

Guidelines Workers Compensation Act Part 3 Division 10

G-D10-172-1 Board notification of serious injuries NEW

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Regulatory excerpt

Section 172 of the *Workers Compensation Act* ("Act") states:

- 172 (1) An employer must immediately notify the Board of the occurrence of any accident that
- (a) resulted in serious injury to or the death of a worker,
 - (b) involved a major structural failure or collapse of a building, bridge, tower, crane, hoist, temporary construction support system or excavation,
 - (c) involved the major release of a hazardous substance, or
 - (d) was an incident required by regulation to be reported.

Purpose of guideline

The purpose of this guideline is to set out what WorkSafeBC considers to be a "serious injury," which an employer would be required to report to WorkSafeBC.

What employers must report

Section 172 provides that employers must immediately report

- Any incident that kills or seriously injures a worker
- A major leak or release of a dangerous substance
- A major structural failure or collapse of a structure, equipment, construction support system, or excavation
- Any blasting accident that results in injury, or unusual event involving explosives (required by regulation)
- A diving incident that causes death, injury, or decompression sickness requiring treatment (required by regulation)

Such incidents must also be investigated by the employer under s. 173.

"Serious Injury"

Section 172 provides that employers must notify WorkSafeBC of an accident that resulted in the "serious injury" or death of a worker. The term "serious injury" is not defined in the *Act*.

A serious injury is any injury that can reasonably be expected at the time of the incident to endanger life or cause permanent injury. Serious injuries include both traumatic injuries that are life threatening or that result in a loss of consciousness, and incidents such as chemical exposures, heat stress, and cold stress which are likely to result in a life threatening condition or cause permanent injury or significant physical impairment.

Traumatic injuries that should be considered "serious injuries" include

- Major fractures or crush injuries, such as
 - A fracture of the skull, spine, or pelvis
 - Multiple, open or compound fractures, or fractures to major bones such as the humerus, fibula or tibia, or radius or ulna
 - Crushing injuries to the trunk, head or neck, or multiple crush injuries
- An amputation, at the time of the accident, of an arm or leg or amputation of a major part of a hand or foot
- Penetrating injuries to eye, head, neck, chest, abdomen, or groin
- An accident that caused significant respiratory compromise, or punctured lung
- Circulatory shock (i.e. internal hemorrhage) or injury to any internal organ
- Lacerations that cause severe hemorrhages

- All burns that meet the rapid transport criteria of the Occupational First Aid Training Manual, including
 - Third degree burns to more than 30% of the body surface
 - Third degree burns to the face, head, or neck
 - Burns of any degree with complications
- An asphyxiation or poisoning resulting in a partial or total loss of physical control (i.e. loss of consciousness of a worker in a confined space) or a respiratory rate of fewer than 10 breaths per minute or severe dyspnea (difficult or laboured breathing)
- Decompression illness, or lung over-pressurization during or after a dive or any incident of near drowning
- Traumatic injury which is likely to result in a loss of
 - Sight
 - Hearing
 - Touch

Injuries that require a critical intervention such as CPR, artificial ventilation or control of hemorrhaging or treatment beyond First Aid, such as the intervention of Emergency Health Services personnel (e.g. transportation to further medical attention), a physician and subsequent surgery, or admittance to an intensive care unit should also be considered "serious injuries."

"Immediately"

Employers are required to report serious injuries and fatalities to WorkSafeBC immediately. This reporting should occur as part of the employers' response at the time of the incident. In responding to the incident, employers should ensure any workplace conditions that present an immediate hazard to other workers are addressed, ensure first aid and medical treatment for the worker, and then notify WorkSafeBC of the incident.

The purpose of the reporting requirement in s. 172 is to ensure that a WorkSafeBC prevention officer and/or an investigations officer is able to respond to the incident, as soon as possible, in order to:

- Attend at the scene to conduct an investigation of the incident and ensure the integrity of the scene
- Offer availability of counseling services, as appropriate
- Undertake an inspection of the workplace to help ensure that workers are protected before work is resumed
- Help ensure that any post-incident response or cleanup is performed in a safe manner
- Provide a referral to compensation services

The requirement to immediately report a serious injury or fatality is separate from the requirement to report injuries for claims purposes. **Filing a Form 7 will not satisfy the obligation to immediately report a serious injury or fatality.**

Failure to immediately notify WorkSafeBC of a serious injury or fatality will be considered a breach of section 172 of the *WCA*, and may result in an administrative penalty.

To report a serious incident or fatality, phone 1 888 621-SAFE (7233) (during business hours) or toll-free 1 866 WCB-HELP (922-4357) (after hours).