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Legal Standards & References

Occupational Health and Safety Act

- requirement for employer to make and maintain records
- requirement for employer to report if a person is killed or critically injured
- requirement for employer to give written notice of accident, explosion, fire, occupational illness or violence
- right of JHSC Worker representative to investigate fatality or critical injury

Ontario Regulations 213/91 and 851

- requirements for accident notices and reports
- requirements for an investigation in response to certain occurrences

Ontario Regulation 834

- defines critical injury

Workplace Safety and Insurance Act


- requirement for employer to report lost-time and/or health care claims

Workplace Safety and Insurance Board, Basic Certification Training Program – Participant’s Manual, 2006.

Definitions

“Critical injury” is an injury of a serious nature that;

- places life in jeopardy
- produces unconsciousness
- results in substantial loss of blood
- involves the fracture of a leg or arm
- involves the amputation of a leg, arm, hand or foot
- consists of burns to a major portion of the body, or
- causes the loss of sight of an eye
- or as otherwise defined in legislation/regulation

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“Environmental release” is an accidental discharge of a physical, biological or chemical substance into the workplace and/or community

Definitions (cont’d)

“Fatality” is an injury that results in loss of life

“Fire/Explosion” is an event where undesired combustion occurs

“First aid event” is a non-life-threatening injury that does not require a visit to a health care practitioner

“Hazard” is any condition or practice or thing that has the potential for harming people, or damaging equipment, materials or the environment, but has yet to do so

“Health care event” is an incident resulting in a visit to a regulated health professional/health care provider for the purpose of diagnosing and prescribing medical care as a result of an injury at work


“Health care practitioner” refers to a member in good standing of a regulated health profession

“JHSC” means the Joint Health and Safety Committee

“Lost time incident” is an incident resulting in time away from work beyond the regular scheduled shift

“Major Incident” generally means an undesired event and includes;

- critical injury
- environmental release
- fatality
- fire or explosion
- health care event
- lost time incident
- occupational illness

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- serious property damage

“Minor incident” includes

- first aid event
- near miss
- minor property damage

“Near miss” is an undesired event or unusual occurrence that is caused by one or more hazards in the workplace that could have resulted in injury or property damage

“Occupational illness” is a condition that results from exposure in a workplace to a physical, chemical, biological or ergonomic agent to the extent that normal physiological mechanisms are affected and the health of the worker is impaired

“Property damage” is an event where contact is made between two objects resulting in alteration of one or both of the objects

“Workplace” refers to any place where business or work-related activities are conducted and includes but is not limited to the physical work premises; a work assignment away from Town locations; work-related travel; and work-related training.


“Workplace illness” refers to a condition that results from exposure to a physical, chemical or biological hazard such that the health of the employee is impaired and/or results in a specific malfunction of the body

Policy Statement

It is Corporation policy that every incident, injury, near miss and occupational illness is reported immediately to the employee’s supervisor or manager and is subsequently investigated.

Purpose and Scope

The purpose of an incident investigation is to recognize and identify all immediate and root causes and make recommendations to prevent a recurrence. This standard provides a procedure for investigating and reporting every incident in order to meet legislative requirements, determine root causes, review current work practices and implement new work practices as needed. This standard applies to every employee.

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Determining the cause of an accident facilitates the implementation of effective measures to prevent recurrence by eliminating or controlling the hazard(s).

Accident causes can be grouped into five (5) general categories;

- Task/Process
- Material/Equipment
- Environment
- Human factors
- Management

Standards/Procedures

Reporting

Every incident is reportable.

Employee

- Reports the occurrence using the Incident Report Form
- Submits completed report to Supervisor before end of shift
- Participates in the investigation and any follow-up


Supervisor

- Reviews completed Incident Report Form
- Documents any preventative action taken or to be taken
- Completes and signs the Incident Report Form and forwards to Employment Services
- Completes and signs a WSIB Form 7, if there is health care and/or lost time
- Initiates an investigation and completes the Accident Investigation Worksheet
- Forwards completed Accident Investigation Worksheet to Employment Services

Investigation

Minor Incident

The supervisor investigates **as soon as possible** after the incident and reports on the incident using the Incident Report Form.

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Major Incident

In all cases other than a Minor Incident, an investigation begins **immediately** after the accident whenever possible. An investigative team investigates and reports on the incident. The team includes;

- The director
- The supervisor/manager
- A certified worker representative of the JHSC
- A third-party technical expert, if appropriate

It is the role of the investigators to;

- become thoroughly familiar with the circumstances surrounding the incident
- determine the immediate and underlying causes
- recommend appropriate short and long-term solutions
- (See Incident Investigation Flow Chart)

The following steps act as a guide for conducting an investigation;

Assess Scene


1. Make observations – site, equipment, materials
2. Take pictures and/or make sketches for future reference.
3. Inventory and secure evidence and/or take pictures of the evidence before it is removed.
4. In the case of death or critical injury **DO NOT** disturb the scene until it has been cleared by the Ministry of Labour.

