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Netherlands Labour Authority
Ministry of Social Affairs and Employment

Appendix 1: to make inquiries and to report

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Appendix 1: to make inquiries and to report

An accident at work occurred at your organization. The Netherlands Labour Authority has offered you the opportunity to make your inquiry into this accident and to provide a report. This document contains more information about the inquiry and the points which are the subject of assessment in the report and the improvement plan.

The inquiry is being conducted with a view to find out the direct causes and the underlying reasons which made it possible for the accident to happen. It is possible to learn from the accident on the basis of the findings and you take actions to prevent any repetition, which means an improvement of the health and safety in respect of the work in your company.

The inquiry is **not** meant to attribute **guilt**, it is meant to take stock, to make assessments of the accident and to carry out all necessary actions which lead to **the best possible working circumstances**.

The inquiry

The inquiry concerns the following matters:

- **A description of the scene of the accident**

in a way that includes:

- *providing an accurate description of the accident, the backgrounds, the point in time and any events prior to the accident (who, where, what, when, which, how and why);*
- *describing the circumstances at the scene;*
- *describing the work;*
- *indicating which work equipment was being used, the features of the work equipment and whether there were any disruptions;*
- *indicating where the staff involved exactly were and what they were doing;*
- *providing all of the relevant instructions;*
- *establishing which uncontrolled processes/ways of working/energy flows were present.*

- **Finding out why the process of doing the work led to an accident**

in a way that includes:

- *checking whether it was a matter of operational defects, other disruptions or the incorrect use of the work equipment (including aids and personal protective equipment (PPE) and why it was the case;*
- *checking the relevant skills of the staff and verifying those skills in relation to the accident.*
- *establishing whether the staff were 'fit for duty' (i.e., that they were sufficiently rested, that they were not distracted by other factors, that they were not under the influence of alcohol drugs etc.)*
- *checking whether there were changes of staff, changes of procedure, equipment or processes which contributed to the accident;*
- *checking which measures were taken to prevent the accident and especially checking why the measures were proved to be inadequate.*
- *establishing the direct and the basic or underlying causes;*
- *checking which measures were taken to give assistance and support following the accident and limiting the damage.*
- *checking whether all of the risks, the measures, the duties, the competences, the organization and the culture are sufficient to ensure safe and healthy working conditions.*

- **Verifying which measures need to be taken to have safe and healthy working conditions and to include these in the improvement plan**

By conducting the inquiry, it will become evident that you, as the employer, have done what may be expected from you to prevent the accident. In addition, the inquiry shows what actions you are going to take to ensure that it is no longer possible for such an accident to occur in the future. It is for that reason that further to the inquiry, an improvement plan is drawn up which contains measures leading to improvement. These measures must extend beyond the solving of the direct causes of the accident. It is essential to also tackle any shortcomings in the organization, the policy, procurement etc. Look beyond the situation of the accident itself which means that you also consider similar shortcomings in the organization.

You are free to make a choice for the method of the inquiry and the form in which you report. However, the report must be drawn up in the Dutch language. It is important that another person, who is not aware of the accident and the situation, does understand what happened and what measures were taken or will be taken.

To find guidelines for the inquiry go to: www.NLArbeidsinspectie.nl. It contains more information about how to conduct an inquiry into an accident at work yourself. There are other methods of conducting an inquiry that are widely used. Various health and safety information sheets provide more detailed information; for more details go to: <https://www.sdu.nl/bedrijfsvoering/arbo/arbo-informatiebladen>.

