THE WORKERS’ COMPENSATION BOARD OF BRITISH COLUMBIA

RESOLUTION OF THE BOARD OF DIRECTORS

RE: Employer Incident Investigations Policy

WHEREAS:

Pursuant to section 82 of the Workers Compensation Act, RSBC 1996, Chapter 492 and amendments thereto (“Act”), the Board of Directors (“BOD”) must set and revise as necessary the policies of the BOD, including policies respecting compensation, assessment, rehabilitation, and occupational health and safety;

AND WHEREAS:

On May 14, 2015, the Lieutenant Governor of the Province of British Columbia gave Royal Assent to the Workers Compensation Amendment Act, 2015 (“Amendment Act, 2015”), which provides for various changes to sections 173, 174, 175, and 176 of the Act regarding the accident or incident investigation and reporting requirements under the Act;

AND WHEREAS:

The commencement provisions of the Amendment Act, 2015 provided that the amendments to sections 173, 174, 175, and 176 of the Act, came into force on May 14, 2015;

AND WHEREAS:

Sections 175 and 176 of the Act each require an employer to ensure that a report of the preliminary investigation and a report of the full investigation is prepared in accordance with the policies of the Board of Directors;

AND WHEREAS:

On November 17, 2015, the Lieutenant Governor of the Province of British Columbia gave Royal Assent to the Workers Compensation Amendment Act (No. 2), 2015 (“Amendment Act (No. 2), 2015”), which provides for various further changes to the accident or incident reporting and investigation requirements under the Act;
AND WHEREAS:

The commencement provisions of the Amendment Act (No. 2), 2015, provide that the amendments to sections 172, 174, 175, and 176 of the Act, come into force on January 1, 2016;

AND WHEREAS:

Pursuant to BOD Resolution No. 2015/05/27-01, the BOD approved the addition of Items D10-175-1, Preliminary Incident Investigations, Report and Follow-Up Action, and D10-176-1, Full Incident Investigations, Report and Follow-Up Action, to the Prevention Manual on an interim basis that expires on December 31, 2015;

AND WHEREAS:

The Policy, Regulation and Research Division has undertaken stakeholder consultation on the interim policies and has advised the BOD on the results of the consultation;

THE BOARD OF DIRECTORS RESOLVES THAT:

1. Item D10-175-1 of the Prevention Manual, as approved by BOD Resolution No. 2015/05/27-01, is amended as set out in Appendix “A” of this Resolution, and applies to all accident and incidents that occur on and after January 1, 2016;

2. Item D10-176-1 of the Prevention Manual, as approved by BOD Resolution No. 2015/05/27-01, is amended as set out in Appendix “B” of this Resolution, and applies to all accidents and incidents that occur on and after January 1, 2016;

3. The housekeeping amendment to Item D10-172-1, Accident Reporting and Investigation – Immediate Notice of Certain Accidents (Major Release of Hazardous Substance), of the Prevention Manual, as set out in Appendix “C” of this Resolution, is approved; and
4. This resolution constitutes a policy decision of the Board of Directors.

DATED at Richmond, British Columbia, December 16, 2015.

By the Workers’ Compensation Board

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JOHN BECKETT, CRSP, CHRP
CHAIR, BOARD OF DIRECTORS
BACKGROUND

1. Explanatory Notes

Section 175 of the Act sets out the requirements for an employer to conduct a preliminary investigation of a section 173 incident within 48 hours of the incident. Depending on the complexity of the investigation, it may be possible for an employer to complete its section 176 full investigation obligations within 48 hours of the incident. Direction on these situations is set out in Policy D10-176-1 (Full Incident Investigation, Report and Follow-Up Action).

Section 174 of the Act sets out how worker and employer representatives may participate in investigations.

Note: In some cases, the Regulation provides specific and exclusive direction to investigate and report accidents or incidents in accordance with Part 3 of the Regulation.

2. Legal Authority

Section 127, Act:

A joint committee for a workplace must be established in accordance with the following:

...  

