

SECTION IX: Post Accident Procedures and Return to Work Policy¹

Introduction

Although the injured party is always the primary concern of the company, we have many responsibilities after an accident beyond medical care. This section is divided into several sections including information on accident investigations and an employee return to work policy.

Definitions

1. An *accident* is an unplanned event involving company employees, contract employees under the direct company supervision, company property, or the environment that results in an injury, illness, or material loss or property damage.
2. A *near-miss event* is any incident that narrowly misses being an accident in which the circumstances indicate a potential for substantial damage, injury or death.
3. A *serious accident* is an event that results in any of the following:
 - a. any work-related fatalities;
 - b. any accidents involving in-patient hospitalization of three (3) or more employees; or,
 - c. property damage in excess of the company's General Liability Policy deductible or other company-specified amount (a general guideline is damage greater than \$500).

General

First-Aid Supplies

Employees are to use provided first-aid supplies to address minor injuries. Supervisors shall ensure that approved first-aid supplies are available in kits of various sizes and for refill for each construction job and in each shop area.

Reporting Work Related Accidents and Illnesses

All employees shall report any injury or illness to appropriate supervisors immediately and no later than 8 hours after the discovery or actual event. Even small injuries must be reported. Supervisors, with assistance from the safety manager if needed, shall determine if the injury or illness can be treated with first-aid, or if it will require outside medical assistance.

Complete the *First Report of Accident* form (Exhibit IX -One) for all injuries and illnesses, including first-aid. Forms are available from your Supervisor or through the Safety Manager. The injured employee completes the form and the Supervisor reviews and signs the completed form. Supervisor must forward the completed report to the Safety Manager as soon as possible.

Although no company paperwork will be completed, employees shall report any medical assistance received during off-hours to supervisors as soon as possible.

¹ These procedures are implemented to comply with Company Policy Section III (Injury, Illness, and Accident Policy), the Company Recordkeeping Program, and Occupational Safety and Health Administration (OSHA) requirements. This document was revised in 2015 to reflect new OSHA reporting requirements (see Post-Accident Response)

Close-Calls / Near-Misses / Unsafe Work Conditions

Finding and correcting hazards before someone is injured is a benefit to everyone on the job. The company supports the reporting of near misses and unsafe conditions.

- All employees shall report any close-calls or near-misses to supervisors.
- All employees shall report any unsafe conditions or suspected safety hazards to supervisors.

Outside Medical Assistance

The following procedures must be followed when utilizing outside medical assistance for a work related injury or illness:

- Report to supervisor immediately. A supervisor will accompany all employees to the medical facility.
- Complete and sign the workers' compensation claim form as soon as possible. The supervisor, office manager, or safety manager will ensure that all appropriate paperwork is provided to the employee.
- Provide the form and any information given by the medial facility to the safety manager as soon as possible.

Post-Accident Response

The company Safety Manager or appropriate Supervisor verbally reports all work-related fatalities and incidents described below to the nearest OSHA office, or the OSHA Hotline at 1-800-321-OSHA.

As of January 1, 2015, the Company is required to notify OSHA of the following:

- work-related fatalities within eight hours, and
- work-related in-patient hospitalizations, amputations, or loss of an eye within 24 hours.

“Hospitalization” is defined as a formal admission to the inpatient service of a hospital or clinic. Emergency room diagnostic testing or medical observation is not considered hospitalization. Injuries sustained in motor vehicle accidents on public highways and mass transportation (bus, plane, subway, etc.) do not have to be reported.

When the company experiences an accident such as an injury, fire, chemical release, or explosion, management will, as needed,:

1. Ensure emergency personnel are notified and that medical care and other emergency safety/health assistance is provided to affected personnel;
2. Bring the incident under control, and;
3. Investigate the accident effectively to preserve information and evidence.

To preserve relevant information, the appropriate supervisor or safety manager will:

1. Secure or barricade the scene;
2. Immediately collect transient information; and
3. Interview personnel for immediate information.

