



# Industrial Workplace Accidents

## POLICY

This Policy outlines the procedures for investigating Industrial Accidents, including farm accidents, and the notification requirements to the Ministry of Labour.

## PROCEDURE

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### A. General

1. The Occupational Health and Safety Act (OHSA) of Ontario applies to all work sites where there are paid workers including a farm, even if the employment period is for a short time. The Act does not apply to the self-employed farmers who do not have paid workers. The OHSA applies equally to domestic and foreign farm workers in Ontario.
2. Members may enter onto any private property to investigate an Industrial Workplace Accident where one the following circumstances exist:
  - a. to save someone from injury or death;
  - b. a death or fatal injury has occurred; or
  - c. there are reasonable grounds to believe that death or grievous bodily harm may result from the activity at the location.
3. An Inspector from the Ministry of Labour has the right to enter into any workplace and conduct an investigation.
4. A Ministry of Labour Inspector may only enter a dwelling or that part of a dwelling actually being used as a workplace with the consent of the occupier or under the authority of a warrant.
5. Any person who hinders, obstructs, molests or interferes with or attempts to hinder, obstruct, molest or interfere with a Ministry Inspector in the exercise of a power or the performance of a duty under Occupational Health and Safety Act or the regulations or in the execution of a

warrant issued under this Act or the Provincial Offences Act with respect to a matter under this Act or the regulations, is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than twelve months, or to both.

6. Industrial Workplace Accidents include all worksites whether on the premise owned by the employer or an offsite location where work is being performed by employee.
7. The OHS Act does not apply to work done by the owner or occupant, or a servant, in a private residence or on the connected land.
8. Outside contractors and their employees, while in federal workplaces, are under provincial jurisdiction.
9. Industrial Workplace Accidents under federal jurisdiction are regulated by the Canada Labour Code, which is administered by Human Resources and Skills Development Canada (HRSDC). Notification should be made to HRSDC and as a FYI to the Ministry of Labour of Ontario where federal workers in the following sectors are involved in an Industrial Workplace accident:
  - a. air and water transport;
  - b. federal crown corporations;
  - c. energy and mining;
  - d. banking;
  - e. the federal public service;
  - f. pipelines;
  - g. bridges and tunnels;
  - h. feed, flour and seed mills;
  - i. postal contractors;
  - j. broadcasting;
  - k. grain elevators;
  - l. communications;
  - m. longshoring;
  - n. interprovincial road transport; and
  - o. rail transport (see paragraph 10., below).
10. Where a railway worker is critically injured or suffers death and the train is not in motion, notification must be made to the Ministry of Labour of Ontario. If the train is in motion when the incident occurred, notification must be made to HRSDC and as a FYI to the Ministry of Labour of Ontario.

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## **B. Police Officers**

1. Shall, upon responding to an Industrial Workplace Accident:
  - a. where the incident is not an Industrial Workplace Accident but the circumstances are suspicious, request the attendance of a Patrol Supervisor;
  - b. where the incident is an Industrial Workplace Accident resulting in *critical injury (def.)* or death request the attendance of a Patrol Supervisor;

*(Reference: Policy and Procedure 4.3.10 Sudden Death/Found Human Remains Investigations)*

- c. where required, render first aid and request the attendance of an ambulance;
- d. ensure there is no chemical or other hazardous material leakage and that the site is not a further hazard to HPS responders; and

*(Reference: Policy and Procedure 1.18 Occupational Health and Safety)*

- e. where a confirmed Industrial Workplace Accident has resulted in critical injury or death request Communications notify the Ministry of Labour, in all cases, and:
  - where the accident involves elevators, escalators, hoisting equipment, amusement devices, boilers or pressure vessels, fuel filling stations and spills, notify the Technical Standard and Safety Authority;
  - where the accident involves a construction site, fire or structural damage has occurred or is suspected, notify the City Building Inspector;
  - the appropriate Hydro Authority if the accident resulted from an electrical problem;
  - Union gas if the accident resulted from a gas leak;
  - Ministry of Environment where there are hazardous materials involved; or
  - Canadian Transport Emergency Centre (CANUTEC) where the accident involves transportation of dangerous goods.

