6.05.17  WHS Incident Reporting and Investigation

<table>
<thead>
<tr>
<th>Directorate</th>
<th>Business and Governance</th>
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<tbody>
<tr>
<td>Responsible Officer</td>
<td>Executive Manager</td>
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</tbody>
</table>

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Introduction
Under the Work Health and Safety Act 2011, Bega Valley Shire Council (BVSC) must ensure, so far as is reasonably practicable, that workers are safe from injury and risks while at work. Should a workplace incident or injury occur, then BVSC must investigate it to find the root cause and to avoid it happening again: not apportion blame. The function of an investigation is to establish all the factors involved in the incident and determine appropriate action/s to prevent a recurrence.

Objectives
The objective of this procedure is to define the requirements for the reporting and investigating of all health and safety incidents that occur within BVSC, with the aim to:

• Ensure appropriate corrective actions are undertaken
• Prevent similar incidents recurring in the future
• Identify any new hazards
• Identify and implement suitable controls

Responsibilities
Managers and Coordinators
The following responsibilities have been allocated to all BVSC managers and coordinators:

• Take action to manage any imminent risks and facilitate actions to prevent similar health and safety incidents occurring
• Ensure that the Risk Team is advised of all notifiable incidents so appropriate recording and notifying requirements can be met
• Review health and safety incident reports and investigate, or assist in the investigation of incidents within their respective departments
• Notify relevant staff of any corrective actions taken
• Advise the Risk Team of any identified incident trends and appropriate strategies to assist the workplace to continuously improve health, safety and wellbeing performance

Employees
The following responsibilities have been allocated to all BVSC employees:

• Identify and report any hazards, incidents or near misses resulting from BVSC activities and operations
• Consult with appropriate supervisors to assist in identifying and implementing appropriate hazard control measures
• Immediately inform your supervisor/manager of any health and safety incident
• Complete a health and safety incident report and forward to incident@begavalley.nsw.gov.au within 24 hours of the incident occurring
• Participate in any investigations or corrective actions as necessary

Reporting a hazard/near miss
The timely reporting of identified hazards and near misses in the workplace is an essential part of the Risk Management Process. The purpose of hazard/near miss reporting is to identify potentially hazardous work place situations. If you identify a hazard or experience a near miss the following process must be followed:

• Try to make the situation safe (if possible), but do not put yourself at risk of harm.
• Report the hazard/near miss to your manager using a WHS near miss and incident report form (This form can be found on SharePoint under WHS Forms).
• In consultation with your manager/supervisor find and implement a solution to the problem.
• Once completed, the document must be sent to incident@begavalley.nsw.gov.au for actioning.

Any controls that have been implemented to eliminate or minimise the identified hazard must be monitored to ensure they are effective. It is vital that all hazards/near misses are resolved by the section reporting it. If the relevant section does not have the necessary skills then they may need to involve a third party.

**Reporting an incident or injury**

When an incident occurs, some immediate actions may be necessary to contain the problem and prevent further occurrences. For example, actions may be required to make the work area safe. If an injury has occurred, the level of initial response will depend on the severity of the injury. If you sustain an injury at work the following actions must occur:

- Seek first aid or medical attention if required
- Report any work related injury or illness to your manager or supervisor as soon as possible
- Complete a WHS near miss and incident report and forward to incident@begavalley.nsw.gov.au within 24 hours of the incident occurring. The incident form may be completed by yourself or a reliable witness of the incident

Incident report forms can be found on SharePoint and hard copies should be stored in all BVSC first aid kits.

**Reporting a notifiable incident to SafeWork NSW**

The WHS Act requires NSW regulator SafeWork to be informed of certain ‘notifiable incidents’ (refer to Annex A for definition of notifiable incidents). If regulatory notification is required post an event, the responsible manager or coordinator is to ensure SafeWork NSW has been notified immediately on 13 10 50. It is advisable to gain advice from the Risk Team prior to notifying the regulator however this may not always be possible.

The person with management or control of a workplace at which a notifiable incident has occurred must ensure the site is not disturbed until a SafeWork inspector arrives at the site or has given a verbal direction to release the site. Requirements to preserve the incident site apply to any plant, substance, structure or thing associated with the notifiable incident. This means that any evidence that may assist in determining the cause of the incident is preserved. An incident site may only be disturbed for the following reasons:

- To assist an injured person
- To remove a deceased person
- To make the site safe or to minimise the risk of a further notifiable incident
- To facilitate a police investigation
- A SafeWork NSW inspector has given a direction to do so either in person or by telephone

When notifying SafeWork, the Inspector will request detailed information of the incident that has occurred. Annex B provides an overview of the information that will need to be conveyed over the phone to the Inspector.

**Incident Investigation**

To ensure all incidents are adequately addressed within an appropriate timeframe, incidents will be classified by levels of severity. Incident levels 1, 2, and 3 have been developed based on levels of severity, level 3 being the most severe type of incident.

