



# INSPECTOR FIELD MANUAL

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## **ACCIDENT INVESTIGATION POLICY AND PROCEDURE**

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### Referenced Documents:

- i. Accident Investigation Procedure (Document #9 OSHA/AIP pg. 9

- ii. Accident Investigation Procedure Flow Chart (Figure 4 pg. 20)
- iii. Chain of custody form (Appendix 10 pg. 22)
- iv. Witness Statement Form (Appendix 11 pg. 28)
- v. Paper Evidence Checklist. (Appendix 12 pg. 33)
- vi. Document Request Template. (Appendix 13 pg. 36)
- vii. Overview Report for Accidents with Injury Leave less than or equal to 7 days.  
(Appendix 14 pg. 47)
- viii. Non-Critical Accident Report. (Appendix 15 pg. 53)
- ix. Accident Brief for Fatal/Critical Accidents. (Appendix 16 pg 63)  
Overview Report for Accidents – Classification of Priority 3  
Accidents. (Appendix 17 pg 67.)
- x. Inspection Procedure
- xi. MOU Documents for collaboration with other Agencies
- xii. Conflict of Interest Policy for Inspectors
- xiii. OSH Act

## **8. Accident Investigation Policy**

### **8.1 Policy Statement**

The policy covers the handling of all notifiable accidents to the OSH Agency, whether reported or not.

The purpose of this policy is to ensure that appropriate measures are put in place so that Inspectors of the OSH Agency are provided with an operational framework to optimize the use of resources to achieve efficiency and consistency in the approach to pursuing and investigating accidents.

### **8.2 Policy Objective**

The purpose of the Accident Investigation Policy is to provide a consistent, transparent procedure for Inspectors of the OSH Agency and enable the OSH Agency to efficiently fulfil its duties under the OSH Act.

The objective of the Accident Investigation Policy is to ensure that Accidents are investigated so as to determine:

- Causes;
- Whether action has been taken or needs to be taken to prevent recurrences;
- If there was compliance with the law;
- Lessons to be learnt that can influence the law and guidance materials;
- The appropriate actions to be taken for breaches of the law.

The main objective is to ensure that the principles of enforcement, --- *Proportionality, Consistency, Targeting, Transparency, Accountability* ---, are established so that similar approaches to achieve similar ends are undertaken when dealing with duty holders. It will also create a complementary framework for both proactive and reactive interventions.

It is a requirement that Inspectors will use this guidance when investigating workplace accidents that took place, or is connected with, at industrial establishments within their jurisdiction.

### **8.3 Scope of Accident Investigation Policy**

This Policy applies to all Inspectors of the OSH Agency.

### **8.4 Responsibilities**

It shall be the responsibility of Inspectors of the OSH Agency:

- To investigate accidents as prescribed in the Accident Investigation Procedure.
- Follow the enforcement decision making procedure where enforcement action is identified
- Ensure that the performance standards set within the Accident Investigation Procedure are met.

### **8.5 Procedural Focus**

This policy shall be implemented in conjunction with the OSH Act and all other policies of the OSH Agency inclusive of the Enforcement Policy.

## **9. Accident Investigation Procedure**

### **9.1 Background**

Section 72(1) (h) of the OSH Act empowers the Inspector to investigate accidents occurring in industrial establishments. In order to undertake this function efficiently and effectively it is necessary for Inspectors to be consistent and transparent in their operations. The procedure's philosophy is expected to encourage thoroughness, fairness and efficiency and is a mandatory requirement to be followed by all Inspectors of the OSH Agency personnel. It is based on the Accident Investigation Policy.

Refer to Figure 4 pg. 104 for the Accident investigation Procedure Flow Chart.

### **9.2 Purpose**

- To determine the immediate and root cause(s) of the accident.
- To assess the actions taken (or that need to be taken) by the industrial establishment to prevent recurrences
- To identify areas of non-compliance with the OSH legislation and indicate the appropriate action to be taken
- To document lessons learnt that can be shared with all industrial establishments and that can influence the law and guidance documents

### **9.3 Definitions**

- **Reportable accident:**

Are accidents that causes injury to a person at a workplace whereby the person is unable to perform his usual work or requires medical attention, and such occurrence does not cause death or critical injury leading to disability.

- **Accident:**  
A separate, identifiable, unintended event, which causes physical injury.
  
- **Incident:**  
An event or circumstance that occurred unintentionally but may not be due to damage, injury or harm and which may be prejudicial to the safety or health of the public, or which has the potential of causing critical injury, including fire, explosion or the release of toxic substances. First aid, medical attention.
  
- **Critical Accident:**  
Critical injury means an injury 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;
  
- **Non-Critical Accident:**  
An accident that requires more serious treatment than what is or can be covered by first aid facilities provided in accordance with Section 43 of the OSH Act but does not meet the threshold of a critical accident.
  
- **First aid:**  
First aid is any one-time treatment, and any follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters, or other minor industrial injuries, which do not ordinarily require medical care. This one-time treatment, and follow up visit for the purpose of observation, is considered first aid even though provided by physician or registered professional personnel.
  
- **Medical attention** in the Act can be interpreted to refer to attention by a medical practitioner which exceeds diagnostic or observation purposes and requires more serious treatment than what is or can be covered by the first aid facilities provided in accordance with Section 43 of the OSH Act.

#### 9.4 Tools Required

The following tools, where appropriate, are required for conducting an accident investigation.

- Clipboard, paper, pen, pencil etc.
- Copies of Witness statement forms
- Camera
- Personal protective equipment as outlined in Inspectorate risk assessment
- Tape measure
- Seals
- Warning/Caution tape – OSHA
- Tape recorder
- Rain gear
- Labels
- Pocket magnifying glass
- Pocket mirror
- Special equipment in relation to the particular investigation e.g. meters, plans etc.
- Arrows
- Compass
- Evidence bags and boxes
- Tie straps
- Flashlights
- Company vehicles (OSHA)
- Other appropriate equipment as deemed necessary

## **9.5 Accident Investigations**

### **9.5.1 Types**

There are two types of accident investigations:

- Non-critical
- Critical or fatal

### **9.5.2 Recording and assigning accidents for investigation**

Accidents must be assigned by the Chief Inspector or a designate in accordance with the Accident Investigation Policy. The Chief Inspector or his designate determines which accidents should be investigated by the OSH Agency. The categories (Priority 1, Priority 2, and Priority 3) are as follows:

