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
• 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
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