





Determine if assistance is available from your insurance carriers or your organization to assist in the investigation.

Will the entire process fall upon YOU to manage?



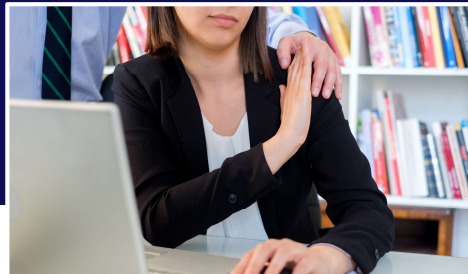
Contact “ALL” of your Insurance Carriers that have relevant coverage that may become involved with the incident!

- Gen Liability
- Work Comp
- Professional Liability Employers
- Liability Pollution Coverage
- Auto Coverage
- Directors and Officers
- Property
- Umbrella
- Builders Risk

Some types of incidents and events that may require investigation:



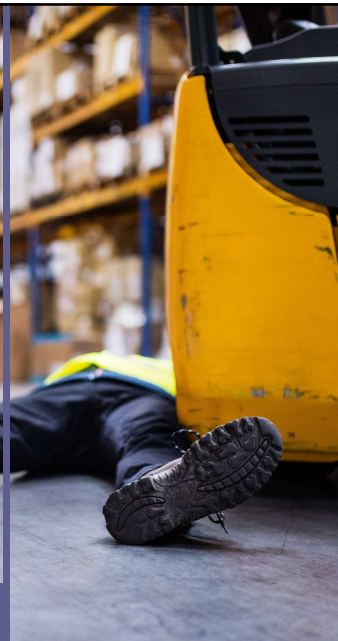
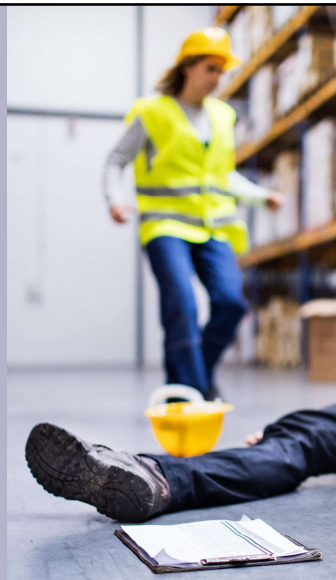
- ✓ Injuries or Illnesses
- ✓ Property Damage
- ✓ Near Misses
- ✓ Fraud



- ✓ Violation of Established Company/Customer Policy
- ✓ Charges of Sexual Harassment



- ✓ Charges of Racial Discrimination
- ✓ Theft



Your investigative report is the place:

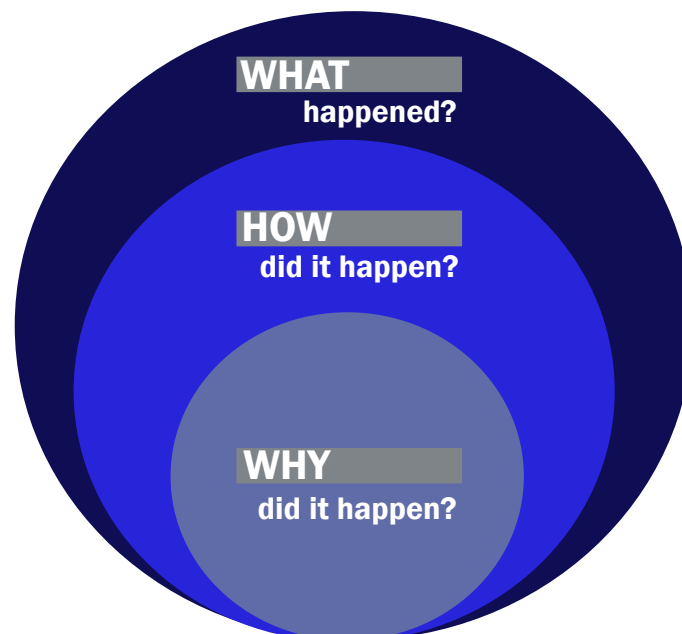
To illustrate the thorough investigation that was conducted

Present the factors to stake holders in a way that makes the conclusion(s) clear

Should reduce the need for follow up



The Definition of Root Cause Analysis



***What are the TRAPS
in creating an
incident report?***

Reality is that sometimes
the info that is included can
and will be used against you
in a court of law!



BUT...

Incident Investigations/Reports are
vital because they can help identify
hazards and/or circumstances in
the workplace that need to be
identified, then be prevented or
avoided!





***Identify all of the
potential witnesses!***



Capture picture and video data of the entire scene to include approaches, exits and views from the probable locations of witnesses to the incident.

Ensure that **ALL** available written reports, material and information is

OBTAINED! RETAINED! PROTECTED!

Your Report
Statements
EMS, Fire and Police Reports
Reports/Summaries made by others.
Pictures and Videos
Drawings and Diagrams
Relevant Information from OSHA website

Personnel Records
Medical Records and Information
EEOC Charges and Responses
Project/Job Specifications
Contracts
Insurance Certificates
Emails
Phone Records



Good Written Statements

- ✓ Instruct the witness to tell the story in chronological order, give them a starting point.
- ✓ Communicate that only the facts are pertinent, ask them please do not include any opinions.
- ✓ Communicate to the witness that their account must be true and remind them that they may be called upon later in litigation to revisit the contents of their statement.
- ✓ It is ok to ask and document questions in the body of the statement.

Q. Did you see John Doe climb on top of the bailing machine wearing no fall protection?
A. Yes

Q. Did you see John Doe on top of the bailing machine working?
A. Yes

Q. Was John Doe utilizing fall protection and was he properly tied off while he was working?
A. No

Q. Did you see John Doe fall off of the bailing machine?
A. Yes

Q. Did John Doe say anything to you while he was lying on the floor injured?
A. Yes, he said I wished I had tied off. That was stupid of me. I knew better.

Have the witness initial each and every answer.



Not all incidents and accidents lead to litigation. BUT.....the advice of counsel may be very valuable in helping to determine the level of potential risk an incident may bring to the organization.

Talk to an Attorney about:

- Prospective litigation issues in advance, ***especially in serious injury and death cases***
- Preserving and protecting evidence
- Guidance on having third party investigators and accident reconstructionist involved in the investigation



***Get organized
very quickly!***

REMEMBER:

- ✓ **Collect**
- ✓ **Retain**
- ✓ **Protect**