- P1 – Fatal & Critical
- P2 – Non-critical
- P3 – Non- Critical (with an equal or less than 40% rating based on the algorithm {ref the appendix })

The criteria for prioritizing and investigating accidents are as follows:

- Level of actual risk / harm
- The seriousness of any potential breach of the OSH Act (requiring enforcement notice.....
- The compliance history of the duty holder
- Relevant accident and incident history of the duty holder
- The duty holder history of enforcement action being taken against them
- Public interest- consideration such as whether the proposed enforcement action is in the public interest or whether vulnerable groups will be protected
- The amount of injury leave
- The timeframe between the accident occurring and a company reporting

### **9.5.3 The Accident Investigation Procedure**

The Accident Investigation Procedure consists of the following, where applicable:

- Verification that the accident scene is preserved
- Visit to the accident scene
- Collection of evidence
- Review of evidence
- Determining if competent third-party input is needed
- Analysis of evidence
- Preparation of report

#### **9.5.3.1 Verification that the accident scene is preserved**

For accidents involving fatal or critical injuries immediate action must be taken by the industrial establishment to prevent further injury to persons and the accident scene must be secured and preserved. The Inspector and/or accident investigation team must endeavour to achieve that this is done in accordance with Section 47(1) of the OSH Act and take the necessary action in instances of non-compliance.

#### **9.5.3.2 Visit to the accident scene**

For critical and fatal accidents, the Inspector must visit the site upon the notification of the accident and when this is not possible arrangements must be made to do so within twenty-four (24) hours.

For non-critical accidents, an investigation should be initiated within forty-eight (48) hours of being assigned.

### **9.5.3.3 Collection of evidence**

Generally, the more severe the injuries from an accident are, the greater the need to collect and record evidence.

It may be useful to categorize the evidence as follows:

**9.5.3.3.1** People

**9.5.3.3.2** Parts

**9.5.3.3.3** Position

**9.5.3.3.4** Paper

Packaging of evidence is important. It protects evidence against loss, contamination, cross transfer and deterioration. It also correctly identifies the evidence with respect to description, its origin and provides it with unique identification.

Packaging should be -

1. Plastic – envelope, bag, containers
2. Paper – envelope, bag or box
3. Include other likely packaging; e.g. metal can

Proper sealing of evidence is required. All seals must be:-

1. Initialed by the investigating Safety and Health Inspector to document the person sealing the evidence
2. Dated to indicate when the evidence was sealed.

When sealing a bag, an envelope or box, tape the seal across the entire flap.

Do not use staples to seal any container, bag or envelope.

Any equipment collected as evidence must be in accordance with Section 73 of the OSH Act where practicable and a chain of custody log should be created and maintained. See Appendix 10 pg. 109 for the Chain of Custody form.

### **9.5.3.4 Conducting Interviews**

The following individuals should be interviewed:

**9.5.3.4.1** Witnesses to the accident

**9.5.3.4.2** Injured

**9.5.3.4.3** Supervisor

- 9.5.3.4.4 Competent persons
- 9.5.3.4.5 Persons from other regulatory agencies, where applicable
- 9.5.3.4.6 Other persons who can provide valuable information

#### 9.5.3.5 Interviews/ Witness Statements

Interviews should be conducted promptly before details become confused. Before interviewing a person the Inspector should be clear on the questions to be asked. A list of questions should be compiled prior to the interview. See Appendix 11pg 111

The Inspector or team must familiarise themselves with the area in which the accident occurred and where possible, the contents of Company's file that may exist at the OSH Agency. Notes of the interview must be documented and these records are to be maintained. The witness should be asked to provide a signed statement following the interview.

In determining the place where the interview is to be conducted the following should be considered:

- 9.5.3.5.1 Privacy
- 9.5.3.5.2 Place of work of the witness
- 9.5.3.5.3 Proximity to the accident scene
- 9.5.3.5.4 Proximity to the exhibits
- 9.5.3.5.5 The size and composition of the team should be determined by the level of risk associated with the circumstances including factors such as location and security of the area, the nature of the case being investigated, the background of the individual(s), and any other conditions that may impact the safety of the Inspectors and the integrity of the interview process. Approval shall be sought from the Chief/ Senior Inspector before initiation.

As far as possible interviews should be conducted at the OSHA offices or the nearest police station

Other factors to consider when interviewing:

- 9.5.3.5.6 Establishing a good rapport by properly introducing oneself.
- 9.5.3.5.7 Sharing the agenda for the interview.
- 9.5.3.5.8 Explaining the main objective of the investigation. Explaining the investigation process.
- 9.5.3.5.9 Emphasising the role of the witness.
- 9.5.3.5.10 Informing the witness that the Inspector is there to conduct an official investigation of the accident and that there may be legal proceedings as a result of the investigations.
- 9.5.3.5.11 Allowing the witness as much time as possible to give an uninterrupted account of the accident.
- 9.5.3.5.12 Seek clarification on information provided
- 9.5.3.5.13 Using aids such as plans, photographs or diagrams.

- 9.5.3.5.14 Thanking the witness for his / her cooperation
- 9.5.3.5.15 The Inspector should provide his/her contact information

Refer to Appendix II for further guidelines on the taking of statements

Inspectors must use the “Paper Evidence Checklist” for determining documentation that may be required (refer to Appendix 12 pg. 114). Any request for such documents must be made utilising the prescribed format. Refer to Appendix 13 pg. 116.

### **9.5.3.6 Review of evidence**

It is essential for the following:

- 9.5.3.6.1 That all materials acquired during the course of the investigation are identified and labelled.
- 9.5.3.6.2 The analysis of samples is completed
- 9.5.3.6.3 All interviews are completed.
- 9.5.3.6.4 Records are made of all evidence collected
- 9.5.3.6.5 A chain of custody is maintained where necessary
- 9.5.3.6.6 Documents collected should not be defaced by marking.

The Inspector should identify the critical factors in the accident. These could be any of the following:

- 9.5.3.6.7 Negative events or undesirable conditions that influenced the sequence of events
- 9.5.3.6.8 Major contributors to the accident
- 9.5.3.6.9 Events or conditions, which if eliminated, would have either prevented or reduce the severity of the accident

### **9.5.3.7 Determining if competent third-party input is needed**

In accordance with Section 72 (1)(a) of the OSH Act the Inspector in the course of his investigation, and with the written approval of the Chief Inspector, may request the input of a competent person possessing technical or special knowledge. For example, to determine the serviceability of equipment involved in an accident.

