

Guidance following a fatality accident

Dealing with the death of one or more of your employees is a traumatic event, and there are a number of things you need to think about after the initial emergency response has begun. The following is a guide on what is required by law. It also provides other information to help you and your employees through this difficult situation. (This checklist assumes that emergency responders have already been called and have responded to the scene.)

On the day of the accident

- Secure the accident scene and limit access only to those people who are authorized to be there.
- Notify company executives/owners.
- Determine who within your organization is “in charge” of the accident scene and who will serve as the official company contact for information.
- Notify OR-OSHA within eight hours (sooner if possible) at 800.922.2689.
- Determine who will notify immediate family members and confirm that it will be done with tact and good judgment.
- Preserve the accident scene and all pertinent physical evidence until OR-OSHA or a designated law enforcement agency has completed their work. (See “Summary of Oregon OSHA Rules Related to Accident Investigation” on the reverse side.)
- Work cooperatively with OR-OSHA and all other law enforcement or fire department authorities. (In an emergency response, you surrender control of the area to these authorities.)
- Notify SAIF Corporation. SAIF has safety, claims, and investigations professionals who can assist you. You also want to initiate the workers’ compensation claims process. (For a fatality accident, call 800.346.4544. See reserve side for more information about the Immediate Response Team.)
- Document the accident scene, including the equipment or process involved, through photos, video tape, written observations, sketches, diagrams, measurements, etc.
- Collect the names and contact information of all witnesses including fellow employees, management, or the general public. OR-OSHA and SAIF will conduct investigations, so it may not be necessary for you to collect witness statements yourself. Be sensitive to the emotional impact that this accident may have on witnesses.
- Consider releasing workers to go home after they have provided their statements.
- Offer counseling assistance to affected employees. (Counseling services, Employee Assistance Programs, and local churches typically have counselors who can meet with your employees.)
- Prepare a plan to notify all management and employees about the situation.
- Prepare for the possibility of media inquires. Designate an authorized person to speak to the media and make sure all employees know that this is the only person authorized to provide statements to the media.

During the next few days

- Complete a thorough accident analysis. (One of the primary reasons for this analysis is to seek information that will help protect other employees.) SAIF Corporation and OR-OSHA have accident analysis resources available on the web:
 - http://www.saif.com/employer/employer_safety_guides.htm
 - <http://www.orosha.org/pdf/workshops/102w.pdf>
- Once the major contributing factors are known, determine what steps are necessary to help prevent future injuries. (This may include employee and management training, system changes, procedure changes, accountability systems, etc.)
- Stay in contact with the family members of the accident victim. Offer counseling assistance and help explain any benefits that may be provided. (Also consider sending condolence cards, flowers, or consider assisting with meals and other efforts to help them through the difficult first few days.)
- Continue to offer counseling assistance to employees. Coach your supervisors about the potential psychological impact this can have on employees and make sure they are watchful for signs that employees may need counseling assistance.
- Provide information to employees, when known, regarding accident causes and steps taken to prevent future occurrences.

Summary of Oregon OSHA Rules Related to Accident Investigation

437-001-0052 Reporting an Occupational Fatality, Catastrophe, or Accident

Employers shall inform the Administrator (or designee) of all fatalities or catastrophes within 8 hours, and accidents or injuries resulting in a hospital admission with medical treatment other than first aid within 24 hours after the employer receives notification. (Call Oregon OSHA at 800.922.2689 or 503.378.3272 or check their website for regional field office locations and phone numbers at www.orosha.org.)

437-001-0053 Preserving Physical Evidence at the Scene of an Accident

(1) Employers, their representatives, or others shall not disturb the scene of a fatality or catastrophe other than to conduct the rescue of injured persons or mitigate an imminent danger until authorized by the Administrator (or designee), or directed by a recognized law enforcement agency.

(2) In order to preserve physical evidence at the scene of a fatality or catastrophe, the Administrator is authorized to limit the number of employer representatives or employee representatives accompanying the compliance officer during the documentation of the scene. The employer representative and employee representative must be provided an opportunity to document the scene prior to disturbance or removal of physical evidence.

(3) If an employer, their representative or others disturb the scene of a fatality or catastrophe other than to conduct the rescue of injured person(s) or mitigate an imminent danger before authorized by the Administrator or directed by a recognized law enforcement agency, a minimum penalty of \$200 may be assessed.

437-001-0170 Determination of Penalty - Failure to Report an Occupational Fatality, Catastrophe, or Accident.

Failure to report an occupational fatality, catastrophe, or accident: a penalty of not less than \$250, nor more than \$7,000 shall be assessed.

OAR 437-001-0765 (6) (g) Accident investigation.

The safety committee shall establish procedures for investigating all safety-related incidents including injury accidents, illnesses and deaths. This rule shall not be construed to require the committee to conduct the investigations.

OAR 437-001-0769 (3) Investigations of Injuries.

Each employer shall investigate or cause to be investigated every lost time injury.

The employer shall promptly install any safeguard or take any corrective measure indicated or found advisable. At the request of Oregon OSHA:

- Furnish all pertinent evidence and names of known witnesses to an accident.
- Give general assistance in producing complete information which might be used in preventing a recurrence of such accident.
- Preserve and mark for identification, materials, tools, or equipment necessary to the proper investigation of an accident.

SAIF's immediate response team hotline

SAIF Corporation has an Immediate Response Team available 24 hours a day to provide immediate assistance to you with situations involving a fatality, serious trauma, multiple injuries, or injuries where drugs or alcohol are considered as a contributing factor. **Call 800.346.4544**