

# Reporting and Investigating Injuries and Incidents

## OHS information for employers

### Reporting and Investigating Injuries and Incidents

The information in this Safety Bulletin is intended to help employers report and investigate workplace injuries and incidents as required by the Occupational Health and Safety (OHS) Act. This is the law that governs workplace health and safety in Alberta.

Injuries may also have to be reported to the Workers' Compensation Board – Alberta as outlined under the Workers' Compensation Act, which falls outside the scope of this Bulletin.

### What types of injuries and incidents have to be reported?

According to the OHS Act, injuries and incidents have to be reported to the Government of Alberta if they:

- a) result in a death;
- b) cause a worker to be admitted to hospital for more than two days;
- c) involve an unplanned or uncontrolled explosion, fire or flood that causes or has the potential to cause a serious injury;
- d) involve the collapse or upset of a crane, derrick or hoist; or
- e) involve the collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure.

Certain workplace injuries and incidents must be reported and investigated.

If you are unsure about whether to report the injury or incident, report it.

For dangerous occurrences at a mine or mine site, there are additional reporting requirements. [Refer to section 544 of the OHS Code here for details.](#)

### WHOS RESPONSIBLE FOR REPORTING THE INJURY OR INCIDENT?

It's the responsibility of the prime contractor, or if there is no prime contractor, then the contractor or employer responsible for the work site.

### HOW SOON AFTER THE INJURY OR INCIDENT MUST IT BE REPORTED?

Immediately, or as soon as possible given the circumstances.

If an injury is serious enough that it may cause a worker to stay in hospital for more than 2 days, report the injury right away. Do not wait for 2 days to confirm that it is a reportable injury.

Notify the Government of Alberta's Occupational Health and Safety Contact Centre by telephone at **1-866-415-8690** (780-415-8690 in the Edmonton local calling area).

The Contact Centre is able to accept calls 24 hours per day, seven days per week.

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## What information will I be asked to provide?

Be prepared to provide the following information:

- a) location of incident or injury;
- b) site contact person's name, job title and phone number(s);
- c) general details of what happened;
- d) time and date the incident or injury occurred;
- e) name of employer;
- f) employer's relationship to the worksite (owner, prime contractor, contractor or supplier);
- g) injured worker's name, date of birth, and job title (if applicable); and
- h) name and location of hospital the worker was taken to (if applicable).

If the incident or injury happened at a well site, be prepared to provide the following additional information:

- a) name of the rig manager;
- b) well site supervisor's name and phone number;
- c) name of the drilling company;
- d) rig number; and
- e) rig phone number(s).

If all the information regarding the incident or injury isn't immediately available, call in with the information that is available. Additional information can be provided when it becomes available.

## WHAT ABOUT REPORTING OTHER TYPES OF INCIDENTS OR INJURIES?

The *OHS Act* doesn't require the reporting of other types of injuries and incidents to government. If you're unsure about whether to report the incident or injury, call it in.

## What happens after an incident or injury has been reported?

An OHS officer or investigator may be dispatched to the incident scene to gather additional information or conduct an investigation. An officer or investigator has the authority to:

- a) visit the scene of the incident;
- b) ask any questions to determine the causes and circumstances of the incident;
- c) request information from anyone present at the time of an incident;
- d) seize or take samples of any substance, material, product, tool, appliance or equipment that was present at, involved in, or related to the incident; and
- e) stop all or some of the activities at the worksite.

### Did You Know?

A government investigator may visit the worksite and conduct a formal investigation.

## I WAS TOLD I CAN'T TOUCH OR MOVE ANYTHING AT THE SCENE OR A REPORTABLE INCIDENT OR INJURY. IS THIS TRUE?

Yes and no. You can't disturb the scene of a reportable incident or injury unless:

- a) you have to attend to someone who has been injured or killed;
- b) you have to take some action to prevent further injuries;
- c) you have to protect property that is endangered as a result of the incident; or
- d) you have been given permission to do so by an OHS officer or a peace officer.

# Reporting and Investigating Injuries and Incidents

## When and by whom does an investigation have to be conducted?

When any reportable injury or incident happens, an investigation has to be conducted and an investigation report completed. An investigation also has to be conducted and an investigation report completed for other incidents that had the potential to cause a serious injury.

It's the responsibility of the prime contractor, or if there is no prime contractor, then the contractor or employer responsible for the work site to investigate and complete an investigation report. The prime contractor, contractor or employer is required to conduct their own independent investigation regardless of whether the government conducts an investigation.

## Why bother with an investigation report?

Three reasons. First, it's the law. Second, finding out what happened can help prevent a similar injury or incident from happening. And third, finding out what happened can help prevent future property damage and production losses.

## What do I do with the investigation report when it's completed?

The prime contractor's, contractor's or employer's investigation report is an internal company document and must be kept on file for a **minimum of two years** following the incident or injury. You're not required to send a copy to the government.

However, the report has to be readily available for inspection by an OHS officer when requested.

## Can an employer's investigation report or employee witness statements be used in court evidence?

Employer/Contractor/Prime Contractor Investigation Reports and Witness Statements must be disclosed to OHS officers upon request, but have the following legal protection:

### Investigation Report

The Investigation Report created by employers/contractors/prime contractors cannot be used as evidence in any legal proceeding including, but not limited to, OHS Act prosecutions, criminal prosecutions, private lawsuits, and Fatality Inquiries. The Report, however, can be used in evidence in a prosecution for perjury or giving contradictory evidence. (Reference OHS Act Section 18).

### Witness Statements

Witnesses Statements collected by OHS Officer either directly from the witnesses, or those collected from the employers then obtained by an OHS Officer, cannot be used in evidence in any legal proceeding including, but not limited to, OHS Act prosecutions, criminal prosecutions, private lawsuits, and Fatality Inquiries. Witness statements, however, can be used in evidence in a prosecution for providing a false statement to an OHS Officer or to establish non-compliance with the OHS Officer's authority to investigate. (Reference OHS Act Section 19).

# Reporting and Investigating Injuries and Incidents

## Contact Us

### OHS Contact Centre

Edmonton & Surrounding area

- 780-415-8690

Throughout Alberta

- 1-866-415-8690

Deaf or hearing impaired:

- 780-427-9999 (Edmonton)
- 1-800-232-7215 (Alberta)

### Website

[work.alberta.ca/ohs-contact-us](http://work.alberta.ca/ohs-contact-us)

## FOR MORE INFORMATION:

[Government of Alberta E-Learning Programs](#)

## Get Copies of OHS Act, Regulation and Code

Alberta Queen's Printer

[www.qp.gov.ab.ca](http://www.qp.gov.ab.ca)

Occupational Health and Safety

[work.alberta.ca/ohs-legislation](http://work.alberta.ca/ohs-legislation)

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If in doubt with respect to any information contained within this material, or for confirmation of legal requirements, please refer to the current edition of the Occupational Health and Safety Act, Regulation and Code or other applicable legislation. Further, if there is any inconsistency or conflict between any of the information contained in this material and the applicable legislative requirement, the legislative requirement shall prevail.

This material is current to February 2017. The law is constantly changing with new legislation, amendments to existing legislation, and decisions from the courts. It is important imperative that you and keep yourself informed of the current law in this area.

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