

APPENDIX A: Sample Incident Investigations Policy

Purpose of This Tool

The purpose of this tool is to provide hospital, long-term care, and home and community care workplaces with a sample incident investigation policy. The sample document can be used to create a policy at a workplace where one does not exist or to update an existing policy to ensure it includes information about workplace violence.

Who Uses This Tool

Any workplace party involved in incident investigation policy and procedure development, revisions, and evaluation. All workers to whom the policy pertains, are required to read, understand, and implement the policy and its procedures as required.

How to Use This Tool

This is a sample policy. Use whole parts, revise, or customize as required to meet your workplace needs. The policy must be developed in consultation with the Joint Health and Safety Committee or the health and safety representative. Revisions and customization should be done with careful consideration. Significant changes or removal of important sections may negatively impact worker safety.

Incident Investigations Policy

MANUAL: Health and Safety	SUBJECT: Incident Investigations	POLICY NUMBER:
EFFECTIVE DATE:	REVISED DATE:	NEXT REVIEW DATE:
POLICY REVIEWERS:		
APPROVED BY:		
SENIOR LEADERSHIP SIGNATURE (e.g., CEO or Executive Director):		JHSC/HSR SIGNATURE:

Purpose

The purpose of this policy is to provide direction and guidance to all workplace parties regarding organizational and legal requirements for incident investigation, including those related to workplace violence. It offers a systematic approach for identifying root causes and implementing measures and procedures to promote the physical and psychological health and safety of the workplace.

Policy statement

<Name of Organization> understands the organization’s responsibility under the Occupational Health and Safety Act (OHSA) to take every precaution reasonable in the circumstances to protect workers from

workplace hazards (s.25(2)(h) and the duty to investigate and manage incidents of workplace violence in accordance s.32.0.2(2).

Keeping with these responsibilities, <Name of Organization> is committed to developing, implementing, and maintaining an incident investigation process for all reported workplace incidents and/or complaints. This will support the effective application of preventive and corrective actions.

All workers will be provided with training and education on this policy and associated procedure. An annual evaluation of the policy will also be conducted in consultation with stakeholders, including the Joint Health & Safety Committee (JHSC) and/or health and safety representative (HSR). Approved quality and program improvements will be implemented and promptly communicated to workplace parties.

Scope

This policy applies to everyone in the organization.

Investigations will be conducted for:

- Fatalities
- Critical injuries
- Lost-time injuries
- No lost-time injuries (i.e. medical aid)
- First Aid and near misses
- Occupational Illnesses
- Property Damage
- Fires
- Environmental Releases
- Workplace Violence and harassment
- Incidents with potential for psychological injury

Definitions

- Cause: A person, thing or factor that gives rise to an action, phenomenon, or condition or other effect.
- Immediate cause: Substandard or unsafe acts and conditions or deviations from an accepted practice that immediately precede the incident that results in a hazardous event that caused the injury.
- Root cause (also called basic cause): A factor that caused a non-conformance or incident and should be permanently eliminated through process improvement. The highest-level cause of a problem or incident. There may be many root causes to an incident. It is a condition or factor that produces an effect or incident; eliminating a root cause(s) will eliminate the effect or incident. Root causes are generally management, planning and organizational failings. Root causes can be personal factors or job/system factors.
- Causal factors: Condition(s), event(s), omission(s), deficiency or deficiencies, or action(s) that occur before the incident and contributed directly to the incident.
- Contributing factors: Condition(s), event(s), omission(s), deficiency or deficiencies, or action(s) that contributed indirectly to the incident. If these factors are eliminated, they may not or would not necessarily prevent the incident but may or could help prevent incidents in the future. They are also conditions that may increase the likelihood, accelerate the effect in time, affect severity of the consequences etc. and by eliminating a contributing factor(s) it may not eliminate the effect.
- Critical injury: An occupational injury of a serious nature that:
 - Places life in jeopardy.
 - Produces unconsciousness.

