

# Incident/Accident and Exposure: Reporting Examples for Nursing Homes

*When and to whom are employers and workers required to report injuries and exposures?*

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## Fracture – Injury listed in OHS Act\* section 43(1)

A security guard employed by the nursing home trips over a towel in the stairwell and is taken by ambulance to the hospital with a suspected ankle fracture. ER confirms the ankle is fractured.

Required?	By whom	When	To whom	Legislation
Yes	Worker	As soon as practicable after the happening of the accident and before the worker has voluntarily left the employment in which (s)he was injured	Employer	FAR* – 9 WC Act* – 44(6)
Yes	Employer	Immediately and preserve accident scene	WorkSafeNB (1 800 222-9775)	OHS Act – 43(1) & 43(3)
Yes	Employer	Immediately	JHSC or H&S rep	OHS Act – 43(2)
Yes	Employer	Within three days	WorkSafeNB – Form 67	WC Act – 44(4) & 44(4.1)
Optional	Worker	Within one year	WorkSafeNB – Form 67	WC Act – 16 & 44(9)

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## Soft Tissue Injury – Delayed seeking medical attention

A resident attendant is repositioning a resident in a chair when she feels a pull in her back. She finishes her shift and goes home at day's end with a sore back. During her off days, she ices her back and rests. Before her next rotation, she goes to her family doctor because her back is still sore. Her doctor puts her off work and prescribes physiotherapy.

Required?	By whom	When	To whom	Legislation
Yes	Worker	As soon as practicable after the happening of the accident and before the worker has voluntarily left the employment in which (s)he was injured	Employer	FAR – 9 WC Act – 44(6)
Yes	Employer	Within three days of learning of RA's medical attention	WorkSafeNB – Form 67	WC Act – 44(4) & 44(4.1)
Optional	Worker	Within one year	WorkSafeNB – Form 67	WC Act – 16 & 44(9)

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## Exposure to biological agent (needle stick) – Known blood-borne pathogen

A registered nurse pokes herself recapping a needle. The resident who received the injection is known to have Hepatitis C.

Required?	By whom	When	To whom	Legislation
Yes	Worker	As soon as practicable after the happening of the accident and before the worker has voluntarily left the employment in which (s)he was injured	Employer	FAR – 9 & WC Act – 44(6)
Yes	Employer	Immediately	WorkSafeNB (1 800 222-9775)	OHS Act – 43(3) & 43(4)
Optional	Employer		JHSC or H&S rep	OHS Act – 43(2)
Yes	Employer	Within three days	WorkSafeNB – Form 67	WC Act – 44(4) & 44(4.1)
Optional	Worker	Within one year	WorkSafeNB – Form 67	WC Act – 16 & 44(9)

\* FAR – First Aid Regulation  
OHS Act – Occupational Health and Safety Act  
WC Act – Workers' Compensation Act

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**Exposure to biological agent (needle stick) – Resident tests negative for blood-borne pathogen**

A registered nurse pokes herself recapping a needle. The resident who received the injection is tested and has no blood-borne pathogens. No medical attention sought.

Required?	By whom	When	To whom	Legislation
Yes	Worker	As soon as practicable after the happening of the accident and before the worker has voluntarily left the employment in which (s)he was injured	Employer	FAR – 9 WC Act – 44(6)
Optional	Worker	Within one year	WorkSafeNB – Form 67	WC Act – 16 & 44(9)

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**Exposure to biological agent (needle stick) – Resident tests positive for blood-borne disease**

A resident attendant is poked with a needle that has been left unattended at the resident’s bedside. The resident’s family agrees to have the resident tested for HIV. The test comes back positive for HIV within seven days.

Required?	By whom	When	To whom	Legislation
Yes	Worker	As soon as practicable after the happening of the accident and before the worker has voluntarily left the employment in which (s)he was injured	Employer	FAR – 9 WC Act – 44(6)
Yes	Employer	Immediately after confirmation of infection in the resident	WorkSafeNB (1 800 222-9775)	OHS Act – 43(3) & 43(4)
Optional	Employer		JHSC or H&S rep	OHS Act – 43(2)
Yes	Employer	Immediately after confirmation of infection in the resident	WorkSafeNB – Form 67	WC Act – 44(4) & 44(4.1)
Optional	Worker	Within one year	WorkSafeNB – Form 67	WC Act – 16 & 44(9)

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**Soft tissue injury – Sought medical attention**

A resident attendant is repositioning a resident in a chair when he feels a pull in his back. He works for the rest of his shift and then goes to the clinic with a sore back. That evening, he ices his back and rests. He returns to work for his next shift.

