

N E X T

WHAT DO YOU DO
WHEN A SAFETY
EMERGENCY
OCCURS?

Tidal Marks 1 by Marilyn Wallace-Mitchell

A SUDDEN AND UNEXPECTED EVENT CAN LEAD TO A WORK RELATED EMERGENCY AT ANY TIME.

Safety emergencies can come in all shapes and sizes – an explosion, a fire, a mechanical failure, a transport accident, a spill and the list goes on. There can be a risk to life, property and/or the environment. Unfortunately, incidents like this require an immediate response.

The moments after a workplace or safety incident are likely to be among the most stressful any of us will ever face. ‘What happened? Is anyone hurt? What do I do now?’ The need to immediately make consequential decisions, in emotional circumstances and with often limited information is extraordinarily difficult.

Over the years we have worked in this area, many of the clients we have helped navigate these challenges have reflected on how helpful a checklist would be to orient their actions in those chaotic and scary initial moments.

Below is our high-level guide on what to do in the first minutes, hours, days and weeks following a safety incident. It is of course a guide only - naturally specifics will always depend on the circumstances of an incident.

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THE FIRST FEW MINUTES

Immediate response

- First priority is to provide first aid and medical assistance including for delayed shock, if it safe to do so
- Raise an alarm
- Engage trained first aiders and emergency / evacuation wardens
- Ensure safety of all personnel – account for everyone
- Contact relevant emergency services – ambulance, fire / bushfire, police, port authorities
- This has most probably already taken place, so your role is most likely to confirm that all of the above steps have been appropriately taken



THE FIRST 10 MINUTES

Emergency response plan

- Implement the organisation's emergency response plan (hopefully a plan has been developed)
- Respond appropriately to the emergency type – firefighting, rescue, damage control, spill containment and clean-up
- Follow evacuation procedures for non-essential personnel and move to agreed muster points or safe refuge facilities.



THE FIRST 30 MINUTES

Gather information

- Establish the chain of command and commence forming incident response team
- Gather information to inform emergency services – what information needs to be obtained and provided to them
- Greet and escort emergency services to incident site and accompany them as appropriate to provide further site-based information in real time
- Assist and do not impede emergency services
- Consider whether hazardous substances or chemicals may be present or ongoing safety risk



THE FIRST HOUR

Notify relevant safety authorities

- Generally need to notify a safety regulator where there is a death, a serious injury / illness or a dangerous incident (eg. exposes someone to a serious risk to their health or safety emanating from an immediate or imminent exposure to an explosion, fire, spill / leak, plant malfunction etc)
- Initial notification to relevant safety regulator can be made verbally but this must be followed up in writing
- Identifying the relevant authority can be complicated sometimes, so it is best to err on the side of caution and notify all who may be relevant
- Any non-notification or delayed notification can lead to fines and/or could create an impression that the organisation is seeking to 'cover up' the incident or sanitise the scene
- Do not disturb the scene of the incident until it is released by the authorities (other than for emergency response, to manage any ongoing risk to health and safety, or to minimise environmental damage) – preserve and secure
- Assume that any statement given to emergency services will be passed on to the safety regulator
- Minimise environmental damage



THE FIRST DAY

Notify family of deceased/injured

- Notify the family of any deceased worker (in conjunction with the Police)
- Notify the family of any injured persons (in consultation with the Ambulance Service and the relevant hospital or health service)
- Do not release the names of any deceased/injured persons until after their families have been informed

Attend to management of people

- Provide guidance as to what is expected of workers and the support services available
- Identify potential witnesses, who they are, where they are, their movements for the next 48 hours, and their contact details
- Focus on eworkers' well-being – consider counselling and EAP services

Information gathering

- Establish record keeping processes for emergency response measures and other initial steps taken
- Consider if external legal assistance is required in managing incident response and legal risk prior to commencing the formal information gathering process
- Consider conducting own investigation, but careful considered planning is key (see comments below)