- Results in substantial loss of blood.
- Involves a fracture of a leg or arm, but not finger or toe.
- Involves the amputation of a leg, arm, hand or foot but not finger or toe.
- Consists of burns to a major portion of the body.
- Causes loss of sight in an eye.
- **Fatality:** Death due to causes in the workplace. Also called fatal injury.
- **Harm:** An impairment of structure or function of the body and/or any deleterious effect arising there from. Harm includes disease, injury, suffering, disability and/or death.
- **Hazard:** A circumstance, agent or action with the potential to cause harm.
- **Incident:** An occurrence, condition, or situation arising in the course of work that resulted in, or could have resulted in injuries, illnesses, damage to health or fatalities.
- **Near miss incident:** An incident that does not reach or make contact with a worker and does not result in harm to worker's health and safety.
- **No harm incident:** An incident that reaches or makes contact with a worker but does not result in harm to a worker's health and safety
- **Harmful incident:** An incident that reaches or makes contact with a worker and results in harm to a worker's health and safety.
- **Occupational injury:** An occurrence which is neither expected nor planned, resulting in a worker's injury due to an exposure or conditions at the workplace.
- **Occupational illness:** A condition that results from a workplace exposure to a psychological trauma or a physical, chemical or biological agent to the extent that normal physiological mechanisms are affected and the health of the worker is impaired.
- **Physical injury:** Bodily harm because of an incident.
- **Psychological injury or illness:** Mental harm as a result of an incident.
- **Responsive behaviours:** Actions, words and gestures that are a response, often unintentional, that express something important about their personal, social or physical environment.

Roles and Responsibilities

Board of Directors

- Take all reasonable care to ensure that the organization complies with the occupational health and safety act and regulations and with any orders and requirements from the MLITSD inspectors, Directors, and Minister.

Employer

- Ensure the provision of human and fiscal resources for the development, implementation and maintenance of a workplace violence incident and complaint investigation policy, measures and procedures as part of the workplace violence prevention program; and appoint a leader to oversee the process and evaluation.
- Ensure the development of investigation steps including the identification of root causes and their remediation to prevent future incidents and protect workers and others.
- Ensure all workers are aware of the workplace incident investigation policy measures and procedures.
- Develop and implement a process to appoint lead investigator and, if required, a team for high level and more complex workplace investigations. Delegate authority for the lead and team to investigate.
- Ensure investigators are competent to perform workplace investigations, e.g., possess the skills, knowledge and abilities.
- Provide support to the worker JHSC/HSR for their legislated investigations for critical and fatal workplace violence incidents.

- Ensure legislative requirements are met for:
 - Workplace reporting.
 - Internal and external notifications to the JHSC and/or HSR, trade union and if required MLITSD for injuries and illness.
 - Managing the scene of a critical and fatal incident and preservation of the wreckage.
 - Ontario Regulation 420/21 s. 3 Notice of Accident Reports, specifically steps to be taken to prevent recurrence.
 - Worker HSR/JHSC member conducting critical/fatal injury/illness investigation - section 8(14) and 9(31)
 - Employer provision of occupational health and safety reports to JHSC and/or HSR including those related to workplace violence hazards or incidents.
 - Health and safety consultations with the JHSC and/or HSR, as per OHS section 25(2) and HCRFR section 8 and 9.
 - Responding to JHSC and/or HSR recommendations OHS section 9(20) within 21 days including those related to workplace violence.
- Annually review and evaluate the workplace investigation processes in consultation with the JHSC, HSR and stakeholders.
- Ensure workplace incidents are investigated in a timely manner that protects workers and others.
- Ensure quality improvements are implemented as required and communicate any changes and improvements to those that are affected or those who could be potentially affected in the organization.
- Enforcement of the workplace investigation policy and procedures.
- Promote and encourage a culture of safety and workplace prevention quality improvement.
- Take every precaution reasonable in the circumstances, for the protection of the workers.

