

HAZARD ALERT

Costly Mistakes to Avoid AFTER a Serious Workplace Incident

THE MOST CRITICAL MISTAKES

made by employers after a serious workplace incident are:

1. **Providing too much information to the Workplace Safety & Health Branch investigating officers without being sure of the facts.**
 - *These details can then be subsequently relied upon by the Crown to support WSH Charges against the employer.*
2. **Failing to conduct their own internal investigation separate from that required by the WSH Committee or Representative.**
 - *The Crown has up to two years to lay their charges. Over time, key due diligence steps that had been taken are lost or forgotten.*

Tips to Avoid a Landmine After a Serious Incident

- ✓ Designate an "Incident Coordinator" who will be the primary liaison with the Workplace Safety & Health Branch. This should be a person who has the authority to respond to investigating officers demands and has experience dealing with stressful situations.
- ✓ Provide training to the Incident Coordinator in how to deal with a serious workplace incident and investigating officers so that it's managed in the best possible way.
- ✓ Have a lawyer knowledgeable in the area of WSH law or Safety Professional experienced serious investigation including prosecutions review the incident report before you provide it to the WSH Division. You want to ensure you position your company in the best light possible.
- ✓ Conduct an internal Incident Investigation separate from the WSH Committee Investigation. Ensure that all evidence such as documents, witness and subject matter expert statements and any other evidence of all due diligence steps taken are obtained and preserved. Protect your Incident Investigation report with solicitor client privilege. Contact a lawyer knowledgeable in WSH law to assist you.
- ✓ Develop an Incident Reporting protocol. This will help ensure immediate health and safety concerns are addressed and that the employer and representatives do not make serious mistakes that could undermine their legal position.

DID YOU KNOW?

Some of the most significant events in any incident investigation take place in the minutes and hours that immediately follow the incident.



Do you need help you're your Incident Response Protocol?

Contact us – we can help!

info@1LifeWSS.com

1-866-223-7374

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Reporting Serious Incidents to the Workplace Safety & Health Branch

The following work-related incidents must be reported to the Manitoba Workplace Safety and Health Division immediately and by the fastest means of communication.

- fatality of a worker
- any of the following injuries to a worker:
 - fracture of the skull, spine, pelvis, arm, leg, hand or foot
 - amputation of an arm, leg, hand, foot, finger or toe
 - permanent or temporary loss of sight
 - third degree burns
 - unconsciousness as the result of a concussion
 - injury resulting from electrical contact
 - injury resulting from electrical contact
 - asphyxiation or poisoning
- a collapse or structural failure of a building, tower, crane, hoist, temporary construction support system or excavation
- an uncontrolled spill or escape of a toxic, corrosive, or explosive substance
- explosion, fire or flooding
- failure of an atmosphere-supplying respirator

In March 2019 a Winnipeg packaging company was fined **\$43,750** for failing to, immediately and by the fastest means available, notify the WSH Branch of a serious incident involving its employee.

FAST FACT: In most cases, when 9-1-1 is called to a workplace police and the Workplace Safety & Health Branch is notified immediately by the dispatcher.

To Report Serious Incidents
Contact the WSH Branch at 204-945-3446

REPORTING REQUIREMENTS AFTER A “SERIOUS INCIDENT”

MR 217/06 Part 2: Notice of serious incident

2.7(1) When a serious incident occurs at a workplace, an employer must immediately and by the fastest means of communication available, notify the division of the incident and provide the following information:

- (a) the name and address of each person involved in the incident;
- (b) the name and address of the employer, and if any person involved in the incident is employed by another employer, the name and address of that other employer;
- (c) the name and address of each person who witnessed the incident;
- (d) the date, time and location of the incident;
- (e) the apparent cause of the incident and the circumstances that gave rise to it.

RECORD OF HAZARD ALERT

Company Name:	Work Location Dept.:
Talk Given by:	Date / Time:

Results of inspection, demonstration or other activity or suggestions during talk:

List of All Employees Who Attended the Safety Talk:	
Name (PRINT)	<i>Signature</i>
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

Signed: _____

Position Held: _____