
ACCIDENT INVESTIGATION FOR OSHA COMPLIANCE

Part Two: The 6 Step Process

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6 Step Process

- 1. Coordinating with Other Agencies**
- 2. Assessing the Scene and Collecting Evidence**
- 3. Interviewing Witnesses**
- 4. Creating a Sequence of Events**
- 5. Determining the Cause**
- 6. Identifying OSHA Violations**
- 7. Documenting the Findings**

Preparing for an Interview

- Interview vs. Interrogation
- Fact finding vs. Fault finding

Purpose of Inspection

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To determine:

- The cause of the accident;
- If an OSHA violation occurred;
- The effect of the violation;
- If any OSHA standards should be revised;
- Whether a violation involves injury to an employee under 18.

Employee Interviews

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- A free and open exchange of information between the CSHO and employees is essential to an effective inspection.
- Interviews provide an opportunity for employees, or other individuals, to point out hazardous conditions and, in general, to provide assistance as to what violations of the Act may exist and what abatement action should be taken.

Time and Location of Interviews

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- When to Interview?
 - As soon as possible
 - Any time during the investigation
- Where should interviews be held?
 - A suitable, private, safe location



People forget 50 – 80% of the facts in the first 24-hour period!

Preparing for an Interview

- Who should I interview first?
 - Generally, interview in this order:
 - Witnesses...not just eye-witnesses
 - Victims
 - Employers or management officials

Identify all persons with first-hand knowledge of the incident, including first responders, police officers, management.

- It may be necessary to conduct follow-up interviews with these same people.

Preparing for an Interview

- Develop a list of questions
 - Who?
 - What?
 - How?
 - Where?
 - When?
 - Why?

Preparing for an Interview

- Things to consider:

- Privacy of the setting.
- Set-up of the room.
- Your perceptions, beliefs and attitude.
- Your attire.

Interviews should be conducted in private (no employer present)

Interviewing Techniques

- 6 Steps to the Interview:

1. Introductions.
2. Establish rapport.
3. Questioning.
4. Listening.
5. Summary.
6. Closing

1. Introductions

- Introduce yourself
- Identify interviewee
- Identify purpose - Fact finding
- Identify and remove emotional barriers
- Allow interviewee to vent or discussion emotions
- Validate concerns or fears

2. Rapport

- Be friendly, approachable, at ease, patient.
- Focus on situation, not on person.
- Avoid questions or statements that indicate suspicion.
- Make eye-to-eye contact at same level.

3. Questioning

**Inform witness in tactful manner that making a
false statement to a CSHO during the course of
an investigation could be a criminal offense.**

3. Questioning

- Take notes BUT...
 - Don't interrupt
 - Ask to repeat if necessary
 - “Help me understand..”
 - “I heard you say...”
 - Maintain eye contact
 - Wait out periods of silence

3. Questioning

- Ask interviewee to go back 15 minutes prior to the accident to document:
 - what he or she was doing,
 - the location,
 - what he or she heard, saw, smelled, and
 - who else was in the area.

3. Questioning

- **Open questions**

- Likely to receive a longer answer.
 - Typically begin with what, why, describe and how.

3. Questioning

- **Examples of Open Questions :**

- “Tell step-by-step me what happened.”
- “How did the system fail?”
- “Could you describe the company safety culture?”
- “Why was the job performed without PPE?”
- “Exactly how are inspections conducted...walk me through...”

3. Questioning

- **When to use Open Questions**

- You don't have information, and you want to get information from the witness.
 - **Example:** *How did the pipes get into the trench?*

3. Questioning

- **Closed questions**

- Likely to receive one word answers.
- They provide facts.
- Easy to answer.
- Quick.

3. Questioning

- **Examples of Closed Questions :**

- “Was John wearing PPE?”
- “Did you know the height of the roof?”
- “What chemical runs in that pipe?”
- “What time did the accident happen?”

3. Questioning

- **When to use Closed Questions**

- You don't want to tip off the witness about what you are trying to find out
 - **Example:** You are trying to find out if the track hoe operator/supervisor at an excavation is a competent person. You want to know if they understand soil types, and if they can properly identify this soil....

