MANAGING THE CONSEQUENCES OF WORKPLACE ACCIDENTS

STRINGER LLP
MANAGEMENT LAWYERS

390 Bay Street, Suite 800
Toronto, Ontario
M5H 2Y2
CANADA

Tel: 416-862-1616
Toll Free: 1-866-821-7306
www.stringerllp.com

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INTRODUCTION

A serious accident is perhaps the most traumatic event that can take place at any workplace. It is the event that every health and safety professional tries to prevent. However, regardless of how many training programs, precautionary measures and disciplinary systems an employer implements, serious workplace accidents can and do happen every day in the province of Ontario.

Along with facing the human consequences of an accident, employers must also be ready for the legal consequences of an accident. Ontario has a vigorous health and safety enforcement system. This means there will be an investigation of any serious accident by the Ministry of Labour and potentially other government agencies (including the police).

There is a risk of charges being laid not only against the company but also its employees and officers in connection with the accident. The Ministry of Labour could also shut down any part of the facility (or the entire operation) if it is not satisfied that the safety of workers is protected.

The objective of this guide is to provide assistance to Ontario employers to prepare an internal system to minimize the risk that charges will be laid or the company's operations shutdown after a serious workplace accident. While much of the guidance contained in this booklet will be of general assistance to employers operating federally or in other provinces, its focus is on the Ontario workplace.

PART I: THE OCCUPATIONAL HEALTH AND SAFETY ACT AND HOW IT IS ENFORCED

The Occupational Health and Safety Act R.S.O. 1990 C. O-1 ("OHSA") governs workplace safety in Ontario for the overwhelming majority of Ontario employers. The OHSA sets out the general obligations which are applicable to all workplaces and a number of detailed regulations that regulate particular types of workplaces (i.e. industrial establishments, construction projects, mining, healthcare), work activities, and biological, chemical, and physical agents that may be present at the workplace. These regulations set out the minimum legal standard for compliance and are enforced by the government of Ontario through the Ministry of Labour.

The OHSA imposes a general duty on employers and supervisors to take all reasonable precautions in the circumstances to protect the health and safety of workers. The duty to take "all reasonable precautions" is the core obligation of the OHSA and has been repeatedly relied on by prosecutors where the specific hazard at issue was not covered by the OHSA.

In addition, the Act and regulations set out many specific responsibilities of the employer. For example, there are duties that specifically relate to toxic substances, hazardous machinery, worker education and personal protective equipment. The OHSA also imposes a general obligation on directors and officers (which are not defined in the OHSA) to take all reasonable care to ensure that the corporation complies with the OHSA and the regulations.

A. The Role of Health and Safety Inspectors

The Ministry of Labour employs a team of officers (known as "Inspectors") to enforce the legislation in the field. Inspectors have broad powers of enforcement that include the right to enter and inspect workplaces and to compel cooperation from employers and workers. They also have the power to issue "compliance orders" where they believe there is a contravention of the OHSA (usually issued to the employer in a written document known as a "Field Visit Report"). Finally, they have the power to bring charges for alleged violations.

1. Routine Inspection Powers

The *OHSA* grants inspectors broad powers when conducting "routine inspections" regardless of whether orders are issued or charges brought. These inspection powers include the right to:

- Enter any workplace at any time without a warrant and without notice to any workplace party;
- Require the workplace or a part of the workplace to not be disturbed for a reasonable period of time for the purpose of carrying out an examination, investigation or test;
- Require the production of any drawings, specifications, license, document, record or report, for the purpose of inspecting, examining and copying them;

- Require the production of any materials concerning training programs for the company;
- Make inquiries of any person in the workplace or who was in the workplace. The Inspector may make these inquiries with this person alone, or in the presence of any other relevant person they deem necessary;
- Take or use "any machine, device, article, thing, material or biological, chemical or physical agent." The Inspector may also require that "any equipment, machine, device, article, thing or process" that may be relevant to an inquiry be operated or set in motion by a workplace party;
- Require at the employer's expense to have equipment, machinery or devices tested by a professional engineer, and to provide an engineer's report stating that the equipment, machinery or device is not likely to endanger a worker. This testing and the report are to be completed at the expense of the employer. The Inspector may also require that none of the equipment, machinery or devices in question be used until the testing has been completed;
- Conduct at the employer's expense tests of "any equipment, machine, device, article, thing, material or biological, chemical or physical agent," and take samples from the workplace for the purpose of conducting tests, where necessary.
- During the conduct of any inspection, examination, inquiry or test, an Inspector may be accompanied and assisted by any person(s) having special, expert or professional knowledge of any matter.

