Hazardous Occurrence Investigation, Recording and Reporting

May 7, 2015
My name is Greg Garron, and this is my colleague Julie Kim. We work out of the Toronto District Office.
Canada Occupational Health and Safety Regulations - Part XV

Today we will be discussing the investigation and reporting requirements of Part XV of the Canada Occupational Health and Safety Regulations.
Overview

1. Jurisdiction
2. Purpose and Duties
3. Investigations
4. Types of Hazardous Occurrences
5. Reports 24 Hours, 14 Days, Annual
6. Records
7. HOIR Form, General Delivery, Electronic Reporting
8. Retention of Reports
Part II of the Canada Labour Code (CLC) is the law that establishes the minimum workplace health and safety requirements for employers and employees that fall under federal jurisdiction.
Who falls under federal Jurisdictions?

The Code applies to the following interprovincial and international industries:

- banks;
- railways, highway and air transport;
- ferries, tunnels, bridges and canals;
- telecommunications;
- pipelines;
- radio and television broadcasting and cable systems;
Who falls under federal Jurisdictions? (con’t)

- employment in the operation of ships, trains and aircraft;
- grain elevators licensed by the Canadian Grain Commission, and certain feed mills and feed warehouses, flour mills, and grain seed cleaning plants;
- federal public service and persons employed by the public service and about 40 Crown corporations and agencies;
- Indian reserves; and
- exploration and development of petroleum on lands subject to federal jurisdiction.
There are approximately 1.2 million employees that fall under federal jurisdiction making it the 5th largest jurisdiction in Canada.
CONSORTIATION

Canada Occupational Health and Safety Regulations

SOR/86-304

Current to April 22, 2015

Last amended on October 31, 2014

Published by the Minister of Justice at the following address:
http://laws-lois.justice.gc.ca

CODIFICATION

Règlement canadien sur la santé et la sécurité au travail

DORS/86-304

À jour au 22 avril 2015

Dernière modification le 31 octobre 2014

Publié par le ministre de la Justice à l'adresse suivante :
http://lois-laws.justice.gc.ca
There are 20 regulations under the Canada Occupational Health and Safety Regulations (COHSR). Today we will be speaking with you about the requirements of Part XV of the Regulations.

Hazardous Occurrence Investigation, Recording and Reporting
Don’t be a statistic

On an average day in Canada three workers will die and hundreds more will be injured. In 2012, there were 902 workplace deaths and 977 in 2013.

In the federal jurisdiction there were 48 fatalities reported in 2012 and 58 in 2013.
Purpose of the Canada Labour Code (CLC)

The purpose of the Canada Labour Code is to prevent accidents and injury to health of employees at work.

Accident investigation is a necessary part of accident prevention. Accident causes must be found and eliminated to prevent more accidents.
The general duty of the employer under section 124 of the code is to ensure that the health and safety of every person employed by the employer is protected.

There are also 46 specific duties listed under section 125 of the code and an additional 7 specific duties under 125.1 of the code that deal with hazardous substances and controlled products.

Employees also have duties under the code that are listed in section 126.
What are my duties?

Duty of employer under the Canada Labour Code. 
125.(1)(c) requires the employer to investigate, record and report in the manner and to the authorities as prescribed all accidents, occupational diseases and other known hazardous occurrences.

Subsection 15.4(1) of COHSR:

Where an employer becomes aware of an accident, occupational disease or other hazardous occurrence affecting any of his employees in the course of employment, the employer shall, without delay:

(a) appoint a qualified person to carry out an investigation of the hazardous occurrence;
(b) notify the work place committee or the health and safety representative of the hazardous occurrence and of the name of the person appointed to investigate it; and
(c) take necessary measures to prevent a recurrence of the hazardous occurrence.
Duty of employee under the Canada Labour Code.
126.(1)(h) requires the employee to report in the prescribed manner every accident or other occurrence arising in the course of or in connection with the employee’s work that has caused injury to the employee or to any other person.

Prescribed manner means prescribed by the regulations which means the Canada Occupational Health and Safety Regulations.

Section 15.3 of COHSR:
“Where an employee becomes aware of an accident or other occurrence arising in the course of or in connection with the employee’s work that has caused or is likely to cause injury to that employee or to any other person, the employee shall, without delay, report the accident or other occurrence to his employer, orally or in writing.”
If an employee is aware of an accident, you must report it immediately to your employer.
Who investigates accidents in the work place?

All accidents need to be investigated by the employer or by a qualified person appointed by the employer.

Work place health and safety committees and health and safety representatives are required to participate in investigations and to provide comments on the employer's investigation report.

“qualified person” means, in respect of a specified duty, a person who, because of his knowledge, training and experience, is qualified to perform that duty safely and properly.”
As the employer, you or the appointed person, must investigate all accidents when you become aware of it.
Hazardous Occurrence

Means when an accident, occupational disease or other occurrence arising in the course of or in connection with the employees work that has caused or is likely to cause injury to the employee or any other person.

