**attachment 85**

Detailed guidance on incident investigation

**Incident investigation principles**

In addition to reporting an incident, it must also be investigated. Effective incident investigation is an integral component of an organisation’s hazard management program, and the following general principles should
be followed:

• In case of injury, first make sure that the injured worker is properly cared for.

• Remember that the main purpose of incident investigation is to establish all the contributing factors,
and to take steps to prevent any similar incident.

• Where practicable, have the scene kept undisturbed and investigate as soon as possible. In serious cases, you may need to wait for WorkSafe to investigate first.

• Thorough, extensive, detailed investigations for serious injury/illness and dangerous occurrences, and
for minor injury/illness, near misses and asset or property damage with high potential severity.

• The investigation should not be conducted as a ‘witch hunt’ to find out who is to blame or because the compensation process requires it.

• It is important to avoid the effects of emotional feelings that may be present in any incident investigation. Watch out for the use of words such as ’blame‘, ’cause‘, ’unsafe‘, ’careless‘, ’fault‘, ’wrong‘, ’bad’.

• Look for the contributing factors and their effects.

• Whenever possible, go to the scene of the incident for initial investigation – take photos, make drawings
and take measurements.

• Interview all witnesses, one at a time and separately, and reassure each person about the purpose
of the investigation.

• Be objective: don’t have a fixed opinion in advance.

• Express sincere appreciation to anyone who helped in the investigation.

• Record all data accurately, completely and in writing!

There are three key elements of effective incident investigation: observation, description and analysis.

**Observation**

Inspect the scene and take photographs if possible, recording any damage regardless of the need for repair. Observation also includes the recording of details from witnesses, and determining whether they actually saw the incident or whether they are surmising.

**Description**

This involves providing a detailed description of the incident for others to understand the sequence of events leading to the incident. This is generally summarised from the observations and may include photos, statements, plans and so on.

**Analysis**

Establishing precisely what has occurred, which involves analysis of the descriptions, including information from key witnesses. Here it may be helpful to make use of people who are familiar and unfamiliar with
the workplace.

**Conducting incident investigation interviews**

The first step in a normal incident investigation is (if possible) to interview the employee involved. Here is some guidance on good interview technique:

• Put the worker at ease: Remind them that you are interested solely in preventing a recurrence of the incident and that you can only do this with their help. Convince them that the interview is simply a joint effort to prevent other incidents that could be more serious. A friendly and understanding manner is a necessity
in gaining cooperation.

• Conduct the interview at the scene of the incident whenever possible: It will help the person explain,
and you understand. Make the interview as private as you can. This will not only put the worker at ease,
but will also prevent his/her observations and ideas from being influenced by the opinions of others. It also avoids possible embarrassment over any mistakes.

• Ask for his/her version of the incident: Be sure he/she understands their version just as they saw it and
not ‘dressed up’ for your benefit. Then let them tell it! Try not to interrupt them. If you don’t understand something, wait until they have finished their story and then ask. Above all, don’t make judgements or judgemental remarks. This will only put him/her on the defensive and defeat the whole purpose of
the interview.

• Ask any necessary questions: The key word here is ‘necessary’. Limit your questions to facts as much as possible, particularly early in the interview. Find out:

 – What happened?

 – What was done?

 – How it was done?

Try to avoid ‘why’-type questions, such as ’Why were you doing...?’ Wait until you have all other information because ‘why’ questions are likely to make him/her defensive. Ask open questions – ones that can’t be answered ‘yes‘ or ’no‘ – whenever possible. They will give you much more information. Naturally, all questions should be asked in a friendly, constructive manner.

• Close the interview on a positive note: The best way to wind up an interview is by discussing strategies that can be taken to control the incident from happening again. This reaffirms the purpose of the interview in the employee’s mind and will assure his/her further cooperation.

These same techniques can be used in interviewing a witness to an incident. Witnesses should be treated just as tactfully as a person involved in an incident. They ‘don’t want to get anyone in trouble’ any more than a person wants to incriminate him/herself.

A witness does not have to be an eyewitness. He/she may simply be someone familiar with the circumstances involved in the incident. In the case of a fatality or serious injury, a witness may be the only source of information for the incident investigation. Whether a person is involved in or is a witness to an incident,
the interview should be held as soon as possible while the circumstances are fresh in the mind.

**How to make investigations successful**

Successful investigations are those in which an organisation learns what has happened and can then apply
this to identify immediate and underlying causes, which can then be used to determine corrective action to prevent similar incidents occurring again.

In addition to the guidance provided above, some other important factors required for successful
investigations are:

• allow sufficient time for the investigation

• ensure personal bias is removed

• ensure consultation with employees throughout the investigation process

• ensure relevant contributing factors are considered

• ensure appropriate risk control measures are selected and included in recommended corrective action

• ensure corrective action is tracked through to completion and that a review is conducted to determine
if they have proven to be effective.

Ensuring that at least one person in the investigation team is familiar with the guidance in this OHS section
of the manual will help with due consideration of these important factors.

**Some legal powers of HSRs relevant to OHS incidents**

According to the OHS Act 2004 (Section 58 [1][a][i] and [ii]): ‘A health and safety representative (HSR) may inspect any part of the workplace at which members of their designated work group (work team) works at any time after giving reasonable notice to the employer, and immediately in the event of an incident or situation involving an immediate risk to health and safety of any person.’

Also, the HSR can:

• accompany a WorkSafe Victoria inspector during an inspection of a workplace at which a member of their designated work group works (Section 58[1][b])

• be requested (by the worker) to be present at an interview concerning OHS (Section 58[1][d] and 58[2])

• assist in situations where communication may be a problem

• be present and assist at an incident investigation (Section 58[2])

• help in developing control measure strategies (Section 58[2])

• request the review of control measures relevant to specific types of hazards (such as manual handling, noise, hazardous substances, plant and machinery) based on reasonable grounds (various
OHS Regulations).

**Obligations of employers relevant to HSRs and OHS incidents**

The employer must also allow an HSR to have access to information that an employer has relevant to actual or potential hazards relevant to the designated work group (work team) whom the HSR represents (Act 69[1][a], s69[1][b]).