



Workplace incidents

What to do in an emergency

Dial 000, do not touch the scene other than to administer first aid, contact the department

Reporting an incident

You are **required by law to report serious bodily injuries, work caused illnesses and dangerous events**

Recording and investigating non-notifiable incidents

Incidents that do not cause serious bodily injuries or illnesses, or are not dangerous events must still be recorded and investigated

Workers' compensation

Injured workers information, compensation process, information for employers

When there is a death in the workplace

Investigation, Workplace Health and Safety Queensland, Queensland Police Service, Coroner

What to do in an emergency

1. Dial 000 and ask for Ambulance.

If it is a fatality, dial 000 and ask for Police.

If overhead powerlines have fallen down notify the relevant electricity entity or Police.

2. Administer first aid if required.

Do not touch anyone who is receiving an electric shock. Turn off power or free the person with a non-metallic item.

Nothing should be touched or moved unless it is to administer first aid, or there is further risk of property damage.

3. Contact Workplace Health and Safety Queensland on 1300 369 915.

Workplace Health and Safety Queensland can provide approval to touch the scene.

An inspector or police officer will need to investigate the scene of a notifiable workplace incident.

You should be aware of the traumatic nature of incidents, and consider counselling or organise discussions for the people involved or affected by the incident.

Reporting an incident

Part 7 of the *Workplace Health and Safety Regulation 1997* requires certain people to notify Workplace Health and Safety Queensland of a:

- serious bodily injury
- work caused illness
- dangerous event

How to report an incident

Written notification is required **within 24 hours of an incident**. If the incident involves a **death, immediate notification** is required on **1300 369 915**. A Workplace Health and Safety Queensland Inspector is on call 24 hours.

- **Print the approved form** (PDF, 316kB) and fax it to the department

OR

- **Fill in the form online** (assistance completing the online form)

You must also keep a copy of the form for your records for 1 year after the event.

Who needs to report a workplace incident

The following people have a legal obligation to report particular workplace incidents not causing death:

- employers (including labour hire agencies and host employers)
- self employed persons
- principal contractors (at a construction workplace).

If the workplace incident occurs at a construction workplace, the employer or self-employed person must:

- **immediately** notify the principal contractor for the workplace that the workplace incident has happened; and
- give the principal contractor any help the principal contractor may reasonably require to complete an approved form.

In the event of a **death** occurring, the following persons must report the incident:

- if the death is the employer - the person next in charge
- if the death is anyone other than the employer - the employer or self-employed person
- if the death occurred at a construction workplace - the principal contractor.
- if the death is a labour hire worker - both the labour hire agency and host employer.

There could be some instances when more than one person needs to report the incident.

Penalties for failing to report

The maximum penalty for failing to notify Workplace Health and Safety Queensland is 20 penalty units, which is \$2,000 for an individual and \$10,000 for a corporation. Failing to make a record of an incident incurs the same penalties.

Employers, self-employed people and principal contractors who fail to notify Workplace Health and Safety Queensland or make a record of a particular incident at the workplace will not commit an offence if they:

- did not know about the incident
- were incapacitated by the work caused illness or work injury; and
- notify WHSQ or make a record as soon as possible after recovery.

Definitions

Notifiable incident means:

- an incident resulting in a person suffering a work injury that is a serious bodily injury, including a fatality
- a work caused illness
- a dangerous event

Work injury means:

- an injury to a person that requires first aid or medical treatment if the injury was caused by work, a workplace, a workplace activity or specified high risk plant; or
- the recurrence, aggravation, acceleration, exacerbation or deterioration of any existing injury in a person if:
 - first aid or medical treatment is required for the injury; and
 - work, a workplace, workplace activity or specified high risk plant caused the recurrence, aggravation, acceleration, exacerbation or deterioration; or
- any serious bodily injury, if the injury was caused by work, a workplace, a workplace activity or specified high risk plant

Serious bodily injury means an injury to a person that causes:

- the injured person's death; or
- the loss of a distinct part or an organ of the injured person's body; or
- the injured person to be absent from the person's voluntary or paid employment for more than four normal working days

Work caused illness means:

- an illness contracted by a person to which work, a workplace, a workplace activity or specified high risk plant was a significant contributing factor; or
- the recurrence, aggravation, acceleration, exacerbation or deterioration in a person of an existing illness if work, a workplace, a workplace activity or specified high risk plant was a significant contributing factor to the recurrence, aggravation, acceleration, exacerbation or deterioration

Dangerous event means:

- an event caused by specified high risk plant; or
- an event at a workplace caused by workplace activity
- if the event involves or could have involved exposure of persons to risk to their health and safety because of:
 - collapse, overturning, failure or malfunction of, or damage to, an item of specified high risk plant; or
 - collapse, or failure of an excavation or of any shoring supporting an excavation; or
 - collapse, or partial collapse of any part of a building or other structure; or
 - damage to any load bearing member of, or the failure of any brake, steering device or other control device of, a crane, hoist, conveyor, lift or escalator; or
 - implosion, explosion or fire; or
 - escape, spillage or leakage of any hazardous material or dangerous goods; or
 - fall or release from a height of any plant, substance or object; or
 - damage to a boiler, pressure vessel or refrigeration plant; or
 - uncontrolled explosion, fire or escape of gas or steam

More about the online form

There are mandatory and optional fields in the online form.

Mandatory fields **must be completed** to be able to submit the report.
Optional fields are not mandatory but will assist in providing more details to the department.

Mandatory fields

Type of event

Choose from:

- electrical dangerous event
- serious electrical incident
- workplace health and safety incident (a serious bodily injury or work caused illness)
- workplace health and safety dangerous event

Type of incident

Choose from:

- death
- non-serious bodily injury
- serious bodily injury
- serious electrical incident
- work caused illness

Was the injury fatal?

Choose from:

- yes
- no

Incident date

Type in the day eg. 05

Choose the month from the drop down selection eg. Aug

The year defaults to the current year eg. 2005

Incident time

Type in the time of the incident in 24 hour time eg. 17:05

Incident description

This is free text where you should type in information about the incident and what happened.

Suburb

Type in the name of the suburb where the incident occurred

Postcode

Type in the postcode of the suburb where the incident occurred. There is a lookup function if you do not know the postcode of the suburb.

Details of person injured

Employers must keep records of each employee. These records are particularly important when completing the incident notification form, as personal information on the person injured is required to complete the form.

Surname

Type in the surname of the person injured in the incident

First name

Type in the first name of the person injured in the incident.

Date of birth

Type in the date of birth of the person injured in the incident.

Type in the day eg. 05

Choose the month from the drop down box eg. Aug

The year defaults to the current year eg. 2005

Suburb

Type in the name of the suburb where the incident occurred. There is a lookup function if you do not know the postcode of the suburb.

Gender

Select the gender of the person injured in the incident eg. female or male

Injury details**Nature of illness/injury**

Choose from one of the following choices in the drop down box:

- fracture
- sprain and strain
- burns
- abrasions
- amputation
- chemical burn
- splash in eye
- penetration by object
- back injury
- inhalation of substance
- ingestion of substance
- contusion
- electric shock
- internal injuries
- crush injuries
- decompression illness

- other diving injury
- concussion
- snorkelling injury
- medical condition
- psychological
- acoustic trauma
- dangerous event

Mechanism of injury of illness

Choose from the following options in the drop down box:

- falls, trips and slips
- hitting objects with part of body
- heat radiation and electricity
- sound and pressure
- body stressing
- chemicals and other substance
- biological factors
- mental stress
- other and unspecified mechanisms of injury
- being hit by moving objects
- workplace harassment
- occupational violence
- dangerous event

Agency of illness

Choose from the following options in the drop down box:

- machinery and (mainly) fixed plant
- powered equipment, tools and appliances
- chemicals and chemical products
- mobile plant and transport
- non-powered hand tools, appliances and equipment
- materials and substances
- animal, human and biological agencies
- environmental agencies
- other and unspecified agencies
- not determined during investigation

Employer details

Contractor/employer name

Type in the name of the principal contractor or employer in the format: first name last name eg. John Smith

Submission

Notifier name

Type in the name of the person filling in the form, in the format: first name last name eg. Marie Young

Notifier telephone number

Type in the contact telephone number for the person filling in the form.

Notifier email address

Type in the email address of the person filling in the form eg.
yourname@internetserviceprovider.com.au

Optional incident details

Other fields that are not mandatory but will assist in providing more details to the Department of Employment and Industrial Relations include:

Incident details

- shop number
- building name
- street number
- street name
- incident location

Details of person injured

- other names
- shop number
- building name
- street number
- street
- occupation
- employment type - choose from one of the following:
 - apprentice/trainee
 - clerks
 - electrical fitter
 - electrical fitter mechanic
 - electrical jointer
 - electrical linesperson
 - electrical mechanic
 - labourers and related workers
 - managers and administrators
 - para-professionals
 - plant and machine operators and drivers
 - professionals
 - restricted electrical licence holders
 - salespersons and personal service workers
 - tradespersons
- employment basis - choose from one of the following:
 - casual
 - electrical worker
 - full time
 - member of the public
 - other

- part time
- self-employed
- supply electrical worker
- volunteer

Injury details

- bodily location
- medical treatment - choose from one of the following:
 - CPR - performed
 - doctor only
 - first aid
 - hospital - admitted
 - hospital - observation
 - medical treatment
 - no medical treatment
- Hospital admitted to (if overnight)

Employer details

- ABN

Submitting the form

Once you are satisfied with the information you have provide, click on the 'Next' button. This will submit the form to the Department of Industrial Relations.