Required?	By whom	When	To whom	Legislation
Yes	Worker	As soon as practicable after the happening of the accident and before the worker has voluntarily left the employment in which (s)he was injured	Employer	FAR – 9 WC Act – 44(6)
Optional	Employer		JHSC or H&S rep	OHS Act – 43(2)
Yes	Employer	Within three days	WorkSafeNB – Form 67	WC Act – 44(4) & 44(4.1)
Optional	Worker	Within one year	WorkSafeNB – Form 67	WC Act – 16 & 44(9)

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### Soft tissue injury – Admitted to hospital as in-patient

A licensed practical nurse is walking a resident. The resident loses her balance and starts to fall. The LPN tries to hold the resident up. After the incident, the LPN complains of back pain and pins and needles in her legs. She drives to the hospital where her symptoms worsen. She is admitted and requires immediate surgery for a herniated disc.

Required?	By whom	When	To whom	Legislation
Yes	Worker	As soon as practicable after the happening of the accident and before the worker has voluntarily left the employment in which (s) he was injured	Employer	FAR – 9 WC Act – 44(6)
Yes	Employer	As soon as employer learns of hospitalization and preserve what is left of accident scene	WorkSafeNB (1 800 222-9775)	OHS Act – 43(1) & 43(3)
Yes	Employer	As soon as employer learns of hospitalization	JHSC or H&S rep	OHS Act – 43(2)
Yes	Employer	Within three days	WorkSafeNB – Form 67	WC Act – 44(4) & 44(4.1)
Optional	Worker	Within one year	WorkSafeNB – Form 67	WC Act – 16 & 44(9)

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### Violent incident – Medical attention sought

An aggressive resident assaults a resident attendant. The RA sustains several bruises to her face and upper body. She goes to the after-hours clinic that night and the doctor advises her to return to work with certain limitations.

Required?	By whom	When	To whom	Legislation
Yes	Worker	As soon as practicable after the happening of the accident and before the worker has voluntarily left the employment in which (s)he was injured	Employer	FAR – 9 WC Act – 44(6)
Yes	Employer	Within three days	WorkSafeNB – Form 67*	WC Act – 44(4) & 44(4.1)
Optional	Worker	Within one year	WorkSafeNB – Form 67	WC Act – 16 & 44(9)

\*Please include as much detail as possible on the Form 67 to ensure the incident is accurately captured. Assaults, violent acts and attacks include: 1) injuries caused by intentional assaults, violent acts or attacks; and 2) harmful actions of unknown intent, not reported as accidental (may be associated with a person's medical condition, for example, dementia).

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### Violent incident – No medical attention sought

A LPN is changing a resident's dressing. The resident starts yelling at the care staff to leave her alone and pinches her arm, leaving a red mark but not breaking the skin.

Required?	By whom	When	To whom	Legislation
Yes	Worker	As soon as practicable after the happening of the accident and before the worker has voluntarily left the employment in which (s)he was injured	Employer	FAR – 9 WC Act – 44(6)
Optional	Worker	Within one year	WorkSafeNB – Form 67	WC Act – 16 & 44(9)

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### Exposures to biological agents (multiple employees)

A licensed practical nurse and a resident attendant are exposed to MRSA. The LPN sought medical attention from his family doctor, however, the RA did not. Neither of them missed any time from work.

Required?	By whom	When	To whom	Legislation
Yes	LPN and RA	As soon as practicable after the happening of the accident and before the worker has voluntarily left the employment in which (s)he was injured	Employer	WC Act – 44(6)
Yes	Employer	Immediately – Multiple exposures may be reported in one report to WorkSafeNB	WorkSafeNB (1 800 222-9775)	OHS Act – 43(3) & 43(4)
Yes	Employer (for LPN only)	Within three days of being advised of LPN's medical appointment	WorkSafeNB – Form 67	WC Act – 44(4) & 44(4.1)
Optional	LPN only	Within one year	WorkSafeNB – Form 67	WC Act – 16 & 44(9)

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### Exposure to biological agent (feces)

An activity assistant walks into a resident's room and sees linens on the floor beside the bed. The assistant picks up the soiled linen with bare hands before seeing the towels are contaminated. As some feces did get on the assistant's hand, she proceeds to wash her hands in the bathroom with soap and water. The resident is later diagnosed with *C. difficile*.