(b) it must consist of worker representatives and employer representatives;

Section 130, Act:

A joint committee has the following duties and functions in relation to its workplace:

...
(h) to ensure that accident investigations and regular inspections are carried out as required by this Part and the regulations;

(i) to participate in inspections, investigations and inquiries as provided in this Part and the regulations;

...  

Section 172, Act:

(1) An employer must immediately notify the Board of the occurrence of any accident that

(a) resulted in serious injury to or the death of a worker,

(b) involved a major structural failure or collapse of a building, bridge, tower, crane, hoist, temporary construction support system or excavation,

(c) involved the major release of a hazardous substance,

(c.1) involved a fire or explosion that had a potential for causing serious injury to a worker, or

(d) was an incident required by regulation to be reported.

(2) Except as otherwise directed by an officer of the Board or a peace officer, a person must not disturb the scene of an accident that is reportable under subsection (1) except so far as is necessary to

(a) attend to persons injured or killed,

(b) prevent further injuries or death, or

(c) protect property that is endangered as a result of the accident.
Section 173, Act:

(1) An employer must conduct a preliminary investigation under section 175 and a full investigation under section 176 respecting any accident or other incident that

(a) is required to be reported by section 172,

(b) resulted in injury to a worker requiring medical treatment,

(c) did not involve injury to a worker, or involved only minor injury not requiring medical treatment, but had a potential for causing serious injury to a worker, or

(d) was an incident required by regulation to be investigated.

(2) Subsection (1) does not apply in the case of a vehicle accident occurring on a public street or highway.

Section 174, Act:

(1) An investigation required under this Division must be carried out by persons knowledgeable about the type of work involved and, if they are reasonably available, with the participation of the employer or a representative of the employer and a worker representative.

(1.1) For the purposes of subsection (1), the participation of the employer or a representative of the employer and a worker representative includes, but is not limited to, the following activities:

(a) viewing the scene of the incident with the persons carrying out the investigation;

(b) providing advice to the persons carrying out the investigation respecting the methods used to carry out the investigation, the scope of the investigation, or any other aspect of the investigation;

(c) other activities, as prescribed by the Board.
(3) The employer must make every reasonable effort to have available for interview by a person conducting the investigation, or by an officer, all witnesses to the incident and any other persons whose presence might be necessary for a proper investigation of the incident.

(4) The employer must record the names, addresses and telephone numbers of persons referred to in subsection (3).

Section 175, Act:

(1) An employer must, immediately after the occurrence of an incident described in section 173, undertake a preliminary investigation to, as far as possible,

(a) identify any unsafe conditions, acts or procedures that significantly contributed to the incident, and

(b) if unsafe conditions, acts or procedures are identified under paragraph (a) of this subsection, determine the corrective action necessary to prevent, during a full investigation under section 176, the recurrence of similar incidents.

(2) The employer must ensure that a report of the preliminary investigation is

(a) prepared in accordance with the policies of the board of directors,

(b) completed within 48 hours of the occurrence of the incident, and

(c) provided to the Board on request of the Board,

(d) as soon as practicable after the report is completed, either

   (i) provided to the joint committee or worker health and safety representative, as applicable, or

   (ii) if there is no joint committee or worker health and safety representative, posted at the workplace.

(3) Following the preliminary investigation, the employer must, without undue delay, undertake any corrective action determined to be necessary under subsection (1)(b).
(4) If the employer takes corrective action under subsection (3), the employer, as soon as practicable, must

(a) prepare a report of the action taken, and

(b) either

(i) provide the report to the joint committee or worker health and safety representative, as applicable, or

(ii) if there is no joint committee or worker health and safety representative, post the report at the workplace.

3. Interpretation Act

Section 25:

... (2) If the time for doing an act falls or expires on a holiday, the time is extended to the next day that is not a holiday.

(3) If the time for doing an act in a business office falls or expires on a day when the office is not open during regular business hours, the time is extended to the next day that the office is open.