Recording and investigating non-notifiable incidents

A non-notifiable incident is one that does not result in a person suffering from a serious bodily injury or death and is not a dangerous event.

While **you do not have to notify** Workplace Health and Safety Queensland about non-notifiable incidents, **it is important to record and investigate all incidents** including "near misses" so action can be taken to prevent similar incidents occurring in the future.

How to record a non-notifiable incident

It is recommended that the record be made on the approved form within three days of the person making the record becoming aware of the incident.

The record must be kept for one year after the record was made.

Employers, self-employed people and principal contractors who fail to make a record of a particular incident at the workplace will not commit an offence if they:

- did not know about the incident
- were incapacitated by the work caused illness or work injury; and
- make a record as soon as possible after recovery.

Who needs to record non-notifiable incidents

If the incident is a work caused illness, or work injury, the following persons must make a record of it:

- if it happened to a worker - the worker's employer
- if it happened to an employer - the employer
- if it happened to a self-employed person - the self-employed person
- if it happened at a construction workplace - the principal contractor

If the incident is a dangerous event, the following persons must make a record of it:

- if it happened at a workplace - the employer or self-employed person
- if it happened at a construction workplace - the principal contractor

If the workplace incident involves:

- an employer or
- self-employed person, or
- a worker of an employer

At a construction workplace, the employer or self-employed person must give the principal contractor any help the principal contractor may reasonably require to complete an approved form.

How to investigate an incident

Ways to investigate an incident include:

- Collect information and establish facts about the incident – who was involved, what happened, where and how it happened and why.
- Isolate the contributory factors – what are the underlying causes of the incident?
- Determine how to fix the problem – investigators should make recommendations based on the underlying causes
- Fix the problem – involve the right people to implement recommendations and corrective actions

Workers' compensation

If you are a worker and you have sustained an injury and are not sure what to do, Workcover Queensland has a factsheet for injured workers.

Workcover Queensland has a range of factsheets and forms for workers, covering the compensation process, including fatalities in the workplace.

If you are an employer and someone has sustained an injury at work, Workcover Queensland has a factsheet for employers.

Workcover Queensland has a range of factsheets and forms for employers, covering the compensation process, including insurance and fatalities in the workplace.

When there is a death in the workplace

A death in the workplace is always investigated - to find out what happened and to determine ways to prevent the same thing from happening again.

The following people are involved in an investigation:

- Workplace Health and Safety Queensland (WHSQ)
- Queensland Police Service
- Coroner

Workplace Health and Safety Queensland

The WHSQ process, workplace investigation

Queensland Police Service

The police process, police contact information

Coroner

The coroner process, court process

Making funeral arrangements

When to contact a funeral director, view of the body

Payment of superannuation benefits

Who can be paid, no Will, Public Trustee

Claims for workers' compensation

WorkCover Queensland, application process, entitlements

Getting further help

Funeral directors, counselling services

Workplace Health and Safety Queensland

Workplace Health and Safety Queensland (WHSQ) will begin an investigation as soon as possible after being notified of a death in the workplace. The purpose of the investigation is to find out what happened and take any appropriate action. Investigations can be complex and may take several months to complete.

A fatal incident does not always lead to a prosecution. WHSQ will make a decision about whether a prosecution should commence and considers a number of factors in making this decision.

There must be sufficient evidence to provide a reasonable prospect of a conviction. If a decision is made to prosecute, a court hearing will take place and this is usually heard in the Magistrates Court.

A person or company who is charged under workplace health and safety laws by WHSQ may enter a plea of guilty or defend the matter. If the plea is guilty, you may hear only a brief summary of what happened. If the plea is not guilty, the Magistrate will set a trial date which could be several months away. This hearing will often take longer than a day, but you will hear all the evidence in great detail.

The amount of information that WHSQ can give you or your solicitor before the trial is restricted.

If the person or company charged is convicted, the amount of the fine will be determined by the court.

Queensland Police Service

The police are routinely called to a workplace death and they are responsible for informing family members of the death. They will inform the Coroner's office and prepare a report for the Coroner.

