

## **Part 3 Division 10 - Accident Reporting and Investigation**

### ***172 Immediate notice of certain accidents***

- (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.

### ***173 Incidents that must be investigated***

- (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.

### **174 Investigation process**

- (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.
- (2) Repealed.
- (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).

### **175 Preliminary investigations, report and follow-up action**

- (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,
  - (c) provided to the Board on request of the Board, and
  - (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.

### ***176 Full investigations, report and follow-up action***

- (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,
  - (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.

***177 Employer or supervisor must not attempt to prevent reporting***

An employer or supervisor must not, by agreement, threat, promise, inducement, persuasion or any other means, seek to discourage, impede or dissuade a worker of the employer, or a dependent of the worker, from reporting to the Board

(a) an injury or allegation of injury, whether or not the injury occurred or is compensable under Part 1,

(b) an illness, whether or not the illness exists or is an occupational disease compensable under Part 1,

(c) a death, whether or not the death is compensable under Part 1, or

(d) a hazardous condition or allegation of hazardous condition in any work to which this Part applies.