Section 29:

In an enactment:

... (a) Sunday, Christmas Day, Good Friday and Easter Monday,


(c) December 26, and
(d) a day set by the Parliament of Canada or by the Legislature, or appointed by proclamation of the Governor General or the Lieutenant Governor, to be observed as a day of general prayer or mourning, a day of public rejoicing or thanksgiving, a day for celebrating the birthday of the reigning Sovereign, or as a public holiday;

POLICY

1. Investigation Participants

Section 174 requires a preliminary investigation to be carried out by persons knowledgeable about the type of work involved. It also requires the participation of the employer or employer representative, and a worker representative, if they are reasonably available.

21. Incidents Requiring a Preliminary Investigation

Unless the accident or incident is a vehicle accident occurring on a public street or highway, Section 175(1) requires an employer to undertake a preliminary investigation immediately after the occurrence of any of the following:

- an accident that resulted in serious injury to or the death of a worker;
- an accident that involved a major structural failure or collapse of a building, bridge, tower, crane, hoist, temporary construction support system or excavation;
- an accident that involved the major release of a hazardous substance;
- an accident that involved a fire or explosion that had a potential for causing serious injury to a worker;
- a blasting accident that causes personal injury;
- a dangerous incident involving explosives other than a blasting accident, regardless of whether it caused personal injury;
- a diving incident, as defined in the Regulation;
- any accident or other incident that resulted in injury to a worker requiring medical treatment; and
• any accident or other incident that did not involve injury to a worker, or involved only minor injury not requiring medical treatment, but had a potential for causing serious injury to a worker.

32. Identifying Unsafe Conditions, Acts or Procedures

The Act requires employers to immediately undertake a preliminary investigation to identify any unsafe conditions, acts or procedures as far as possible, in order to ensure that work can be continued or resumed safely during the interim period between the incident and the conclusion of the full investigation.

What constitutes “as far as possible” during the preliminary investigation may be limited due to circumstances of the accident or incident that are outside of the employer’s control.

It is not possible to list all the limitations on what may inhibit an employer’s ability to identify unsafe conditions, acts or procedures. However, if an employer is

• only able to identify some, or

• only able to identify in broader or more general terms,

the unsafe conditions, acts or procedures that significantly contributed to the section 173 incident, the employer should include these limitations in its preliminary investigation report.

The following are some of the circumstances in which WorkSafeBC may consider that it is not possible for an employer to identify all the unsafe conditions, acts or procedures that significantly contributed to the section 173 incident. This is not an exhaustive list:

• the persons injured in the incident are not available (e.g. unconscious in hospital);

• there were no witnesses to the incident;

• the employer is prohibited from entering the workplace or part of the workplace, because WorkSafeBC, the police, or other agencies are attending at the scene of the incident and conducting their own investigations;

• WorkSafeBC has issued an order to stop use under section 190 or stop work under section 191, and the exceptions for permitting a worker to enter the
workplace or part of the workplace that is the subject of the order cannot be met; or

- WorkSafeBC has taken documents, equipment, or other items, which the employer also needs to investigate.

43. Determining Interim Corrective Action

As part of the preliminary investigation, the Act requires the employer to determine the corrective action necessary to prevent a recurrence of the section 173 incident during the period of the full investigation. This means the employer must identify interim corrective actions that can be undertaken from the time of the section 173 incident, and to the deadline plus any extensions, for submitting the full investigation report to WorkSafeBC under section 176 (see Policy D10-176-1).

Employers must take all actions reasonably necessary to prevent a recurrence during the interim period. If an employer is only able to identify some, or only able to identify in broader or more general terms, the unsafe conditions, acts or procedures that significantly contributed to the section 173 incident, the interim corrective action may include a full or partial shutdown of a worksite, removing equipment, or reassigning workers.

54. Elements of Preliminary Investigation Reports

An employer’s preliminary investigation report of the section 173 incident must contain the following elements, as far as possible:

(a) the place, date and time of the incident;

(b) the names and job titles of persons injured or killed in the incident;

(c) the names and job titles of witnesses;

(d) the names and job titles of any other persons whose presence might be necessary for a proper investigation of the incident;

(e) a statement of the sequence of events that preceded the incident;

(f) identification of any unsafe conditions, acts or procedures that significantly contributed to the incident;
(g) **employer identification and contact information**;

(h) a brief description of the incident;

(i) the names and job titles of all the persons set out in section 174(1) of the Act, who carried out conducted or participated in the preliminary investigation of the incident;

(j) interim corrective actions the employer has determined to prevent the recurrence of similar incidents, for the interim period between the occurrence of the incident and the submission of the full investigation report;

(k) information about what interim corrective action has been taken and when any corrective actions not yet implemented will be taken; and

(l) the circumstances of the accident or incident that preclude the employer from addressing a particular element of the above-listed elements during the preliminary investigation period.

