

Responding to Fatal Accidents and Deaths in the Workplace

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Response Includes Several Aspects

- **Victim and Family**
- **Communications**
- **The Scene**
- **Incident**
- **Your Employees**
- **Regulators and Public Safety Services**
- **Your Organization**

You will be handling all of these simultaneously

Overall Response

- **Call 911**
- **Secure the Scene**
- **Internal & External Communications: Family First!**
- **Shut down all operations- Employee Notification**
- **Begin your Investigation Immediately**
- **Prepare for Regulatory Inspection**

Victim & Family

- **Initially if victim is still on-site, be respectful and cover the body**
- **Human resources contacts victim's family to notify them of incident: where employee is being transported ***
- **Offer transportation if necessary, child care**
- **Go to hospital, stay with family: note conversation, offer comfort services**

**Do Not tell them the loved one is deceased over the phone: Work this out with Emergency Services at the scene.*

Communications

- **Immediately After the Incident: Get Quick Agreement on the following BEFORE Communications begin:**
 - **Who**
 - **What**
 - **When**
 - **Where**
 - **Why**
 - **How**

Communications - Internal

- **Senior Manager / Corporation / Owner**
- **Management Team**
- **Employees**
- **Legal Counsel**
- **Third Party Administrator**
- **Insurance Carrier**
- **Update 2x per day**
- **Management team use the same version of key information**

Communication - External

- **OSHA**
 - **Within 8 hours**
 - **Record who was talked to and what was said**
- **Police / Fire / EMS**
 - **Declared a crime scene? If yes when will control be given**
 - **Identify officer in charge**
 - **Ask for reports**

Communication - External

- **Public Relations**
 - **Response to Inquiry Prepared Immediately**
 - **Advise of any media inquiry or reporting**
 - **Include in daily meetings –revise as necessary**
 - **Reach out to news outlets before they overwhelm**
 - **Determine who will be spokesperson**
 - **Stick to the prepared statement**
 - **Rehearse Q&A if possible**

Communication - External

- **Risk Management**
 - SH&E to call Third Party Administrator
 - Determine whether Independent Investigator is needed
 - Determine if engineering reconstruction services are needed
- **Legal**
 - Will they issue letter of investigation
 - What will be Attorney Client Privileged
 - What information do they want and how often

Communication - External

- **Media**
 - **Once statement is prepared reach out to them to avoid overwhelming your facility**
 - **If appropriate set up times to contact them daily for updates**
 - **Monitor TV, Radio and Print – Correct any Inaccuracies Immediately**
 - **Do not let into your building – assign a spot for them to wait if appropriate**

The Scene

- **Make sure it is safe: Lock out Equipment**
- **Secure with physical barriers**
- **Post Security – document / time who goes in**
- **Do not disturb or clean the area**
- **Leave physical evidence (including machine controls) as is**



The Incident

- **Start the Investigation As Soon As Possible**
- **Photographs**
 - **Start from far away and move closer – all angles**
 - **Take more than you feel are necessary**
 - **Document what each photo represents**
 - **Make sure dates / times will show up**
 - **Document who took the photographs**

Photographs



Photographs



Photographs



The Incident

- **Witness Statements Taken ASAP**
 - Define who they are
 - Reassure them that you are fact finding
 - Encourage them to tell the truth as they know it
 - Record if possible with their permission
 - Write out statement, sign and date – Investigator signs as well
 - Do not correct spelling or grammar
 - Ask each witness who else was a witness
 - Keep them separated if you can or at least ask them to not discuss the incident until after their interview

The Incident

- **Decide on 3rd Party Investigator to Lead**
- **Get OEM manual for equipment involved**
- **Obtain all recent preventive maintenance records for equipment involved**
- **Gather training records for the victim**

The Incident

- **Collect all SOP' related to what victim was doing at the time of the incident**
- **Note position equipment was in including controls at the time of accident**
- **If safe to do so – recreate condition**

Your Employees

- **Shut down operations**
- **General meeting with employees on site**
- **Always give employees the same information you will give to the media**
- **Always assume what you give to employees will be given to the media**

Your Employees

- **Contact employees at home**
- **Pre-determine how long operations will cease**
- **Make sure field personnel are given same information**
- **Be Careful About Your Visibility in the Community**
- **Decide on whether operations will cease for funeral**
- **Provide Grief Counseling**



Regulators & Public Safety Services

- **Investigation documentation that is not privileged (training records, maintenance records, OEM manual, logs)**
- **Prepare to accompany Inspector**
 - **One person to take same photographs**
 - **One person leads the tour (Senior Manager or SH&E)**
 - **One person to document all questions and answers**

Workplace Death

- **Call to OSHA still has to be made in 8 hrs.**
- **Investigation process is the same**
- **Focus on what employee was doing**
- **Did witnesses notice anything wrong**
- **Did the victim have an altercation or a stressful interaction with a supervisor**
- **Can you rule out any exposures, work incidents?**

Organizational Preparations

- **Identify a Point Person and a Back-up**
 - **Victim's family: Usually Human Resources, also works closely with your TPA**
 - **OSHA / EPA : SH&E Representative**
 - **Police / Fire: Maintenance / Engineering**
 - **Media: Senior manager, Public Relations, Legal**
 - **Internal Communication: Senior Manager**
 - **Investigation: SH&E representative**
 - **Include procedures in your emergency plans and conduct table top drills**

Thank You!

Cleveland Clinic: Empathy for Patients
https://www.youtube.com/watch?v=cDDWvj_q-o8