### **9.5.3.8 Analysis of evidence**

All evidence should be identified that determines the cause/s of the accident and the consequent breaches in legislation.

### **9.5.3.9 Preparation of Reports**

## **9.5.4 Critical Accidents and Fatalities**

#### **9.5.4.1 Initiation and brief**

Investigations (including a visit to the accident site) must be initiated, within twenty-four (24) hours of having received notice of the critical and fatal accidents. An email must be sent to the Head of the Industrial Establishment (prior to visit), requesting documents, pursuant to the accident investigation. All correspondences must be addressed to the Head of the IE, cc'ing the liaison. A ten (10) working days deadline will be given for the documents to be provided to the OSH Agency. An extension of five (5) working days may be granted for the submission of these documents upon request.

A hard copy of the document request letter must be submitted to the industrial establishment on the day the accident site is visited. In circumstances where a DRL cannot be sent prior to initiation or delivered on the day the accident site was visited, the DRL must be hand delivered to the IE within forty-eight (48) hours of initiating the investigation.

An accident brief must be prepared and submitted to the team leader within twenty- four (24) hours of initiating the investigation. See Appendix 16 pg. 138

#### **9.5.4.2 Documented updates**

For critical and fatal accidents, documented updates should be periodically submitted weekly to the Chief Inspector by the team leader.

Every activity pursuant to the case file must be documented including phone calls, interviews and notes including date and time.

#### **9.5.4.3 Report submission**

Final reports must be completed within one month after the investigation is completed. which the total timeframe for submission shall not exceed a period of 3 months from the date of OSHA being made aware of the accident (s.93 of the OSH Act) unless, due to exceptional circumstances, the Chief Inspector determines otherwise.

These accidents must be reported in a format with the following headings:

- Executive Summary
- Introduction
- Purpose
- Background
- Findings
- Best practice
- Analysis
- Conclusion

- Glossary of Terms
- Recommendations
- Annexes

#### **9.5.4.4 Non - Critical Accidents**

There are two types of reports for non-critical accidents. These are the following: -

- Priority #2
- Priority #3

#### **9.5.4.5 Non- Critical Accidents – Priority # 2**

All accidents given a Priority (2) classification carries a score of more than 40% on OSHA weighting scale. Non-critical accidents must be completed within one month of having acquired all necessary documented evidence for the investigation (3 months). The investigative process should mirror that of the Critical/ Fatal Accidents. However, no Accident Brief is required and the investigation must be initiated within seventy-two (72) hours.

#### **9.5.4.6 Procedures for closing out of Priority #3 Reports**

All accidents given a Priority (3) classification carries a score of less than or equal to 40% on OSHA weighting scale and shall be the responsibility of the Senior Inspectors (SI) to review for the purpose of Upgrading or closeout. The Administrative Assistants (AA) assigned to the SIs shall be responsible for all correspondence relating to the accident which are sent to and received from the Industrial Establishment, the Registry Department notified and packages of all the documentation for the SIs to review. Please see **Appendix 13**.

After the accident is given a priority #3 classification, the form 3s must go to the Administrative Assistants where documents pursuant to the accident are requested from the Industrial Establishment (IE)

The list of documents to be requested from the IE should include, but not limited to;

- Description of the accident and how it occurred
- Immediate and root cause of the accident
- Measures implemented to prevent recurrences of this accident
- Statement of the injured person/s
- Statement of Witness/es

- Photograph of the accident scene
- Contact numbers of the injured person/s.
- Job Description of the injured person/s.
- Most recent payslip.
- Injury leave certificate/s.
- Medical Certificate/s.
- Risk assessment for the area where the accident occurred/activity that was being conducted.
- Standard operating procedures for the activity being performed (as is applicable).
- Fit for work certificate/s.
- Summary of Training received by Job specific training records of the injured person/s.

An initial time line of ten (10) days is given to the IE to provide the documents.

If the Industrial Establishment doesn't meet the initial time frame, a second document request letter is sent giving a new time frame of five (5) days to meet the OSH Agency's request.

If the second request for documents is not adhered to, a third request for documents is hand delivered to the IE with a similar time frame of five (5) days to provide the documents. Proof of delivery/ read receipts, acknowledgement of request or any other correspondence related to the request must be printed and attached to the DRL package.

If after the three attempts to obtain documents are unsuccessful, the OSH Agency may initiate prosecution against the IE in accordance with 72 (1) of the OSH Act.

After receiving documents from the IE, the Senior Inspector must confirm all the documents requested, were received. Documents not received must further be requested except for if a justification is provided for the omissions. The justification provided must be forwarded to the Senior Inspector for consideration and acceptance.

Subsequent to the documents being covered by the “Accident Report For Accident” form, they are sent to the Senior Inspectors for classification. The classification criteria are;

No further Investigation

Accident is now classified as Priority 2

Accident is now classified as Priority 1

An Inspection of the Establishment to be conducted

Other

“No further investigation” connotes that the accident remains a Priority 3. In order for this to be surmised, criteria were developed and now used by the Senior Inspectors to so determine. These criteria are divided into two categories the second of which must equate to 40% or less in order for the accident to be substantiated in the range of priority #3. The attachment informs of the criteria.

This procedure is strictly **semi quantitative** where likelihood by impact determines consequences and by extension the score assigned.

Note that the score range under each category is out of twenty-five (25) based on the matrix used in this prioritizing exercise.

To conclude and re-iterate, the final score to prioritize or re-prioritize an accident must end with a score of equal to or less than forty percent (40%) in order to determine that the accident is prioritized or is downgraded to priority #3

#### **9.5.6 Post Investigation Responsibilities**

All recommendations for corrective and follow up actions, as a result of an accident, should be implemented. Some of these may include the following:

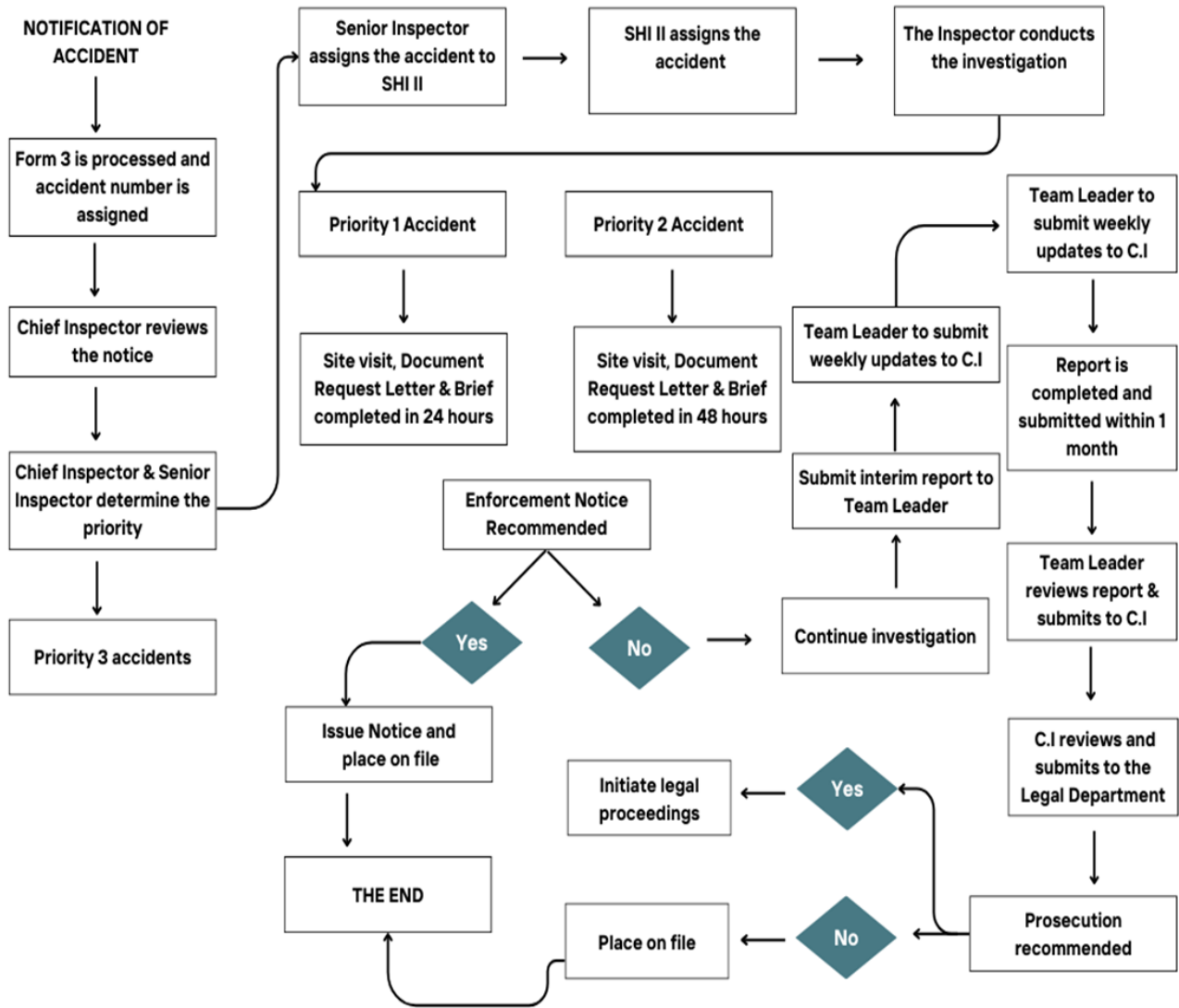
- Recommendations for advisory services
- Letters to the industrial establishment identifying the OSH Agency’s findings and recommendations
- Follow up inspections to ensure compliance with recommendations
- Enforcement Actions
- Recommendations for prosecution
- Letters to other regulatory agencies
- Statistical Analysis and trending by Research and Development Department
- Third party input as directed by the Chief Inspector

#### **9.5.7 Submission and distribution of reports**

All critical and fatal accident reports must be filed and submitted to the Chief Inspector or his designate no later than **within** 3 months from the date of OSHA being made aware of the accident, in accordance with the Accident Investigation Policy. Report of activities pursuant to the case file sheet, must be included in the accident investigation file.

**This procedure will be reviewed every two years or subject to any legislative and/or procedure requirements.**

**Figure 4 Accident Investigation Procedure Flow chart**



**APPENDIX 10**



**OCCUPATIONAL SAFETY AND HEALTH AGENCY**

**Head Office: Corner Eastern Main Rd. & St. John's Road, St. Augustine, Trinidad.**

**Satellite Offices: ♦ #65 Cipero Street, San Fernando, ♦ Lot #2 Glen Road, Scarborough, Tobago,**

**Website: [www.osha.gov.tt](http://www.osha.gov.tt) ; Telephone: 1 (868) 612-3900, North Office – Ext 1; South Office – Ext 2; Tobago Office – Ext 3**

**CHAIN OF CUSTODY FORM**

Accident Number: \_\_\_\_\_

Name of Inspector: \_\_\_\_\_

Name(s) of Injured: \_\_\_\_\_

Location obtained (Name & Address): \_\_\_\_\_

Date/Time obtained: \_\_\_\_\_

DESCRIPTION OF EVIDENCE		
Item #	Quantity	Description of Item (Model, Serial #, Condition, Marks, Scratches)

**CHAIN OF CUSTODY**

Item #	Date/Time	Released by	Received by	Comments/Location
		Signature:  Print Name:  Organization:	Signature:  Print Name:  Organization:	
		Signature:  Print Name:  Organization:	Signature:  Print Name:  Organization:	

<b>FINAL DISPOSAL AUTHORITY</b>	
<b>Authorization for Disposal</b>	
Item(s) #: _____ on this document pertaining to accident no: _____ is(are) no longer needed as evidence and is/are authorized for disposal by (check appropriate disposal method). <input type="checkbox"/> Return to Owner <input type="checkbox"/> Auction/Destroy	
Name of Authorizing Inspector: _____ Signature: _____ Date: _____	
<b>Witness to Destruction of Evidence</b>	
Item(s) #: _____ on this document were destroyed by Evidence Custodian (Name) _____ in my presence on (date) _____	
Name of Witness to destruction: _____ Signature: _____ Date: _____	

**Release to Lawful Owner**

Item(s) #: \_\_\_\_\_ on this document was/were released by Evidence Custodian

(Name) \_\_\_\_\_ to Lawful Owner (Name) \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Under penalty of law, I certify that I am the lawful owner of the above item(s).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Copy of Government-issued photo identification is attached.  Yes  No

**This Chain-of-Custody form is to be retained as a permanent record by the Occupational Safety & Health Agency**

## ***APPENDIX 11***

### **WITNESS STATEMENTS**

The following must be considered when taking statements:

- i. As far as possible all statements should be written on the OSH Agency's form
- ii. If the interviewee wishes to bring along a statement it should only be accepted using the OSH Agency's Witness Statement Form
- iii. Witnesses must be encouraged to write their own statement
- iv. Should an Inspector decide to record a witness' statement, this must be done verbatim

A statement must be in the first person singular and arranged according to the sequence of events. In this form it is easier to read and understand as it presents the events chronologically.

