

# Accident & Incident Investigation & Reporting requirements to the HSA

Accidents are investigated for a variety of reasons however the main purpose of any investigation should be to establish the root cause of the accident/ incident / dangerous occurrence in question and thereafter to identify and implement corrective actions / control measures to prevent reoccurrence.

In addition investigations can be undertaken for the following purposes:

- Statutory Obligation - to complete the Health & Safety Authority's accident report form on-line (Report an Accident on-line button on main HSA webpage - [IR1](#)) <https://webapps.hsa.ie/CIRW/> or the Authority's Dangerous Incident Form ([IR 3](#))
- For statistical purposes to enable the employer to:
  - Review policy
  - Update risk assessment / controls
  - Update Safety Statement
- Defence - to provide information for insurers in the event of a claim ensuing

## Definitions

An Accident is defined as an unplanned event resulting in personal injury or property damage. This could include, but is not limited to a sprain, laceration, broken bone, concussion, unconsciousness, ill-health or immediate sickness due to exposure to dangerous substances, fumes or gases, fire, explosion, chemical spill where there is a risk of environmental pollution, building or property damage.

An Incident, commonly referred to as a "near miss" is defined as an incident where there was no injury or property damage but where the potential for serious consequences existed.

A Dangerous occurrence is defined as an incident that results in—

- a. the collapse, overturning, failure, explosion, bursting, electrical short circuit discharge or overload, or malfunction of any work equipment,
- b. the collapse or partial collapse of any building or structure under construction or in use as a place of work,
- c. the uncontrolled or accidental release, the escape or the ignition of any substance,
- d. a fire involving any substance, or
- e. any unintentional ignition or explosion of explosives.

## What Should Be Investigated?

Ideally all reported incidents, accidents and dangerous occurrences should be investigated. The level of investigation required will depend on the incident and the possible severity of its outcome. At a minimum an investigation should be initiated for all accidents / incidents involving lost time or hospital treatment injuries or where it is believed an insurance claim may be made.

It is also very valuable to review / investigate first aid and "near miss" incidents as such incidents could have the potential to have been more serious. If it is possible to learn from, and prevent the reoccurrence, of these types of incidents it may be possible to prevent the more serious lost time injuries from occurring.

### Disclaimer

*The Human Resources Management Guide is for information purposes only and Ibec assumes no responsibility for any use to which the information may be put, or for any errors. This guide is not a substitute for specialist employment law or legal advice, where appropriate.*

*Member companies are invited to consult Ibec in this regard.*

## **When to Investigate?**

The speed at which an accident is investigated is of vital importance if full and comprehensive information is to be recorded pertaining to the event. This is especially true for the purposes of interviewing the injured person/s or any witnesses and inspecting the incident location before the situation changes.

The organisation should have a documented procedure in place for the initial reporting of incidents / accidents and thereafter for the investigation of same. Early reporting is paramount and thus employees should be required to report all incidents / accidents, including near miss incidents as soon as possible and prior to the completion of their shift.

Upon completion of immediate actions by the organisation, i.e. the provision of first aid, etc, the investigation process should commence as soon as possible thereafter.

## **Completing the Investigation**

The organisation should have a documented investigation procedure in place. This should include a list of persons within the organisation who have received adequate training in Accident Investigation. These people should form the investigation team.

The investigation should be undertaken by a team and should consist of, where appropriate, the safety officer / safety co-ordinator, the person involved in the incident (if available) or a person working in the area of the incident, their immediate supervisor, the safety representatives, relevant technical expertise (engineer / maintenance personnel), and additional persons as necessary.

## **How to Investigate?**

The investigation should aim to establish the root cause of the accident and thereafter identify corrective actions to prevent re-occurrence.

The investigation should establish the facts of the event and should obtain answers to;

- Who? – Who was involved in the accident / incident?
- What? – What was being undertaken at the time?
- Where? – Where, precisely did the event take place?
- When? – When did it take place?
- Why? – Why did it happen?
- How? How can it be prevented from happening again?