<table>
<thead>
<tr>
<th>Incident Level</th>
<th>Investigation Actions Required</th>
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<tbody>
<tr>
<td>Level 1: Minor incident with first aid administered.</td>
<td>The incident investigation is to be completed by the section coordinator in consultation with the Health and Safety Representative and sections employees. Matters to consider in this investigation include: How did the incident occur? What was done well? What could have been done differently? What needs to be implemented to prevent a reoccurrence?</td>
</tr>
</tbody>
</table>
The purpose of an incident investigation is to establish both the immediate and underlying causes of the hazard or incident in order to identify actions to prevent a recurrence.

The preferred methodology for internal investigations throughout BVSC is Root Cause Analysis (RCA). The RCA process allows a structured approach to investigations of incidents at all levels of significance in order to identify causal factors and determine corrective and preventative measures.

Where an incident has resulted in serious injury or damage to property the level of investigation should be obvious. However, in the case of a near miss, an assessment may be required of the potential risk for major damage and injury so that the opportunity for learning and prevention of a further occurrence is not lost.

It is important that all occurrences categorised as Level 2 or 3 incidents are investigated as soon as practicable after the event, as it:

- Allows for the identification of incident causes to establish corrective and preventative strategies
- Provides a point of reference to establish trends in incident causes
- To allow incident information to be communicated across the organisation so learnings happen from past incidents

Comprehensive investigations for Level 1 incidents may not be warranted; however, corrective and preventative actions will need to be identified to mitigate future risk as a result of the incident.

**Incident Investigations Process**

The following investigation process will be used by those who conduct investigations to ensure the adequacy and consistency of incident investigations:

- Speak to all workers involved in the incident or who may have any knowledge of the circumstances surrounding the incident
- Ascertain if there were any other witnesses to the incident and speak with them. Statement of Witness to Incident form may be used to record details (Annex C).
- Ascertain if a risk assessment has been conducted relating to the task being performed at the time of the incident and whether all hazards had been identified and the associated risks properly assessed and correctly controlled
Where a risk assessment was completed, consider whether or not the hierarchy of controls were considered in determining risk controls for any identified hazards

- Ascertain if any Safe Work Method Statements (SWMS), Standard Operating Procedures (SOP’s), or similar, existed for the task and whether the procedure/instruction was complied with
- If the incident involved an item of plant, check the condition of the plant, ensuring that any plant damaged as a result of the incident is “tagged out” of service and arrangements made to have the plant repaired. Check pre start checklist appropriate qualifications/ competency of operator
- Arrange for alcohol or other drugs testing if required. Note, this testing can only be administered by the Risk Coordinator and/or the WHS Officer, refer to procedure: 5.05.9 - Fitness for work - alcohol and other drugs for further information
- Obtain photos of the scene of the incident and gather any documentary evidence that may exist relating to the incident
- Ascertain if there are records of similar incidents within or external to Council
- Document any control measures that have been implemented following the incident
- Record any control measures you believe may assist in reducing the risk associated with the incident, making sure to consider the hierarchy of controls. These controls should be documented in a WHS risk management Control Action Plan (this template can be found on SharePoint under WHS – Forms)

Training

All employees will receive training on identifying risks and hazards in the workplace, as well as the process for reporting injury and incidents in accordance with this procedure. This training will be delivered online via Council’s Learning Management System and is considered to be mandatory. Employees may be required to complete refresher training at the request of their manager.

References Documents

- Work Health and Safety Act 2011 (NSW)
- Work Health and Safety Regulation 2017 (NSW)
- Code of Practice: How to manage work health and safety risks 2016 (SafeWork NSW)
- Code of Practice: Work health and safety consultation, coordination and cooperation 2016 (SafeWork NSW)

