


State of Alaska  
Department of Labor  
Division of Labor Standards and Safety

DOSH Program Directive 90-6

Date: June 1, 1990

To: All LS&S/OSH Staff

From: Tom Stuart, Director 

Subject: Incorporating the Family of Accident or Illness Victims into the Fatality Investigations

- A. Purpose: This Program Directive provides policy and procedural guidance for dealing with the families of accident or illness victims in connection with the investigations of work place fatalities.
- B. Background: The Compliance Manual contains Alaska OSH's policy governing the conduct of fatality investigations. However, the Compliance Manual does not address procedures to be followed by a Compliance Officer when dealing with the surviving family of a fatal work place accident or illness victim.
1. Currently the Compliance Manual, Chapter VIII, Fatality/Catastrophe Investigations, states that Alaska OSH's primary objectives in conducting these investigations are to determine the causes of the accident where possible, whether violations of the standards have occurred, and what effects the violations of the standards had on the accident or illness.
  2. States such as Minnesota and federal OSHA have often obtained valuable information concerning the circumstances of the accident when the cooperation of the victim's family has been sought. The family, through an exchange of information and with a point of contact with these programs, also has been kept apprised of the course of the investigation.
  3. An exclusive focus on the technical aspects of the investigation has, in some instances, resulted in distracting due attention from the human aspects of workplace deaths (suffering, sorrow and exasperation) that the family encounters when dealing with bureaucracies in both the government and the private sector.
- C. Policy. Family members of employees involved in fatal occupational accidents or illnesses shall be contacted at an early point in the investigation, given an opportunity to discuss the circumstances of the accident or illness and provided timely and accurate information at all stages of the investigation as described in this program directive.

1. It shall be Alaska OSH policy to waive fees when providing copies of disclosable portions of the accident investigation files to surviving family members or family members representing workers totally disabled by a work accident.

D. Procedures. The procedures for conducting fatality investigations outlined in the Compliance Manual, Chapter VIII, shall be modified to incorporate the following changes:

1. As soon as practicable after initiating the investigation, the CO or IH shall attempt to compile a list of all of the accident victims and their current addresses, along with the names of individual(s) listed in the employer's records as next-of-kin (family member(s)) or person(s) to contact in the event of an emergency.
2. An information letter (sample letter--Appendix A) shall be sent to the family member(s) or the person(s) listed as the emergency contact person(s) indicated on the victims' employment records within 5 working days of the time their identities have been established.
  - a. The issuance of this letter shall be documented in the case file.
  - b. The minimum contents of this initial contact letter shall be as follows:
    - (1) The purpose and scope of Alaska OSII's investigation.
    - (2) A brief outline of OSII's civil enforcement process, including standards, citations, and penalty system.
    - (3) A request for information relevant to the investigation. This request shall include an offer to meet personally with appropriate persons to discuss any information they may have to offer.
    - (4) A statement offering OSH's assistance throughout the investigation. This assistance will be at a minimum:
      - (a) Being informed at inspection milestones; and,
      - (b) The offer to meet personally to answer questions.
      - (c) A free copy of releasable information from the case file at the time the file is closed; ie.e., after the investigation is completed and any resulting OSH enforcement proceedings have been concluded.

- c. If the next-of-kin or the emergency contact person(s) cannot be determined through the employment records or fellow-employee interviews, the Chief shall make a reasonable effort to identify the next-of-kin through a search of police reports, hospital admission records, coroner's records, and newspapers.
  - d. When the additional search does not identify a family member, the case file shall be documented to reflect the search and the extent to which it was carried out.
  - e. If the letter is returned as undeliverable, the letter and envelope shall be put in the case file and the date of return entered in the case file.
3. The compliance officer, when taking a statement pursuant to D.2.b.(3), shall explain that the interview is confidential. The greatest sensitivity and professionalism is required for such an interview. The information received must be carefully evaluated and corroborated during the investigation.
  4. Follow-up contact shall be maintained with a key family member or other contact person, when requested so that the survivors can be kept up-to-date on the status of the investigation. Such contact can be by personal visit, telephone or letter, as requested by the family member. These contacts shall be made at appropriate times; e.g., after the citation issuance, after an informal conference has been conducted, after the contest has been received, and when the case has been closed.
  5. The victim's family members shall be provided a copy of all citations issued as a result of the accident investigation within 5 working days of issuance.
  6. All OSH staff are cautioned not to mislead them about the speed with which they can obtain a copy of the disclosable information prior to closing the case file. Staff are further cautioned that the employer's rights must be protected. There should be no premature release of facts or findings during any meeting with non-OSH personnel, before the investigation and subsequent litigation is completed.
- E. Training. All employees (Chief, Assistant Chief, and Safety and Health Compliance Officers) who may conduct fatality investigation shall be trained in the federal OSHA course entitled "Critical Incident Stress" that has been developed to assist staff to properly communicate with families of accident victims.
1. The training includes:
    - a. The definition and characteristics of a "Critical Incident";

- b. The normal stress reactions experienced by employers/employees and their families and friends; and
- c. How to use these concepts in an OSII investigation to successfully complete the assignment.

NOTE:

Alaska OSH plans to work with OSHA to determine how best to obtain this training. Training may be in-house, through the OSHA Training Institute, or by contract with local law enforcement trainers or by some other source deemed appropriate by the Director.

- 2. The initial training for current employees will be completed within 8 months or the effective date of this Program Directive.