To establish these facts the investigation team should:

- Visit and take control of the vicinity of the accident / incident taking note of the general environment of the scene, e.g. lighting, floors, housekeeping arrangements, etc;
- Take photographs and/or sketch diagrams of the accident/incident scene and investigate the system of work which was in place prior to the incident occurring;
- Take details of the particular plant/machinery involved in the accident/incident;
- Take details of the injured person/s and thereafter obtain necessary information pertaining to their training, age, experience and position;
- Note the level of supervision at the time of the accident/incident;
- Record details of the nature of the work – whether it was routine, sporadic or incidental;
- Obtain and review the safe work procedure for the activity that was being undertaken at the time;

### *Disclaimer*

*The Human Resources Management Guide is for information purposes only and Ibec assumes no responsibility for any use to which the information may be put, or for any errors. This guide is not a substitute for specialist employment law or legal advice, where appropriate.*

*Member companies are invited to consult Ibec in this regard.*

- Note compliance with the safe work procedure for the activity that was being undertaken at the time;
- Record details relating to witnesses – including their statements which should include:
  - where witness was at the time of the accident/incident occurring;
  - the time of the incident as he/she recalls it;
  - relevant information to support any of the physical evidence;
  - any factual evidence to establish the circumstances of the accident or the workplace before or after the incident;
  - the date and time of the statement;
  - the signatures of both the witnesses and the investigator.
- Establish the timing and the sequence of events.

The need for any immediate steps necessary to prevent recurrence should be the main aim of the initial accident/incident investigation and systems should be updated as soon as possible with this in mind.

To aid the Investigation process the following should be readily available:

- Copies of standard accident investigation form to hand - The use of an Accident / Incident investigation form is most beneficial for the recording of necessary information,
- Camera,
- Measuring tape,
- Torch.

#### **Investigation Follow-Up And Sign Off:**

A written report, detailing the findings of the investigation, the recommended corrective actions – remedial and long term, the timeframe for the implementation of such corrective actions and the persons responsible should be produced and signed off on completion.

All documentation relevant to the investigation should be maintained on file. All notes, report forms and statements should be dated and signed.

The Companies' insurers should be fully informed, and provided with necessary documentation.

### **Accident and Incident Reporting to the Health and Safety Authority**

The legislation relating to Accident and Incident Reporting was updated in 2016 in the form of the Safety, Health and Welfare at Work (Reporting of Accidents and Dangerous Occurrences) Regulations, 2016 (S.I No.370 of 2016). There is still some confusion regarding what to report, how to report and record retention requirements, particularly now, with respect to the new GDPR requirements.

#### **Important points**

- \* An accident is reported on a IR1 form, while a Dangerous Occurrence is reported on a IR3 form (this has not changed).

#### *Disclaimer*

*The Human Resources Management Guide is for information purposes only and Ibec assumes no responsibility for any use to which the information may be put, or for any errors. This guide is not a substitute for specialist employment law or legal advice, where appropriate.*

*Member companies are invited to consult Ibec in this regard.*

- \* “Reportable” is defined as a requirement to report to the Health and Safety Authority (HSA). It does not include what may be reportable internally as part of company requirements. It also does not extend to the Accident Investigation process.
- \* Only fatal and non-fatal **injuries** are reportable. Diseases, occupational illness or mental illness are not included in the scope of these Regulations.
- \* Fatal accidents must be reported immediately to the Gardai and the HSA.
- \* Non-fatal accidents or dangerous occurrences must be reported within ten days of the event.
- \* Injuries to any employee as a result of an accident while at work where the injury results in the employee being unable to carry out their normal work duties for more than three consecutive days, excluding the day of the accident, must be reported.

There are some common misconceptions with reporting. The following notes and examples should provide additional guidance for anyone who is responsible for reporting within an organisation.

