



## Guidance on the Safety, Health and Welfare at Work (Reporting of Accidents and Dangerous Occurrences) Regulations 2016

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healthy, safe and productive lives



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## 1. Introduction

This guide is to assist you to understand the requirements set out in the Safety, Health and Welfare at Work (Reporting of Accidents and Dangerous Occurrences) Regulations 2016 (S.I. No. 370 of 2016). It explains why accident and dangerous occurrence reporting is required, what is reportable, what is not reportable, who should make the report and how the report should be made.

This document is not intended as a legal interpretation of the legislation.

The new regulations do not override existing statutory requirements; reporting requirements set out in other legislation must continue to be complied with.

The following outlines the key points in relation to reporting of accidents and dangerous occurrences:

- Only fatal and non-fatal injuries are reportable. Diseases, occupational illnesses or any impairments of mental condition are not reportable.
- Fatal accidents must be reported immediately to the Authority or Gardaí. Subsequently, the formal report should be submitted to the Authority within five working days of the death.
- Non-fatal accidents or dangerous occurrences should be reported to the Authority within ten working days of the event.
- The injury of any employee as a result of an accident while at work where the injury results in the employee being unable to carry out their normal work duties for more than three consecutive days, excluding the day of the accident, must be reported.

## 2. Why is accident and dangerous occurrence reporting required?

Developing successful prevention policies requires an understanding of the prevalence and trends of certain accident types, and such understanding is based on up-to-date and reliable information. The accident and dangerous occurrence reports provide the Authority with data that assists in targeting activities and advising employers on preventing injuries and accidental loss. A small proportion of the more serious accidents are investigated by our inspectors.

## 3. What accidents and personal injuries are reportable?

An accident is an unplanned event resulting in death, or resulting in an injury such as a severe sprain or strain (for example, manual handling injuries), a laceration, a broken bone, concussion or unconsciousness.



The Safety, Health and Welfare at Work Act 2005 contains the following definitions:

- 'accident' means an accident arising out of or in the course of employment which, in the case of a person carrying out work, results in personal injury.
- 'personal injury' includes –
  - (a) any injury, disease, disability, occupational illness or any impairment of physical or mental condition, and
  - (b) any death,that is attributable to work.

*For the purposes of these Regulations* only fatal and non-fatal injuries are reportable. Diseases, occupational illnesses or any impairments of mental condition are not reportable. Note that directly caused mental injuries such as shock or fright as the result of an assault, continue to be reportable. Information on work-related diseases and illnesses is available from a range of other sources, such as survey data collected by the Central Statistics Office, claims data collected by the Department of Social Protection, and agencies that collect health statistics and insurance claims data.

There are three situations in which an accident should be reported:

- (a) arising in the course of employment resulting in personal injury to the person carrying out the work activity. This could be an injury to an employee who is actually doing the work.  
**For example:** an employee dislocates a shoulder while manually moving a heavy load or an employee dealing with the public is assaulted.
- (b) arising in the course of employment which results in personal injury to an employee who was not doing the work that is the subject of the accident.  
**For example:** a shelving system collapses and injures an employee who is passing by the scene at the time of the collapse.
- (c) arising from a work activity which results in personal injury to a person outside of the course of employment. This could be an injury to a non-employee or member of the public.  
**For example:** a load falls from a truck that is being used for work purposes, and causes an injury to a member of the public who is not at work.

Examples of incidents that are not reportable include those where:

- an employee or a self-employed person is absent as a result of an accident for more than three days, but the absent days are not consecutive.
- an employee is injured in a traffic collision while commuting to or from work.
- a patient of a registered medical practitioner dies, is injured or suffers ill health while undergoing medical treatment, unless the treatment is being carried out as a result of a workplace incident. Medical treatment includes treatment such as the administration of medicines by any route, surgical procedures or dressing of wounds.

However, patient care that is part of everyday patient management is not considered medical treatment and, in these cases, an incident may be reportable. For example, patient handling that includes the moving of patients, whether in bed or from place to place, is not considered medical treatment. Cleaning and bathing are other examples of patient care that are not considered medical treatment.

## 4. What dangerous occurrences are reportable?

The Safety, Health and Welfare at Work Act 2005 contains the following definition:

- ‘dangerous occurrence’ means an occurrence arising from work activities in a place of work that causes or results in –
  - (a) the collapse, overturning, failure, explosion, bursting, electrical short circuit discharge or overload, or malfunction of any work equipment,
  - (b) the collapse or partial collapse of any building or structure under construction or in use as a place of work,
  - (c) the uncontrolled or accidental release, the escape or the ignition of any substance,
  - (d) a fire involving any substance, or
  - (e) any unintentional ignition or explosion of explosives,as may be prescribed.

