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## ACCESSING SAFETY KNOWLEDGE (ASK) SHEET: *FATALITY IN THE WORKPLACE: WHAT DO WE NEED TO KNOW?*

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After it occurs it is too late to plan on how you will handle the emergency. Every employer needs to have a policy in place and key people trained and prepared to face this potential emergency. We hope it never comes, but if it does, here are some things to consider.

First: Section 1904.39(A) of the Labor Code says:

"Within eight (8) hours after the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related incident, you must orally report the fatality/multiple hospitalization by telephone or in person to the area office of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, that is nearest to the site of the incident. You may also use the OSHA toll-free central telephone number, 800-321-OSHA."

Section 1904.39(B) lists items you must provide to OSHA: Company name, incident location, time of incident, number of fatalities or hospitalized employees, names of those injured, your contact name and number and brief description. You must speak to a person; you cannot leave a message.

But what should you have already done before this tragic emergency?

**Rule #1 – Be Prepared.** Before the fatality occurs, control the controllable!

OSHA logs up to date, OSHA postings current, key training done and documented: Lockout/tagout, fall protection, confined space, hazardous materials, etc., forklift operators properly trained, safety policy and manual current and used.

**Rule #2 – Work the Plan.** Note: This presupposes there is a plan! Who will handle the press? Who will call OSHA? Who will notify all parties? Who are the parties to notify? Who takes the lead?

**Rule #3 – Make Sure Everyone Knows the Plan.** There is always someone who misunderstands! Do your best to make sure it is not your "key" person. Train, role play, review.

**Rule #4 – Expect the Unexpected.** Things will not go exactly as anticipated. Controlling the basics will allow you the freedom to handle the unexpected. Keep asking questions until you know all the answers.

**Rule #5 – Don't Go to Jail.** Willful OSHA violations can result in fines and possibly jail time.

**Rule #6 – Always Work the Plan.** Don't get caught with your guard down. When in doubt, work the plan.

By the way, do you have a written plan? Be sure all key personnel, your legal advisors, insurance professionals and others are involved in the process.

The best way to handle a crisis is to first prepare, and then work the plan!

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