### What is **not** Reportable?

- An injury sustained as part of the commute to work is not considered a work activity and should not be reported to the HSA.
- An employee who has missed more than three days of work, as a result of the injury, but not three consecutive days.
- The employee has been injured in the workplace and is attending a doctor but has returned to work and able to perform normal duties.
- The employee has suffered with occupational asthma as a result of working with dusts in a quarry. This is not reportable as it is an illness, not an injury.
- A member of the public reports an injury on-site but does not require medical assistance.

### What **is** Reportable?

An injury that resulted from a work activity- regardless of where that accident happened. For example:

1. an employee attending a meeting off-site slips and fractures their leg,
  2. an employee attends a company night out and breaks their collar bone on the dance floor.
  3. For an employee who drives to different workplaces, the work activity can include the journey to the first call of the day (as this is not considered the regular commute)
  4. A remote worker (who typically works from home) can consider a trip to the office a work activity as this is not their normal commute.
- If the employee has an accident and does not return to normal\* work duties for a period of three days- that is reportable. *\*any modification of their work as a result of the injury makes this accident reportable.*
  - If three consecutive days are missed as a result of an injury even if those days are not scheduled work days. For example, a (Monday-Friday) employee has an accident on Thursday and misses Friday, Saturday and Sunday and returns to work on Monday this must be reported. A public holiday is also considered a work day for these reasons.

#### *Disclaimer*

*The Human Resources Management Guide is for information purposes only and Ibec assumes no responsibility for any use to which the information may be put, or for any errors. This guide is not a substitute for specialist employment law or legal advice, where appropriate.*

*Member companies are invited to consult Ibec in this regard.*

This is based on the Eurostat statistical rules is non-negotiable and must be adhered to.

- A member of the public is injured at a place of work and requires medical attention. They would need to have been taken from the location of the accident to a medical facility or required attention from a registered medical practitioner.
- If a contractor at a place of work is injured and is taken to hospital for treatment, it is the responsibility of the workplace where the accident occurred to report it.

If in doubt regarding the injury contact Ibec for further advice, and/or err on the side of caution and report to the HSA. There is no penalty for reporting something in error.

### How to Report

Companies are advised to pre-register their details on the HSA website so that reporting is not delayed. <https://webapps.hsa.ie/Account/Login?ReturnUrl=%2f>.

As part of the continual enhancement of the reporting process, the HSA now recommend to register a general email address rather than an employee's name. For example: [lbcreporting@ibec.ie](mailto:lbcreporting@ibec.ie). An associated password is created to access the account. It should be clearly identified who is responsible for reporting and who has access to this sensitive information. This should be regularly reviewed.

### The Consequences of Reporting

Reporting is a legal requirement and therefore must be done regardless of the outcome. The failure to report a non-fatal injury within ten days of the incident is a criminal offence under the Safety Health and Welfare at Work 2005 Act.

Companies can become concerned that reporting a one-off accident or if they are routinely reporting accidents may result in an automatic inspection by the HSA. This is typically not the case. Accidents that have not previously been reported (but are reportable) should be reported retrospectively.

It should be noted that if an accident is reported to the HSA, it is best practice and also usually part of the Policy to also notify the Company Insurance Company.

### GDPR Implications

As sensitive information is being passed to third parties (the HSA and Insurance Company), this should be documented in the Companies Privacy Notice. The legal basis should be stated as compliance requirement (HSA) and contractual requirement (Insurance).

The IR1 form must be kept on file for a period of ten years. It is up to the company to determine what supporting documentation (risk assessments, training records etc) to retain and for what period. This should be formally documented- the justification is compliance under the Regulations and the parent Act.

#### *Disclaimer*

*The Human Resources Management Guide is for information purposes only and Ibec assumes no responsibility for any use to which the information may be put, or for any errors. This guide is not a substitute for specialist employment law or legal advice, where appropriate.*

*Member companies are invited to consult Ibec in this regard.*