

# Investigating accidents Finding the true cause



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**L**ast month I addressed the subject of retaliation against an employee who reports an injury. If you have not reviewed that column, I encourage you to do so. Please take the necessary steps to protect employees who are unjustly disciplined for reporting an accident or injury.

Why is accident reporting so important? If an accident that led to an injury is not reported, the source of that incident is never discovered. To prevent management from learning of the event, the employee might also end up shouldering medical care costs, in turn losing out on benefits provided in their contract. If the injury results in a long-term or permanent impairment, and no OWCP claim was filed, wage-loss benefits and limited duty (*Employee and Labor Relations Manual*, Section 546.142) might not be available to the employee.

If the event is not properly investigated, the hazard waits for the next unsuspecting victim. The decision not to report the injury leaves the possibility of the hazard causing others' serious injury or death. How would you feel if your lack of reporting resulted in someone's injury or death?

When you suffer an injury, you should immediately report it to management and get the necessary medical care. Once the accident is reported, OSHA regulations and our contract (through Article 19) require management to investigate to find the true cause of the injury.

The relevant OSHA regulations are found in 29 CFR §1960.29 which provide as follows:

1960.29(a): While all accidents should be investigated, including accidents involving property damage only, the extent of such investigation shall be reflective of the seriousness of the accident.

1960.29(b): In any case, each accident which results in a fatality or the hospitalization of three or more employees shall be investigated to determine the causal factors involved. Except to the extent necessary to protect employees and the public, evidence at the scene of an accident shall be left untouched until inspectors have an opportunity to examine it.

1960.29(c): Any information or evidence uncovered during accident investigations which would be of benefit in developing a new OSHA standard or in modifying or revoking an existing standard should be promptly transmitted to the Secretary.

1960.29(d) The investigative report of the accident shall include appropriate documentation on date, time, location, de-

scription of operations, description of accident, photographs, interviews of employees and witnesses, measurements and other pertinent information. A copy of the investigative report required by this section shall be forwarded to the official in charge of the workplace, the appropriate safety and health committee and the exclusive employee representative, if any. The investigative report shall be made available to the Secretary or his authorized representative on request.

In addition to the above obligations, OSHA has an incident investigation recommendation found at <https://www.osha.gov/incidentinvestigation>, which provides the following:

Investigating a worksite incident—a fatality, injury, illness or close call—provides employers and workers the opportunity to identify hazards in their operations and shortcomings in their safety and health programs. Most importantly, it enables employers and workers to identify and implement the corrective actions necessary to prevent future incidents.

**Incident investigations that focus on identifying and correcting root causes, not on finding fault or blame**, also improve workplace morale and increase productivity, by demonstrating an employer's commitment to a safe and healthy workplace. (emphasis added)

Incident investigations are often conducted by a supervisor, but to be most effective, these investigations should include managers and employees working together, since each bring different knowledge, understanding and perspectives to the investigation.

In addition to the OSHA requirements and recommendations, management has codified its obligations in the *ELM* at Section 821.3, which in part states:

...Accident analysis is vital for identifying the hazardous conditions, contributing factors and root causes of accidents...Installation heads/managers must use the results of accident analyses to address the causes of accidents, develop specific actions (countermeasures) and enter them into an accident reduction plan (ARP)...

Section 821.33 explains the process of conducting an "accident analysis" listing a number of factors that include the following:

- a. Specific tasks being performed at the time of the accident or injury.
- b. Operations, equipment, tools and machinery involved.
- c. Specific event that resulted in the accident or injury.
- d. Nature and severity of the injury.
- e. Part(s) of the body involved.
- f. Incidence and nature of the following:
  - (1) Faulty equipment or design.
  - (2) Unsafe condition(s).
  - (3) Unsafe acts or practices.
  - (4) Violation of rules, procedures or instructions.
  - (5) Inadequate training or lack of safety rules or procedure

Let's help make the workplace safer by finding out why an incident happened without blaming the victim.  
To be continued.