Inspectors may also charge any individual who attempts to obstruct the Inspector's attempts to exercise these powers to carry out an inspection.

2. Inspectors' Search Warrant Powers

Where an Inspector has reasonable and probable grounds to believe an offence has been committed, they may be required to obtain a search warrant before taking statements and seizing items from a facility. Although it has become increasingly common for Inspectors to seek search warrants in the later stages of accident investigations, it remains virtually unheard of for warrants to be obtained in the immediate aftermath of an accident. There can be some uncertainty as to when exactly an Inspector is required to obtain a search warrant as opposed to relying upon the Inspector's routine powers. This can raise complex issues under the *Canadian Charter of Rights and Freedoms*.

Procedurally, an Inspector may apply to a Justice of the Peace or a provincial judge, without notice to any workplace party, for a warrant. The powers an Inspector may be authorized to exercise under a warrant include:

- The use of any investigative technique or procedure. The Inspector may also do any other thing that may be described in the warrant;
- The warrant may authorize persons who have special, expert or professional knowledge to accompany and assist the Inspector during the execution of the warrant;
- The seizure or examination and copying of any drawings, specifications, license, document, record or report. Where such items are not in plain view, an Inspector may require a person to
  produce any of these items for seizure or examination;
- The seizure or examination of any equipment, machine, device, article, thing, material or biological, chemical or physical agent. Where such items are not in plain view, an Inspector may require a person to produce any of these items for seizure or examination;
- To conduct or take tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent. As well, an Inspector may take and carry away from the workplace any samples from the testing;
- Take and record measurements of the physical circumstances of the workplace, and
- Make inquiries of any person at the workplace. These inquiries may be made with the person alone or in the presence of any other person as may be decided by the Inspector.

It should be noted that an Inspector may also seize or examine and copy any drawings, specifications, license, document, record or report, or, seize or examine any equipment, machine, device, article, thing, material or biological, chemical or physical agent in addition to those listed in the warrant.

These items do not have to be listed in the warrant for the Inspector to have the power to seize them; this power is simply permitted by the *OHSA* where the Inspector believes on reasonable grounds that such seizure, examination or copying will afford evidence in respect of an offence

under the *OHSA*.

As well, in "exigent" circumstances, i.e. where there is an imminent danger of evidence being removed, destroyed or tampered with, an Inspector may exercise any of the above powers in the absence of a warrant. This would be the case even though the Inspector has reasonable and probable grounds to believe that an offence has been committed.

3. Charges Under the OHSA

Inspectors can bring charges before the Ontario Court of Justice for violations of the OHSA. A conviction under the OHSA does not have the same status as a criminal conviction and will not result in a criminal record. An employer prosecuted under the OHSA faces a maximum fine of $500,000 per charge.

Individuals can also be charged under the OHSA. They face a maximum fine of $25,000 and/or one year in jail per count. Charges against individuals (workers, supervisors) are becoming more common. Fines against individuals have been relatively high ($10,000 is a fairly typical fine in serious cases involving supervisors) and there have even been a few individuals sentenced to jails terms, although incarceration remains the exception rather than the rule in OHSA cases.

The OHSA sets a one year limit for charges to be brought from the date of the accident or violation on which the charges are based.

B. Criminal Prosecution

The federal Criminal Code imposes a legal duty on employers, and all those who direct the work of others to take all reasonable steps to prevent bodily harm arising from the work (section 217.1). This is a relatively recent addition to the Criminal Code and it remains to be seen how vigorously it will be enforced by police agencies.

Almost all of the cases brought under the Criminal Code will involve a charge of what is known as "criminal negligence". In order for an individual or a company to be convicted of criminal negligence, the prosecutor must prove that the actions of the accused were a gross departure from what would have been expected of a prudent person in the circumstances. Although there has been no Court comment on the meaning of new duty, the threshold for establishing criminal negligence has historically been set very high.

Criminal investigations and prosecutions have remained extremely rare despite the recent amendments to the Criminal Code. Employers should not be lulled into a false sense of security, as there will always be a possibility of a police investigation and potential criminal prosecution after every workplace accident.

PART II: KEY ISSUES IN THE AFTERMATH OF AN ACCIDENT

Although the circumstances surrounding each workplace accident are different, there are a number of events that occur after almost every accident.