Stakeholder strategy

- Identify and categorise stakeholders and their interests and develop a strategy for dealing with each of them
- May include contractors, principals, joint venture partners, insurers, customers and suppliers (consider whether force majeure needs to be declared), shareholders (continuous disclosure), and the local and general community

Communications strategy –

our earlier article and podcast 'Communicating in a crisis'

- Ideally there should be only one person communicating externally with stakeholders and that should be a person at the highest organisational level
- Key priority – safety of people
- Empathy, honesty, patience and seriousness need to be focus areas
- Identify a schedule of key communications and communication mediums – print, TV, radio, social media
- Regularly communicate – it is better to over- than under-communicate, to assist in avoiding rumour and supposition
- Consider what level of internal communications is appropriate – the issuing of safety alerts internally can be particularly challenging and should focus on notifying of the hazard and avoid references to suspected causes and corrective actions
- Keep the organisation's WHS Committee and/or Health and safety Representatives briefed on the incident
- Manage document creation, distribution and storage
- Always observe the "golden rule": Communications should be limited to facts and the "knowns", while speculation including as to causes should be avoided



THE FIRST WEEK

Dealing with the regulator

- Regulators have very broad powers – they can:
 - conduct interviews and make inquiries
 - examine and inspect any works, plants or vehicles
 - take photographs, video or other recordings, measurements and samples
 - gather, examine and copy documents or require records to be produced for inspection
 - secure or seize evidence
- Be careful of informal interactions
- Nominate a single point of contact for regulatory enquiries, to ensure coordinated cooperation and to manage interviews
- Ask for document requests in writing – review and log documents provided – avoid ad hoc production of documents if at all possible
- Ensure full compliance with any non-disturbance, improvement or prohibition (stop work) notices that are issued – carefully consider what is required and whether the organisation may wish to challenge any notice issued

Witness briefing

- Brief potential witnesses so they are aware of their rights and the investigation process
- Consider whether a legal representative should be present in any interview
- Tell the truth, but stick to the facts as known
- Only statements of fact - no opinions, assumptions, speculation or conjecture
- Do not offer any opinion of whether there has been a breach of any laws or legal duties
- Do not pre-empt any investigation findings or make unnecessary or potentially damaging admissions
- Seek legal advice before providing documents or information other than the facts of the incident
- Know when to claim privilege against self-incrimination
- Be wary of “off the record” discussions

Privilege

- Information provided voluntarily is not protected
- Information subject to legal professional privilege does not need to be provided
- Not excused from providing information which may incriminate but it cannot be used against the individual
- Caution must be provided against self-incrimination must be provided



THE FIRST WEEK

Legal review of communications

- Only statements of fact - no opinions, assumptions, speculation or conjecture
- Do not pre-empt any investigation findings or make unnecessary or potentially damaging admissions
- Comply with legislative and regulatory requirements
- Information consistent with other communications

Organisation's own investigation of incident

- While an organisation will often want to conduct its investigation to determinate the cause of an incident, care should always be taken as to the scope of that investigation, what is its primary purpose, and importantly whether the investigation and its findings/report should be subject to legal professional privilege
- If the incident is sufficiently serious that it is being investigated by a safety regulator, then the organisation should seriously consider the need for privilege
- For privilege to arise, an investigation must be properly structured prior to its commencement and needs to be managed carefully – expert external legal assistance should always be sought

Unions

- May expect to be actively involved in response to a significant safety incident, particularly if safety has been a focus for them on site
- A union member may inform the union, so it is generally better to be proactive and control the messaging
- If the union wishes to attend the site, protocols should be implemented which reflect their legal rights to do so and to ensure that any such attendance is appropriately conducted

Other stakeholders

- Insurers – make sure all required notifications, are made but be careful with information being exchanged with insurers where it is privileged (as privilege can be lost where a claim is not yet accepted)
- Contractors – incidents will often involve third party contractors, but be careful with information flows and potential loss of privilege over information

We hope you never need this note but in the event you do it is helpful!
If you do require urgent assistance please contact one of our contacts on our [crisis management team](#).



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