Training
### Appendix A: Glossary of Terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Dangerous Incident</td>
<td>An incident in relation to a workplace that exposes a worker or other person to a serious risk to a person’s health or safety emanating from immediate or imminent exposure to:</td>
</tr>
<tr>
<td></td>
<td>• an uncontrolled escape, spillage or leakage of a substance</td>
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<td></td>
<td>• an uncontrolled implosion, explosion or fire</td>
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<tr>
<td></td>
<td>• an uncontrolled escape of gas or steam</td>
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<td></td>
<td>• an uncontrolled escape of a pressurised substance</td>
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<td></td>
<td>• electric shock</td>
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<tr>
<td></td>
<td>• the fall or release from a height of any plant, substance or thing</td>
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<tr>
<td></td>
<td>• the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations</td>
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<tr>
<td></td>
<td>• the collapse or partial collapse of a structure</td>
</tr>
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<td></td>
<td>• the collapse or failure of an excavation or of any shoring supporting an excavation</td>
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<tr>
<td></td>
<td>• the inrush of water, mud or gas in workings, in an underground excavation or tunnel</td>
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<tr>
<td></td>
<td>• the interruption of the main system of ventilation in an underground excavation or tunnel</td>
</tr>
<tr>
<td></td>
<td>• any other event prescribed by the regulations, but does not include an incident of a prescribed kind.</td>
</tr>
<tr>
<td>Hazard</td>
<td>A situation that has the potential to harm a person, the environment or damage property</td>
</tr>
<tr>
<td>Incident</td>
<td>Any unplanned or unwanted event resulting in or having a potential for injury, illness, damage or loss</td>
</tr>
<tr>
<td>Near Miss</td>
<td>An event in the workplace that did not result in an injury, but has the potential to do so, if not controlled</td>
</tr>
<tr>
<td>Notifiable Incident</td>
<td>A notifiable incident’ as outlined in the WHS Act is:</td>
</tr>
<tr>
<td></td>
<td>• death of a person</td>
</tr>
<tr>
<td></td>
<td>• 'serious injury or illness', or</td>
</tr>
<tr>
<td></td>
<td>• 'dangerous incident'</td>
</tr>
<tr>
<td>Serious Injury or Illness</td>
<td>An injury or illness requiring the person to have:</td>
</tr>
<tr>
<td></td>
<td>• immediate treatment as an in-patient in a hospital, or</td>
</tr>
<tr>
<td></td>
<td>• immediate treatment for:</td>
</tr>
<tr>
<td></td>
<td>• the amputation of any part of his or her body</td>
</tr>
<tr>
<td></td>
<td>• a serious head injury</td>
</tr>
<tr>
<td></td>
<td>• a serious eye injury</td>
</tr>
<tr>
<td></td>
<td>• a serious burn</td>
</tr>
<tr>
<td></td>
<td>• the separation of his or her skin from an underlying tissue (such as degloving or scalping)</td>
</tr>
<tr>
<td></td>
<td>• spinal injury</td>
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<tr>
<td></td>
<td>• the loss of a bodily function</td>
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</table>
### Medical treatment within 48 hours of exposure to a substance,
- Any infection to which the carrying out of work is a significant contributing factor:
  - With micro organisms
  - That involves providing treatment or care to a person
- That involves handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products. The following occupational diseases contracted in the course of work involving handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products:
  - Q Fever
  - Anthrax
  - Leptospirosis’ diseases
  - Brucellosis
  - Hendra Virus
  - Avian Influenza
  - Psittacos

### SafeWork NSW
SafeWork NSW is the state’s workplace health and safety regulator. It focuses on harm prevention and improving the safety culture in NSW workplaces.
SafeWork NSW:
- offers advice on improving work health and safety
- provides licensing and registration for potentially dangerous work
- provides testing services
- investigates workplace incidents, and
- enforces work health and safety laws in NSW
Annex B: Information requested from SafeWork NSW when reporting notifiable incident

At first, the regulator will ask for a clear description of the incident with as much detail as possible. This will help the regulator assess whether or not the incident is notifiable and the need for a follow-up investigation. The following information is usually requested:

<table>
<thead>
<tr>
<th>Information requested</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>What happened: an overview</td>
<td>Provide an overview of what happened. Nominate the type of notifiable incident—was it death, serious injury or illness, or ‘dangerous incident’?</td>
</tr>
<tr>
<td>When did it happen</td>
<td>Date and time.</td>
</tr>
<tr>
<td>Where did it happen</td>
<td>Incident address. Details that describe the specific location of the notifiable incident—for example section of the warehouse or the particular piece of equipment that the incident involved—to assist instructions about site disturbance.</td>
</tr>
<tr>
<td>What happened</td>
<td>Detailed description of the notifiable incident.</td>
</tr>
<tr>
<td>Who did it happen</td>
<td>Injured person’s name, date of birth, address and contact number. Injured person’s occupation. Relationship of the injured person to the entity notifying.</td>
</tr>
<tr>
<td>How and where are they being treated (if applicable)</td>
<td>Description of serious injury or illness—i.e. nature of injury Initial treatment of serious injury or illness. Where the patient has been taken for treatment.</td>
</tr>
<tr>
<td>Who is the person conducting the business or undertaking (there may be more than one)</td>
<td>Legal and trading name. Business address (if different from incident address), ABN (BVSC ABN: 26 987 332)/ACN and contact details including phone number and email.</td>
</tr>
<tr>
<td>What has/is being done</td>
<td>Action taken or intended to be taken to prevent recurrence (if any).</td>
</tr>
<tr>
<td>Who is notifying</td>
<td>Notifier’s name, contact phone number and position at workplace. Name, phone number and position of person to contact for further information (if different from above).</td>
</tr>
</tbody>
</table>
Annex C: Witness to incident statement template

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**Work Health & Safety**

**Witness to Incident Statement**

**Details:**

- **Name of witness:**
- **Position:**
- **Contact Number:**
- **Location of incident:**
- **Employees involved:**

**Witness Statement:**

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**Declarations:** I declare that the statement given above is, to the best of my knowledge, true and correct and I understand that it is an offence to provide false information.

**Name:** __________________________ **Signature:** __________________________ **Date:** __________________________