Obviously, immediate medical assistance should be called in for a serious accident. In a less serious accident, it may be appropriate not to call 911 but to take the employee to a hospital emergency room for assistance. Where an ambulance is called, the police will likely arrive on the scene as well.

The police will secure the scene of the accident and might take witness statements, photographs, videos and/or measurements. It is also a common practice for police officers to notify the Ministry of Labour about the accident (which as is discussed below does not relieve the employer of the reporting obligations imposed by law). The police will also consider whether there is any basis to conduct a criminal investigation into the accident. Historically, criminal investigations of workplace accidents have been relatively rare.

An Inspector from the Ontario Ministry of Labour will arrive on the scene and conduct a detailed investigation. It is also possible that investigators from the Office of the Coroner (in the event of a fatality), the Ministry of the Environment and the Technical Standards and Safety Authority will attend and conduct their own investigations.

A. Obligation Not to Disturb the Scene

The OHSA requires that the scene of an industrial accident be preserved pending the arrival of the Ministry of Labour. If a person is fatally or critically injured at a workplace, no person is to interfere with, disturb, destroy, alter, or carry away any wreckage, article, or thing from the scene of an accident until the Inspector has granted permission. The only exceptions to this are for the purpose of:

- Saving life or relieving human suffering;
- Maintaining an essential public utility service or public transportation system;
- Preventing unnecessary damage to equipment or other property.

The Ministry of Labour takes this issue seriously and will not hesitate to lay charges even if there are no contraventions arising out of the accident.

Employees and supervisors should receive training on these provisions of the OHSA. An outline of this legal requirement should also be included in your organization’s Accident Response Plan, which is discussed below.

B. Accident Reporting Obligations

The OHSA imposes specific reporting obligations on an employer when a workplace accident occurs. The most extensive reporting obligations are triggered when the accident is fatal or involves a "critical injury". The OHSA defines a "critical injury" as follows:

> "Critical Injury" means an injury of a serious nature that, (a) places life in jeopardy; (b) produces unconsciousness; (c) results in substantial loss of blood; (d) involves the fracture of a leg or arm but not a finger or toe; (e) involves the amputation of a leg, arm, hand or foot but not a finger or toe; (f) consists of burns to a major portion of the body; or (g) causes the loss of sight in an eye.

In the case of a fatal or critical injury both the Ministry of Labour and the Joint Health and Safety Committee must be notified immediately. Ordinarily, the Accident Coordinator should be reached immediately and should contact the local Ministry of Labour Office via telephone (the telephone number for the local Ministry of Labour Office is an example of the kind of information that should be set out in the Accident Response Plan).

After telephone notification to the Ministry of Labour, a written accident report must be provided if the accident involves a fatal or critical injury. It is a very common and easily preventable mistake for employers to provide the Ministry of Labour with details that they need not disclose which are subsequently relied upon by the Ministry to support OHSA charges. A lawyer knowledgeable in the area of occupational health and safety should review any written accident report to ensure that incriminating information has not been included inadvertently in the Report.

C. What Happens When the Ministry of Labour Arrives on the Scene

The Ministry of Labour Inspector(s) will take immediate control of the scene of the accident upon arrival at the facility. The Inspector will take photographs, measurements, and seize evidence directly from the scene. The Inspector will ordinarily seek to take statements from the workers who witnessed the accident and potentially the immediate supervisor of the victim (which raises issues about self-incrimination we will discuss further below). These statements are recorded and are generally signed by the worker right at the scene.

You should designate an individual to act as your "Accident Coordinator" in the event of an accident. This person should be the primary contact with the Inspector. He or she should be present during visits to your workplace by the Inspector and should be the employer's spokesperson if any concerns arise. Your Accident Coordinator should ideally be someone who is familiar with health and safety matters.

The approach taken by the Inspector will depend on that particular Inspector's individual style and the Inspector's impression of the employer's attitude towards health and safety. Employers which strike an uncooperative stance or who seem excessively concerned about getting

production started again will risk frustrating the Inspector and creating a negative impression that may improve the likelihood of tough orders shutting down production or even charges.

D. Managing Compliance Orders

After almost every accident, the Inspector will issue a number of orders to the employer to take particular steps to comply with the OHSA. Inspectors will often issue what are known as "Stop Work Orders". These require the company not to use a particular piece of equipment or engage in a work process until permitted to do so by the Inspector. The mere fact that the orders have been issued does not mean that the employer or its individual representatives will be charged under the OHSA.