Collect Information

1. Interview workers involved (See “Interview Techniques” in Tip Sheet)
2. Interview witnesses
3. Consult with subject matter/technical experts when appropriate.
4. Review any applicable safe work procedures, operating manuals, etc.
5. Document

Analysis

1. Systematically review immediate facts, physical investigation, interviews and other information

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2. Reconstruct the sequence of events
3. At each step, check suspected/possible causes against the facts
4. Consider:
 - a. Task/Process
 - b. Material/Equipment
 - c. Environment
 - d. Human factors
 - e. Management

Write the report

1. Clear, concise and logical
2. Don't speculate; stick to the facts. If something is unexplained, say so
3. Describe the accident
4. Describe the consequences
5. Describe the immediate and underlying causes
6. Describe any corrective action taken
7. Recommend any further action


Act on report

1. Review recommendations and determine whether, when and how to implement
2. Assign implementation to individuals
 - a. What needs to be done
 - b. Why it needs to be done
 - c. When it is to be done
3. Focus on corrective actions
4. Document action taken
 - a. What is done
 - b. Who did it
 - c. When it was done

IN THE EVENT OF A CRITICAL INJURY OR FATALITY

The Supervisor/Manager will:


- immediately insure that the critically injured employee receives first aid

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- immediately call/direct someone to call 9-1-1
- immediately seal the area in which the critical injury/fatality occurred ensuring the scene is not disturbed unless it is necessary to:
 - save life
 - relieve suffering
 - maintain an essential service or utility, or
 - prevent unnecessary damage to equipment or property
- immediately summon/direct someone to summon the Ministry of Labour
- immediately advise/direct someone to advise the employee's emergency contact person
- immediately notify/direct someone to notify the CAO, Director, Employment Services, JHSC Co-Chairs and union steward

Notification

- Within forty-eight (48) hours of a critical injury or fatality, the investigative team will submit a written report to the Ministry of Labour that includes:
 - name and address of the person involved
 - name and address of the employer, if the person is a worker
 - nature and circumstance of the occurrence and the nature of the injury
 - a description of the machinery or equipment involved
 - time and place of the occurrence
 - names and addresses of all witnesses
 - name and address of any legally qualified medical practitioner who was or is caring for the person
 - the steps taken to prevent a recurrence
- If there is an injury resulting from a fire or explosion in the workplace, notify the Ministry of Labour immediately
- If there is a chemical release, notify the Ministry of the Environment immediately
- If an injury prevents an employee from working or if an employee requires medical attention or if an employee has an occupational illness, the JHSC will receive a copy of the Incident Report and/or Form 7 within four days of the occurrence

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Roles and Responsibilities

Manager/Supervisor

- Ensure the injured employee receives appropriate medical attention
- Arrange transportation to the hospital, clinic or employee's home
- Secure the scene of the incident – DO NOT DISTURB the scene in the event of a critical injury or fatality except to relieve human suffering or to carry out an essential service
- Investigate the incident and complete an incident investigation report within 24 hours
- Notify other internal and external parties as soon as possible

Employee


- Seek medical attention
- Promptly report the incident to the supervisor
- Cooperate with any investigation

Worker Representative of JHSC

- Investigate all critical injuries and fatalities
- Ensure proper reporting

Personal Protective Equipment

Investigators must wear personal protective equipment – appropriate to the working conditions – when visiting the scene of an occurrence.

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Communication

The results of the injury/incident investigation will be communicated to the employees in a number of ways:

- Minutes of the JHSC meetings
- Team meetings or other staff meetings
- Postings on safety bulletin board or staff newsletters

The JHSC will assist in all areas with remedial actions and recommendations.

Training

JHSC members and all supervisor / managers who are required to conduct investigations will receive formal incident investigation training. This training will occur within the first month of appointment to the JHSC or as a supervisor / manager.

Attendance Banquet.

Forms

Incident Report Form

Incident Investigation Worksheet

Critical Injury Report Form

Incident Investigation Flow Chart

Incident Investigation Tip Sheets

WSIB Form 7


Evaluation

The Corporation's Health reviews and updates the policies & procedures, annually in consultation with the JHSC.

Acknowledge Success/Make Improvements

Employment Services and/or the JHSC may make recommendations regarding the provision and maintenance of a corporate health and safety policy.

Improvements are incorporated as part of the annual review. Successes are acknowledged at the annual Safety and Attendance Banquet.

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This Standard takes effect immediately and remains in effect until replaced by a new Standard of superseded by legislation/regulation.

Original Signed

Original Signed

Chief Administrative Officer

Worker Co-Chair, JHSC

Reviewed (Date):	By (Name and Initial):

**This document can be made available in an accessible format upon request.*