The prescribed dangerous occurrences which must be reported to the Authority are listed in Appendix 1.

## 5. Who is responsible for reporting?

Employers, self-employed, landlords, owners and tenants all have a duty to report accidents and dangerous occurrences to the Authority.





## 6. Reporting requirements – employers

Fatal accidents in a workplace should be reported immediately to the Authority or the Gardaí so that the necessary action, including any investigation by the Authority, can take place. Subsequently, the formal accident report form should be submitted to the Authority within five working days of the death. Non-fatal accidents or dangerous occurrences should be formally reported within 10 working days of the event.

### Firstly, in relation to your employees:

6.1 You must report the death of an employee if this is as a result of an accident at work.

The accident may have taken place either at your place of work or at another employer's place of work, or in a location other than the normal place of work.

The following are examples of reportable fatalities:

- Your employee is fatally injured as a result of being hit by a delivery truck in your yard.
- Your employee is fatally injured while driving for work on a public road.
- Your employee is fatally injured while carrying out contract work for another employer at their site.

6.2 You must report the injury of any employee as a result of an accident while at work where the injury results in your employee being unable to carry out their normal work for more than three consecutive days, excluding the day of the accident.

6.3 In calculating the days, you should include weekends and other non-working days.

The following are examples of reportable accidents:

- An employee, which includes a trainee, who normally has Saturday and Sunday off work, is injured on Wednesday and returns to work the following Monday.
- A driver or a passenger is involved in a road traffic accident while driving or riding in the vehicle in the course of work and he is out of work for more than three days.
- An employee, while lifting boxes on Monday, hurts her back. She returns to work on Thursday but she can only do light duties for the next week. Even though she was not absent for more than three days, she could not perform her normal work for more than three days.

6.4 You must report any case where an employee dies as a result of an accident at work within one year of that accident, even if you had already reported the accident.

**Secondly, in relation to non-employees (non-workers, members of the public, employees of another enterprise) at your place of work:**

- 6.5 You must report the death of a person who is not your employee and who is not at work, but who dies from an accident caused by a work activity at the place of work.  
For example, if you are responsible for road works and a member of the public is injured by a reversing vehicle in the course of the work, and subsequently dies as a result of their injuries, then you must report that accident.
- 6.6 You must report the injury of a person who is not your employee and who is not at work but who is injured from a work activity if the injured person has had to be taken from the location of the accident to receive treatment in respect of that injury in a hospital or medical facility. For the purposes of these Regulations, a medical facility can include a primary care facility, a medical care clinic, or a medical facility at a work site that is staffed by a registered medical practitioner.

The following are examples of accidents that must be reported:

- A member of the public slips on liquid that has been spilled in the process of shelf-stacking in your shop, and if the extent of the injury requires that they must be brought by ambulance or other vehicle to a hospital or medical facility for treatment by a registered medical practitioner.
- A visitor to a factory is overcome by fumes that escape accidentally from a process being carried on there. The person is removed to hospital and treated by a registered medical practitioner.
- A patient with limited mobility is admitted to hospital for routine tests. During the tests the patient slips from the sling of the patient hoist and suffers a back injury, which requires them to remain in hospital overnight for medical treatment.
- There is a road collision involving your employee driving for work and a member of the public driving a car. The member of the public is injured and required to be taken to and treated in hospital or medical facility.

**Thirdly, in relation to a prescribed dangerous occurrence:**

- 6.7 Dangerous occurrences listed in Appendix 1 are required to be reported.

## 7. Reporting requirements – self-employed and landlords/tenants

If a self-employed person is fatally injured while working at their own premises, the Authority will receive notification from the Gardaí or other emergency services. The next of kin are not required to report the incident to the Authority. Following investigation, the Authority will ensure that the necessary data is recorded on the approved form.





If a self-employed person, for example a sole trader, a farmer, a garage owner or an accountant, suffers a personal injury as a direct result of a work event, then that person is required to report this if it has resulted in them being unable to do their normal work for more than three consecutive days, excluding the day of the accident or exposure.

If a self-employed person is in control of a place of work in which there is a dangerous occurrence, they must report this to the Authority.

If a landlord or tenant controls a place of work in which a self-employed person is fatally injured as a result of a work activity, the landlord or tenant is required to report this death to the Authority.