The Inspector has very broad discretion about the scope and nature of the orders that are issued. If the Inspector concludes that there are significant safety deficiencies at the facility, the entire operation may be shut down until an audit is conducted which satisfies the Inspector that workers are not endangered. Some facilities have been shut down for weeks following an accident.

It is very difficult to take any quick legal action to overturn an Inspector's Order. Therefore, the Accident Coordinator should manage discussions about Orders very carefully. The Inspector's view of the safety culture of the organization is critical towards effectively managing this issue. The Accident Coordinator must emphasize that safety is the company's number one priority and that it is prepared to cooperate. Concerns about production quotas and other economic concerns will likely fall on deaf ears.

The Accident Coordinator should ask for an opportunity to review any Orders with the Inspector before they are issued. Any misinformation that the Inspector is relying on should be corrected. The Accident Coordinator should seek clear instructions from the Inspector about exactly what is required to have the Order lifted and ensure that any commitments made to the Inspector to take any particular action are followed up on in a timely way.

E. Ministry of Labour Requirement for Production of Documents

The Inspector will frequently require the production of a wide range of documentation. The company must take steps to ensure that all requests of the Inspector for documents and information are made directly to the Accident Coordinator.

The range of documentation required by the Ministry will vary depending upon the nature of the accident. However, examples of the type of documentation that Inspectors ordinarily require include:

- Employee training records;
- Employer Health and Safety Policy and Procedures;
- Copies of Any Certifications or Licences required by the Injured Worker;
- Joint Health and Safety Committee Meeting Minutes and Recommendations;

- External Safety Audit Reports;
- Plant Safety Inspection Reports;
- Maintenance Records for any machinery involved in the accident; and
- Copy of the WSIB Form 7.

The requirement for documentation will sometimes be made in the form of an Order, but the more frequent practice is for the Inspector to verbally list the materials that are required for production to the Accident Coordinator.

As a practical matter, there is very little difference between a requirement for documents in the form of an Order or a verbal direction or requirement. It is an offence under the OHSA to fail to comply with a requirement (even if the requirement is not in writing). Therefore, a verbal direction to produce documents should be treated in the same manner as an Order and be complied with.

Invoking Charter rights as a basis to refuse production of documents can also get you charged with obstructing an Inspector. The Ministry takes obstruction cases very seriously and has followed a practice of aggressively prosecuting these cases even in the absence of any court authority, which has clearly delineated the line between inspection and investigation in this context.

Although the Canadian *Charter of Rights and Freedom*s is supposed to protect against unreasonable search and seizure by government agents, it is often unclear when those protections start to apply in the health and safety context. The courts generally take a more relaxed approach to Charter protections in the health and safety context as compared to criminal cases given the importance of the protection of health and safety.

As a general principle, an Inspector should obtain a warrant to seize documents if he or she has reasonable grounds to conclude that an offence has occurred or charges are likely. This can be a difficult line to draw. Some signs that the line has been crossed may be where the Inspector makes multiple visits, makes accusatory comments or says that charges are likely to be brought.

When faced with a warrant-less demand from an Inspector to produce possibly incriminating documents in circumstances where the Inspector should perhaps have a warrant, we recommend complying with the request. However, you should ask the Inspector if charges are likely to be brought and make clear both verbally and by following up in writing that your cooperation does not mean that any Charter rights have been waived.

F. Statements from Witnesses to the Accident and Other Workers who are Not Potential Accused

The Inspector (and in some cases the police) will seek to take statements from workers who were witnesses to the accident and other workers that may have relevant knowledge. The Accident Coordinator must not attempt to prevent the Inspector from obtaining these statements. If there is clearly no possibility that the worker is in jeopardy of being charged with an offence (i.e. the worker was not a supervisor and was not responsible for the accident), the Ministry is entitled to speak with the worker.

The Accident Coordinator should offer to facilitate access to any worker and request permission from the Inspector to be present during any interviews. The Accident Coordinator should only take notes and not interject, interfere or otherwise participate in the statement process.

The Inspector may decide not to allow the Accident Coordinator to be present, but it has been our experience that many of these requests have been granted (particularly where the Accident Coordinator has developed a positive rapport with the Inspector). If the Inspector does not permit a company representative to be present during the statements, the Accident Coordinator should speak to the workers and debrief them on the questions that they were asked and the answers that they provided.

By sitting in on the statements (or debriefing workers afterwards) the Accident Coordinator can gain critical insight into the issues that are being investigated by the Ministry of Labour and the kind of information the Inspector has received. Inspectors often receive inaccurate information during the statement process.