Required?	By whom	When	To whom	Legislation
Yes	Worker	As soon as practicable after the happening of the accident and before the worker has voluntarily left the employment in which (s)he was injured	Employer	FAR - 9 & WC Act – 44(6)
Yes	Employer	Immediately upon confirmation of infection	WorkSafeNB (1 800 222-9775)	OHS Act - 43(3) & 43(4)
Optional	Employer		JHSC or H&S rep	
Yes	Employer	Immediately upon confirmation of infection	WorkSafeNB – Form 67	WC Act – 44(4) & 44(4.1)
Optional	Worker	Within one year	WorkSafeNB – Form 67	WC Act – 16 & 44(9)

# LEGISLATION

## First Aid Regulation – 2004-130

9 An employee shall report an injury or illness to the employer as soon as practicable after the injury or the first signs of the illness.

## Occupational Health and Safety (OHS) Act – Chapter 0-0.2

43(1) The employer shall notify WorkSafeNB\* immediately if an employee suffers an injury resulting in

- (a) a loss of consciousness,
- (b) an amputation,
- (c) a fracture other than a fracture to fingers or toes,
- (d) a burn that requires medical attention,
- (e) a loss of vision in one or both eyes,
- (f) a deep laceration,
- (g) admission to a hospital facility as an in-patient, or
- (h) death.

43(2) Where an injury is reported under subsection (1), the employer shall immediately give notification to the committee or to the health and safety representative.

43(3) Except as otherwise ordered by an officer, no person shall disturb the scene of an accident that results in serious injury or death except as is necessary

- (a) to attend to persons injured or killed;
- (b) to prevent further injuries; or
- (c) to protect property that is endangered as a result of the accident.

43(4) The employer shall notify WorkSafeNB immediately if

- (a) an accidental explosion or an accidental exposure to a biological, chemical or physical agent occurs at a place of employment, whether or not a person is injured, or
- (b) a catastrophic event or a catastrophic equipment failure occurs at a place of employment that results, or could have resulted, in an injury.

## Workers' Compensation (WC) Act – Chapter W-13

16(1) An application for compensation under this Part shall be made

- (a) within one year after the date of the accident, or
- (b) in the case of death, within six months after the date of the accident.

16(2) WorkSafeNB may extend the time period referred to in subsection (1) if it considers that the delay is justified.

44(4) The employer shall notify WorkSafeNB on a form provided by WorkSafeNB of the following:

- (a) the occurrence of an accident and the nature of it;
- (b) the day and the time the accident occurred;
- (c) the name and address of the worker who suffered an injury;
- (d) the place where the accident occurred;
- (e) the name and address of the worker's attending physician or surgeon, if any; and
- (f) any other particulars prescribed by regulation.

44(4.1) The notice under subsection (4) shall be made within three days after the date

- (a) a worker suffers an injury as a result of an accident that may entitle the worker or his or her dependents to
  - (i) compensation under this Part including loss of earnings and medical aid expenses but excluding first aid provided by the employer; or
  - (ii) medical aid under this Part;

- (b) a worker is diagnosed with an occupational disease; or
- (c) the employer receives a notice from a worker in accordance with subsection (6), if the employer has knowledge of the accident only by such notice.

44(5) The employer shall make such further and other reports respecting such accident and worker as may be required by WorkSafeNB.

44(5.1) Every employer shall establish a procedure that requires a worker to notify the employer of an accident that the employer is required to report to the WorkSafeNB under subsection (4).

44(6) Subject to subsection (10), compensation shall not be payable unless notice of the accident is given to the employer by the worker, or on his behalf, as soon as practicable after the happening of it and before the worker has voluntarily left the employment in which he was injured

44(7) The notice to the employer by the worker shall give the name and address of the worker, and shall be sufficient if it states in ordinary language the cause of the injury and where the accident happened.

44(9) Similar notice shall also be given by the worker to WorkSafeNB.

44(10) Failure to give the prescribed notice to the employer or any defect or inaccuracy in a notice does not bar the right to compensation if in the opinion of WorkSafeNB the employer is not prejudiced thereby.