Accident Investigation

Background

The company considers employees to be our most valued asset and as such we will ensure that all incident and accidents are analyzed to correct the hazardous conditions, unsafe practices and improve related system weaknesses that produced them.

The most successful companies use accident investigations to determine cause, including system failures. They can then fix the system. An accident investigation is primarily used to identify the cause(s) of an accident and determine the proper corrective actions, not to place blame. According to research studies, virtually all accidents are caused by a combination of unsafe acts (about 90%) and/or unsafe conditions (about 10%).

The accident investigation procedure in EXHIBIT IX –Three has been developed to ensure our policy is effectively implemented. The safety manager will ensure this plan is communicated, maintained and updated as appropriate.

Return to Work (RTW) Policy

When a worker sustains a work-related injury compensable under current workers' compensation requirements, the treating physician may release the employee to return to work with temporary physical restriction(s), which are intended to aid the employee in recovery from that injury. In such circumstances, the company will make all reasonable efforts to enable the injured employee to return to work within the temporary, physician-imposed physical restrictions.

When an employee is unable to return to work performing his/her regular job duties, that employee may be provided with a temporary job assignment which conforms to the treating physician's imposed limitations. In such circumstances, the temporary job assignment is termed "modified duty," because the duties (or tasks) performed by that employee have been modified to meet the employee's temporary physical limitations.

The temporary job assignment may, or may not be in the same classification or location as the employee's regular job. Additionally, the temporary job assignment may or may not be equivalent (in terms of weekly hours worked and/or monetary compensation received) to the employee's regular job.

Case Management

Remember that this is a workers' compensation claim. That means that all the medical and compensation paid to employees will affect the company Experience Modification Rate² of future insurance.

The Company will work closely with the insurance company and the injured worker to influence the progress of the worker's recovery. The earlier an injury is treated and managed, the sooner the worker will return to work and recover from the injury. This means less downtime and lost productivity, as well as a saving in claims costs (and therefore lower premiums) for the Company.

Modified Duty Tasks: Ideally, modified duty tasks are created before any injuries occur.

Modified duty tasks are best developed between supervisors, lead workers and management.

- Create a list of job tasks that might be available throughout the company. Keep this list handy so you can find it when you need it.
- Consider special projects that need to be done. Do you have files that need to be set up, a work area to be cleaned, follow-up calls that need to be made or errands to be run?
- Think about what tasks could an injured worker do that would help other employees to do their jobs more efficiently?
- Do you have staff that could benefit from temporary assistance?
- What other tasks could be shared with other employees if converted into modified duty?
- Does your list of modified duty tasks match the type of injuries and physical restrictions you will most likely encounter?
- Some companies "loan" workers to jobs with nonprofit organizations in their community. The "loaned" workers continue to be employees for their employer who pays their wages at either the pre-injury amount or at a reduced rate. This is a great way to help your community and your workforce.

Try to keep the job descriptions up to date, with physical demand guidelines, for all employees. Ensure they are detailed enough about tasks, functions and physical demands of each employee's job. Keeping descriptions up to date can help you, your employee and your employee's physician make prompt, informed decisions about return-to-work possibilities

² Simply stated, the company EMR is the multiplier our insurance company uses to determine our future premiums. Many factors go into the multiplier including past injury and compensation costs and future risk. The lower the EMR, the lower your premiums will be. An EMR of 1.0 is considered the industry average.

The Company will take the time and effort to manage the claims and assist our employees get back on the right track for work as soon as possible.

In support of the RTW Program, the Company will:

- Maintain contact with the employee during a prolonged absence.
- Respond when the employee advises they are ready to return to work.
- Evaluate all medical information received and work with the insurance carrier to control costs.

The Company will provide the following as part of the RTW program:

- Ensure employee receives first aid, or appropriate medical treatment,
- Ensure that a supervisor/manager accompany the employee to the medical clinic when possible,
- Make initial contact with attending physician to explain / clarify the RTW program,
- Assign modified duty assignments to eligible employees, consistent with temporary, physician-imposed physical restrictions, and
- Return the injured employee to his/her regular job assignment when the employee is released by the treating physician to return to full-duty employment.

The following procedures will be followed by employees:

- Notify manager as soon as an injury / illness occurs,
- Notify physician that the company has a RTW program in place,
- Follow physician's recommendations for available RTW options,
- Provide information about current status of medical condition to the company,
- Communicate with supervisors if the modified work worsens the medical condition,
- Notify manager of any time off needed for medical appoints, and
- Update supervisor of recovery status.

EXHIBIT IX – One

First Report of Injury / Illness Report

FIRST REPORT OF INJURY OR ILLNESS			
<p>This Report is the first form you must fill out when any work-related injury or illness has occurred. Together with other documents, these forms help the company assess the types, extent and severity of work-related incidents so that necessary procedures and controls can be implemented to avoid future incidents. This report must be completed by the employee (or supervisor, if the employee cannot complete the form) at or near the time of the injury/illness and on the same day of the injury/illness. The supervisor shall submit the report to the Company's Safety Coordinator within 3 business days following receipt of the report.</p>			
INFORMATION ABOUT THE EMPLOYEE			
Employee Name		Street address	
City	State	Zip	Phone #
Hire date	Birthdate	SSN	
Supervisors's name			
Employee job title		Occupation that day	
INFORMATION ABOUT THE INJURY/ILLNESS			
Date of Injury or Illness		Time Employee Began Work	
Time of Injury or Illness		Check if time cannot be determined	
Location of incident			
Describe what the employee was doing right before the injury or illness occurred (Example: "climbing a ladder while carrying roofing materials").			
Describe how the incident occurred			
Identify body part(s) affected			
Identify object or substance that caused or was involved in the incident			
Identify all witnesses and parties working with employee			
Medical treatment provided:			Please check one
First Aid	Medical facility	Fatality	Other
Form completed by		Title	

Signature	Date
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EXHIBIT IX – Two

Sample Accident Investigation Kit Contents

Essential:

1. Camera, film, flash, fresh batteries
2. Tape measure - preferably 100 foot
3. Clipboard and writing pad
4. Graph paper
5. Straightedge ruler. Can be used as a scale reference in photos
6. Pens, pencils
7. Accident investigation forms
8. Flashlight, fresh batteries

Helpful:

1. Accident investigator's checklist
2. Magnifying glass
3. Sturdy gloves
4. High visibility plastic tapes to mark off area
5. First aid kit
6. Cassette recorder and spare cassette tapes
7. Identification tags
8. Scotch tape
9. Masking tape
10. Compass
11. Ten 4-inch spikes
12. Hammer
13. Paint stick (yellow/black)
14. Chalk (yellow/white)
15. Protractor
16. Video camera with tape
17. Tarp

EXHIBIT IX –Three

Three-step process for accident investigation

There are three primary steps associated with accident investigation and reporting. The safety manager needs a clear understanding of the process and the steps involved in conducting a formal investigation.

The process is broken down as follows:

- Gather the information
- Analyze the facts
- Implement solutions

Step 1 - Gather information

Secure the scene

The primary goal of the first step is to gather accident information that can give critical clues into the causes associated with the accident. To ensure information is untainted and accurate, it is imperative that the accident scene be secured.

Priorities for scene securement include:

- Control existing hazards
- Prevent further injuries
- On scene evaluation
- Provide medical care for injured
- Transport for medical care
- Get more help if needed
- Preserve evidence

To preserve evidence, access to the accident site should be limited. Names and numbers of witnesses should be recorded for future use. Best practices show that removing witnesses from the area and isolating them from each other is also beneficial. This allows witnesses to give their own account of events rather than compare stories. The accident site should be secured with some type of barricade or taped off to limit access and avoid adverse exposure to the scene. Any high-value or critical equipment should be protected during the accident investigation process.

Collect the facts

Various tools and techniques can be used in this step to assist in collecting pertinent facts about the accident to determine:

- a. Cause of injury. Harmful transfer of energy causing injury.
- b. Surface Causes. Hazardous conditions and unsafe employee/management behaviors that produced or contributed to the accident.
- c. Root Causes. System weaknesses that produced the surface causes for the accident.

Critical items to document include date, time, weather conditions, identification of injured parties, locations of injured parties and witnesses and the sequence of events.

Methods to document the accident scene might include preparation of visual aids, such as photographs, field sketches, missile maps, and other graphical representations with the objective of providing data for the analysis.

Consider gathering the following visual cues:

- Sketch the accident scene
- Review in Google maps, look for any CC TV film and utilize smart phone technology as needed
- Locate direction of view
- Locate significant structures & equipment
- Locate injured parties
- Locate witnesses
- Locate warning signs, markers, barricades
- Locate other significant items

Additionally, the following documents may help in determining facts about the accident.

- Standard operating procedures
- Job hazard analysis
- MSD sheets
- Training records
- Safety/health programs
- Discipline records
- Inspection records
- Maintenance records
- Operator/manufacturer manuals

Interviews

A key element in collecting facts is related to the interview process. An important aspect of interviewing is to listen to the person being interviewed. Try not to ask leading questions, but ask open-ended questions. It is best to interview one-on-one, but if the individual requests another person be present, that is okay.

Ensure there is a comfortable, relaxed atmosphere for conducting the interview in a non-threatening location. Use on-scene interviews when beneficial, but make sure there is privacy and no one interferes with the process. In practice, an interview should move from the general to the specific (i.e., who, what, when, why and how).

Determining the Facts

A thorough search for the facts is an important step in accident investigations. During the fact-finding phase of the process the safety manager or dedicated personnel will:

1. Visit the scene before the physical evidence is disturbed.
2. Sample unknown spills, vapors, residues, etc. noting conditions which may have affected the sample using proper safety and health procedures.
3. Prepare photographs, field sketches, missile maps and other graphical representations with the objective of providing data for the analysis.
4. Obtain on-the-spot information from eyewitnesses, if possible. Interview those directly involved and others whose input might be useful, The interviews should be conducted privately and individually, so that the comments of one witness will not influence the responses of others.
5. Observe key mechanical equipment as it relates to the accident
6. Determine which incident-related items should be preserved. Sometimes equipment may be taken out of service until the investigation is complete.
7. Carefully document the sources of information contained in the incident report

Put the person at ease by:

- Explaining the purpose and what your role is (fact finding not fault finding)
- Express concern and the desire to prevent a similar accident
- Tell the person that their knowledge is important
- Be friendly, understanding and open minded
- Be calm and unhurried. Allow the individual time to think
- Ask for their opinion and ideas as to what could have been done to prevent the accident/injury

When the interview is completed, offer a copy of your notes. Thank them for their time and contributions. If possible, advise these people personally of the outcome of the investigation before it becomes public knowledge.

Step 2 - Analyze the facts

The next two steps help to organize and analyze the information gathered so that the surface and root causes of the accident can be accurately determined.

Develop the sequence of events

In this step, use the information collected and determine the events prior to, during, and after the accident. An accident is the final event in an accident process and each event in the unplanned accident process should identify one:

Actor - Individual or object

An actor initiates a change by performing or failing to perform an action. An actor may participate in the process or merely observe the process.

Action - Behavior the actor accomplishes

Actions may or may not be observable. An action may describe something that is done or not done.

Determine the cause

The cause of injury describes the harmful transfer of energy.

This **Direct** cause may take the form of:

- Acoustic - excessive noise and vibration
- Chemical - corrosive, toxic, flammable, reactive
- Electrical - low/high voltage, current
- Kinetic - energy transferred from impact
- Mechanical - components that move
- Potential - "stored energy" in objects
- Radiant - ionizing and non-ionizing radiation
- Thermal - excessive heat, extreme cold

The **surface causes** of an accident could include:

- Specific/unique hazardous conditions and/or unsafe actions
- Directly produce or contribute to the accident
- They may exist/occur at anytime and anywhere and involve anyone
- They may or may not be controllable by management
- If you're pointing at person or thing, it's probably a surface cause

Root cause

There are five steps involved in determining root cause of an accident. These steps include

1. Analyzing the injury event to identify and describe the direct cause of injury/illness
2. Analyzing events occurring just prior to the injury event to identify those conditions and behaviors that caused the injury (primary surface causes) for the accident
3. Analyzing conditions and behaviors to determine other specific conditions and behaviors (contributing surface causes) that contributed to the accident
4. Analyzing each contributing condition and behavior to determine if weaknesses in carrying out safety policies, programs, plan, processes, procedures and practices (inadequate implementation) exist
5. Determining implementation flaws to determine the underlying design weaknesses

The *root causes* of the accident can be defined under the following:

Program design weaknesses - Failure to effectively develop safety policies, programs, plans, processes, procedures, practices

Performance weaknesses - General failure to effectively carry out safety policies, programs, plans, processes, procedures, practices

Result in common or repeated hazardous conditions and unsafe/inappropriate performance

If your investigation is pointing toward a group or a written plan, policy, or procedure, it is probably a root cause.

Step 3 - Implement solutions

After completing the accident investigation, the next step is to recommend corrective actions and discuss lessons learned. Corrective actions could be related to the Hierarchy of Controls as follows:

- Engineering controls. Engineering controls consist of substitution, isolation, ventilation, and equipment modification. These controls focus on the source of the hazard, unlike other types of controls that generally focus on the employee exposed to the hazard. The basic concept behind engineering controls is that, to the extent feasible, the work environment and the job itself should be designed to eliminate hazards or reduce exposure to hazards.
- Management controls. Eliminate/reduce frequency and duration of exposure to hazards by controlling employee behaviors. Management controls may result in a reduction of exposure through such methods as changing work habits, improving sanitation and hygiene practices, or making other changes in the way the employee performs the job.

Recommending Corrective Actions and System Improvements

Usually, making recommendations for corrective actions and system improvements follow in a rather straightforward manner from the cause(s) that were determined. A recommendation for corrective action and system improvement contains three parts:

1. The recommendation itself, which describes the actions and improvements to be taken to prevent a recurrence of the incident.
2. The name of the person(s) or position(s) responsible for accomplishing actions and improvements.
3. The correction date(s).

Follow-up System

The safety manager, with management support is responsible for ensuring follow up is completed and implemented as required.

- The use of personal protective equipment is not considered a means of management control, but a subset of it. Four primary strategies for management controls are:
 - Safe procedures and practices
 - Scheduling
 - Use of Personal Protective Equipment (PPE)
 - Interim measures. Improvement strategies to fix the system

Additionally, it is important to use any accident or near miss to determine if improvements to policies, programs, plans, processes, and procedures are necessary in one or more of the following elements of the safety management system:

1. Management commitment
2. Accountability
3. Employee involvement
4. Hazard identification/control
5. Incident/accident analysis
6. Education/training
7. System evaluation

Write the report

A primary reason accident investigations fail to help eliminate similar accidents, is that some report forms unfortunately address only correcting surface causes while ignoring root cause. The report should basically be the “cleaned up” version of all of your hard work and efforts from Step 1 through Step 5! Follow-up is critical if we are to be certain that our recommendations have been met.

When the accident investigator completes the report, he or she will give it to someone who must do something with it. That’s the job of the decision-maker. For accident investigation to be effective, management must consider the findings and develop an action plan for taking corrective action and making system improvements. Finally, periodic evaluation of the quality of accident investigation and report is critical to maintaining an effective program.