The Coroner's office requires that a deceased person must be formally identified in the presence of a police officer before the deceased can be released. This task is usually performed by immediate family members.

If you are unable to conduct the identification, police will need to seek alternative methods of identifying the deceased person, which may include personal identification by other family members, friends or work colleagues. If this is not possible, then police will use other options such as fingerprint, dental or DNA identification.

Due to the complexity of the investigations into workplace deaths, finalising the police and WHSQ reports for the Coroner may take some time. As part of the police investigation, they will consider the findings of the WHSQ investigation and, where appropriate, make recommendations to the Coroner. The police investigation will also consider whether there is evidence to commence criminal proceedings against any person.

Personal property found on the person who has died, will be returned to the next of kin or immediate family members as soon as possible after the police have spoken with you. In some instances, it may be necessary to retain certain items until the investigation is complete. Clothing is usually disposed of when the person who has died is admitted to the mortuary.

To assist the Coroner (who is also a Magistrate), a police officer will take statements and prepare a report. Police officers will ask questions about the person who has died and the circumstances of the death. Most of the information they will require will usually be obtained when they first speak with you. However there may be additional questions and statements to be signed so that the file can be sent to the Coroner.

The police and Workplace Health and Safety Queensland inspectors may carry out independent investigations. WHSQ will conduct its own investigation to determine whether any workplace health and safety laws have been broken and the police will consider criminal law matters.

Police enquiries

- **Queensland Police Service Coronial Support Unit** - telephone 07 3274 9108
- **Contact your nearest police station** - choose your region

Coroner

Coroners are situated throughout Queensland in Magistrates Courts. They are responsible for holding inquiries into the circumstances surrounding deaths that are reported to them. This inquiry may result in a Coronial Inquest.

The Coroner will order a post mortem, if required, to help him/her ascertain the cause and manner of death.

An inquest need not be held if the Coroner decides that the death was due to natural circumstances, or that no good purpose would be served by holding the inquest.

An inquest can be requested by a relative or person that the Coroner determines has sufficient interest in the death. This will be considered by the Coroner when deciding whether or not to hold an inquest. The next of kin will be notified of the reasons why an inquest will not be held.

The purpose of the Coronial Inquest is to establish as far as possible:

- the fact that a person has died
- the identity of the deceased person
- when, where and how the death occurred

A Coronial Inquest is a court hearing where the Coroner considers information to help establish these matters. At a Coronial Inquest, the Coroner may call a number of witnesses to give evidence, including a workplace health and safety inspector.

While inquests are generally open to the public, in certain circumstances the Coroner can determine who will attend. It may be necessary for you or another member of your family to make a statement to the police about your knowledge of the circumstances of the death. If the inquest is set down for hearing, the Coroner will read your statement and determine whether it is necessary for you to attend to give further evidence at the hearing.

You will be notified by the Coroner if you are required to give evidence. If an inquest is to be held, the Coroner's office will keep you informed of the date and place of the hearing, which may take more than one day.

Any person who, in the opinion of the Coroner, has a sufficient interest in any aspect of the inquest may apply to the Coroner for permission to appear in person, or to be legally represented at the inquest. This person, or his or her legal representative, may examine and cross examine any witness on matters relevant to the inquest.

Coroner's office enquiries

- Office of the State Coroner - telephone 07 3239 6193

Making funeral arrangements

You can contact your chosen funeral director at any time after the police have spoken with you. The Coroner, in most circumstances, will release the body of the person who has died to the funeral director, after the post-mortem examination and identification is confirmed.

Police are required to use the services of a specific funeral director, who holds a contract with the Government, to take the person who has died to a mortuary. However there is no obligation on the family to use the services of that funeral director. A list of funeral directors can be located in the Yellow Pages.

A viewing of the person who has died can be arranged through the funeral director at the funeral director's chapel.

Death certificate enquiries:

- Registrar-General - Registry of Births, Deaths and Marriages, telephone 07 3247 9203.

Payment of superannuation benefits

There are certain guidelines set out in legislation that restrict who will be paid superannuation benefits, but in general, payment will be made to a dependant(s) which can be one or more of the following:

- a spouse (including de facto spouse)
- a child or children
- person(s) who were dependent at the time of death
- where none of the above exist, to the deceased's estate

Where the benefit is paid to the deceased's estate, it will be distributed in accordance with the provisions of the deceased's Will.

In the event of there being no Will, the deceased's estate will be administered in line with the *Succession Act 1981*.

The Public Trustee has more information on wills and deceased estates.

