

# RISK MANAGEMENT

## Workplace Fatality



According to the Bureau of Labor Statistics there were 5,190 jobsite deaths in 2016, a 7% increase over the previous year. Statistics show that the number of fatalities continues to increase each year. Transportation incidents remain at the top of the list as the most common workplace fatality. In 2016 there was a 25% increase in fatal falls from heights for workers that routinely perform elevated work.

### PROPER PLANNING

Planning on what to do in the event of a fatality can be a difficult process, but it is important for organizations to be prepared to respond to a workplace fatality. Below are a few suggestions on what organizations can do to be prepared should a fatal event occur at the workplace.

#### Stop work and ensure no one else is in harm's way

- Stop work immediately.
- Construction: On multi-employer sites, all trade Superintendents or Foreman should be advised by the general contractor that work is to be stopped.

#### Contact legal counsel

- If you have legal counsel, it is important to contact them immediately so that they can get involved with the process from an early on set. Your legal counsel can assist you in the process of what to expect when OSHA comes on site.

#### Contact your insurance carrier or broker

- Often your insurance carrier can ensure that legal representation becomes involved immediately. When legal gets involved, all information that is gathered as part of the internal investigation becomes privileged information. This means that when documents are requested, legal may determine what documents should be provided to the requesting party.

#### Report to OSHA

- OSHA requires that a fatality be reported within 8 hours of the fatal event.
- A fatality will trigger a Compliance Safety and Health Officer to visit your site for an investigation.
- Some States (such as, California) require that emergency responders file a report regarding a workplace fatal event. DO NOT DELAY reporting to OSHA.





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### Contact your EAP (Employee Assistance Program) or other counseling service

- Offer counseling services to all employees, whether they were near the accident or not.
- Discuss with your EAP provider if they offer these services before a fatality occurs. If not, work with local counseling providers to determine needs and availability in the event of a fatality.
- Ensure the counseling service to be used is listed in your company policy.

### Conduct an accident investigation as soon as possible

- Secure the scene immediately.
- Take pictures, draw diagrams, and gather as much information as possible.
- Interview witnesses to the accident. If possible, keep witnesses separate until after the interview.
- Ensure you have an investigation policy and procedure in place.
- If you feel that you are too emotionally involved with the case, ask a trusted 3rd party for assistance.
- Where an organization has multiple locations or job sites and a safety representative is not available at each location, ensure that superintendents, foreman or supervisors are trained in accident investigations.

### Prepare for an OSHA investigation

- Work with legal representation.
- Advise employees of the OSHA investigation process. Advise them to be prepared to be interviewed.
  - Employees can ask for a representative to be present, but the CSHO can decide if they will allow this to happen.
  - Management should not be interviewed alone. Any management level employee can have someone in the OSHA interview with them. If legal is on site, they should be present.
  - Union members can have representation during interviews.
- Be prepared to take photos and notes during the investigation.
- Do not lie to a compliance officer.
- Do not try to cover up events.
- Know where your safety documents are so that you can access them easily if requested.

### Have a media plan in place

- Your media policy should include social media posts.
  - Train employees on this policy. Ask them to respect the process and sensitivity of notification.
- Have a representative that will speak to the media.
- Inform employees that any media requests should go through the representative. Provide employees with a name or phone number that they can refer the media to.

### Business continuity

- It is important to know how you will continue work after a fatality.
- How will you manage employee absences?
- If OSHA asks that the scene remain as is until they are on site, how will you continue operating without entering the area?
- Identify a security company in case they are needed to monitor site access from the media or other unauthorized visitors.
- Ensure that only authorized personnel are on site immediately following a fatality.

Proper planning for a fatality and training key personnel on the policy will assist an organization in the internal investigation process and working with OSHA and other regulatory agencies in the event of a fatal accident.