**Note:** Contact numbers are listed in Appendix "A". For any other required contact numbers seek assistance from Communications.

- f. secure the scene as a crime scene until the arrival of the Ministry of Labour Inspector, ensuring that:
  - nothing is disturbed, altered, and that no one carries away any wreckage, article or thing at the scene of or connected with the occurrence until permission to do so has been given by a Ministry of Labour Inspector, except for the purpose of:
    - i. saving life or relieving human suffering;
    - ii. maintaining an essential public utility service or a public transportation system; or
    - iii. preventing unnecessary damage to equipment or other property.
  - work in the area of the accident is stopped;
  - the names and addresses of all witnesses to the accident are determined;
  - the owner of the premise and the site supervisor are determined.
- g. obtain statements from all witnesses;
- h. where appropriate, request the attendance of Forensic Services to process the scene and collect any relevant evidence;
- i. secure property belonging to the deceased or injured person, submit to the Property Branch and list all items under the property tab in the RMS; and
- j. submit an Incident Report and scan notes and statements into the RMS.

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**C. Patrol Supervisor**

1. Shall attend the scene of a confirmed Industrial Accident and ensure that:
  - a. the Ministry of Labour has been notified in all cases;
  - b. all other appropriate authorities have been notified in accordance with section "B", paragraph 1(e) of this Policy;
  - c. the Divisional Commander or in his/her absence the Duty Officer is notified;
  - d. the scene of the accident is secured;
  - e. there is no chemical or other hazardous material leakage and that the site is not a further hazard to the HPS responders; and  
(**Reference:** *Policy and Procedure 1.18 Occupational Health and Safety*)
  - f. any property belonging to the person is secured and Divisional Detectives are notified.

**D. Divisional Detectives**

1. Shall:
  - a. attend the scene of confirmed Industrial Workplace Accidents, assist the Ministry of Labour Inspector and conduct a parallel investigation where the accident is suspicious in nature, or was a result of a criminal act;
  - b. investigate workplace accidental deaths in accordance with Service Policy and the procedures set out in the Ontario Major Case Management Manual and the HPS *Chief Coroner's Office Memorandums Manual (def.)*;
  - c. in the event of a death, ensure the notification of the Next of Kin or if the person has been transported to the hospital due to injuries, the location of the hospital;  
(**Reference:** *Policy and Procedure 4.3.10 Sudden Death/Found Human Remains Investigations*)
  - d. where the victim is a foreign national, notify the appropriate Consulate;  
(**Reference:** *Policy and Procedure 4.3.07 Foreign Nationals*)
  - e. ensure that Forensic Services processes the scene and collects any relevant exhibits;
  - f. consider requesting assistance from the Collision Reconstruction Unit, if required, where a *motor vehicle (def.)*, a *farm tractor (def.)*, self propelled implement of husbandry (*def.*), road building machine (*def.*), road service vehicle (*def.*), vehicle (*def.*), or railway is involved; and
  - g. refer to Section 217.1 of the Criminal Code; 'Duty of persons directing work', where criminal charges may be applicable. (See Paragraph F., below).

**E. Forensic Services Branch**

1. Shall process the scene, collect relevant exhibits and perform such other duties as may be required to assist in the investigation of the Industrial Workplace Accident.  
(**Reference:** *Policy and Procedure 4.1.26 Collection, Preservation and Control of Evidence from Crime Scenes*)

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## F. Criminal Code Charges Arising From OHS Violation

1. Section 217.1 of the Criminal Code creates rules for establishing criminal liability to organizations for the acts of their representatives and affects all organizations and individuals who direct the work of others, anywhere in Canada. These organizations include federal, provincial and municipal governments, corporations, private companies, charities and non-governmental organizations.
2. Police and Health and Safety Inspectors may both investigate a serious workplace accident. In most cases, the Police and provincial authorities would work together to decide which charges should be laid. Where Criminal Code charges are warranted, charges will be initiated by the Police. Occupational Health and Safety Act violations will be followed up by the Ministry of Labour, HRSDC or other appropriate authorities, and charges laid by the applicable agency.
3. The Crown Attorney shall be consulted before any Criminal Code charges are pursued. Possible criminal charges to be considered, but not limited to, are:
  - duty of persons directing work;
  - criminal negligence causing death or bodily harm; or
  - manslaughter.