For example, Ministry of Labour Inspectors will frequently ask workers if they have received any training on a machine or work procedure and the frequent response from the worker is that no training was received (even where some kind of training took place). The Inspector will usually accept the "no training" answer at face value and will not likely inquire further into the issue. If the workers had in fact received some training, the Accident Coordinator can provide information and training records to the Ministry so that the Inspector is not left with a mistaken impression about the company's training practices.

G. Statements from Supervisors and Senior Management

Inspectors have the right under the OHSA to make inquiries of any person who is or was in a workplace as part of their general duties. The Canadian *Charter of Rights and Freedoms* also guarantees individuals the right to remain silent and the right to retain legal counsel without delay when they are under investigation by government authorities. Employers are also entitled to be free of unreasonable search and seizure.

Inspectors will frequently seek to obtain statements from supervisors (particularly the immediate supervisor of the injured worker) and senior management after an accident and may threaten to lay obstruction charges if cooperation is not forthcoming. This raises similar issues

to those discussed above in connection with demands to produce documents.

In each case the decision on whether to give a statement balances the risk of prosecution for declining, the positive qualities of information which could be given and possible negative admissions which could be made.

One strategy worth considering is for the Accident Coordinator to approach the Inspector and indicate that the company is prepared to cooperate but is concerned about the *Charter* rights of the individuals. The Accident Coordinator should suggest to the Inspector that the Inspector provide a list of questions in writing and the company will ensure that a response is provided within a specified period. If the Inspector does not accept the written questions suggestion, the Accident Coordinator should request that the individuals have legal counsel present while they are being questioned.

If the Inspector insists on an immediate statement a frequent strategy is for counsel or the senior manager to agree to cooperate with investigators and provide all information requested, but to decline to provide information in the form of a signed statement. The OHSA does not specifically provide Inspectors with the power to compel a written statement.

H. Search Warrants

The use of warrants by Inspectors in the immediate aftermath of accidents is relatively rare. Use of warrants at the later stages of investigations (both to seize documents and take statements from those who are not potential accused) has become more common.

Where documents and reports are demanded pursuant to a search warrant, the warrant should be examined by the Accident Coordinator to ensure that the power the Inspector seeks to exercise is described, or that documents or reports sought are indeed described.

The warrant provisions under the OHSA are quite broad and permit an Inspector to seize not only the items or things described in the warrant but also, where the Inspector believes on reasonable grounds, that there exist other items or things that will afford evidence of a contravention of the OHSA, those items or things.

Detailed notes should be taken during execution of the warrant as there may be possible challenges to the validity or adequacy of the warrant at a later point.

I. Orders to Provide Third Party or Expert Reports

Inspectors have the power to order a company to obtain expert reports. These reports may be required to help determine the cause of an accident or the safety of some aspect of the workplace, such as a procedure, training or piece of equipment.

Such reports can provide the Ministry with incriminating information to use in prosecuting charges. Sometimes experts will even address in their reports issues not specifically required

by the Inspector that could raise other problems in dealing with the Ministry. Therefore, care should be taken to comply with the Inspector's order without, if possible, providing further evidence that could be used in a prosecution.

A common management strategy is to have the company's legal counsel retain the expert to prepare the report. The expert can be asked to prepare a brief non-privileged report responsive only to the issues in the Order and to provide a draft to counsel for review before finalizing it.

A second, more detailed report could also be prepared but only for counsel to assist in the defence of any charges that may be brought. In some instances where a privileged report's positive aspects will assist or exonerate the organization, the full report may be disclosed to the Inspector and privilege waived.

PART III: CONDUCTING YOUR OWN PRIVILEGED INTERNAL ACCIDENT INVESTIGATION

One of the most common mistakes employers make in dealing with workplace accidents is failing to conduct their own internal accident investigation which is separate from the investigation conducted by the Joint Health and Safety Committee. Charges may not be laid until up to one year after the accident. Therefore, it is important to ensure that documents be preserved and statements taken while the events are still fresh in the memories of those involved.

An employer should immediately initiate a comprehensive "warts and all" investigation of the accident. This means taking photographs, measurements, making diagrams, a detailed investigation and preservation of records of all due diligence steps taken and getting signed statements from those individuals with relevant knowledge.

In order to protect the legal interests of the company and its representatives, steps must be taken to protect the report with litigation or solicitor client privilege.