The head of a statement should always include the address where the statement is being taken; the date; the name and alias (if any) of the person together with their full residential address unless the witness is giving evidence in a professional capacity, or as a representative of an organization or an attorney, in which case the business address should be used. In this case the witness should state the position he/she holds and the name of his/her firm/employer.

Should the Inspector have obtained from the victim or some other person any exhibit or article to be produced in evidence, the statement of such person should include a reference and the fact that the person handed it over to a particular Inspector on a particular date.

When the statement is finished, read it over to the witness or allow them read it if they so desire. Invite them to make any alteration that they deem necessary and to initial these changes. When this is completed, the Inspector should then inquire if the statement is accurate. Upon confirmation, the witness must then sign at the end of the statement. If it is comprised of more than one page they must sign at the foot of each page.

Finally, the Inspector taking the statement must certify it by affixing their signature immediately below the signature of the witness, and the date it was written up and signed.

The cardinal principle that needs to be kept in mind when taking a witness statement is that, when the maker enters the witness box, he or she will swear or affirm that the evidence to be given will be the truth, the whole truth and nothing but the truth. In civil trials almost the first question in chief (and not infrequently the last) will be to ask the witness to confirm, to the best of their belief, the accuracy of the witness statement. It is therefore critical that the statement is one that accurately reflects the witness's evidence. Where the maker of the statement is unable to sign, but can make a mark, the Inspector's certificate should be as follows:

"I hereby certify that I took this statement from .....at ..... on ..... I read it over to him, he said it was correct and made his mark."

Where the maker of the statement refuses to sign the statement after having made it, the following certificate should be used:

"I hereby certify that I took this statement from .....at ..... on ..... I read it over to him, he said it was correct but refused to sign it."




I.....have read this entire document  
and declare that the facts stated herein are true and correct.

Signed.....

I hereby certified that I took this statement from.....

on ..... at..... I read it over to him/her,

he/she said it was correct and signed it.

Signed.....

**Where the marker of the statement is unable to sign, but can make a mark, the Inspector’s certificate should be as follows:**

I hereby certify that I took this statement from .....

on ..... at ..... I read it over to him/her,

he/she said it was correct and made his/her mark.

**Where the marker of the statement refuses to sign the statement after having made it, the following certificate should be used:**

I hereby certify that I took this statement from .....

on ..... at ..... I read it over to him/her,

he/she said it was correct but refused to sign it.

**APPENDIX 12****PAPER EVIDENCE CHECKLIST**

1. The contracts and agreements between all relevant duty holders (employer, occupier, employee, etc.);
2. All written policies, procedures, statements or manuals, discussing health and safety and delegating responsibility for various health and safety issues;
3. Internal accident investigation report bearing the following description: a description of the accident and how it occurred; the immediate and root cause(s) of the accident; the corrective measures instituted to prevent reoccurrence; witness statements from all relevant parties; photographs of the location of the accident
4. The medical report showing the injury sustained by the victim, as a result of the accident;
5. The victim's job description and job profile;
6. The victim's qualifications to do the job;
7. The site-specific training records for the victim and the supervisor;
8. The job specific training records for the victim and the supervisor;
9. Any records evidencing supervision of the victim;
10. Any records evidencing instruction of the victim;
11. The guidelines, procedures, job hazard analysis, method statement or risk assessment for the specific task to be performed by the victim and performed by the victim during the accident;
12. The standard operating procedure for the type of work done;
13. Any certificates for the type of work done during the accident;
14. The Accident Register, showing documentation of the victim's accident and injury sustained;
15. Any documents relevant to accident history such as daily accident or illness log sheets or documented complaints;
16. The Emergency Response Plan;
17. All internal, external or third-party inspection or audit reports;
18. Name and Address of Installers, Erectors, Manufacturers, Suppliers etc.;
19. Manufacturer's Specification; and
20. Maintenance Records.

**APPENDIX 13**

**DOCUMENT REQUEST TEMPLATE FOR P1 AND P2**



**Head Office: Corner Eastern Main Rd. & St. John's Road, St. Augustine, Trinidad.**

*Satellite Offices: ♦ #65 Ciperó Street, San Fernando, ♦ Lot #2 Glen Road, Scarborough, Tobago,*

**Website: [www.osha.gov.tt](http://www.osha.gov.tt), Telephone: 1 (868) 612-3900, North Office – Ext 1; South Office – Ext 2; Tobago Office – Ext 3**

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*OSHA File Reference Number:*

*Date:*

*The Addressee*

*Position of Addressee*

*Company Name and Address:*

*Dear Sir/Madam:*

*Investigation Title/Subject matter:*

Reference is made to the matter at caption and the ensuing investigation.

Please be advised that the following documents have been deemed necessary by the Occupational Safety and Health Agency (“OSH Agency”) to facilitate a complete and thorough investigation of this matter. This letter therefore serves as a formal request for the items listed below:

1. All contracts and agreements between relevant duty holders (employer, occupier, employee, etc.);
2. All written policies, procedures, statements or manuals, discussing health and safety and delegating responsibility for various health and safety issues;
3. Internal accident investigation report bearing the following description: a description of the accident and how it occurred; the immediate and root cause(s) of the accident; the corrective measures instituted to prevent reoccurrence; witness statements from all relevant parties; photographs of the location of the accident
4. The medical report showing the injury sustained by the injured, as a result of the accident;
5. Injury Leave and fit for work Certificates;
6. Contact information of the injured;
7. The injured job description and job profile;
8. The injured qualifications to do the job;
9. The site-specific training records for the injured and the supervisor;
10. The job specific training records for the injured and the supervisor;
11. Any records evidencing supervision of the injured;
12. Any records evidencing instruction of the injured;
13. The guidelines, procedures, job hazard analysis, method statement or risk assessment for the specific task to be performed by the injured and performed by the injured during the accident;

- 14. The standard operating procedure for the type of work done;
- 15. Any certificates for the type of work done during the accident;
- 16. The Accident Register, showing documentation of the injured accident and injury sustained;
- 17. Any documents relevant to accident history such as daily accident or illness log sheets or documented complaints;
- 18. The Emergency Response Plan;
- 19. All internal, external or third-party inspection or audit reports;
- 20. Name and Address of Installers, Erectors, Manufacturers, Suppliers etc.;
- 21. Manufacturer’s Specification;
- 22. Maintenance Records

Please be reminded that, pursuant to section 72(1) of the Occupational Safety and Health Act Chapter 88:08, Inspectors are permitted to do the following, including but not limited to:

- i. Request the production of *inter alia* any certificate, report or other relevant document and to inspect, examine and copy them;
- ii. Make such examination and inquiry as may be necessary to ascertain whether this Act is being complied with;
- iii. Investigate accidents occurring in industrial establishments;
- iv. Take photographs for the purpose of any investigation; and
- v. Exercise such other powers as may be necessary for purposes of the Act.

