

A Safe Workplace

A Workplace Safety and Health Manual for Your Community

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		Approved By: Harvey Bostrom
Subject:	Investigating Incidents, Accidents, Dangerous Occurrences and Right to Refuse Dangerous Work	Effective: April 01, 2005
		Revised: April 1, 2011

The Manitoba Workplace Safety and Health Act and Regulations, section 7.4 (5) states "a workplace safety and health program must include a procedure for investigating accidents, dangerous occurrences and refusals to work under section 43 of the Act."

A serious incident is defined as an incident:

1. in which a worker is killed.
2. in which a worker suffers:
 - an injury resulting from electrical contact;
 - unconsciousness as the result of a concussion;
 - a fracture of his or her skull, spine, pelvis, arm, leg, hand or foot;
 - amputation of an arm, leg, hand, foot, finger or toe;
 - third degree burns;
 - permanent or temporary loss of sight;
 - a cut or laceration that requires medical treatment at a hospital; and
 - asphyxiation or poisoning.
3. that involves:
 - the collapse or structural failure of a building, structure, crane, hoist, lift, temporary support system or excavation;
 - an explosion, fire or flood;
 - an uncontrolled spill or escape of a hazardous substance; and
 - the failure of an atmosphere-supplying respirator.

Reporting Serious Incidents

When a serious incident occurs, council must notify the Aboriginal and Northern Affairs regional office and the Department of Labor and Immigration, Workplace Safety and Health Division.

Phone numbers are:

Daytime 8:00 A.M.-4:00 P.M.

**1-204-945-3446 or 1-866-888-8186
or 1-866-929-7233 or 204-957-7233**

After hours & weekends

1-204-945-0581

Fax

1-204-948-2209

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The following information must be provided:

- the name and address of each person involved in the incident;
- 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;
- the name and address of each person who witnessed the incident;
- the date, time and location of the incident; and
- the apparent cause of the incident and the circumstances that gave rise to it.

Employers are also legislated to, immediately notify the Department of Labor and Immigration, if they find that the information previously provided, was inaccurate or incomplete.

Investigating Serious Incidents, Accidents and Dangerous Occurrences

An investigation is conducted to remedy a situation, not to lay blame.

Council must ensure that the following are investigated:

- a serious incident
- an accident or other dangerous occurrence (that injures a person and results in the person requiring medical treatment or that has the potential to cause a serious incident)

Investigation Team

The investigation team will be composed of the following:

- the immediate supervisor;
- a council member if not the immediate supervisor;
- the workplace safety and health representatives (employee and management);
- an Aboriginal and Northern Affairs regional office representative; and
- a Department of Labour and Immigration Workplace Safety and Health Officer, if required.

Investigation Steps

The process of investigating an incident involves gathering and analyzing evidence, then making recommendations in a written report. These steps include:

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1. preparation;
2. visiting the scene;
3. conducting interviews;
4. preserve site (except to the extent necessary to free a trapped person or create an additional hazard);
5. examination of physical evidence;
6. analyzing the evidence;
7. preparing the report; and
8. follow up on corrective action.

Completing the Report

An initial report must be completed within 24 hours of the time of the incident. The report should include the following:

- a) the name of any person injured or killed;
- b) the date, time and place of the incident, accident or dangerous occurrence;
- c) a description of the incident, accident or dangerous occurrence;
- d) any graphics, photographs or other evidence that may assist in determining the cause or causes of the incident, accident or dangerous occurrence;
- e) an explanation of the cause of the incident, accident or dangerous occurrence, including any factors or events that indirectly contributed to it occurring;
- f) any immediate corrective action taken; and
- g) any long-term action that will be taken to prevent the occurrence of a similar incident, accident or dangerous occurrence, or the reasons for no action being taken.

When the investigation team is satisfied with the final version of the report, all investigation team members must sign the report. It is then forwarded to council for corrective action. The representative should ensure follow up is conducted by council. Council must promptly respond to the report and advise in writing of the remedial actions that will be taken.

A copy of the incident report should be posted on the Workplace Safety and Health bulletin board. Names of individuals involved in the incident should be omitted (blacked out) from the posted version to ensure privacy.

Copies of written report should be provided to:

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- Community Council;
- Department of Labor & Immigration
Workplace Safety and Health Division
200-401 York Avenue
Winnipeg MB
R3C OPS
- Aboriginal and Northern Affairs regional office;
- RCMP (if criminal act is encountered or fatality occurs); and
- any other agency as may be required by circumstances.

A copy of the report should be filed in the Workplace Safety and Health designated filing system. Documentation should be kept indefinitely.

Workers Compensation Board Requirements

It is mandatory that all incidents (no matter how minor) that result in injuries shall be reported to the council by the employee utilizing the Community Incident Report Form. Council should ensure that every injury at work results in a completed form. These forms can be obtained by contacting the Workers Compensation Board at 1-800-362-3340. Use our Community/Incident Report Forms, see appendix II-B-4.

All lost time and medical aid inquiries must be reported to WCB and ANA Regional WSH staff.

Training Requirements

Additional details on training requirements can be found in this manual in the section entitled Workplace Safety and Health Training Requirements. Investigation team members must acquire the following training:

- Investigating Workplace Incident;
- Level I - Workplace Safety and Health; and
- any other related training as may be deemed beneficial or necessary.

Right to Refuse Dangerous Work

The Manitoba Workplace Safety and Health Act and Regulations, states "a worker may refuse to work or do particular work at a workplace if he or she believes on reasonable grounds that work constitutes a danger to his or her safety or health or to the safety or health

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of another worker or another person."

The employee should report the refusal to the supervisor. No other employee can be asked to do the job without the consent of the initial refusing employee. If a resolution cannot be reached council should contact the regional office or a Department of Labor and Immigration Workplace Safety and Health Officer. Section 43 of *The Manitoba Workplace Safety and Health Act and Regulations* outlines the process to follow.

Community Responsibilities

Council must ensure that:

- employees immediately report all incidents to their supervisor;
- serious incidents are reported to the Department of Labour and Immigration;
- incidents are investigated as per this manual;
- review incident reports and implement corrective action as soon as possible;
- employees complete a Community Incident Report Form when an injury occurs at work; and
- records are kept indefinitely in the designated WSH filing system.

Note additional information can be found on the Department of Labour and Immigration website www.safemanitoba.com in the [A Guide to Investigating Workplace Incidents](#).