Claims for workers' compensation

Applications for worker's compensation

Claims for fatalities, who can apply for compensation

Entitlements

What the insurer can pay for, making a claim

Getting help with the application

filling out the application, work cover, legal enquires

Workers' compensation insurance in Queensland is handled on behalf of all employers by WorkCover Queensland except where the employer has been granted a license to self-insure.

Only a small number of large employers, who meet specific requirements, are able to self-insure. In order to determine if the employer concerned is self-insured, an inquiry can be made either directly to the employer, or to Q-COMP, which regulates the licensing of self-insurers.

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Applications for workers' compensation

Claims for fatalities can arise in the following ways:

- the worker dies immediately or soon after the injury
- the worker sustains a non-fatal injury, but dies of the injury some time later
- the worker sustains a non-fatal injury and later dies of complications from this injury
- the worker sustains a non-fatal injury and dies from a subsequent injury arising from this existing compensable injury

Compensation for the death of a worker

Certain people can apply and be paid compensation after the death of a worker including:

- the worker's legal representative may apply for compensation on behalf of the worker's dependants or other entitled persons, if expenses have been incurred
- the person who incurred the expenses (this means an employer, family member or friend who paid the expenses e.g. funeral expenses) may apply for reimbursement

- if the worker had dependants, the dependants may apply for compensation in their own right (eg. a spouse who is totally dependant) or have an application made on their own behalf (eg. a non-dependant grandparent may make an application on the worker's children's behalf)

How claims are assessed

Each application is assessed by the insurer against criteria set out in the *Workers' Compensation and Rehabilitation Act 2003* - the Act.

WorkCover Queensland, or the deceased worker's employer if they are self-insured, will consider:

- whether the person who suffered the fatal injury was a 'worker' as defined in the Act at the time of their injury;
- whether the person suffered an 'injury' as defined in the Act; and
- whether their employment was a significant contributing factor to the fatal injury.

If the applicant is **claiming for loss of dependency**, the insurer will also consider whether the person making the application for compensation was dependent on the worker at the time of fatal injury and the extent of such dependency.

If the applicant is **claiming for expenses** the insurer will also consider whether they incurred expenses arising from the worker's fatal injury.

If the employer does not have a workers' compensation policy, anyone who falls under the definition of a 'worker' is still entitled to lodge a claim for workers' compensation and such claims are managed by WorkCover Queensland.

People who are not eligible for coverage under the Queensland Workers' Compensation scheme may take out personal injury insurance with a private insurance company. If this is the case, you will need to contact the individual insurance company to find out eligibility and entitlements relating to the specific policy taken out.

Entitlements

If a worker dies as a result of an injury, the insurer may pay:

- reasonable medical treatment and associated costs of the worker
- reasonable funeral expenses
- where a worker leaves dependants who were wholly or partly dependant on their earnings, the compensation available to an applicant is proportionate to their dependence on the deceased's earnings. Compensation may include the payment of a lump sum and/or periodic payments for dependant children
- where a worker leaves no dependants and is under the age of 21 years of age, the workers' parents may seek compensation for the death of their child

Making a claim

If you need to make a claim involving a fatality you can contact WorkCover Queensland or the self-insured employer directly to obtain the appropriate forms. Family members, friends or your legal representative can make the contact on your behalf.

You will need to provide the insurer with the following completed documents:

- Application for compensation - fatal injury - signed and completed; and
- the original copy of the Workers' Compensation medical certificate - fatal injury provided by the attending doctor.

Getting help with the application

If you would like help in filling out the application or if you would like to make sure you have understood the questions asked, please contact the insurer for assistance.

WorkCover Queensland can be contacted on 1300 362 128 (toll free). Customer service officers will be able to put you through to someone who can help you.

You may also prefer to have someone help you complete this form such as a family member, union or legal representative or the employer.

Legal enquiries

- Legal Aid Queensland - provides access to legal representation and other legal services to a dependent when a claim for workers' compensation is disputed and taken to court. Telephone: 1300 651 188
- Queensland Law Society - can help you find legal representation. Telephone: 07 3842 5842

Getting further help

Speak to funeral directors, family doctors or religious ministers for further help and advice. Other useful organisations are listed. Some of these organisations may charge a fee.

Counselling enquiries

Community Health Centres (see the Yellow Pages for your nearest centre)

- The Compassionate Friends Queensland Inc. - support organisation for bereaved parents
- Coronial Counselling Unit (John Tonge Centre) - support and information to families affected by the death of a loved one, where that death has required a coronial investigation
- **Lifeline** - 24 hour telephone counselling is available on the toll free number: **13 11 14**

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