

ACT PUBLIC SECTOR

ACCIDENT/INCIDENT REPORTING AND INVESTIGATION

1. PURPOSE

ACT Government Directorates and entities are required to report and investigate all workplace accidents and incidents and ensure that corrective and preventative actions are taken where necessary. This requirement also includes the need to report serious incidents and dangerous occurrences regardless of whether any injury has occurred.

2. APPLICATION

This policy applies to all ACT Public Sector (ACTPS) employees and any person who is considered to be a worker for the ACT Government under the *Work Health Safety Act 2011* (the Act).

3. LEGISLATIVE REFERENCE

Section 17 of the Act outlines the duties to manage risks in the workplace. This includes the requirement for employers to ensure that accidents, incidents and dangerous occurrences are reported and records kept.

Section 19 of the Act describes the primary duty of care of a person conducting a business to ensure the health and safety of their workers so far as is reasonably practicable.

Section 28 of the Act outlines the responsibilities of workers to take reasonable care of their own health and safety and includes the requirement to comply with any reasonable policy or procedure relating to health or safety at the workplace.

Schedule 3 of the Privacy Act 1988 (Cwlth) outlines the National Privacy Principles to which all data collection procedures must comply.

4. DIRECTION STATEMENT

Accident/incident recording is a key component of the ACTPS accident prevention program, providing valuable information to help identify and manage risk in the workplace. All incidents, accidents and dangerous incidents should be reported as prescribed by legislation and this policy.

a.) What to report

ACT Government directorates are required to report accidents and incidents in accordance with the following table.

Type of Incident	Report to Whom	When	Also Notify
All incidents/accidents involving ACTPS workers (whether or not an injury results)	1. Supervisor 2. Directorate IPM Area/Shared Services ¹ (HR Unit for small agencies) 3. Original accident report form to CMD for database entry and recording	1. Immediately 2. Within 48 hours 3. Within 5 working days	Business Manager Health & Safety Representative for the relevant Workgroup
Serious events or dangerous incidents Includes serious injuries or illnesses (see the Glossary for definitions)	1. Supervisor 2. Directorate IPM Area/Shared Services (HR Unit for small agencies) 3. Original accident report form to CMCD for database entry and recording 4. WorkSafe ACT	1. Immediately 2. Within 24 hours 3. Within 5 working days 4. Immediately after become aware of incident	HR Executive/Business Manager Health & Safety Representative for the relevant work group.
Serious events involving 3 rd parties (eg. Clients, visitors etc)	1. Supervisor 2. Directorate's IPM Area/Shared Services (HR Unit for small agencies). 3. Original accident report form to CMCD for database entry and recording 4. WorkSafe ACT	1. Immediately 2. Within 2 hours 3. Within 5 working days 4. Immediately	HR Executive/Business Manager ACT Insurance Authority (ACTIA)
Death of worker or other person.	1. Supervisor 2. Directorate's IPM Area/Shared Services (HR Unit for small agencies) 3. Original accident report form to CMCD for database entry and recording. 4. WorkSafe ACT	1. Immediately 2. Within 2 hours 3. Within 5 working days 4. Immediately after becoming aware of incident (written report to be provided within 48hrs)	Head of Service Director-General HR Executive Business Manager ACTIA (if 3 rd party involved) Work Safety Representative

Note: The reporting timeframes for WorkSafe ACT are legislative requirements. If there are circumstances which prevent you from meeting the timeframes outlined above you are still obligated to report the incident.

¹ Some agencies do not refer matters to Shared Services Health and Safety as their IPM area manages the workplace safety reporting issues.

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b.) How to report

ACT Government Reporting. There is a dedicated Accident/Incident Report form (AIR) for the purpose of reporting incidents and accidents involving workers to Directorates' Injury Prevention and Management (or HR) areas, Shared Services Health and Safety and to the Chief Minister and Cabinet Directorate (CMCD).

The AIR, which may be in an electronic or hard copy format, can be obtained from the CMCD website:

<http://www.cmd.act.gov.au/governance/public/wpsafety>.

In cases where more urgent reporting is required, this should be done by the most direct method available i.e. telephone, facsimile or email and then followed up with the written report.

