronology
• Outcomes
Field level interface/Investigation

- An incident has occurred
- Recognize that it has the potential to be a reportable incident.
- Contact the Alberta contact centre to report the event.
- During business hours you will reach a contact centre person who will ask a number of questions.
- The information gathered will be used to best direct the Investigator to the site and to allow contact with the site prior to arrival.
- At this time you can expect to be contacted by an OHS officer
• The Officer investigating will contact the caller or the site representative.
• This conversation will be to gather some preliminary information about the circumstances surrounding the event and the location.
  – This allows the officer to adequately prepare for the hazards or challenges the site may provide. If the site is isolated and the event appears to be complex the officer may need to arrange for specific equipment for communication. They may have to pack additional clothing or PPE that is appropriate for the hazards at the site.
  – Sleeping arrangements may have to be organized.
  – If the injured person has been transported off site to a hospital the officer will need specific information about the patient in order to plan for a visit at a later time or to receive the medical examiners report.
• The officer will answer any questions the caller might have.
• The officer will indicate how they would like the site to be protected. This may involve a verbal stop work order over the phone of some or all of the processes at the site that contributed to the event.
• Before disturbing the site in any way, other than to attend to the injured persons, consult with the lead investigator.
• There may be a time lapse between the initial call and the officer’s arrival. The officer will provide direction as to what the employer can or can’t do prior to arrival.
• Concern for officer safety and the safety of others at the site.
  – Equipment may be needed
  – Radios
  – PPE
  – Specific site safety procedures
  – Emergency response plans
STOP

You Will Not Proceed Beyond This Point Unless You Have:

- permission from South Gate
- two-way radio communication with channel #5
- range control approved range map
- aerial whip flag

Failure to comply with the above conditions will result in immediate dismissal from air weapons range.
Information collection

- Photos
- Measurements
- Training records
- Certifications
- Statements
- Log books
- Maintenance records
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### Notes

Leaking oil from water and engine needs to be brought in for shop and looked at.

After over a year, I still can't get my
door fixed. This company don't give a
crap if your crane is in good condition or not anymore.
Leaking Oil from rotex and Engine. Needs to be brought in to shop and looked at.

After over a year I still can't get my Dam Crane fixed. This Company don't give a fuck if your Crane is in good condition or not. May 11/06.
Outcomes

- Once the officer returns the site back to the employer they can proceed with their own investigation.
- Officers will request to view the investigation once complete.
- Any physical evidence that was removed will be followed by a receipt. The officer will provide a Client Contact Report to the person or party the item was taken from.
- Officers may observe other contraventions to the OHS legislation and could issue orders to have the infractions rectified. Officers may do additional follow up at the site.
- When the officer has completed the investigation they will generate a report that is reviewed by the Executive director for WHS. If there is enough evidence to show that the responsible parties were not in compliance with the legislation the file may be forwarded to Alberta Justice for review.