Blasting and diving have industry-specific reporting requirements under the Regulation, in addition to those under sections 175 and 176 of the Act. An employer may combine one or more reports as long as all the applicable requirements, including those regarding timing, are met.

Section 174(3) of the Act requires the employer to record the addresses and telephone numbers of witnesses and any other persons whose presence might be necessary for a proper investigation of the incident. This does not form part of the preliminary investigation report.

**65. Producing the Preliminary Investigation Report**

The Act requires an employer to provide its preliminary investigation report to WorkSafeBC upon request.

The Act also requires an employer may also to provide a copy of the any incident investigation report to the joint committee or worker health and safety representative, as applicable, and if there is no joint committee or worker health and safety representative, to post the report at the workplace. The Act requires this be done as soon as practicable after the report is completed. If doing so, the employer may need to remove certain of the listed elements from the investigation reports in order to protect personal information of individuals.
Implementing Corrective Action

While an employer is undertaking the full investigation report due to WorkSafeBC under section 176 (see Policy D10-176-1), the employer must also, without undue delay, take the corrective action it had determined was necessary to prevent a recurrence of similar section 173 incidents during the full investigation period. This interim corrective action must remain in place until the employer has:

(a) undertaken any further corrective action identified in the full investigation as necessary to prevent the recurrence of similar incidents following the full investigation; or

(b) determined that the interim corrective action is sufficient to prevent the recurrence of similar incidents following the full investigation.

The employer may modify the interim corrective action during the full investigation period, if it determines that the modified interim corrective action is more effective or as effective as the interim corrective action originally undertaken.

Interim Corrective Action Reporting

WorkSafeBC may request a copy of the interim corrective action report that the employer prepares following the preliminary investigation.

In the interim corrective action report, the employer must include:

(a) the unsafe conditions, acts or procedures that made the interim corrective action necessary;

(b) the interim corrective action taken to prevent the recurrence of similar incidents during the full investigation period;

(c) employer identification information;

(d) the names and job titles of the persons responsible for implementing the interim corrective action; and

(e) the date the interim corrective action was taken.
Where the employer completes the full investigation within 48 hours of the section 173 incident and determines the corrective action necessary to prevent the recurrence of similar incidents, the employer may prepare a single corrective action report to provide to the joint committee or worker health and safety representative, as applicable, or if there is no joint committee or worker health and safety representative, to post at the workplace, as applicable. This would meet its corrective action reporting requirements for both sections 175 and 176 of the Act.

**PRACTICE**

See:


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**EFFECTIVE DATE:** May 27, 2015 January 1, 2016

**AUTHORITY:** s.175, *Workers Compensation Act*

**CROSS REFERENCES:** See also ss. 178, 179(3)(f) and (g), 187(2) and 187, *Workers Compensation Act*;

- Accident Reporting and Investigation – Immediate Notice of Certain Accidents (Major Release of Hazardous Substance) (Item D10-172-1),
- Accident Reporting and Investigation – Full Incident Investigation, Report and Follow-Up Action (Item D10-176-1).

**HISTORY:**

- Amended effective January 1, 2016 to reflect stakeholder consultation on interim polices and to implement changes resulting from the *Workers Compensation Amendment Act (No. 2), 2015*, which received Royal Assent on November 17, 2015.
- This Item was originally developed to implement the *Workers Compensation Amendment Act, 2015*, which received Royal Assent on May 14, 2015.