## 8. Preserving the scene of a fatal accident

All fatal accidents reported to the Health and Safety Authority are investigated by inspectors. When employers or others notify the Authority of a fatal accident in a workplace they should, if they have control of the scene of the accident, discuss with an inspector of the Authority the extent to which the scene is to be maintained. The Gardaí will ensure that the scene is left undisturbed until the inspector commences an investigation. Where appropriate, access should be restricted and items should not be removed. Employers may, however, take such steps as are necessary to make the scene safe.

## 9. When and how reports should be made

Fatal accidents in a workplace should be reported immediately to the Authority. Following the initial report and within five working days of the death, the formal report should be made in the approved form. This applies to any work-related death, including one that takes place within a year of a previously reportable accident.

A non-fatal accident or dangerous occurrence should be formally reported within 10 working days of the event.

Injuries should be reported using the online reporting system on the Authority's website ([www.hsa.ie](http://www.hsa.ie)).

## 10. Requirement to keep records

Those who are required to report accidents and dangerous occurrences under the Regulations are also required to keep records for a period of 10 years from the date of the incident. The records can be kept in the same format as the report made – that is, a copy of the report submitted to the Authority will suffice to meet the obligation.



## Appendix 1

### List of prescribed dangerous occurrences

The list of dangerous occurrences is designed to obtain information mainly about work-related incidents that rarely happen but which have a high potential to cause death or serious injury (even if they do not actually cause death or reportable injury). The information allows the Health and Safety Authority to learn about the circumstances and causes of such incidents. The analysis can be shared with industry to help understanding of primary causes and prevent work-related accidents.

In some cases it may not immediately be clear whether a work-related incident has a high potential to cause injury. In such cases, it is better for the responsible person to make a judgement so a prompt report can be made, rather than waiting until the potential to cause injury is confirmed by tests or further investigation. Such a delay could lead to the loss of valuable information relating to the incident.

The reportable dangerous occurrences are listed below, with guidance notes *in italics*, where applicable.

#### 1. Vehicles, lifting and mobile machinery, etc.

1. The collapse of, the overturning of, or the failure of any load-bearing part of –
  - a. any lift or lifting equipment;
  - b. any excavator; or
  - c. any pile-driving frame or pile driving machine, having an overall height, when operating, of more than 7 metres.
2. The overturning of any vehicle or 'ride-on' mobile work equipment or its trailer or semi-trailer towing equipment.
3. The load-shift or loss of load from –
  - a. any vehicle;
  - b. any mobile machine;
  - c. any trailer, or
  - d. any semi-trailer.causing a risk of personal injury to a person at work.

#### 2. Pressure vessels

The explosion, collapse or bursting of any closed vessel, including a boiler or boiler tube, in which the internal pressure was above or below atmospheric pressure.



### **3. Explosion or fire**

1. An unintentional explosion occurring in any plant or place of work.
2. A fire occurring in any plant or place of work which resulted in the stoppage of that plant or suspension of normal work in that place of work for more than 24 hours.

### **4. Escape of flammable substances**

The sudden uncontrolled release of one tonne or more of highly flammable liquid, liquefied flammable gas, flammable gas or flammable liquid above its boiling point from any system, plant or pipe-line.

### **5. Collapse of scaffolding**

The collapse or partial collapse of any scaffold more than 5 metres high, including, where the scaffold is slung or suspended, a collapse or part-collapse of the suspension arrangements (including an outrigger), which causes a working platform or cradle to fall more than 5 metres.

### **6. Collapse of building or structure**

Any unintended collapse or partial collapse of –

- a. any building or structure under construction, reconstruction, alteration or demolition, or of any falsework, involving a fall of more than 5 tonnes of material; or
- b. any building being used as a place of work, not being a building under construction, reconstruction, alteration or demolition.

*The 'falsework' referred to in paragraph 6(a) means a temporary structure or frame that supports something that is being built.*

*Examples of incidents reportable under paragraph 6 would include the collapse of a heavily loaded floor in a building or the collapse of a wall as a result of a vehicle colliding with a building used as a work premises.*

### **7. Escape of a substance**

The uncontrolled or accidental release or the escape of any substance, which, having regard to the nature of the substance and the extent and location of the release or escape, might have been liable to cause personal injury to any person.