Supervisor

- Ensure the policy, measures and procedures are implemented in the areas under their authority.
- Be familiar and comply with applicable health and safety legislation and demonstrate occupational health and safety supervisor competency.
- Attend the necessary training to ensure competencies to investigate workplace incidents.
- Ensure workers under their authority are aware of the investigation policy and procedure and understand they may be asked to participate and cooperate in an investigation and quality improvements.
- Communicate any changes in policy, measures, procedures and quality improvement to those affected under their authority.
- Ensure workers attend training.
- Ensure injured workers are provided immediate care, if needed post incident.
- In the case of a critical or fatal injury, ensure the scene of the incident is preserved and not disturbed.
- Investigate incidents in the areas under their authority and complete the necessary documents required.
- Review the incident report in a timely manner; investigate the incident as per investigation policy and procedure to identify root causes; and implement and communicate corrective and preventative actions that are appropriate for incident, e.g., address the behaviour, whether responsive non-intentional or intentional behaviours, related the workplace violence incident.
- Participate in the workplace investigation team, if required.
- Where workplace incident requires a team to investigate, participate on the team.
- Implement corrective actions in a timely manner.
- Promote and encourage a culture of safety and workplace prevention quality improvement.
- Take every precaution reasonable in the circumstances for the protection of workers.

Worker

- Attend required reporting training.
- Follow the workplace prevention policies and procedures.
- Report all workplace hazards and incidents promptly to their supervisor so that they may be investigated in a timely manner.
- Participate in workplace investigation, on request.

Joint Health and Safety Committee/Health and Safety Representative

- Be consulted in the policy and training.
- Receive accident/illness notifications as prescribed in OHSA and Regulation 420/21, e.g., be notified of critical injuries immediately, be notified of disabling injuries within four days and receive notices or reports as required.
- HSR/JHSC worker member conduct critical /fatal workplace injury investigations and provide the findings to the MLITSD.
- Participate in non-fatal or critical injuries/illness investigations, on request.
- Communicate complaints from JHSC/HSR investigations and worker reports to management.
- Make recommendations for improvement in writing to management as needed.

Occupational Health and Safety Administrator or Delegate(s)

- Responsible for oversight, coordination and monitoring of the workplace investigation process.
- Develop and revise the workplace investigation, measures and procedures as needed and submit to senior management for approval.
- Ensure internal and external notifications are conducted, completed and documented on behalf of the employer (e.g., management, MLITSD, JHSC/HSR, trade unions).
- Oversee and monitor the workplace investigation program evaluation and develop recommendations for improvement as required for senior management.
- Develop and distribute workplace health and safety reports to management and JHSC/HSR.
- Communicate with management, workers and JHSC/HSR regarding quality improvement changes.
- Maintain investigation reports and corrective actions.

Procedures

Investigation

Organizations will be required to develop and customize investigation procedures to administer the investigation program. The following provides guidance for key procedural steps in an investigation.

1. Outline steps to be taken to ensure the injured worker receives immediate care post incident. Also, refer to the incident reporting policy and procedure.
2. Outline the steps to manage the scene of the incident and who in the organization will manage the scene for:
 - Incidents of critical and fatal injury, as per legislation (e.g., preserve and not disturb the scene).
 - Non-critical and fatal injury.
3. Outline the process to ensure internal notifications and legislated notifications depending on the type of

incident. There is a legal requirement to provide ‘steps to prevent recurrence’ to the MLITSD, JHSC/HSR and unions in some instances, hence the need for an investigation. See chart below.