**APPLICATION:**

- This policy applies to all accidents and incidents that occur on and after May 27, 2015 until the end of December 31, 2015 January 1, 2016.
RE: Full Incident Investigation, Report and Follow-Up Action

ITEM: D10-176-1

BACKGROUND

1. Explanatory Notes

Section 176 of the Act sets out the requirements for an employer to conduct a full investigation immediately after completing a section 175 preliminary investigation of a section 173 incident. Depending on the complexity of the investigation, it may be possible for an employer to complete its section 176 full investigation obligations within 48 hours of the incident.

Section 174 of the Act sets out how worker and employer representatives may participate in investigations.

Note: In some cases, the Regulation provides specific and exclusive direction to investigate and report accidents or incidents in accordance with Part 3 of the Regulation.

2. Legal Authority

Section 127, Act:

A joint committee for a workplace must be established in accordance with the following:

…

(b) it must consist of worker representatives and employer representatives;

Section 130, Act:

A joint committee has the following duties and functions in relation to its workplace:

…

(h) to ensure that accident investigations and regular inspections are carried out as required by this Part and the regulations;
(i) to participate in inspections, investigations and inquiries as provided in this Part and the regulations;

...

Section 172, Act:

(1) An employer must immediately notify the Board of the occurrence of any accident that

(a) resulted in serious injury to or the death of a worker,

(b) involved a major structural failure or collapse of a building, bridge, tower, crane, hoist, temporary construction support system or excavation,

(c) involved the major release of a hazardous substance,

(c.1) involved a fire or explosion that had a potential for causing serious injury to a worker, or

(d) was an incident required by regulation to be reported.

(2) Except as otherwise directed by an officer of the Board or a peace officer, a person must not disturb the scene of an accident that is reportable under subsection (1) except so far as is necessary to

(a) attend to persons injured or killed,

(b) prevent further injuries or death, or

(c) protect property that is endangered as a result of the accident.

Section 173, Act:

(1) An employer must conduct a preliminary investigation under section 175 and a full investigation under section 176 respecting any accident or other incident that

(a) is required to be reported by section 172,

(b) resulted in injury to a worker requiring medical treatment.
(c) did not involve injury to a worker, or involved only minor injury not requiring medical treatment, but had a potential for causing serious injury to a worker, or

(d) was an incident required by regulation to be investigated.

(2) Subsection (1) does not apply in the case of a vehicle accident occurring on a public street or highway.

Section 174, Act:

(1) An investigation required under this Division must be carried out by persons knowledgeable about the type of work involved and, if they are reasonably available, with the participation of the employer or a representative of the employer and a worker representative.

(1.1) For the purposes of subsection (1), the participation of the employer or a representative of the employer and a worker representative includes, but is not limited to, the following activities:

(a) viewing the scene of the incident with the persons carrying out the investigation;

(b) providing advice to the persons carrying out the investigation respecting the methods used to carry out the investigation, the scope of the investigation, or any other aspect of the investigation;

(c) other activities, as prescribed by the Board.

(3) The employer must make every reasonable effort to have available for interview by a person conducting the investigation, or by an officer, all witnesses to the incident and any other persons whose presence might be necessary for a proper investigation of the incident.

(4) The employer must record the names, addresses and telephone numbers of persons referred to in subsection (3).
Section 176, Act:

(1) An employer must, immediately after completing a preliminary investigation under section 175, undertake a full investigation to, as far as possible,

   (a) determine the cause or causes of the incident investigated under section 175,

   (b) identify any unsafe conditions, acts or procedures that significantly contributed to the incident, and

   (c) if unsafe conditions, acts or procedures are identified under paragraph (b) of this subsection, determine the corrective action necessary to prevent the recurrence of similar incidents.

(2) The employer must ensure that a report of the full investigation is

   (a) prepared in accordance with the policies of the board of directors, and

   (b) submitted to the Board within 30 days of the occurrence of the incident, and

   (c) within 30 days of the occurrence of the incident, either,

       (i) provided to the joint committee or worker health and safety representative, as applicable, or

       (ii) if there is no joint committee or worker health and safety representative, posted at the workplace.

(3) The Board may extend the time period, as the Board considers appropriate, for submitting a report under subsection (2)(b) or (c).

(4) Following the full investigation, the employer must, without undue delay, undertake any corrective action determined to be necessary under subsection (1)(c).

