

Employer Incident Investigations Overview

New requirements for employer incident investigations

Bill 9 received Royal Assent on May 14, 2015, and contains a number of changes to Part 3 of the *Workers Compensation Act* (the Act) that affect how employers conduct incident investigations.

What are the changes?

- Preliminary investigations
- Full investigations

As an employer, you must now immediately undertake a preliminary investigation into certain incidents to identify, as far as possible, any unsafe conditions, acts or procedures that significantly contributed to the incident. You are also required to complete a preliminary investigation report within 48 hours of the incident and to complete and submit a full investigation report to WorkSafeBC within 30 days of that incident.

Are there changes to the type of incidents I should investigate?

No, continue investigating incidents required by section 173 of the *Workers Compensation Act*. These include:

- Serious injury or death
- Major structural failure or collapse
- Major release of a hazardous substance
- Blasting accident that caused personal injury
- Dangerous incident involving explosives
- Diving accident

- Any accident or other incident that resulted in injury to a worker requiring medical treatment
- Any accident or other incident that did not cause injury to a worker or caused only minor injury that did not require any medical treatment, but could have caused serious injury or death

What do I need to consider when doing my preliminary investigation?

- As far as possible, identify any unsafe conditions, acts, or procedures that significantly contributed to the incident.
- In the preliminary period, take all actions reasonably necessary to prevent a recurrence of the incident.
- You must prepare a report of your preliminary investigation. Upon request, you must provide a copy of the preliminary report to WorkSafeBC.
- A guide to completing a preliminary investigation will be made available by WorkSafeBC

What do I do after I've completed my preliminary investigation report?

- If you take interim corrective action during the preliminary period, you must prepare a second report which includes information such as the unsafe conditions, acts or procedures that resulted in the corrective action, the interim corrective action, and the date that corrective action was completed.

- If you can identify only some of the conditions, acts, or procedures — or can identify them only in general terms — then your corrective action may include a full or partial shutdown of your workplace, the removal of equipment, or the reassignment of your workers.
- Provide the interim corrective action report to your joint health and safety committee, worker representative, or post it in your workplace, as applicable to your workplace.

What is a full investigation?

Following the completion of the preliminary investigation, you must undertake a full investigation.

In your investigation, determine the cause(s) of the incident, and identify unsafe conditions, acts, or procedures that significantly contributed to the incident, and any further corrective action required.

Then, submit your full investigation report to WorkSafeBC within 30 days of the incident.

What if I need more time to submit the full investigation report?

WorkSafeBC may grant you an extension if there are circumstances beyond your control preventing you from completing your investigation within 30 days.

What do I do after I've completed the full investigation report?

If you have taken corrective action as a result of the full investigation, you are required to prepare a corrective action report of the action taken and provide this report to your joint health and safety committee, worker representative, or post it in your workplace, as applicable to your workplace.

Investigation steps at a glance

The flowchart below illustrates each step of the investigation process:

