

Guidelines for Investigating Workplace-Related Accidents, Incidents, or Occupational Illnesses

Ontario's *Occupational Health and Safety Act* defines the rights and responsibilities of health and safety committee members. Their duties include the investigation of workplace-related accidents. All personnel involved in such an investigation must respect the committee members' rights and responsibilities.

This document does not address the reporting of accidents, incidents, or occupational illnesses; refer to the [Hazard Reporting Procedure](#) for these processes.

Rights and Responsibilities of Health and Safety Committee Members

Definitions

Bilateral Work Stoppage is the result of an investigation conducted by both certified members in which dangerous circumstances exist. The certified members will issue a direction to the employer to stop the work or to stop the use of any part of a workplace or of any equipment, machine, device, article or thing

Certified Member means a committee member who is certified under section 7.6 of the Ontario *Occupational Health and Safety Act*

Critical Injury means an injury of a serious nature that

- places life in jeopardy;
- produces unconsciousness;
- results in substantial loss of blood;
- involves the fracture of a leg or arm but not a finger or toe;
- involves the amputation of a leg, arm, hand or foot but not a finger or toe;
- consists of burns to a major portion of the body; or
- causes the loss of sight in an eye.

Dangerous Circumstances means a situation in which

- a provision of the *Act* or the regulations is being contravened;
- the contravention poses a danger or a hazard to a worker; and
- the danger or hazard is such that any delay in controlling it may seriously endanger a worker.

Occupational Illness means a condition that results from exposure in a workplace to a physical, chemical, or biological agent to the extent that the normal physiological mechanisms are affected and the health of the worker is impaired thereby and includes an occupational disease for which a worker is entitled to benefits under the *Workplace Safety and Insurance Act, 1997*

Work Refusal means a situation in which a worker may refuse to work or do particular work given that the worker has reason to believe that

- Any equipment, machine, device or thing the worker is to use or operate is likely to endanger the worker or another worker;
- The physical condition of the workplace, or the part thereof, in which the worker works, or is to work, is likely to endanger the worker;
- Workplace violence is likely to endanger the worker; or
- Any equipment, machine, device, or thing the worker is to use or operate, or the physical condition of the workplace, or the part thereof in which the worker works, or is to work, is in contravention of the *Act* or the regulations and such contravention is likely to endanger the worker or another worker.

Rights and Responsibilities

The *Occupational Health and Safety Act* endows the health and safety committee members with the right to investigate the following situations:

- Critical injuries (section 9(31))
- Accidents resulting in fatality (section 9(31))
- Work refusals (section 43(4))
- Dangerous circumstances (section 45(2)) – as certified members

Critical Injuries and Fatalities

Immediately report all such circumstances to Protection Services, who will notify Risk Management. Risk Management will initiate internal and external employer-reporting requirements (i.e., health and safety committee, worker's union (if applicable), Ministry of Labour).

University of Ottawa Responsibilities

Where a person is killed or critically injured from any cause at a workplace, the University of Ottawa shall immediately notify the Ministry of Labour (MOL), the health and safety committee, and the worker's union (if applicable) of the occurrence by telephone or other direct means. The University of Ottawa shall also send a written report within 48 hours of the occurrence to the MOL. Risk Management will ensure that the immediate and written reports are sent within the mandated timelines.

Work Refusals

Any worker wishing to refuse work shall promptly report the circumstances giving rise to the impending refusal to their supervisor, who shall immediately investigate the matter in the presence of a worker member of the health and safety committee. The committee member has a duty to attend without undue delay. If assistance is required to coordinate the presence of the [committee member](#), contact Risk Management at ext. 5892.

A flowchart on the [Office of Risk Management website](#) describes the process.

Dangerous Circumstances

Certified members of the health and safety committee have the right to investigate when they receive a complaint of dangerous circumstances or have reason to believe that such circumstances exist. A

certified member may request that the supervisor investigate the dangerous circumstance. The supervisor will do so without undue delay. The certified member may request that the second, opposite certified member attend to investigate if the initiating certified member has reason to believe that dangerous circumstances continue to exist despite intervention from the supervisor. The second certified member shall investigate in the presence of the first certified member.

If both certified members find that dangerous circumstances exist, they will issue a stop work direction to the employer/supervisor and will notify Risk Management that they have issued a stop work order.

The [Office of Risk Management website](#) posts a flowchart describing this process, along with a list of certified members.

Additional Investigation Guidelines

A health and safety committee member may also investigate situations involving:

- an accident:
 - After which, for no valid reason, the supervisor has not remedied the situation and does not intend to do so;
 - For which the supervisor's action is deemed insufficient;
 - That involves injury to more than one worker in a single event;
 - That has a high probability of reoccurrence; or
 - That is caused by dangerous circumstances.
- an incident (near miss):
 - That has a high probability of reoccurrence;
 - That could have resulted in death or permanent injury or disability;
 - After which, for no valid reason, the supervisor has not remedied the situation and does not intend to do so;
 - That involves property damage over \$5000; or
 - That is caused by dangerous circumstances.
- the following circumstances:
 - Any unforeseen event occurring as a result of a contravention of the *Occupational Health and Safety Act* or its regulations;
 - A matter which the management committee member, in conjunction with the Office of Risk Management and/or the Assistant Director, Occupational Health and Safety, determines that the committee should investigate; or
 - An occupational illness.

Procedures for Initiating a Formal Investigation

If any of the above-noted situations have occurred or exist, members of the health and safety committee who have been designated to investigate and who have determined that an investigation is warranted will contact the relevant dean or director, or that person's delegate, to inform them of their intention to initiate a formal investigation.

If the dean or director refuses to support the investigation, the matter will be escalated to the co-chairs of the health and safety committee. If the co-chairs recommend that an investigation be conducted, the matter will be escalated to the refusing person's supervisor; Risk Management will assist in the escalation process.

Formal Investigations

In the case of a formal investigation into specific circumstances, the following relevant service or group may be tasked to lead the investigation (when warranted):

- Health and safety concern, including work-related accidents and incidents – Risk Management (Occupational Health and Safety)
- Environmental concern – Risk Management (Environment Management)
- Hazardous materials, including spills – Risk Management (Environmental Management)
- Fire and/or explosion – Protection Services (Fire Prevention Coordinator)
- Biological or radiological – Risk Management (Radiation/Biosafety)
- Structural or mechanical – Facilities

Typically, the investigation will be coordinated by the service responsible to ensure a streamlined approach and proper record keeping. If more than one faculty or service is involved, Risk Management will coordinate their activities.

Time Spent by Committee Members

A committee member is entitled to spend:

- (a) One hour, or a longer period of time as determined by the committee, to prepare for each committee meeting;
- (b) The time necessary to attend committee meetings; and
- (c) The time necessary to carry out the member's duties under subsections
 - a. (26), (27) - Workplace inspections, and
 - b. (31) - Investigation of cases where a worker is killed or critically injured at a workplace from any cause.

If a committee member expects to spend more than 1/2 day conducting an investigation, the member must notify their direct supervisor of the investigation requirement.

Designated Committee Members

Each functional committee will designate, from among its own worker members, one member to conduct investigations on behalf of the committee. These members will be identified on the [Office of Risk Management website](#) by having an asterix (*) next to their name.

Investigation Team Composition

An investigation team may consist of multiple persons; however, it is generally recommended that no more than one (1) worker member and one (1) management member participate in an investigation.

The investigation team may invite additional resource personnel to participate, at the discretion of the investigation team.

Versions

V1 – University Health and Safety Committee (May 1996)

V2 – Updated V1 (October 2016)

V3 – Updated V2 (January 2020)

V3.1 – Current version.