Some ACT Government Directorates may have alternative arrangements in place such as electronic reporting systems and staff in those agencies should comply with the requirements of their work areas.²

Notifiable Incidents -all incidents which are notifiable must be reported to WorkSafe ACT **immediately** on telephone number 62050200 and a reporting form is available from the following website:

http://www.worksafe.act.gov.au/health_safety

Notification can also be made by forwarding a copy of the completed ACT Government AIR to WorkSafe ACT.

Notifiable incidents include;³

- The death of a person'
- A serious injury or illness of a person; or
- A dangerous incident

3rd party reports - Incidents in the workplace which impact on the safety of people who are not deemed to be workers under the Act, should be reported by the workplace supervisor as 3rd party incidents on the AIR form which can be obtained from the CMD website.

Accidents that cause serious injuries to people, who are not workers, must also be notified to **WorkSafe ACT** and the **ACT Insurance Authority (ACTIA)**. It is imperative that ACTIA is notified of an incident that could lead to a claim of liability against it, even if, at the time of notification, there has been no demand from a third party.

² An example of this is the Health Directorate which uses an electronic reporting system called "Riskman".

³ See glossary for full explanation of notifiable incidents.

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Notification should be made to ACTIA by email, telephone on 62070184, or facsimile on 62070301 as soon as the agency becomes aware of an incident that could give rise to a claim. Further information on the notification process to ACTIA and relevant forms can be obtained from the ACTIA Website by following the link: <http://www.treasury.act.gov.au/actia/Claims.htm>.

c.) Site Preservation

If a serious event (or death) occurs the person in control of the site where the incident has taken place must ensure that the area is not entered nor disturbed until:

- an inspector arrives at the site, or
- until the site is released by a WorkSafe ACT inspector.

This requirement does not prevent any action to:

- help an injured person,
- remove a deceased person,
- protect the work safety of a person,
- take essential action to render a site safe and to prevent further injury, or
- that is associated with a police investigation.

d.) Privacy and Confidentiality

All data and information relating to workplace incidents and injuries and workers' compensation management must be obtained in accordance with legislative requirements and in compliance with the National Privacy Principles contained in Schedule 3 of the *Privacy Act 1988* (Cwlth).

The information on the AIR is private and confidential and the reports are **not** to be seen or provided to individuals who are not authorised to receive them without the express permission of the person about whom the report relates. It must be noted that HSRs are not entitled to see, or be provided with a copy of the AIR form without the written permission of the person about whom the report relates. Notification to HSRs should take the form of non-identifying information relating to the incident only.

In cases where reports are sent by facsimile, confirmation should be made that the appropriate area or person has received the report.

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e.) Accident/Incident Investigation

All accidents and incidents are to be reviewed and risk rated to assess the likelihood of the event recurring as part of a risk analysis. All accidents, resulting in injuries, or a dangerous occurrence, must be investigated and appropriate strategies implemented to eliminate or control the risks.

All identified risks, and management actions to address the risks, are to be documented in the business area's Work Safety Risk Register⁴. All agencies should ensure that they have documented processes to monitor and review identified risks and their management strategies for controlling or removing those risks.

Additional guidance on the reporting and investigation of accidents and incidents in the workplace can be obtained from the Shared Services Customer Portal, ACT Government Health and Safety Management Framework at <http://sharedservices/actgovt/WHS/>.

f.) Risk Management

The management of risk remains a key responsibility of everyone in the workplace and once an accident or incident has taken place further risk management also needs to occur.

Risk may be managed by taking reasonably practical steps to:

- identify and assess any risks that might be associated with work;
- eliminate risks that have been identified;
- minimise each risk if it is not reasonably practicable to eliminate it, and
- inform others in the work area, and people with the same duties, of the possible risk.

There is a preferred order in which risks should be controlled. This is called the *hierarchy of controls*:

1. **Eliminating** the hazard from the workplace entirely is the best way to control it. However, this may not always be possible and other strategies may be necessary;
2. **Substituting** or modifying the hazard by replacing it with something less dangerous. (eg using different, safer equipment);
3. **Isolating** the hazard by physically removing it from the workplace or by cordoning off the area in which a machine is used;
4. **Engineering** methods can be introduced to control the hazard at its source, tools and equipment can be redesigned, enclosures built, guards or local exhaust ventilation systems can be installed;

⁴ Small agencies may only have one Work Safety Risk Register for the Department rather than individual registers in each business unit.