The primary purpose of conducting a hazardous occurrence investigation is to learn from it and prevent a recurrence of the incident.
Types of Hazardous Occurrences

Under the COHS Regulations there are several different types of hazardous occurrences including the following:

**Minor Injury**: any employment injury or an occupational disease for which medical treatment is provided and excludes a disabling injury.
Types of Hazardous Occurrences (con’t)

Disabling Injury: any employment injury or an occupational disease that results in either time loss, or modified duties.
Types of Hazardous Occurrences (con’t)

Definition: 15.1

“Disabling Injury” means an employment injury or an occupational disease that:

(a) prevents an employee from reporting for work or from effectively performing all the duties connected with the employee’s regular work on any day subsequent to the day on which the injury or disease occurred, whether or not that subsequent day is a working day for that employee,
(b) results in the loss by an employee of a body member or part thereof or in the complete loss of the usefulness of a body member or part thereof, or
(c) results in the permanent impairment of a body function of an employee.
Scenario A:

An employee who normally works Monday to Friday gets injured on Friday. He goes to the doctor who says, “it’s good that you have the weekend to rest up, but you will be fine to go back to your regular duties on Monday”.

This is considered disabling injury because the employee was not able to work on Saturday and Sunday despite them being scheduled days off.

Scenario B:

An employee who normally works Monday to Friday gets injured on Tuesday. His doctor provides him a note that says he can return to work on Wednesday but must do light duties for a week.

This would also be considered a disabling injury because he couldn’t return to full pre-injury duties on the day following the day he was injured.
Labour

Disabling Injury
Is this a minor or disabling injury?
Disabling Injury
Types of Hazardous Occurrences (con’t)

**Loss of Consciousness:** from an electric shock or a toxic or oxygen deficient atmosphere.

**Rescue / Revival or other Emergency Procedures:** any incident that requires emergency procedures to be implemented, such as a hazardous substance spill, bomb threat or violence prevention procedure.

Fire or an explosion.
Reporting Timelines

Reports within 24 hours - (to Minister)

The employer must report to the Minister by telephone, or fax as soon as possible but within 24 hours after becoming aware of an occurrence that resulted in:

- death of an employee (even if it appears to be from natural causes);
- permanent disabling injury of an employee, or temporary disabling injury of two or more employees from the same occurrence;
- permanent impairment of a body function of an employee;
- an explosion;
- damage to a boiler or pressure vessel that results in fire or rupture of the boiler or pressure vessel;
- damage to an elevating device that renders it unusable, or a free fall of an elevating device.
Fatality. Must be reported within 24 hours.
Reporting Timelines (con’t)

Records within 72 hours of Occurrence -

In addition to the 24 hour report to the Labour Program, where a boiler or pressure vessel is damaged that results in a fire or a rupture of the boiler or pressure vessel, or elevating device is damaged or free falls, *the employer must record in writing within 72 hours a description of the occurrence including date, time and location.*

The record must include the causes of the occurrence and the corrective measures taken or the reason for not taking correctives measures. The employer must immediately send a *copy of this record to the work place health and safety committee or the health and safety representative.*
Reporting Timelines (con’t)

Ruptured compressed gas cylinder:  Elevators
Keeping Records

Minor Injury Records

15.7 (1) Every employer shall keep a record of each minor injury of which the employer is aware that affects any employee in the course of employment.

(2) A record kept pursuant to subsection (1) shall contain

(a) the date, time and location of the occurrence that resulted in the minor injury;
(b) the name of the employee affected;
(c) a brief description of the minor injury; and
(d) the causes of the minor injury.

In these situations, the employer can use the LAB1070 form, but there is no requirement to submit the report to our office.
Reporting Timelines (con’t)

Reports within 14 days - (to Minister)

The employer must also report in writing to the Minister, within 14 days, occurrences that resulted in:

- disabling injuries (temporary or permanent);
- electric shock, toxic atmosphere or oxygen deficient atmosphere that caused an employee to lose consciousness;
- rescue, revival or other similar emergency procedures;
- a fire or an explosion.