Section 72(3) of the Act further indicates *inter alia* that any person who willfully delays an Inspector in the exercise of any power under this section or fails to comply with the requisition of an Inspector in pursuance of this section is deemed to have obstructed the Inspector in the execution of his duties. Any person who obstructs the Inspector commits an offence under the Act. In this regard, you are required to submit the aforementioned documents within **fourteen (14) working days** from the date of receipt of this letter to the following address:

**The Occupational Safety and Health Agency,  
Corner Eastern Main Rd. & St. John’s Road,  
St. Augustine.**

**Attention: Inspector’s name and rank**

Please be advised that all documentation, as per these requests herein, must be stamped and certified so as to verify authenticity. If a requested document is not submitted and no formal or written explanation is given, the OSH Agency will interpret this to mean the Act was not complied with or the requested information is being withheld, unless otherwise sufficiently shown.

**Note also that the OSH Agency reserves the right to request additional documentation should the need arises and to inspect your establishment to assess compliance with the measures you have put in place to prevent recurrences of such accidents.**

**You are required to forward all documents requested by the OSH Agency in hard copy.**

Yours Respectfully  
**OCCUPATIONAL SAFETY AND HEALTH AGENCY**

.....  
**Name of Inspector and rank**

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**LIST OF DOCUMENTS SUBMITTED BY DUTY HOLDER TO OCCUPATIONAL SAFETY AND HEALTH AGENCY**

Please check the relevant boxes below to indicate that your organisation has submitted the following documents to the Occupational Safety and Health Agency (“OSH Agency”). If for any reason, you are unable to submit said documents within the time outlined, an explanation should be given in the space provided below. Failure to submit the requested information without a reasonable explanation will be interpreted by the OSH Agency as non-compliance or a refusal to provide the same. The OSH Agency also reserves the right to request additional documentation, should the need arise.

1. The contracts and agreements between all relevant duty holders (employer, occupier, employee, etc.)

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2. All written policies, procedures, statements or manuals, discussing health and safety and delegating responsibility for various health and safety issues.

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3. Internal accident investigation report bearing the following description: a description of the accident and how it occurred; the immediate and root cause(s) of the accident; the corrective measures instituted to prevent reoccurrence; witness statements from all relevant parties; photographs of the location of the accident.

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4. The medical report showing the injury sustained by the victim, as a result of the accident

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5. The victim’s job description and job profile.

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6. The victim’s qualifications to do the job.

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7. The site-specific training records for the victim and the supervisor.

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8. The job specific training records for the victim and the supervisor.

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---

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9. Any records evidencing supervision of the victim.

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10. Any records evidencing instruction of the victim.

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11. The guidelines, procedures, job hazard analysis, method statement or risk assessment for the specific task to be performed by the victim and performed by the victim during the accident.

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12. The standard operating procedure for the type of work done.

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13. Any certificates for the type of work done during the accident.

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The Accident Register, showing documentation of the victim's accident and injury sustained.

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14. Any documents relevant to accident history such as daily accident or illness log sheets or documented complaints.

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15. The Emergency Response Plan.

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16. All internal, external or third party inspection or audit reports.

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17. Name and Address of Installers, Erectors, Manufacturers, Suppliers etc.

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18. Manufacturer's Specification.

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19. Maintenance Records.

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**CERTIFICATE**

I .....(Block Letters) hereby acknowledge receipt of the attached letter from the Occupational Safety and Health Agency.

Signature: ..... Date:.....

Witness:.....(Block Letters)

Signature: ..... Date:.....

Company Stamp:

**APPENDIX 14**



**OVERVIEW REPORT FOR ACCIDENTS (IL ≤7 DAYS)**

**File no:**

**Accident No:**

1. **Category of Accident:**
2. **Nature of injury:**
3. **Injury leave given:**
4. **Name of Industrial Establishment:**
5. **ISIC Code:**
6. **Supervisor at the time of accident:**
7. **Name of injured:**
8. **Job description:**
9. **Contact information:**
10. **Age & Sex:**
11. **Date of employment:**
12. **Brief Description of accident:**


13. **Cause(s) of accident:**


--

**14. Breaches of the OSH Act (list):**


**15. Recommendations (list):**


**16. Follow-up Action by Inspector:**

- Letters sent to industrial establishment requesting the status of measures taken to prevent recurrences.
- Letters sent to industrial establishment listing recommendations to be implemented.
- Visit by Inspector to ensure compliance with measures taken to prevent

**17. List of Appendices:**

1. Form 3
2. Internal accident investigation report conducted by the Industrial Establishment

-----  
Senior Inspector Name

-----  
Date

APPENDIX 15



NON CRITICAL ACCIDENT REPORT

File Number:

Accident Number:

Case file number:

1.0 DETAILS OF EMPLOYER / OCCUPIER

1.1 Name of Employer and Occupier:

1.2 Address of Employer/Occupier:

2.0 DETAILS OF INJURED PERSON

2.1 Name of Injured Person:

2.2 Address of Injured Person:

2.3 Age of Injured Person:

2.4 Gender of Injured Person: Male  Female

2.5 Job Description of Injured Person:

2.6 Is the Injured Person an Employee?

2.7 Contact Number of the Injured Person:

3.0 DETAILS OF ACCIDENT

3.1 Date of Accident:

3.2 Time of Accident:

3.3 Date of Accident Notification:

3.4 Address/Location of Accident:

3.5 Nature of Injuries:

3.6 Injury Leave Given:

3.7 Brief Description of the Accident and the Medical Treatment for the Injured:

3.8 Cause of the Accident:

Immediate:

Root Cause:

**4.0 DETAILS OF ACCIDENT INVESTIGATION**

4.1 Was the Accident Site Visited?      Yes            No     

4.2 Site Observations/Verbal Conversations and Findings:

4.3 Machinery/Plant/Process Involved:

(a) Machinery	
(b) Plant	
(c) Process	

4.4 Persons Interviewed:

Name Of Person		
Contact Number		
Employee (yes/no)		
Employer		
Position		
Dates Seen		
Statement (yes/no)		

4.5 Dates of Investigation:

4.6 Status of the Investigation:      Complete            complete     

4.7 Name(s) of Inspector(s) Investigating:

**5.0 PREVENTATIVE MEASURES**

5.1 Preventative Measures Taken by the Duty holder:

(a) Before the Accident	
(b) After the Accident	

**6.0 NON - COMPLIANCE WITH OSH ACT**

Non-Compliance	Relevant Section(s) Of the Act

**7.0 RECOMMENDATIONS**

7.1 Investigating Inspector Recommendation(s)

**8.0 APPENDICIES**

8.1 List of Appendices:

**9.0 FOLLOW - UP ACTION**

9.1 Follow up Action(s) by the Inspector(s):

- \_\_\_ Letters sent to the industrial establishment requesting the status of measures taken to prevent occurrences
- \_\_\_ Letters sent to the industrial establishment listing recommendations to be implemented
- \_\_\_ Visit by inspector to ensure compliance with measures taken to prevent recurrences
- \_\_\_ Improvement Notice
- \_\_\_ Prohibition Notice

\_\_\_\_\_  
**Safety & Health Inspector II**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Senior Inspector**

\_\_\_\_\_  
**Date**

***APPENDIX 16***



**FORWARDING FORM**

**Reference File Number:**

**To: Chief Inspector**

**From:**

**Date:**

**Subject: Accident Brief- Fatal /Critical accident involving (name of injured and establishment name)**

Attached is the Brief of an accident that involved

\_\_\_\_\_  
**Name of Safety & Health Inspector and Rank**



## **Accident Brief Form**

**Names of Injured/Deceased:**

**Age/Date of birth:**

**Gender:**

**Nationality:**

**Occupation of Injured/Deceased:**

**Address of Injured/Deceased:**

**Date and time of Accident:**

**Location of Accident:**

**Date of OSH Agency notification:**

**Date of Investigation:**

**Name of Employer:**

**Address of Employer:**

**Name of Occupier:**

**Address of Occupier:**

**Activity being undertaken at the time of the accident:**

**Witnesses:**

**Description of Accident:**

**Initial action taken by Inspector/s:**

**Further action to be taken by Inspector/s:**

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**Name of Safety & Health Inspector and rank**

## ***APPENDIX 17***

### **PREPARING THE FINAL REPORT**

In the report the Inspector must identify the essential elements of the case and the most reliable, admissible evidence by which each element will be proved. An Inspector should also consider any evidence to rebut a possible defense and include any facts or information favourable to the alleged defendant or which are likely to be used by the defense.

The Inspector must also be able to explain the circumstance in which the alleged offence occurred and all facts which have a bearing on the case.

- 1) While drafting the report:
  - Re-check the facts and decide if additional evidence is required. If so, seek to obtain it.
  - Identify the relevant material which contains evidence to be used as part of the prosecution case.
  
- 2) The completed report should include *inter alia*:
  - The names of the Inspectors who are responsible for carrying out the roles of investigator and the officer in charge of the investigation
  - Victim's name and address
  - Possible defendants and their legal status (for e.g., company incorporated or continued in accordance with the Companies Act, Ch. 81:01, partnership, sole trader etc.)
  - Summary of possible charges
  - Whether there was a simultaneous police investigation, coroner's inquest and / or private legal proceedings
  - A note on any points of law that may arise
  - Summary of transcript of witness interviews
  - Clear reference to any material, whether used or unused which might undermine the prosecution case or assist the defense
  - Reference to any previous non-compliance of witness or alleged defendant

The report should be a stand-alone document. Where an investigation is likely to lead to enforcement action, a more detailed report or formal witness statement will be required.

## Report Format

### 1. Executive Summary

Briefly summarize the case. You may wish to complete it after you have finished the other sections in the report. Its purpose is to assist the reader, who may not be technically competent, in understanding the content of the report.

It should include:

- i. Date and time of accident/incident;
- ii. Name of victim(s);
- iii. Address of site of accident/incident;
- iv. Summary of findings and breaches;
- v. Current stage of the inquiry, e.g. preliminary, intermediate or final report.
- vi. List of any additional material (witness statements, documents, photos etc.) that have been considered in reaching a conclusion.

E.g.

*“On Tuesday, January 29, 2008 at approximately 2:45pm Mr. Joe Brown, a 38-year-old, general worker fell from a distance of approximately 26 feet from a scaffold at the construction site located at Ministry of Legal Affairs Building, Richmond Street, Port-of -Spain (“the site”). It is alleged that Mr. Brown and a Co-Worker, Mr. John Blog were instructed to erect a scaffold and chute to flow concrete to a staircase on the site. Mr. Brown was on the first frame of the scaffold from where the chute was being erected and while descending to the lower level, Mr. Brown slipped and fell 4 feet onto a parapet wall then landing a further 22 feet at road level. Mr. Brown was not wearing any personal fall protection at the time of the accident.*

*At approximately 3:00 pm Mr. Brown was transported to the Port-of-Spain General Hospital where he was pronounced dead at 10:20pm. Mr. Brown was a citizen of Venezuela. Mr. Brown was employed as a multi-skilled worker with Hawaii Construction for a year prior to the accident. Hawaii Construction was at the time of the accident sub-contracted to work on the site by Grade way, the main contractor*

*The investigation concluded that Hawaii Construction failed in its statutory duty under Sections 6(1), 6 (2) (a) (b), 8(4), 10(1), 13 (A), 86(1) of the OSH Act (Chapter 88:08)”*

### 2. Details of Investigation

Details of Investigation should be written chronologically commencing from the date of the accident/incident. It should indicate that the Inspector on instructions from either the Senior Inspector or Chief Inspector

proceeded to the site of the accident/incident and the date and time of such deployment. This should also indicate the name of any other Inspector in attendance with the lead Inspector and their respective ranks.