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5. **Administrative controls** are the management strategies, which can be introduced to ensure the health and safety of employees. Administrative procedures can reduce exposure to hazardous equipment and processes by limiting the time of exposure (eg job rotation) or varying the time when a particular process is carried out. The way in which processes are carried out can also be redesigned or re-organised. Administrative controls rely on appropriate human behaviour to be effective so staff training and safe working procedures are important; and
6. **Personal protective equipment (PPE)** may also be used to reduce exposure to a hazard but should be considered as a last resort after all efforts have been made to eliminate or reduce the risk in line with the hierarchy of controls.

Additional information on assessing and managing risk can be sourced from the Shared Services Work Safety Portal at http://sharedservices/actgovt/WHS/SafetyMgt/b_managingrisk.htm

5. RESPONSIBILITIES

a) Directors-General

Directors-General have primary responsibility for the implementation of this policy at all levels in their directorates and for ensuring that procedures are in place for accident/incident reporting and investigation.

b) Executives/Business managers

It is the responsibility of the Executive/business/worksite managers to:

- ensure all accidents/incidents are reported to the appropriate people (as per table above) and that the **original** report is sent to CMCD for record keeping and data entry;
- ensure that all accidents/incidents are reviewed and investigated where required;
- identify, implement and monitor appropriate risk and hazard control measures;
- regularly inform workers of reporting requirements and outcomes of investigations; and
- ensure that copies of all accidents/incidents and the records of investigations are completed and held in an appropriate area within the agency.

c) Supervisors

Supervisors are responsible for:

- ensuring that injured workers are provided with care and support and that any injuries are dealt with immediately and appropriately;

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- ensuring that the workplace is rendered safe to prevent further immediate injury pending investigation;
- ensuring that the incident is reported appropriately (as per table above);
- ensuring that workers and witnesses, where applicable, complete the relevant components of the AIR form; and
- preserving the work area in cases of serious incidents which require an investigation by WorkSafe ACT and/or other official personnel.

d) Workers

ACT Government workers have a responsibility to ensure that they:

- comply with all safety precautions;
- notify their managers/supervisors of all accidents and incidents;
- complete an AIR form following any incident or accident; and
- assist their managers/supervisors with any investigations of accidents/incidents in which they were involved.

e) Health & Safety Representative (HSR)

HSRs have the following roles, under Section 58 of the Act to:

- represent the workers in their work group;
- monitor the measures taken in a work area in relation to the health and safety of workers in a work group;
- investigate complaints from members of the work group relating to work health and safety;
- notify their employer about potential hazards, risks and dangerous incidents; and
- notify their employer about other safety matters.

They may also:

- inspect all or part of the workplace of a worker in the work group;
- request the establishment of a health and safety committee;
- issue provisional improvement notices (PINs); and
- exercise emergency powers.

f) Injury Prevention and Management (IP&M)

IP&M teams (and HR teams for the smaller agencies) are responsible for:

- ensuring that injured workers are provided with appropriate care and support;
- ensuring that WorkSafe ACT has been notified of 'serious events';

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- forwarding AIRs to the Workplace Injury and Performance team (WIP) within CMCD and where appropriate to the Shared Services Health and Safety Team (SSHS); and
- following up with work area supervisors to ensure that any recommended actions following incident investigations have been documented and also implemented.

If the Shared Services Health and Safety Team is **not involved**, then the directorate's IP & M team is responsible for ensuring that the accident/incident reports are reviewed and risk rated, and that the necessary investigation is undertaken.

g) CMCD Workplace Injury Performance (WIP) Team

The WIP team is responsible for developing whole-of-government policies and initiatives to improve injury prevention and injury management across the ACT Public Service. The WIP team is the approved record keeper and is responsible for:

- secure and confidential maintenance of the original copy of the AIR;
- maintaining the electronic accident/incident database from reports received from agencies; and
- statistical and trend reporting to relevant business managers and executives.

h) Shared Services Health and Safety (SSHS) Team

The Shared Services Health and Safety Team:

- provide advice and guidance to client agencies in relation to health and safety matters;
- provides direct IPM support to small agencies;
- can assist client agencies with accident/incident investigations;
- reviews and risk rates all client agency accident/incident reports they receive and communicates this information back to the relevant areas of the client agency, including to the IP&M team or the HR Unit (for smaller agencies);
- conducts workshops for managers and workers on accident/incident reporting and investigation processes; and
- assists client agencies to develop corrective and preventative action plans.

