



## Administrative Procedure 5170

# ***Workplace Safety and Health – Investigating Workplace Incidents and Refusals to Work***

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**Board Governance Policy Cross Reference:** [1](#), [12](#), [13](#)

**Administrative Procedures Cross Reference:**

[Workplace Accident Reporting](#)

[Workplace Safety and Health](#)

[Workplace Safety and Health – Duties and Responsibilities for Safety and Health](#)

**Form Cross Reference:**

[Hazard/Near Miss Report Form](#)

[Incident Investigation Summary Report](#)

[Refusal to Work Form](#)

[Workplace Safety and Health Concern Form](#)

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**Legal/Regulatory Reference:**

[Workplace Safety and Health Act](#)

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**Date Adopted:** January 2006

**Date Amended:** June 2012, December 2017

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The Brandon School Division is committed to developing specific administrative procedures for investigating unsafe incidents and dangerous occurrences within the workplace. These events provide invaluable information needed to mitigate and prevent similar incidents in the future. Similarly, a comprehensive investigation of each employee work refusal is essential to resolving the conditions and circumstances which led to the refusal.

### **Procedures to Investigate Unsafe Incidents, Dangerous Occurrences:**

1. A management and a worker member of the Workplace Safety and Health Committee, who have received the appropriate training, will perform the investigation in conjunction with the Safety Officer and a site representative. Depending on the circumstances, persons with expertise may be called upon to be involved in or actually conduct the investigation.
2. The investigation shall be conducted in as timely a manner as is reasonably possible.

3. The investigating team will utilize the [Incident Investigation Summary Report](#) document to gather information, determine causes and implement corrective measures and follow up.
4. The investigating team has the authority to lock out/tag out dangerous equipment.
5. The notification of an incident will follow Brandon School Division Administrative Procedure [Workplace Accident Reporting](#).
  - Supervisors and/or School Leaders shall report all injuries at work to the Secretary-Treasurer on forms provided online at [www.westernfgis.ca](http://www.westernfgis.ca)
  - The Secretary-Treasurer will notify the Division Workplace Safety and Health Committee investigating team when a serious workplace incident is reported.
  - In the event of a serious incident, the Secretary-Treasurer shall report to the Workplace Safety and Health Branch “by the fastest means of communication available”.
  - The appropriate Supervisor will make contact with the family as needed.
6. The Secretary-Treasurer’s Department shall maintain all incident reports and records.
7. Safety and Health Committee members are to be trained and educated on the techniques of conducting an incident investigation. It is recommended that as many members of the Committee as possible be trained in these techniques.

### **Procedures to Investigate Refusal to Work**

- Any person who believes that there is a safety and health hazard within his/her workspace that may endanger his/her safety or health will file a [Workplace Safety and Health Concern Form](#) and may refuse to work within that workspace. The decision to refuse to work will be reported immediately to the Site Supervisor, School Leader, Director of Facilities and Transportation, and Safety Officer. The Worker Co-Chair of the Workplace Safety and Health Committee, Director of Facilities and Transportation, Safety Officer, and the facility Workplace Safety and Health Representative will investigate the concern. If the safety concern is in a Division support building, then the Site Supervisor and Director of Facilities and Transportation shall conduct the investigation. If the matter cannot be resolved to the satisfaction of the originator(s), they may contact the Workplace Safety and Health Committee.
- Interim and post investigation reports will be made. The originator of the refusal to work will be assigned temporary duties of a similar nature within the Division in cases where the concern is justified. In circumstances where the refusal to work is not supportable, the originator of the refusal to work will be returned to work immediately without reprimand, unless for just cause. Should the originator of the refusal to work still believe that the workplace is unsafe, she/he may appeal the decision of the investigation team to the Manitoba Workplace Safety and Health Officer for consideration.

- The Division Senior Administration Team will be responsible for addressing and coordinating efforts to remediate unsafe conditions and defects identified during an investigation. Subsequent follow up on corrective actions taken will also be the responsibility of Senior Administration, thereby ensuring that effective measures have been taken to mitigate all hazards.

### **What is an Incident?**

An incident is any unplanned event that causes injury. A dangerous occurrence is any event that could have caused injury, but did not. The term “incident” will be used to describe both incidents and dangerous occurrences.

### **What is a Hazard or Near Miss?**

A hazard or near miss is the opportunity to bring to the Division’s attention a potential hazard for injury or a situation where an injury could have occurred. When a hazard is recognized or a near miss is experienced, employees should complete the [Hazard/Near Miss Report Form](#) to allow pro-active measures to be considered.

### **What is an Incident Investigation?**

An incident investigation is the account and analysis of an incident based on information gathered by a thorough examination of all contributing factors and causes involved.

### **Reporting Serious Incidents**

When a serious incident occurs at a workplace, the employer is required to notify Manitoba Labour and Immigration – Workplace Safety and Health Division. Under the [Workplace Safety and Health Act](#), such notification must take place immediately after a serious incident, using the “fastest” means of communication available. A Safety and Health Officer is on duty 24 hours each day of the week to respond to emergency calls.

Workplace Safety and Health Division considers an incident to be serious if it results in:

- death, or serious injury (as defined below);
- collapse or structural failure of a building, tower, crane, hoist, temporary construction support system or excavation;
- an uncontrolled spill or escape of a toxic, corrosive or explosive substance;
- explosion, fire or flooding.

Serious injuries are defined as:

- fracture of a major bone;
- amputation;
- loss of sight;
- internal hemorrhage;
- third degree burns;
- unconsciousness resulting from concussion, electrical contact, asphyxiation;
- poisoning;
- cuts requiring hospitalization or time off work;
- any injury resulting in paralysis;
- any other injury likely to endanger life or cause permanent disability.

**The Regulation also stipulates that equipment or materials involved in a serious incident shall not be moved, unless it is necessary to release injured person or to avoid creating additional hazards.**