Legislated Notifications under OHSA

Type of Notice	Description	Required Notification	Content of Notice or Report
Death or critical injury.	Person is killed or critically injured (see definition).	Employer shall notify immediately the: <ul style="list-style-type: none"> • Ministry of Labour, Immigration, Training and Skills Development • JHSC/HSR, and • Trade union if any. • Provide a written report within 48 hours to the parties OHSA Section 51(1)	O. Reg. 420/21: Notices and Reports Under Sections 51 TO 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents. <ul style="list-style-type: none"> • The name, address and type of business of the employer. • The name of the worker. • The nature of the bodily injury or occupational illness. • The name and address of the constructor if the occurrence is at a project, • The address of the worker. • The nature and circumstances of the occurrence, including a description of any machinery, equipment or procedure involved. • The time, date and place of the occurrence. • The name and address of the legally qualified medical practitioner, registered nurse who holds an extended certificate of registration under the Nursing Act, 1991 or medical facility that is attending to or attended to the worker. • The names and addresses or other contact information of any witnesses to the occurrence. • The steps taken to prevent a recurrence or further illness.

Type of Notice	Description	Required Notification	Content of Notice or Report
<p>Accident, explosion fire or incident of workplace violence causing Injury.</p>	<p>Person is disabled from performing his or her usual work or requires medical attention because of an accident, explosion fire or incident of workplace violence at a workplace but no one dies or is critically injured because of the occurrence.</p>	<p>Employer shall report within 4 days of the occurrence, give written notice of the occurrence to the:</p> <ul style="list-style-type: none"> • JHSC/HSR • Trade union, if any • MLITSD Director if an inspector requires notification of the Director <p>OHSA Section 52(1)</p>	<p>O. Reg. 420/21: Notices and Reports Under Sections 51 TO 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents.</p> <p>(2) If an accident, explosion or fire causes injury to a worker at a facility that disables the worker from performing his or her usual work, the written notice required by subsection 52 (1) of the Act shall include,</p> <ul style="list-style-type: none"> • The name, address and type of business of the employer. • The name of the worker. • The nature of the bodily injury or occupational illness. • the nature and circumstances of the occurrence, including a description of any machinery, equipment or procedure involved. • the time, date and place of the occurrence. • The names and addresses or other contact information of any witnesses to the occurrence. • The steps taken to prevent a recurrence or further illness.
<p>Note of Occupational Illness e.g., post-traumatic stress disorder.</p>	<p>If an employer is advised by or on behalf of a worker that the worker has an occupational illness or that a claim in respect of an occupational illness has been filed with Workplace Safety and Insurance Board by or on behalf of a worker.</p>	<p>Employer shall notify in writing within 4 days of being advised, to:</p> <ul style="list-style-type: none"> • MLITSD Director • JHSC/HSR, and • Trade union <p>OHSA Section 52(2)</p>	<p>O. Reg. 420/21: Notices and Reports Under Sections 51 TO 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents.</p> <p>(5) The written notice required under subsection 52 (2) of the Act if an employer is advised that a worker has an occupational illness or that a claim in respect of an occupational illness has been filed with the Workplace Safety and Insurance Board shall include,</p> <ul style="list-style-type: none"> • The name, address and type of business of the employer. • The name of the worker. • The nature of the bodily injury or occupational illness. • A description of the cause or suspected cause of the occupational illness. • The names and addresses or other contact information of any witnesses to the occurrence. • The steps taken to prevent a recurrence or further illness.

4. Develop steps for the launch of the investigation process after an incident (harm, no harm, near miss) or complaint is reported to the supervisor or employer. Consider the timeliness of the investigation and possible use of immediate post-incident investigation huddles to identify immediate and/or ongoing threats and immediate actions.
5. Develop a process to be used to determine the level of the investigation and investigator(s) and/or team

required, e.g., low and medium level investigation to be conducted.

