



The Corporation of the Municipality of Red Lake

**HEALTH & SAFETY  
POLICY MANUAL**

<b>Subject:</b> Critical Injury Investigation and Reporting	<b>Approval Date:</b> December 19, 2022	<b>By-Law No.</b> 100-2022
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5.16 CRITICAL INJURY INVESTIGATION AND REPORTING

1. PURPOSE

Responsibilities of the Municipality of Red Lake (Municipality) staff for investigating and reporting workplace injuries are defined in the policy *Investigation and Reporting of Work-Related Injuries and Incidents*.

The Occupational Health and Safety Act (OHSA) establishes additional requirements where a person (employee or member of the public) is killed or critically injured at a workplace. This policy outlines requirements and assigns responsibilities to ensure that they are dealt with in the manner prescribed.

This Policy applies to all Municipality of Red Lake employees.

2. DEFINITIONS

2.1 Critical Injury:

As per Ontario Regulation 420/21, “critically injured” means an injury of a serious nature that:

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

3. RESPONSIBILITIES

3.1 To achieve the requirements of investigating and reporting a critical injury or fatality, as defined by the Occupational Health and Safety Act.

Management will:

- a) Develop procedures for investigating critical injuries/fatalities,



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- b) Arrange training in critical injury/fatality investigation, as needed, for supervisory staff, and
- c) Establish a process for review of critical injury/fatality reports to prevent similar injuries.

Supervisors of injured employees will:

- a) Ensure medical attention, as appropriate, is sought,
- b) Determine if the injury is a critical injury by using the criteria stated in the definition and the Questions and Answers (Q&A) document that is appending this policy.

4. PROCEDURES

4.1 In the case of critical injury or fatality, Management and/or Supervisors will:

- a) Preserve all relevant evidence by maintaining the integrity of the scene and not allowing anyone to:
- b) Alter or remove evidence, except for the purpose of saving life or relieving human suffering; maintaining an essential public utility service or a public transportation system or preventing unnecessary damage to equipment or other property,
- c) Interfere with, disturb, destroy, alter, or carry away any wreckage, article or thing at the scene or connected with the occurrence, until permission to do so has been given by the Ministry of Labour, Training and Skills Development (MLTSD) inspector.

[Note: A Ministry Inspector has the authority to release the scene of a critical injury or fatality over the phone. A request to the MLTSD to release the scene should be made prior to the disturbance of any critical injury/fatality scene. When it is necessary, for the reasons outlined above, prior to disturbing the scene, details of the original scene must be recorded as soon as possible].

- d) Take immediate action to secure the scene to prevent secondary incidents.



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- e) Immediately notify the following by phone, or by direct means:
  - i) The Municipality’s Health and Safety Manager, Human Resources Manager, and the CAO;
  - ii) The Ministry of Labour, Training and Skills Development at 1-877-202-0008 (phone) or 905-577-1316 (fax);
  - iii) The designated Health and Safety Committee worker member or a Health and Safety Representative;
  - iv) The Union.

[Note: The person reporting the critical injury or fatality to the MLTSD must remain available for the Ministry representative to contact them or otherwise provide an alternative contact person’s name and contact information. Updated information can be provided via the Ministry’s duty desk or with the inspector directly once initial contact has been made].

- f) Forward a written report of the occurrence to the MLTSD within 48 hours as per section 51 (1) of the Act. Include the following information in the critical injury/fatality report as per Reg. 420/21, section 3;
  - i) Name and address of the employer or constructor if the occurrence is at a project,
  - ii) Name and address of the worker,
  - iii) Nature of the circumstances of the occurrence; including a description of any machinery, equipment or procedure involved,
  - iv) Time, date, and place of the occurrence, and
  - v) Name and address of the legally qualified medical practitioner, registered nurse who holds an extended certificate of registration under the Nursing Act, 1991 or medical facility that is attending to or attended to the worker.
- g) Ensure the following parties, in addition to the MLTSD, receive a copy of the critical injury/fatality investigations; report to include as follows:
  - i) The workplace of the injured worker;
  - ii) The Health and Safety Committee or Worker Health and Safety Representative;
  - iii) The Union Representative(s).



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4.2 Following the completion of the above mentioned duties and in the case of any critical injury involving a worker, managers and/or supervisors will:

- a) Investigate the injury to the extent warranted by its severity and, at a minimum, to the extent necessary to complete all sections of the “*Supervisor’s Incident Investigation Report Form*”.
- b) Retain a copy of the written notice or report for the duration outlined within the Records Retention By-Law.

4.3 Health and Safety Committee Worker Representatives will:

- a) Designate one or more worker representatives to investigate cases where a worker is killed or critically injured at a workplace from any cause. The representative may, while keeping the integrity of the scene, inspect the place where the incident occurred and any machine, device, or thing; and shall report his or her findings to the MLTSD and to the H&S Committee.
- b) Forward a written report of this investigation to the H&S Committee for review.

4.4 Injured workers will:

- a) Report the critical injury to their supervisor and assist in the investigation as soon as the nature and extent of their injuries permits. The worker will fill out the “*Employee’s First Report of Injury Form*.”

