

CHECKLIST OF IMMEDIATE ACTION ITEMS
WORKPLACE INJURIES/FATALITIES

- Family notification - Immediately and in person, if at all possible, especially for serious injury/death. By Company official(s) of sufficiently high management level. Provide family members with transportation to hospital/care facility. Maintain contact with family throughout ensuing weeks.
- OSHA notification requirements - Must notify OSHA in person or by telephone within 8 hours of knowledge of a workplace fatality and within 24 hours of the work-related in-patient hospitalization of 1 or more employees or an employee's amputation (even partial amputation) or an employee's loss of an eye (1-800-321-OSHA) (if in a state plan jurisdiction such as Indiana/Michigan/California, etc., notification must be given to the appropriate person at the state OSHA agency -- In Indiana, that notice must be given to IOSHA @ 1-317-232-2693). In Minnesota, the telephone number during normal business hours is (651) 284-5050 or 1-877-470-6742. If OSHA office is closed at time of report, leave voicemail message with contact information, call time, and follow-up when the office is open. Also, call the federal OSHA Duty Officer at the 1-800 number shown above. Follow OSHA recording requirements for the injury/death.
- Take machines/tools/equipment involved in incident (if any) out of service until properly checked and cleared by expert(s) and counsel. Also, secure any safety equipment and the area of the worksite involved in the incident until properly checked and cleared by expert(s) and counsel.
- Check with legal counsel regarding the issue of whether a "document hold" or "document preservation" notice should be prepared and distributed.
- Notify in-house official responsible for worker's compensation and the worker's compensation insurance carrier who should be asked about checking on standard post-accident tox/drug/alcohol testing. As a precaution, in the event of lawsuit outside of worker's compensation, notify general liability/premises liability carriers (and any other relevant carrier). If insurance carrier wishes to conduct own investigation, discuss this with counsel to the Company. Reminder - there is a duty of cooperation with the insurance carrier usually contained in insurance policy terms. The Company should discuss with the carrier issues regarding the carrier's own report of the incident with respect to discovery/privilege issues.
- Alert Company in-house counsel (if any) and if none, alert outside counsel. Also, alert Company risk manager(s) (if any).
- Absolutely preserve evidence re: accident scene to try to avoid spoliation claims. Issue document/e-mail hold memorandum to all potentially relevant persons.
- If a death or serious injury, consider prompt provision of grief counselors at work to assist co-workers. The Company's EAP program (if any) may be a good starting place to find qualified grief counselors.

- Appoint only one or two designated Company officials, with significant interpersonal skills, to coordinate and handle all communications to third parties re: the incident or accident (e.g., family members, media, etc.). All management staff should be advised to refer all inquiries to the designated official(s). Keep the number of designated officials at a bare minimum to avoid the possibility of two different answers to the same question(s) which will inevitably raise suspicions. The Company official(s) should be of sufficiently high level in the organization to avoid the family's or media's perception that they are being handed off to a low level official.
- Sometimes, lawsuits may be brought against lessor/product manufacturer by injured party or estate. Accordingly, if any leased equipment or product is involved in the incident, check any leasing or other paperwork (e.g., purchase orders, purchase agreement, etc.) to determine whether an indemnity provision is contained in the document(s).
- Also, it is recommended that the project documents/agreements be reviewed at once in order to determine whether any clauses/provisions dictate or require certain actions or trigger obligations (e.g., notice provisions/indemnity and/or defense clauses, etc.).
- Company investigation of accident cause should begin immediately, regardless of whether OSHA has arrived on the scene. Documentation of statements/witness recollections should be discussed with counsel before documentation begins.
- Relevant safety maintenance logs, maintenance records, equipment operation or owner's manuals, equipment leasing records, repair records, audit records, PPE records, training records, material safety data sheets (MSDSs/SDSs), attendance rosters at safety training meetings, and relevant safety disciplinary records should promptly be secured and provided to appropriate Company official(s) in charge of the investigation.
- Provide cooperation to investigating officials including police/law enforcement officials.