*Examples of the kinds of incident involving substances that would be covered by the definition are escapes arising from the failure or breakage of materials, apparatus, equipment, process plant, pipework, storage vessels, tanks, pipe-line, conveyance tanker, land-fill site, exploratory land-drilling site and spillages from containers and equipment.*

*Release of substances from plant, etc. during the normal course of operation or maintenance (e.g. during sampling, packaging or draining of lines) that are sufficiently well controlled to ensure that no person is put at risk would not be reportable.*

*Chemical substances covered by this definition may be in any form: liquid, solid (e.g. powder), gaseous or vapour, and may include, for example:*

- a. substances that may be hazardous to health (e.g. asbestos, phosgene, toluene diisocyanate);*
- b. substances that may be either corrosive or potentially hazardous by virtue of their temperature or pressure (e.g. nitric acid, molten metal, liquid nitrogen);*
- c. flammable substances which may, depending upon the circumstances of the escape, present a fire or explosion hazard (e.g. oxygen, acetylene).*

*The decision as to whether or not an incident is reportable depends upon factors such as the nature of the substance and its chemical, physical and toxicological properties, the amount that escaped and its dispersal, and whether people could have been present at the time.*

*In the case of asbestos, any inadvertent contact likely to create a significant concentration of fibres in the air, thereby adding to the risk of developing an asbestos-related disease, should be regarded as dangerous occurrences.*

*Examples of dangerous occurrences involving asbestos would include:*

- use of power tools (to drill, cut, etc.) on most asbestos-containing materials (ACM) without effective controls;*
- work that leads to physical disturbance (knocking, breaking, smashing) of an ACM that should only be handled by a specialist contractor, for example sprayed coating, lagging, asbestos insulating board;*
- manually cutting or drilling without effective controls;*
- work involving aggressive physical disturbance of asbestos cement, e.g. breaking or smashing.*

*Substances also include micro-organisms. Accidents or incidents that may have resulted in the release of a biological agent and which could cause both severe human infection and human illness must be reported. Biological agents include both Group 3 and 4 agents as defined in the Safety, Health and Welfare at Work (Biological Agents) Regulations 2013.*

## **8. Explosives**

Any unintentional ignition or explosion of explosives.



## 9. Freight containers

1. The failure of any container or of any load-bearing part thereof while it is being raised, lowered or suspended.

2. In this paragraph –

‘container’ means an article of transport equipment which is –

- a. of a permanent character and accordingly strong enough for repeated use;
- b. designed to facilitate the transport of goods by one or more modes of transport without intermediate reloading;
- c. designed to be secured or readily handled or both, having corner fittings for these purposes; and
- d. of a size such that the area enclosed by the outer bottom corners is either:

(i) if the container is fitted with top corner fittings, at least 7 square metres; or

(ii) in any case at least 14 square metres;

and includes a container when carried on a chassis but does not include a vehicle or packaging or any article of transport equipment designed solely for use in air transport, or a swap body, except when it is carried by or onboard a sea-going ship and is not mounted on a road vehicle or rail wagon.

‘corner fittings’ means an arrangement of apertures and faces at either the top or the bottom or both at the top and the bottom of the container for the purposes of handling, stacking and securing or any of those purposes.

## 10. Pipelines

In relation to a pipeline, the bursting, explosion or collapse of a pipe-line or any part thereof.

## 11. Breathing apparatus

Any incident where breathing apparatus, while being used to enable the wearer to breathe independently of the surrounding environment, malfunctions in such a way as to be likely either to deprive the wearer of oxygen or, in the case of use in a contaminated atmosphere, to expose the wearer to the contaminant to the extent in either case of posing a danger to their health, but excluding such apparatus while it is being used in a mine or is being maintained or tested.

### **12. Overhead electric lines**

Any incident in which plant or equipment, including any other overhead line, either comes into contact with an overhead electric line in which the voltage exceeds 200 volts or causes an electrical discharge from such an electric line or cable by coming into close proximity to it, unless in either case the incident was intentional, arising from or in connection with work activities, or any incident involving a live conductor accidentally falling due to breakage or otherwise.

### **13. Locomotives**

Any accidental collision between a locomotive or train and any other vehicle at a factory or at dock premises.

### **14. Bursting of vessel, etc.**

The bursting of a revolving vessel, wheel, grindstone, or grinding wheel moved by mechanical power.

### **15. Wind turbines**

1. The collapse or partial collapse of a wind turbine tower.
2. The failure of one or more blades attached to a wind turbine, resulting in that blade or blades, or part of that blade or blades, becoming separated from the wind turbine.
3. In this paragraph –

‘wind turbine’ means equipment, with a minimum hub height of 20 metres, that converts the kinetic energy of wind into another form of energy, which is then used for electricity generation;

‘wind turbine blade’ means the elements of a wind turbine used to extract the kinetic energy of wind and convert this to rotational energy of a shaft;

‘wind turbine tower’ means that part of a wind turbine that supports the nacelle, rotor and blades.

*A wind turbine is considered to be a machine. The measurement of the hub height is from the base of the tower to the centre line of the rotor.*



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