This account should be written in the 3<sup>rd</sup> person:

*“On December 8<sup>th</sup>, 2006, as a result of an accident report received by the Chief Inspector, OSH Agency, Safety and Health Inspector II, Mr. Rabinath Ramoutar was dispatched on the instructions of the Chief Inspector to #12, Syndeham Avenue, St. Anns. On the Morning of Tuesday, December 9<sup>th</sup>, 2006, Mr. Ramoutar in company of Safety and Health Inspector I, Mr. Brendon James visited #12, Syndeham Avenue, St. Anns (“the site”) at the site there were several persons within the vicinity of the designated hard hat area, that were not wearing hard hats or any other form of personal protective equipment ...*

*On Friday, December 12<sup>th</sup>, 2006 S&H Inspector Ramoutar received certain information and returned to the site ...*

*A statement was taken from Hawaii Construction Safety and Health Officer Mr. John Blogg at the OSH Agency Office, on Monday, December 25<sup>th</sup>, 2006. Mr. Blogg indicated that he had been employed by Hawaii Construction for the last 6 months as a Safety and Health Officer and while there he tried to conduct daily tool box sessions ...”*

- I. It should also:
- II. contain an accurate account of what is likely to be the evidence in chief of the investigating Inspector;
- III. be clear and to the point; iii. not contain any individual opinions; iv. not draw any conclusions;
- IV. follow the time sequence of events;
- V. contain a précis in as nearly as possible, the exact words used, of the conversation between the writer and any witness, including the alleged offender;
- VI. give particulars of the finding or obtaining of any exhibit or article material to the offence, by or in the presence of the investigating Inspector;
- VII. detail the movement of any exhibit from the scene to any expert such as Government Chemist, CARIRI and the receipt of any report concerning the exhibit; ix. be so written that the reader can grasp the essential facts of the case without reference to the statements on the witnesses.

### **3. Findings**

This will contain details of the necessary elements for each charge.

It must contain proof, direct or circumstantial of:

- a) date and time of the offence;
- b) place of the offence;
- c) the acts that give rise to the committing of the offence;
- d) identity of the alleged offenders;
- e) the links of evidence which chain the accused to the commission of the offence.

It is important that the findings are linked to the evidence for each charge. It is insufficient to merely regurgitate the relevant section of the Act.

The Findings should not contain any opinions or irrelevant information.

E.g.

*“The employer Hawaii Construction by failing to maintain proper housekeeping, failed to as far as reasonably practicable maintain the work place in a condition that is safe and without risk to the health of its employees contrary to section 6(1) of the OSH Act.*

*Or*

*The employee by failing to wear the personal fall protection provided by the employer failed to fulfil his duty to take reasonable care for his personal safety and health contrary to section 10(1)(a).*

*Or*

*Hawaii Construction being an employer, having failed to carry out a suitable and sufficient risk assessment was unable to identify the foreseeable risks and take necessary mitigating measures to reduce those risks contrary to section 13A(1)(a)”*

#### **4. Analysis**

This would contain links to the causes of the accident and to good practices that could have prevented the accident. The information provided within this heading will serve to identify the unacceptable gaps that existed prior to the accident and also assist the Court in determining the alternative steps that could have been taken to prevent the accident. For example, a fall from height accident could arise from several reasons which would have been identified in your “findings”. The purpose of this analysis is to inform the reader on the safety measures that could have been taken to prevent that fall and at the same time identify any standard industry practice for work at heights. Reference could also be made to case laws

#### **5. Conclusion**

The conclusion should summarise the important elements of the case and itemise the draft charges to be laid against the alleged offenders and whether proceedings should be commenced in either the Industrial or Magistrates’ Court.

It should also state whether the alleged offence has a previous record of (none) compliance of the OSH Act or Factories Inspectorate Ordinance or Regulations. It should identify any evidence that is likely to determine the Prosecution’s case and set out any mitigating or aggravating factors, so as to provide a clear summary of the relevant matters.

The conclusion should also seek to explain any time delay in completing either the investigation or report. A defendant is entitled to “trial within a reasonable time” and any undue delay in undertaking a prosecution can constitute an abuse of process. Criminal offences must be laid within 6 months of the offence (Section 93 of the OSH Act) whereas safety and health offences must be laid within 2 years (Section 97B of the OSH Act).

#### **6. Recommendations**

This would contain guidance as to what can be done to avoid the reoccurrence of a similar situation, Inspector’s recommendations for possible prosecution and other course of actions.

#### **Putting the File Together**

1. Appendix 1 should always be the statement of the victim.
2. Thereafter, the following items should be appended to the report and referred therein:

- a) Medical Certificate where there was an injury;
- b) Autopsy or Medical Report where there was a Fatality;
- c) Statement of eyewitnesses to the accident/incident and of the alleged offender's approach to the circumstances leading up to and surrounding the accident/incident;
- d) Statements of witnesses dealing with the background and history of and circumstances surrounding the alleged offence(s) and the description of the scene at the time of the offence;
- e) Statement from the alleged offender (where it is a criminal offence being investigated, the Inspector must take a cautioned statement from the alleged offender);
- f) Report from any expert, Government Chemist, Forensic lab or other expert.

It is of course possible and likely that the statement of one person, the victim for instance, may contain evidence of two or more of the various things listed.

All statements should be read through carefully and cross-checked for proof of all positive and negative ingredients, and if greater clarification is required further statements should be obtained.

- 3. Appendices must also include original documentary exhibits/evidence (or copies of them certified by the Inspector as being a true copy of the original), sketches, diagrams and/or drawings, each placed behind the statement of the witness by whom it is to be produced.
- 4. Photographs should always be the last appendices in the file. If a digital photograph was taken there should be no alterations or insertions made to the photograph.
- 5. Original or copies of documentary evidence/exhibits should not be written or marked upon in any manner.

**APPENDIX 18**



FORM P3

**Head Office: Corner Eastern Main Rd. & St. John's Road, St. Augustine, Trinidad.**

*Satellite Offices: ♦ #65 Cipero Street, San Fernando, ♦ Lot #2 Glen Road, Scarborough, Tobago,*

**Website: [www.osha.gov.tt](http://www.osha.gov.tt), Telephone: 1 (868) 612-3900, North Office – Ext 1; South Office – Ext 2; Tobago Office – Ext 3**

**NON-CRITICAL ACCIDENT REPORT FOR PRIORITY 3 ACCIDENTS**

**File no: OSHA/COMP:**

**Accident No:**

**Name of Industrial Establishment:**

**Address of Industrial Establishment:**

**Name of injured:**

**Date Occurred:**

Having reviewed the documentation and assessed the facts relating to this accident I recommend the following:

- No Further Investigation
- Accident is now classified as Priority 2
- Accident is now classified as Priority 1
- An Inspection of the Establishment is to be conducted
- Other.....

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SENIOR INSPECTOR

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DATE