The report and the improvement plan

On drawing up the report and the improvement plan, it is of the essence that you pay attention to the following themes:

1. A description of the accident.
It is expected that a description is provided that is as objective as possible in the description of the workplace and/or the work equipment, photographs, witness statements and interviews with victims and how the accident happened. These documents must be attached to the report.
2. A description of the risks of the situation in which the accident occurred.
It is expected that a description is provided which identifies and assesses the risks prior to the accident. The aforesaid may be laid down in documents such as a risk assessment, a health and safety plan and/or a task risk assessment. These documents must be attached to the report.
3. A description of the working procedure of the action which was developed beforehand, in the process of which the accident occurred including the relevant measures as applicable.
If, prior to the accident, a working procedure was developed to be able to carry out the action safely, we would like to receive the description of the working method. In addition, a description of the measures taken to enable the staff to carry out this working method as developed and as to whether it was actually applied.
4. A description of the information provided to the staff concerned about the risks as well as the instructions of the application of the working method.
If information was provided and instructions were given, be specific as to what these exactly entailed and the aforesaid must be substantiated by documents as much as possible. Such documents must also be attached to the report. It includes for instance any given toolboxes on the topic, a launch event or a training course as offered.
5. A description of the supervision or safety oversight which concerned the work carried out at the time of the accident.
It could include the role of the employer, the presence of a supervisor, a description of his duties, responsibilities and powers and a sanctions policy. Be specific and the aforesaid has to be substantiated by documents as much as possible.
6. Which efforts have been made directly after the accident to prevent such an accident from happening in the future?
If any other efforts been made after the accident to prevent the same accident in the future, apart from the answers given to the questions above, include these in your employer's report. Also include who have made the efforts concerned and at which time.
7. A description of the other aspects which have had an influence on this accident happening or possibly preventing it from happening.
You can add other measures and you can make reference to documents or submit these even if they do not directly relate to the accident but which may have had an influence on the occurrence and/or the extent thereof, which may be relevant to the inquiry. Moreover, please add any other matters or papers (documents) that may be of relevance.

Submitting the report and the assessment

Submit the report and the improvement plan, together with all of the relevant documents, and send these in a digital format as set out in the letter. Once the report and the improvement plan have been received, an assessment is made in respect of the following points:

- a. Whether the report contains a description that is sufficiently clear and complete with a view to the danger and the risks of the situation in which the accident occurred, the facts of the accident and the circumstances in which it was possible for the accident to occur.
- b. Whether the type of contact during the course of the unintended event as set out in the report is sufficiently plausible.
- c. Whether the direct causes of the accident at work are described in a way that is sufficiently plausible and comprehensive.
- d. Whether the basis of the causes or the underlying causes of the accident at work are described in a way that is sufficiently plausible and comprehensive.
- e. Whether the improvement plan contains specific and viable measures, by way of a timeline, which lead to the improvement of the working circumstances as a result of which the accident that occurred may be prevented.

In the process, consideration is given to:

- the completeness of the details of the accident and of those involved in the accident;
- a clear description of the manner in which the inquiry has been conducted;
- the documents related to the inquiry (typical examples are documents such as witness interviews, photographs/visual material);
- a complete and logical description of the circumstances and the facts;
- a description of the risks that were identified and assessed prior to the accident.
- a description of the working method you developed prior to the accident with a view to being able to carry out the action or safely carry out the action;
- a description of the preconditions created prior to the accident to be able to use that action;
- an overview of the instructions provided for the work method to be used;
- an explanation as to how the supervision of carrying out that working method was organized;
- an analysis which covers matters up to and including the basic causes;
- an overview of measures or temporary measures that you put into effect immediately after the accident or that you will put into effect after the accident with a view to avoid repetition;
- definitive measures in the improvement plan which are formulated in a way that is Specific, Measurable, Achievable, Relevant and Time-bound or SMART and which are a logical consequence from the report of the inquiry.

The points set out above must be substantiated by way of statements, documents as used and photographs/visual material etc. In addition, it has to be clear how and on which basis, the descriptions in the report have been made. Where the report and the improvement plan result in a positive assessment, the Netherlands Labour Authority will not conduct any further inquiries into the accident at work.

Read more in the guidelines for the inquiry on: www.NLARbeidsinspectie.nl.

Deze brochure is een uitgave van:

Nederlandse Arbeidsinspectie

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