Simply stated, litigation privilege protects documents from disclosure when they were created in contemplation of potential prosecution (regardless of whether legal counsel is involved). Solicitor client privilege protects documents which were prepared for the purpose of obtaining advice from legal counsel.

In order to rely on either privilege the company must be careful to ensure that access to the Report is limited to a very close group of parties advised by counsel. The Report should be stored in a locked file cabinet and marked "Privileged and Confidential" and any appropriate precautions should be taken to protect any electronic storage of the Report.

An expert may be brought in to provide a written report on the accident and what steps need to be addressed. To prevent being required by an Inspector to produce such a report, the expert can be retained through legal counsel to keep it privileged. Such a privileged report should not be circulated beyond a very close group of parties as advised by counsel. This way you can get the facts and information you may need to prevent such an accident from happening again and also to help your organization defend itself in the event charges are brought.

PART IV: POST-ACCIDENT REMEDIAL STEPS

Many companies undertake extensive post-accident improvements to equipment, procedures and training after a serious accident. Some of these measures are the result of Ministry of Labour Orders and others are taken at the employer's own initiative (often with input from an engineer or safety consultant).

A common misconception is that initiatives taken to improve safety after an accident would be held against a company if charges related to the accident were laid under the OHSA. The company's post-accident conduct should not be held against it in an OHSA proceeding and companies should not refrain from implementing OH&S improvements on that basis.

It is also important to appreciate the reality that the vast majority of OH&S cases are resolved through plea-bargaining. Prosecutors place considerable emphasis on documented post-accident steps the company has taken when determining what their position on resolution will be.

The Accident Coordinator should ensure that all documents related to the improvements (invoices and training records etc.) are maintained so that evidence of the company's actions can be presented to the Prosecutor during any resolution negotiations.

PART V: DEVELOPING AN ACCIDENT RESPONSE PLAN

Every organization should have an Accident Response Plan. Such a plan will help ensure that not only are the immediate health and safety concerns of an accident addressed, but also that the employer and its employees and representatives do not make serious mistakes that could undermine their legal position.

An Accident Response Plan should have two components: 1) information for dealing with the immediate medical and safety consequences of an accident and 2) guidelines for addressing the legal consequences.

The second component of an Accident Response Plan is directed to protecting the interests of the employer, its supervisors, and officers and directors, should there be an accident that is investigated by the Ministry of Labour or police.

One of the most important aspects of an effective accident response strategy, as discussed above, is to appoint a member of management as "Accident Coordinator" to act as the company representative directly responsible for implementing the Accident Response Plan. The Accident Coordinator's contact information should be in the Plan. If your organization is a large one or has multiple locations, you may need more than one person who can act as the Accident Coordinator.

The Accident Coordinator should be someone who will be accessible on short notice in the event of an accident. He or she should have authority to respond to an Inspector's demands. The Accident Coordinator should have training in the OHSA generally and be intimately familiar with the OHSA provisions and legal issues that arise in the event of a workplace accident. He or she should also have a detailed understanding of the employer's operations and would ideally be someone who has the respect of front-line supervisors.

In most organizations, the Accident Coordinator plays the dual role of acting as the company's representative with government investigators and of being the primary conduit of information to the company's legal counsel. Where possible, the Accident Coordinator should be someone who has experience effectively dealing with the Ministry of Labour or other government agencies and has demonstrated that they are able to handle highly stressful situations.

An Accident Response Plan should also contain the following basic information:

- Medical and first aid information;
- Ministry of Labour, Joint Health and Safety Committee and Union (if applicable) contact numbers;
- An explanation of the duties to report an accident;
- An explanation of the duty to preserve the scene of an accident;
- An outline of the powers of Inspectors and guidelines for how to manage an Inspector's visit including how to respond to requests from Inspectors;
- Procedure for conducting your internal investigation; and
- Legal counsel's contact information.

The details of your Accident Response Plan will depend on the size of your organization and the nature of your business. If your organization and its employees work in a safety sensitive environment, very detailed, technical procedures may be required for responding to specific types of accidents.

We wish to emphasize that some of the most significant events in any accident investigation take place in the minutes and hours that immediately follow the accident.

CONCLUSION

Very few unanticipated events have as much potential to create emotional turmoil and disruption to the workplace as a serious workplace accident. By being prepared beforehand, you can reduce the turmoil created and reduce the risk that mistakes will be made that could have serious operational and legal consequences for your organization.

We hope this booklet will be a valuable resource to assist employers and their management in their planning to cope as successfully as possible with the consequences of a serious workplace accident.

STRINGER LLP

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