(5) If the employer takes corrective action under subsection (4), the employer, as soon as practicable, must

   (a) prepare a report of the action taken, and

   (b) either
(i) provide the report to the joint committee or worker health and safety representative, as applicable, or

(ii) if there is no joint committee or worker health and safety representative, post the report at the workplace.

POLICY

1. Determining the Cause or Causes of the Incident

Employers must determine the cause or causes of the section 173 incident. “Determining the cause or causes” means analyzing the facts and circumstances of the incident to identify the underlying factors that led to the incident. This includes identifying the underlying factors that made the unsafe conditions, acts or procedures possible, and identifying health and safety deficiencies.

2. Elements of Full Investigation Reports

An employer’s full investigation report of the section 173 incident must contain the following elements, as far as possible:

(a) Elements (a) through (f) of Item D10-175-1, Preliminary Incident Investigation, Report and Follow-Up Action, including any updates available following the preliminary investigation period;

(b) the employer’s legal name, name it is doing business under, address, contact number, email address, and WorkSafeBC account number;

(c) the identification and contact information of other relevant workplace parties such as an owner, prime contractor, other persons actively involved in the accident or incident, or persons implementing the corrective action following the full investigation;

(d)(e) determination of the cause or causes of the incident;

(e)(f) a full description of the incident;

(f)(g) the names and job titles of all the persons set out in section 174(1) of the Act, who carried out conducted or participated in the preliminary and full investigation of the incident;
(g)(e) all corrective actions the employer has determined are necessary to prevent the recurrence of similar incidents; and

(h)(f) information about what corrective action has been taken and when any corrective actions not yet implemented will be taken.

Depending on the complexity of the accident or incident investigation, an employer may complete its full investigation report within 48 hours. This would meet its requirements for section 175(1) of the Act. The full investigation report must then be submitted to the joint committee or worker health and safety representative, or if there is no joint committee or worker health and safety representative, posted at the workplace, as soon as practicable, to meet its requirements for section 175(2); and to WorkSafeBC within 30 days of the incident, to meet the full investigation reporting requirements of section 176. The corrective action reporting requirements are addressed in section 5 of this policy.

Blasting and diving have industry-specific reporting requirements under the Regulation, in addition to those under sections 175 and 176 of the Act. An employer may combine one or more reports as long as all the applicable requirements, including those regarding timing, are met.

Section 174(3) of the Act requires the employer to record the addresses and telephone numbers of witnesses and any other persons whose presence might be necessary for a proper investigation of the incident. This does not form part of the full investigation report.

3. Producing the Full Investigation Report

The Act requires an employer to submit its full investigation report to WorkSafeBC and:

The employer may also provide a copy of any incident investigation reports to the joint committee or worker health and safety representative, as applicable, or if there is no joint committee or worker health and safety representative, to post the report at the workplace. If doing so, the employer may need to remove certain of the listed elements from the investigation reports in order to protect personal information of individuals.

4. Extensions for Submitting the Full Investigation Report

The Act requires employers to submit their full investigation reports to WorkSafeBC within 30 days of the incident. Where an employer makes a request, WorkSafeBC may
grant one or more extensions for submitting the full investigation report, if the employer identifies delays in its ability to complete its full investigation due to factors outside its control. **Where WorkSafeBC grants an extension, employers should notify their joint committee or worker representative of the details of the extension.**

It is not possible to list all of the situations where WorkSafeBC may consider it appropriate to grant extensions, but the following are some examples:

- where the remoteness of the location of the accident or incident requiring investigation creates delays in an employer’s investigation;

- where the technical aspects of the investigation cannot be evaluated within 30 days of the accident or incident;

- where third party reports related to the full investigation are pending;

- if an investigation by WorkSafeBC, the police, or another agency restricts the employer's ability to investigate the cause or causes of the accident or incident;

- where an employer does not know about an accident or incident that resulted in injury to a worker, because there is a delay in the worker seeking the related medical treatment; and

- any other circumstances where WorkSafeBC considers it reasonable.

5. **Corrective Action Reporting Following the Full Investigation**

WorkSafeBC may request a copy of the corrective action report that the employer prepares following the full investigation.