The form prescribed for reporting occurrences is LAB1070.
### Labour

**Employment and Social Development Canada**

**Investigation Report**

1. **Type of Occurrence**
   - [ ] Death
   - [2] Injury
   - [ ] Disease
   - [ ] Other

2. **Department No.**
   - [ ] Human Resources
   - [ ] Safety Management

3. **Evidence**
   - [ ] Yes
   - [ ] No

4. **Description of What Happened**

5. **Brief Description and Indicated Cost of Property Damage**

6. **Injured Employee’s Name (if applicable)**
   - [ ] Yes
   - [ ] No

7. **Age**
   - [ ] Yes
   - [ ] No

8. **Occupation**
   - [ ] Yes
   - [ ] No

9. **Description of Injury**
   - [ ] Yes
   - [ ] No

10. **Government Code of Safety**
    - [ ] Yes
    - [ ] No

11. **Work Being in Accident Prevention Given to Injured Employee in Relation to Duties Performed at the Time of the Occurrence**
    - [ ] Yes
    - [ ] No

12. **Direct Causes of Hazardous Occurrence**

13. **Corrective Measures and Data Employer Will Implement**

14. **Reasons for Not Taking Corrective Measures**

15. **Supplementary Preventive Measures**

16. **Contact Information of Person Investigating**
   - [ ] Yes
   - [ ] No

17. **Witness’s Contact Information**
   - [ ] Yes
   - [ ] No

18. **COPY I is to the Minister of Labour. COPY 2 is to the Workplace Committee of Health and Safety Representative COPY 3 is to the Employer**

---

**ESDC LAS1010 (2010-04-05) C**

**See reverse for instructions**

**Canada**
• Medial Aid
• Hurt on job
• Slip or Fall
• Injury to foot
• Sprained Ankle
• Illness
• Cut
• Dust in eye
How to submit your reports

The Labour Program, Toronto District has created a general delivery mailbox which you can use to submit your HOIRs. You can start using this immediately instead of the fax number.

The email address is:

ON-TORONTO-HOIR_RESCR-GD@labour-travail.gc.ca

Please be sure to use this email address only for HOIR submission. If you have general enquiries or require other information, please contact the general telephone line at 1-800-641-4049
Annual Reports

By March 1 every year, the employer is required to submit the Employer's Annual Hazardous Occurrence Report (LAB 1009) to the Minister.

Occupational Health and Safety
Labour Program - ESDC
165 Hôtel-de-Ville Street
Gatineau, Quebec K1A 0J9
Telephone: 877-568-9609
Local calls: 819-997-5472
Fax: 819-953-1743
### SCHEDULE

**CANADA OCCUPATIONAL SAFETY AND HEALTH REGULATIONS (Section 15.10)**

**EMPLOYER’S ANNUAL HAZARDOUS OCCURRENCE REPORT**

<table>
<thead>
<tr>
<th>Year 2014</th>
<th>Employer Identification Number</th>
<th>Address of workplace</th>
<th>Number of disabling injuries</th>
<th>Number of deaths</th>
<th>Number of minor injuries</th>
<th>Number of other hazardous occurrences</th>
<th>Total number of employees</th>
<th>Number of office employees</th>
<th>Total number of hours worked</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**GUIDE TO COMPLETION ON REVERSE SIDE**

- **Company name**
- **e-mail**
- **Date of submission**
- **Submitting officer’s name and title**
- **Telephone**

- **Attestation:** I hereby certify, on behalf of my employer, that the information contained in the Employer’s Annual Hazardous Occurrence Report (EAHOR) is, to the best of my knowledge and belief, true and accurate in every respect.
Electronic Submission of Reports

A new electronic reporting tool is now available to submit the Employer Annual Hazardous Occurrence Reports (EAHOR).

http://www.labour.gc.ca/eng/health_safety/workplace/annual.shtml#instr
Motor vehicle accidents on public roads

Are subject to the same investigation and reporting requirements. If the police investigated the accident, both the employer's report and the police report must be submitted to the Minister and provide a copy to the workplace committee.
Retention Period

COHSR, Section 15.11:

Every employer must keep a copy of each report and record for a period of 10 years.
Visit our website!

http://www.labour.gc.ca/eng/home
Information on

OCCUPATIONAL HEALTH AND SAFETY

7 HAZARDOUS OCCURRENCE INVESTIGATION
RECORDING AND REPORTING

INTRODUCTION
Occupational health and safety in some federal jurisdictions is governed by Part E of the Canada Labour Code and the Canada Occupational Health and Safety (COSH) Regulations. The purpose of Part E of the Canada Labour Code is to prevent accidents and injury arising out of, connected with, or occurring in the course of employment. However, when these efforts fail, the result can often be a workplace accident or death.

It is important to know what needs to be done in the event of an accident or occupational disease. Often the injured or affected parties have been injured after the place where the accident happened must be secured for investigating purposes and anything related to the accident must be left undisturbed. The investigation determines what steps need to be taken to prevent a recurrence.

1. Which accidents need to be investigated?
All accidents, occupational diseases and other hazardous occurrences affecting any of the employer’s workers must be investigated by a qualified person. The investigation should identify the cause of the occurrence or the events that led to the occurrence, in cooperation with the workplace health and safety representative, can take the necessary measures to prevent a recurrence.

Download the PDF version (71KB) of this content.
Questions?