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i) WorkSafe ACT

WorkSafe ACT, within the Office of Regulatory Services, Department of Justice and Community Safety, has responsibility for the administration, regulation and enforcement of the *Work Health Safety Act 2011*.

Inspectors from WorkSafe ACT can investigate any issues which affect the health, safety and well-being of workers.

Under the legislation, it is a requirement that formal notification is made to WorkSafe ACT when a serious incident, dangerous incident or death occurs in the workplace or as a result of the work undertaken by ACT Government.

6. GLOSSARY

“Accidents” and “Incidents” include:

- any workplace event that endangers the health or safety of a person;
- any workplace event that results in injury or disease, however minor, including dangerous occurrences.

“Serious Injury or illness” for notification purposes under the Act refers to:

- a) the death of a worker or another person;
- b) an injury or illness that requires immediate treatment:
 - as an in-patient at a hospital; or
 - for the amputation of any part of the body; or
 - for a serious head injury; or
 - for a serious eye injury; or
 - for a serious burn; or
 - for the separation of skin from underlying tissue; or
 - for a spinal injury; or
 - for the loss of a bodily function; or serious lacerations.
- c) medical treatment within 48 hours of exposure to a substance;
- d) any infection where the undertaking of work is a significant contributing factor including any infection that is reliably attributable to work:

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- with micro-organisms; or
- that involves providing treatment or care to a person; or
- that involves contact with human blood or body substances; or
- that involves handling or contact with animals or animal products particularly if any of the following zoonoses have been contracted through this work:
 - i. Q fever
 - ii. Anthrax
 - iii. Leptospirosis
 - iv. Brucellosis
 - v. Hendra Virus
 - vi. Avian influenza; or
 - vii. Psittacosis.

e) a serious injury to a person other than a worker;

“Dangerous Incident” for notification purposes refers to any incident that endangers or is likely to endanger the work safety of people at a workplace emanating from an immediate or imminent exposure to:

- an uncontrolled escape, spillage or leakage of a substance;⁵ or
- an uncontrolled implosion, explosion or fire; or
- an uncontrolled escape of gas, steam, or pressurised substance; or
- electric shock; or
- the fall or release from height of any plant, substance or thing; or
- the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use under the WHS regulation 2011; or
- the collapse or partial collapse of a structure; or
- the inrush of water, mud or gas in workings, in an underground excavation or tunnel;

⁵ This includes the reporting of any event involving asbestos contamination.

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- the interruption of the main system of ventilation in an underground excavation or tunnel; or
- any other event prescribed by the WHS regulations 2011.

“Worker” refers to:

- an employee;
- contractors or sub-contractors;
- an employee of a contractor or subcontractor;
- an employee of a labour hire company who has been assigned to work in the business;
- an outworker;
- an apprentice or trainee;
- undertaking student gaining work experience; and
- Volunteers.

“Person in Control” means anyone who has control of the relevant premises, plant and equipment or the systems of work and includes anyone who has the authority to make decisions relating to these issues.

“Risk” means exposure to the chance of injury or loss.

“Work Safety Risk Register” lists all the identified work safety business risks, risk assessment results and associated or recommended control measures. It also includes information on the status of the risk after implementation of the controls.

“3rd Party” refers to a person who is not considered to be a worker under the Act and includes visitors or people receiving services in an ACT Government workplace.

7. REFERENCES AND LINKS

- *Work Health Safety Act 2011*
- *Work Health Safety Regulation 2011*
- *Territory Records Act 2002*
- *Privacy Act 1988*
- Work Safety policy information and links to the Incident/Accident Report can be obtained from:
<http://www.cmd.act.gov.au/governance/public/wpsafety>

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- ACT Government Health and Safety Framework – Accident/Incident Reporting and Investigation
Section: http://sharedservices/actgovt/WHS/SafetyMgt/r_accident.htm

8. REVIEW

This policy will be reviewed after three (3) year unless there is requirement for earlier review.

9. APPROVAL AUTHORITY

This policy statement was originally approved by the Commissioner for Public Administration in April 2011. It was revised due to legislative changes and re-issued in January 2012.

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