In the corrective action report prepared following the full investigation, the employer must identify include:

(a) the unsafe conditions, acts or procedures that made the corrective action necessary;

(b) the corrective action taken to prevent the recurrence of similar incidents following the full investigation;

(c) **employer identification information**;
(d)(e) the names and job titles of the persons responsible for implementing the corrective action following the full investigation; and

(e)(d) the date the corrective action was taken.

Where the employer completes the full investigation within 48 hours of the section 173 incident and determines the corrective action necessary to prevent the recurrence of similar incidents, the employer may prepare a single corrective action report to provide to the joint committee or worker health and safety representative, as applicable, or if there is no joint committee or worker health and safety representative, to post at the workplace, as applicable. This would meet its corrective action reporting requirements for both sections 175 and 176 of the Act.

PRACTICE

See:


**EFFECTIVE DATE:** May 27, 2015 January 1, 2016

**AUTHORITY:** s.176, Workers Compensation Act

**CROSS REFERENCES:** See also s. 187, Workers Compensation Act; Accident Reporting and Investigation – Immediate Notice of Certain Accidents (Major Release of Hazardous Substance) (Item D10-172-1), Accident Reporting and Investigation – Preliminary Incident Investigation, Report and Follow-Up Action (Item D10-175-1).

**HISTORY:** Amended effective January 1, 2016 to reflect stakeholder consultation on interim polices and to implement changes resulting from the Workers Compensation Amendment Act (No. 2), 2015, which received Royal Assent on November 17, 2015.

This Item was originally developed to implement the Workers Compensation Amendment Act, 2015, which received Royal Assent on May 14, 2015.

**APPLICATION:** This policy applies to all accidents and incidents that occur on and after May 27, 2015 until the end of December 31, 2015 January 1, 2016.
RE: Accident Reporting and Investigation – Immediate Notice of Certain Accidents (Major Release of Hazardous Substance) ITEM: D10-172-1

BACKGROUND

1. Explanatory Notes

Section 172(1) sets out the situations where the employer must immediately notify the Board of the occurrence of any accident.

2. The Act

Section 172(1):

An employer must immediately notify the board of the occurrence of any accident that

(a) resulted in serious injury to or the death of a worker,

(b) involved a major structural failure or collapse of a building, bridge, tower, crane, hoist, temporary construction support system or excavation,

(c) involved the major release of a hazardous substance, or

(c.1) involved a fire or explosion that had a potential for causing serious injury to a worker, or

(d) was an incident required by regulation to be reported.

POLICY

Section 172(1)(c) requires the employer to notify the Board of any accident that involved the major release of a hazardous substance.
A major release does not only mean a considerable quantity, or the peculiar nature of the release, such as a gas or volatile liquid, but, more importantly, the seriousness of the risk to the health of workers. Factors that determine the seriousness of the risk include the degree of preparedness of the employer to respond to the release, the necessity of working in close proximity to the release, the atmospheric conditions at the time of the release and the nature of the substance.

As a general guideline, a report would be expected when:

- The incident resulted in an injury that required immediate medical attention beyond the level of service provided by a first aid attendant, or injuries to several workers that require first aid.

- The incident resulted in a situation of continuing danger to workers, such as when the release of a chemical cannot be readily or quickly cleaned up.

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**EFFECTIVE DATE:** April 1, 2001  
**AUTHORITY:** s.172(1), *Workers Compensation Act*  
**CROSS REFERENCES:**  
**HISTORY:** Housekeeping change to Background section to reflect amendments to the Act, effective January 1, 2016.  
Housekeeping changes effective September 15, 2010 to delete practice reference and make formatting changes.  
Replaces Policy No. 6.02(c) of the Prevention Division *Policy and Procedure Manual*  
**APPLICATION:**  
This Item results from the 2000/2001 “editorial” consolidation of all prevention policies into the *Prevention Manual*. The POLICY in this Item merely continues the substantive requirements of Policy No. 6.02(c), as they existed prior to the Effective Date, with any wording changes necessary to reflect legislative and regulatory changes since Policy No. 6.02(c) was issued.