EXHIBIT IX – Four

Accident and Incident Investigation Document Checklist

Listed below are documents that may be part of an accident and incident investigation:

Contracts/project agreements/change orders/work orders/purchase orders

- Signed client contract or agreement (Please provide all addendums)
- Architect agreement
- Client consultant agreement (if applicable)
- Subcontractor agreement
- Other (i.e. lower-tier subcontractor or supplier contracts, purchase orders or vendor agreements)

Progress schedule data (state of construction on date of accident)

- Project directory listing all GC, subcontractor and sub-tier firms present
- Weekly safety meeting minutes
- Project progress reports/project completion reports
- Major milestones
- Certificate of substantial completion
- Certificate of final completion, if we were not on site at time of incident
- Certificate of occupancy

Subcontractor information

- Certificate(s) of insurance and policy endorsements submitted by subcontractor and lower-tier subcontractor (if applicable)
- Evidence of indemnification of with the client
- Copy of subcontractor's safety program
- Copy of subcontractor's substance abuse program
- Copy or copies of OSHA citations issued to subcontractor and/or lower-tier subcontractors
- Copy of site safety orientation attendance sheets
- Safety/Toolbox meetings conducted by subcontractor and/or lower-tier subcontractors

Accident reporting

- Workers' compensation first report of injury form
- Accident/incident investigation report (general liability or workers' compensation). This includes your handwritten notes and voice recordings, if any.
- Subcontractor's accident report
- Accident/incident reports from all other parties with knowledge of incident, including but not limited to, lower-tier subcontractor(s)
- Photographs of incident scene to include negative and/or disc
- Any film taken through security cameras
- Witness/client statements regarding this incident or any correspondence from client or their agent(s) discussing, informing or notifying this company of the incident
- New employee orientation report
- Police, paramedic and first aid reports

- Correspondences with subcontractor (all tiers) or clients relating to the incident

Evidence of company safety enforcement on project site

- Progress photographs taken of the "construction site" on or near date of accident
- Copy or copies of safety notification forms issued
- Project inspection documents or log books
- OSHA 300 log
- Toolbox meeting reports
- Accident / incident / first aid log
- Employee orientation report

Reminder:

The media, family members of injured parties, insurance representatives and attorneys may contact you. You are reminded that you may not provide anyone contacting you to discuss this incident must be directed to _____ at _____

_____.

EXHIBIT IX – Five

Accident types

Struck-by. A person is forcefully struck by an object. The force of contact is provided by the object. Example -- a pedestrian is struck by a moving vehicle.

Struck-against. A person forcefully strikes an object. The person provides the force. Example -- a person strikes a leg on a protruding beam.

Contact-by. Contact by a substance or material that by its very nature is harmful and causes injury.

Example -- a person is contacted by steam escaping from a pipe.

Contact-with. A person comes in contact with a harmful material. The person initiates the contact. Example -- a person touches the hot surface of a boiler.

Caught-on. A person or part of his/her clothing or equipment is caught on an object that is either moving or stationary. This may cause the person to lose his/her balance and fall, be pulled into a machine, or suffer some other harm. Example -- a person snags a sleeve on the end of a hand rail.

Caught-in. A person or part of him/her is trapped, stuck, or otherwise caught in an opening or enclosure. Example -- a person's foot is caught in a hole in the floor.

Caught-between. A person is crushed, pinched or otherwise caught between either a moving object and stationary object or between two moving objects. Example -- a person's finger is caught between a door and its casing.

Fall-to-surface. A person slips or trips and falls to the surface he/she is standing or walking on. Example -- a person trips on debris in the walkway and falls.

Fall-to-below. A person slips or trips and falls to a surface level below the one he/she was walking or standing on. Example -- a person trips on a stairway and falls to the floor below.

Exertion. Someone over-exerts or strains him or herself while doing a job. Examples -- a person lifts a heavy object; repeatedly flexes the wrist to move materials, and; a person twists the torso to place materials on a table. Interaction with objects, materials, etc. is involved.

Bodily reaction. Caused solely from stress imposed by free movement of the body or assumption of a strained or unnatural body position. A leading source of injury. Example - a person bends or twists to reach a valve and strains back.

Exposure. Over a period of time, someone is exposed to harmful conditions. Example -- a person is exposed to levels of noise in excess of 90 dba for 8 hours.