.....***What type of soil is in that trench?***

3. Questioning

- **Paraphrasing**

- Restating of the perceived meaning of the speaker's message but using your own words.
 - What I believe you said was...
 - If I am wrong, please correct me but I understood you to say...
 - In other words...
 - As I understand it...

3. Questioning

- **Leading questions**

- You supply the information you want the witness to agree or disagree with.
 - “So, John wasn’t wearing PPE or using lockout/tagout when he was repairing the drill press?”
 - “Would you agree that that roof is about 10 feet high and that the extension ladder is not extending beyond the roof edge?”
 - “Does that pipe contain chlorine?”

3. Questioning

- **When to use Leading Questions**
 - You want to make sure you have the information right.
 - You want to lock the witness into his statement.
 - You want to focus the witness on a specific piece of information.

3. Questioning

- **Clarifying**

- Lets the witness (interviewee) know that the message was not immediately understandable.
 - I don't understand...
 - Could you please explain...
 - Please repeat that last part again...
 - Could you give me an example of that...

3. Questioning

- **When working with interpreters**
 - Use short sentences.
 - Be aware of “what” you are asking. Often the question is too general or not specific.
 - Draw a diagram when asking questions of a technical nature.
 - Speak in the first person.

3. Questioning

- **When working with interpreters**

- Establish the identity of names the are used on the work floor. Many cultures refer to coworkers by nick names acquired on the job.
- Consider a second CSHO to capture notes or assist during the interview.

3. Questioning

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- **Families of Victims Interviews**

- Family members will be contacted and given an opportunity to discuss the circumstances of the accident or illness.
- Utilize special tact and good judgment in conducting these interviews.
- In some situations the procedures should not be followed to the letter!

4. Listening

- **Listening as a Part of Questioning**

- Two parts of a message
 - Factual content
 - Speaker's feelings or attitude toward the content
 - Observe while listening
 - Body movement
 - Eye movement, eye contact
 - Distance, space

4. Listening

● Active Listening Skills

- Reflect what has been said by paraphrasing. “What I’m hearing is...” and “Sounds like you are saying...” are great ways to reflect back.
- Ask questions to clarify certain points. “What do you mean when you say...” “Is this what you mean?”
- Summarize the speaker’s comments periodically.

4. Listening

- Defer judgment
- Avoid interrupting.
- Allow the speaker to finish.
- Don't argue.

4. Listening

- Active listening involves responding.
 - Be candid, open, and honest in your response.
 - Be respectful.
 - Treat the other person as he or she would want to be treated.

RESPECT

5. Summary

- Verify information you receive.
- Consider any additional information needed.

6. Closing

- Reinforce positive rapport.
- Thank them for important information provided.
- Provide your contact information.

Documenting Interviews

- Document the contact information of all parties because follow-up interviews with a witness are sometimes necessary.
 - Name,
 - Address,
 - Telephone number,
 - Job classification,
 - Date

Documenting Interviews

- Record interviews in writing.
- Have the witness sign.
- Note any witness refusal to sign or initial his or her statement.
- Ask interviewee to initial any changes or corrections made to his or her statement.

What about Recording Interviews?

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Written Witness Statements

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- Situations where written statements will be obtained include:
 - In accident investigations, when attempting to determine if apparent violation(s) existed at the time of the accident.

Unreliability of Witnesses

- Influences that can render witness evidence unreliable:
 - Delay between time of occurrence of the accident and the interview.
 - Contact with other witnesses or news media.
 - Use of medications, drugs or alcohol.
 - Personal problems or stress.

Practice - Worksheet

- Let's practice the interviewing techniques on our case study
 - Prepare a plan for your interviews
 - Develop various types of questions for the interviews
 - Practice and discuss skills in communicating to non-English speaking employees
 - Conduct interviews

Review

- What is the purpose of the interview process. How do you best achieve that purpose?
- Why do we want to minimize the delay between the accident and the witness interviews?
- Why is it important to repeat the facts and sequence of events back to the interviewee?

Summary

Thank You For Attending!

Final Questions?