5. STANDARD PROCEDURES

Each Department of the Municipality will use this policy to implement and maintain critical injury/fatality investigation and reporting procedures. The attached Q&A document is intended to assist in the development, implementation, and review of these procedures. All critical injuries and fatalities must be investigated to establish what occurred, what the causes were and what corrective action should be implemented to prevent recurrence.

6. AUTHORITY

Occupational Health and Safety Act (R.S.O. 1990, c. 0.1) and associated regulations



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O. Reg. 420/21: Notices and Reports Under Sections 51 TO 53.1 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents made under the Occupational Health and Safety Act

Workplace Safety and Insurance Act (S.O 1997, c.16)



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**Critical Injury Q&A**

This Q&A document has been compiled to provide additional interpretation on what constitutes a Critical Injury and to assist development of organizational procedures

**1. If a critical injury happens to a person who is not an employee of the Municipality, does it get reported to the Ministry of Labour, Training and Skills Development (MLTSD)?**

The MLTSD needs to be notified of an injury to a person meeting the criteria contained in the Critical Injury definition, where all three of the following requirements are met:

The person is killed or critically injured.

The death or critical injury occurs at a place where (i) a worker is carrying out their employment duties at the time the incident occurs, or (ii) a place where a worker might reasonably be expected to be carrying out such duties in the ordinary course of their work; and

When a non-employee is killed or critical injured, there is some reasonable nexus between the hazard giving rise to the death or critical injury and a realistic risk to worker safety at that workplace.

Reference: Blue Mountain Resorts Limited v. Ontario (Labour), 2013 ONCA 75 (CanLII).

**2. If a person (other than a worker) is critically injured or killed at a workplace does the employer need to comply with the written report requirements in O. Reg. 420/21?**

The employer obligation under section 51 of the OHS Act requires a verbal notification to the MLTSD when a person (other than worker) is critically injured or killed at a workplace. The prescribed written reporting requirements set out in section 3 of O. Reg. 420/21 only apply with respect to a worker.

**3. If an injury involves a broken bone, other than what is listed in the definition, is this a critical injury?**

When calls are placed to the MLTSD Critical Injury Reporting Line for fractures or breaks of other bones, there is sometimes inconsistency on whether the Ministry respondent will confirm the injury as critical. The Municipality has in the past requested clarification from



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the Ministry on this matter and has received verbal confirmation from the Inspector level that a break of any bone is to be reported as a critical injury.

**4. If an injury involves the fracture or amputation of two or more fingers or toes, is this a critical injury?**

As per the Ministry’s Clarification on the definition of “Critical Injury” (January 2017), while the fracture or amputation of a single finger or single toe does not constitute a critical injury, the fracture or amputation of more than one finger or more than one toe does constitute a critical injury if it is an injury of a serious nature.

**5. If a worker sustains a critical injury while on break, is this reportable to the MLTSD?**

Critical injuries that occur while a worker is on break should be assessed on a case-by-case basis by the Supervisor of the injured worker. Two examples for consideration follow.

*Example 1:* A worker is travelling from Facility A to Facility B as part of their work. During the travel, the worker stops at a coffee shop for a coffee, slips and falls and sustains a leg fracture. This should be reported to the MLTSD because the injury occurred while the employee was in the course of work travelling from one work location to another.

*Example 2:* During the workday, a worker leaves the workplace and goes to a coffee shop for a coffee break, slips and falls and sustains a leg fracture. This would not be considered as an injury that must be reported to the Municipality or the MLTSD, as a critical injury. The injury did not occur in a municipal workplace, nor did it occur to a municipal employee in the employee’s course of work. It may be an injury that must be reported to the MLTSD by the coffee shop owner as a critical injury.

When a supervisor is in doubt as to whether an injury should be reported to the Ministry as a critical injury, it is recommended to report the injury and allow the Ministry to make the decision as to whether it is a critical injury.

**6. What is considered a “substantial loss of blood”?**

It is difficult to precisely define what is meant by a substantial loss of blood. However, case law indicates that if an injury is of a serious nature and it is determined that 911 should be called, as the contents of a standard first aid kit may not be adequate to stop the bleeding, then the loss of blood should be considered substantial.



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Reference: R. v. Rotobale Compaction Systems Inc, 2007 ONCJ 730 (CanLII).

**7. How should the criteria “places life in jeopardy” be interpreted?**

Consider the following examples for clarification:

*Example 1:* A filing cabinet tips over directly adjacent to where a worker is standing, but no injury is sustained. This is considered a near miss. Even though there was the potential for serious injury, this does not need to be reported to the MLTSD as a critical injury.

*Example 2:* A filing cabinet tips over and strikes an employee. There is no blood loss, unconsciousness, or apparent fractures. However, the employee is acting dazed and confused. 911 is called as there is concern that there may be internal bleeding. This should be reported to the Ministry as a critical injury.

When considering critical injuries, always consider the injury that has been sustained (Ontario Regulation 420/21). For near misses that could have placed life in jeopardy, a serious internal investigation is required, but not reporting to the MLTSD as a critical injury.