## DEFINITIONS

### Critical Injury

An injury of a serious nature that:

- places life in jeopardy,
- produces unconsciousness,
- results in substantial loss of blood
- involves the fracture of a leg or arm but not a finger or toe,
- involves the amputation of a leg, arm, hand or foot but not a finger or toe,
- consists of burns to a major portion of the body, or
- causes the loss of sight in an eye.

### HPS Chief Coroner's Office Memorandums Manual

Chief Coroner's Memorandums will be maintained centrally by the Coroner's Officer. All memorandums will be reviewed by the Coroner's Officer to ensure the HPS is compliant in investigating sudden deaths.

### Motor Vehicle (C.C)

Means a vehicle that is drawn, propelled or driven by any means other than muscular power, but does not include railway equipment. (Ref: Criminal Code)

**Motor Vehicle (HTA)**

Includes an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine (**Ref:** Highway Traffic Act)

**Road-building Machine**

Means a self-propelled vehicle of a design commonly used in the construction or maintenance of highways, including but not limited to:

- asphalt spreaders, concrete paving or finishing machines, motor graders, rollers, tractor-dozers and motor scrapers,
- tracked and wheeled tractors of all kinds while equipped with mowers, post-hole diggers, compactors, weed spraying equipment, snow blowers and snow plows, front-end loaders, back-hoes or rock drills, and
- power shovels on tracks and drag lines on tracks,
- but not including a commercial motor vehicle.

(**Ref:** Highway Traffic Act)

**Road Service Vehicle**

Means a vehicle while it is being used for highway maintenance purposes by or on behalf of a municipality or other authority with jurisdiction and control of the highway.

(**Ref:** Highway Traffic Act)

**Self-propelled Implement of Husbandry**

Means a self-propelled vehicle manufactured, designed, redesigned, converted or reconstructed for a specific use in farming. (**Ref:** Highway Traffic Act)

**Vehicle**

Includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car. (**Ref:** Highway Traffic Act)

**REFERENCES**

Canada Labour Code

Coroners Act

Criminal Code

Occupational Health and Safety Act

Policy and Procedure 1.18 Occupational Health and Safety

Policy and Procedure 4.1.26 Collection, Preservation and Control of Evidence from Crime Scenes

Policy and Procedure 4.3.07 Foreign Nationals

Policy and Procedure 4.3.10 Sudden Death/Found Human Remains Investigations

Provincial Offences Act

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Glenn De Caire  
Chief of Police

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**Appendix A**

<b>Ontario Ministry of Labour</b>	<b>1-877-202-0008</b>	<b>(24 hrs)</b>
<b>HRSDC Health and Safety (Federal)</b>	<b>1-800-641-4049</b>	<b>(24 hrs)</b>
<b>Horizon Utilities</b>	<b>905-522-6611</b>	<b>(24 hrs)</b>
<b>Union Gas</b>	<b>1-877-969-0999</b>	<b>(24 hrs)</b>
<b>Ontario Hydro One</b>	<b>1-800-434-1235</b>	<b>(24 hrs)</b>
<b>City of Hamilton Building Department</b>	<b>905-546-4720 (8:30 a.m – 4:30 p.m)</b> <b>905-546-2489 (after business hours)</b>	
<b>Technical Standards and Safety Authority</b>	<b>1-877-682-8772</b>	<b>(24 hrs)</b>
<b>Ontario Ministry of Environment</b>	<b>1-800-268-6060</b>	<b>(24 hrs)</b>
<b>Canadian Transport Emergency Centre (CANUTEC)</b>	<b>1-613-996-6666</b>	<b>(24 hrs)</b>

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