

On the Cover



Members of Rio Tinto's health, safety, environment, and community team meet weekly to assess the current safety awareness level at the company's aluminum smelter in Kitimat, B.C.

Incident investigation requirements bring clarity

By Helena Bryan

Mandatory reporting timelines strengthen efforts designed to identify and implement corrective actions quickly.

When an injury or near miss occurs at the 1,000-employee Rio Tinto aluminum smelter in Kitimat, B.C., a sequence of events is triggered that's meant to ensure one thing: that nobody gets hurt in a similar way in the future.

First, the incident is reported at daily meetings.

Then, the workers involved — along with technical support staff, a health and safety advisor, health and safety committee representative, and front-line management — analyze the incident's root causes. They develop corrective measures to prevent those

root causes from happening again. This is all logged in a central database that employees can, in turn, use to track the kinds of incidents, including near misses that are occurring and where. The database also allows monitoring of remedial progress.

When a serious incident occurs, WorkSafeBC is notified immediately and a full investigation report is sent to the site general manager and Rio Tinto's CEO. All full investigation reports, including near-miss and minor injury reports, are sent to WorkSafeBC within 30 days.

Indeed, these steps are what is supposed to happen according to provincial legislation amended in May 2015.

Some might say, 'If it wasn't serious, why report it?'

Minor injuries and close calls are an incredible opportunity to prevent more serious injuries, says Ray Roch, WorkSafeBC's director, Prevention Programs. "There are always warning signs. Invariably, near misses, minor incidents, and risky behaviours point to a condition or practice, that could, if allowed to continue, cause significant injury, equipment damage — or worse."

Unfortunately, not all employers take reporting and investigating as seriously as Rio Tinto. "Some employers believe that, when they've completed their report of injury or occupational disease form (a form 7), they've satisfied their obligation to investigate and report an incident. That is not the case," notes Roch. "There's a difference between submitting information necessary to make and manage an injured worker's claim, and investigating the incident."

But an amendment to the *Workers Compensation Act* that took effect on May 14, 2015, has identified specific timelines that must be met for investigating and reporting workplace health and safety incidents, including near misses.

"The timelines help employers understand just how important reporting and investigating are to workplace health and safety," says Roch. They also make B.C. one of only four jurisdictions in Canada to impose such time limits.

The new requirements are one result of a 2014 internal review that looked at ways WorkSafeBC could strengthen its ability to protect workers (see "A Backgrounder," page 12).



As part of Rio Tinto's incident response, emergency response teams routinely host drills with other first responders from around the community. These drills work to ensure all groups are equipped to deal with any emergency situation, should it arise.

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Timelines for two-phase investigations

The new legislation doesn't change the circumstances triggering an investigation. It does, however, impose clear deadlines on employers.

John Panusa, WorkSafeBC's associate general counsel with Legal Services, oversaw development of the new reporting policy.

“Employers have always been required to investigate certain incidents and report on them,” he says. “These new provisions simply provide a clear structure for doing that.”

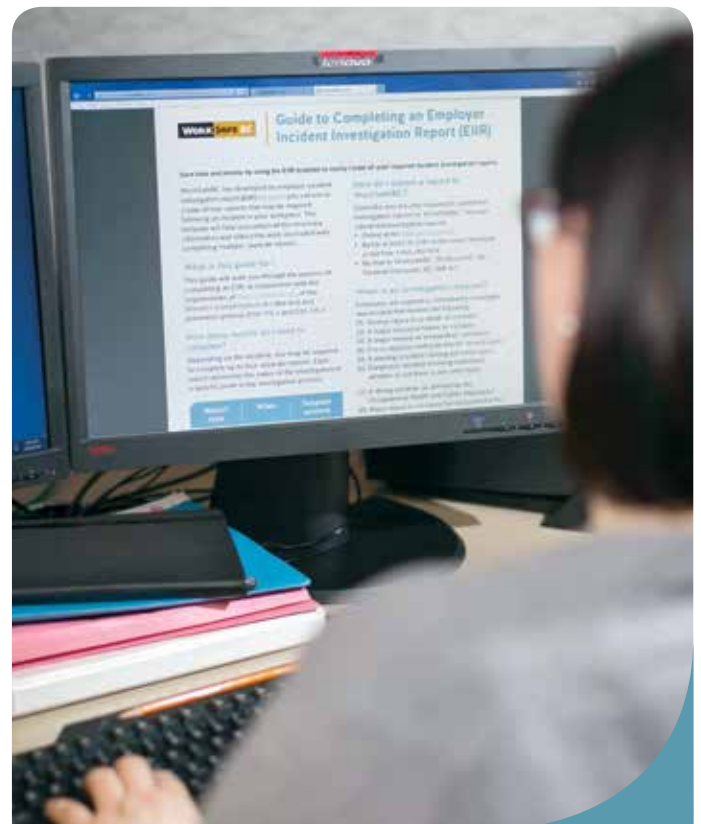
According to new policy, in the event of a workplace incident or near miss employers must:

- Immediately conduct a preliminary investigation.
- Complete a preliminary report within 48 hours of the incident, providing copies to WorkSafeBC (as requested) and the workplace's joint health and safety committee or worker representative. If neither exists within the organization, the report must be posted in the workplace.
- Create an interim Corrective Action Report, if immediate corrective action is necessary to prevent a similar incident in the future, and take corrective measures. A copy of this report must also be provided to the joint committee or worker representative, or posted publicly if neither exists.
- Undertake a full investigation to determine the incident's cause/s and take corrective action to prevent reoccurrence.
- Submit the full investigation report to WorkSafeBC within 30 days of the incident. Copies must be provided to the health and safety committee or worker representative, or posted publicly if neither exists.

- Carry out any further corrective actions and complete a Corrective Action Report for distribution to the health and safety committee or worker representative, or post it publicly if neither exists.

Preliminary and full investigation reporting

Roch explains the difference between a preliminary investigation and full investigation.



WorkSafeBC has developed an employer incident investigation report template employers can use to create all four reports that may be required following a workplace incident.



Emergency response crews practice a high-level rescue in Rio Tinto's powerhouse located at the Kemano hydroelectric plant.

"Say, you have an old machine on site that leaks oil and someone slips on the oil and falls. Your immediate corrective action is to stop the leak and repair it. The full investigation must go deeper, asking questions like, 'Was this machine on a scheduled maintenance program?' You may learn that the machine is so old, parts are no longer available, and maintenance is having difficulty keeping it in a good state of repair. Then the questions become, 'Why was the machine still in service?' and 'What are the longer-term systemic issues at the root of the leak?' You may learn that a budget request to replace the machine was denied, yet no thought given the safety implication of that decision. And you could possibly dig deeper!"

Roch adds that the intent of the 30-day window is to provide proper time for a thorough investigation — one that evaluates all contributing factors — so informed conclusions can be drawn.

Because Rio Tinto already had rigorous reporting and investigating processes in place, it must only make minor adjustments to its processes to be in compliance with the new requirements.

"We're committed to continually improving our safety standards and processes," says the company's health and safety manager, Alain Bouchard. "The new policy will only help us improve our safety performance even more."

Convenient online process

To make it easier for employers to comply with the changes, WorkSafeBC has created a single online reporting form. Tested with both small and large employers, it can be used for all four reports.

Previously, the reports had to be mailed or faxed to WorkSafeBC. Now, using the convenience of

technology, employers can choose to quickly and directly upload their investigation reports directly to WorkSafeBC through a secure portal.

“As long as an employer diligently fills in all the boxes, they will satisfy the reporting requirement,” says Roch.

Preparing to respond to an incident

Unfortunately, incidents happen. Employers need to prepare to properly respond to incidents when they do occur. This preparation includes identifying the people who might investigate an incident, and providing them with adequate training, so they understand what they need to do and why they are doing it.

Preparation is key, says Bouchard. “Everyone on the investigations team is well trained. In the event of a potentially fatal incident, specially trained managers step in as investigation leaders; ensuring the

investigation is done with due diligence.” With all other incidents, Rio Tinto’s health and safety advisors, supervisors, and safety committee representatives are also trained in investigation procedures. “When an incident happens, the team knows what to do.”

Improved database

Once collected, information in the reports won’t simply remain unused.

Says Roch, “We’ll have a richer database [of information] to better inform employers. We’ll be able to see what kinds of incidents are occurring in what industries and the types of corrective solutions that are implemented. Then, we’ll share all that information with employers, for example, through our subscription e-news service.” Adds Roch, “This is already a popular feature; the new reporting will only improve it.” 🗨️



Changes to the Workers Compensation Act (Bill 9 and Bill 35)

Helping to improve workplace safety and strengthen the tools we use to enforce the Act and the Occupational Health and Safety Regulation.

Find out how these legislative changes may affect you and your workplace at worksafebc.com.

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