6. Identify the documents and forms that the organization requires to be completed. Outline the steps for the investigation, for example:
 - Define the workplace incident problem and purpose
 - Collect Data - survey scene, collect data, interviews
 - Understand processes - workplace prevention, work processes etc.
 - Analysis including root cause analysis
 - Develop and select solutions - workplace controls
 - Make recommendations and reporting findings
 - Implementing solutions and recommendations - action plan and completion
 - Evaluation of corrective actions, and
 - Communication and follow-up

Administration of Workplace Incident Reports

7. The occupational health and safety administrator or delegate will ensure incident reports are completed and inform investigation personnel and/or team.
8. Incident reports will be tracked and reviewed for trends and where appropriate for the development of recommendations and quality improvements. Information of the review will be shared with stakeholders including the JHSC/HSR and others. Sample tracking/trending topics and indicators for e.g., workplace violence, include but not limited to the following.

Potential Workplace Violence Tracking/Trending Topics and Indicators

1	Number of workplace violence Incidents: <ul style="list-style-type: none"> • # workplace violence incident causing injury (contact occurred), e.g., physical / psychological harm (injury/illness), • # workplace violence incidents with no injury/illness, e.g., near misses (no contact occurred) and no harm (contact occurred)
2	Source of workplace violence <ul style="list-style-type: none"> • # Type 1 - External Perpetrator • # Type 2 - Patient/resident/client/visitor • # Type 3 - Employment/Employee Related • # Type 4 - Domestic Violence
3	Summary of incident demographics - location and department, time of incidents, work activities at the time of the incident, worker's job position/title
4	Type of behaviour causing injury <ul style="list-style-type: none"> • # intentional violence • # non-intentional responsive behaviour

Potential Workplace Violence Tracking/Trending Topics and Indicators			
5	Workplace violence or responsive behaviour present:		
	<ul style="list-style-type: none"> • # verbal threat • # written threat • # weapon threat • # threatening gestures • # kicking • # spitting 	<ul style="list-style-type: none"> • # choking • # grabbing and pinching • # hitting, slapping and punching • # pushing / pulling • # throwing objects 	<ul style="list-style-type: none"> • # scratching • # head butting • # sexual assaults • # weapon assaults • # Other, specify
6	Summary of common causal factors and root cause factors that lead to the workplace violence incident		
7	Summary of corrective actions.		

Communication

The employer, supervisor and occupational health and safety administrator will communicate the workplace investigation policy, measures, procedures and any changes to workers using:

- Staff meeting
- Posters
- Newsletters
- Email notifications

Ongoing communication about workplace hazards and incidents will be promoted to raise awareness and encourage ongoing reporting.

Training

All staff will be provided workplace incident investigation policy and procedure training at the time of new hire orientation. Regular reviews will be provided during departmental training sessions. Training records will be maintained by Human Resources and/or supervisor.

General training for all staff will include:

- Policy, measures and procedures
- Roles and responsibilities
- Care of worker and managing the scene
- Promotion of a positive safety culture
- Completion of report forms and documentation requirement e.g., online reporting and/or written

Investigator competency training for supervisors, lead investigators and investigating teams will include:

- Information above
- Investigator competency
- Review of emergency response to workplace incidents
- Managing the scene
- Authority and jurisdiction over the workplace incident scene
- Notifications and when to call the police
- Levels of investigation
- Steps to the investigations including root causing analysis (causal factors, contributing causes, root causes etc.)

- Documents and forms and their use
- Confidentiality
- Importance of clear and timely communication and follow-up with workers, others affect and JHSC/HSR/ union
- Investigation document and record retention

Program Evaluation

The employer will evaluate and review this policy, measures and procedures annually and if necessary, revise it in consultation with stakeholders and JHSC/HSR. Approved quality improvements will be implemented according to an implementation plan and communicated to management and workers in a timely manner.

Related Policies and Procedures

- Hazard reporting policy and procedure
- Incident reporting policy and procedures
- Critical and Fatal injury procedures
- JHSC/HSR terms of reference
- Code White procedures
- Security procedures

Signature: _____

(President, CEO, Administrator, Executive Director)

Date: _____

Date of JHSC Consultation: _____

References:

Occupational Health and Safety Act R.S.O. 1990

Healthcare and Residential Facility Regulation Ontario Regulation 67/93

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