



An tÚdarás Sláinte agus Sábháilteachta
Health and Safety Authority



Information for
Bereaved Families
following a
Workplace
Fatality

The Health and Safety Authority (HSA) and Bereaved Families

The Health and Safety Authority (HSA) is the State Agency that promotes and regulates safety and health at work. We help all workers, in all sectors, to work safely and prevent workplace accidents and ill-health. We investigate all fatalities that are related to a work activity in order to understand and prevent such accidents reoccurring.

This information booklet is for the next of kin and family who have lost a family member in a workplace accident. It sets out some information about what happens around a HSA investigation when a death occurs at work, or in connection with a work activity.

We will start our investigation as soon as possible after the fatal accident has occurred. The investigation procedures that take place can be very difficult for families. This booklet aims to help you at this difficult time by explaining to you:

- how the investigation will proceed, particularly our role,
- what action may be taken and the legal processes, and
- some of the services and support offered to you by us and other organisations.

We will try at all times to be as sensitive and considerate as possible to all involved during the investigation. If you have any questions about information in this booklet, or want to know more, please contact the Victim Liaison Officer (named on the accompanying letter).



What do we do when a fatal accident occurs at a workplace?

We are generally advised of a workplace fatality either by An Garda Síochána, the Emergency Services or by the Employer.

An investigation is started as soon as possible and may involve:

- health and safety inspectors attending and recording details of the scene of the accident,
- the taking of photographs, measurements, documentation and any CCTV footage,
- the taking of statements, including statements from any witnesses, and
- examination of any machinery or other items involved in the fatality.

The main reasons for carrying out the investigation are:

- to understand and record what happened and why,
- to prevent a similar accident from happening again,
- to consider whether any organisation or individual has failed in their duties, and
- to consider whether any action should be taken, including enforcement or legal action.

The length of investigations can vary considerably depending on the facts and circumstances involved. Other agencies or organisations may also have an investigation role such as An Garda Síochána. We will co-ordinate with others to help minimise the distress involved.

During the investigation how will we keep the next of kin and family advised of progress?

The Victim Liaison Officer (VLO) named in the cover letter attached to this information booklet will be your main contact person in relation to the investigation. The VLO will keep you advised on the progress of the investigation. We ask that you make contact only with the VLO.

It is important that you and family members understand that we cannot release any details of the investigation to any party during the investigation. We are aware that this can cause distress to you and family members but it is absolutely necessary to ensure the integrity of the investigation.

What are the possible outcomes of our investigation?

Once the investigation is complete there are a range of actions that we may consider depending on the circumstances of the accident.

In certain circumstances a “Safety Alert” may be issued to the media in an attempt to prevent a similar accident happening. Completed fatal accident investigation files are normally sent to the Office of the Director of Public Prosecutions with a recommendation on any further action. Where there is a potential breach, that is, where a duty holder is considered to have failed to comply with safety and health laws, the prosecution of a company or an individual may be recommended.

Depending on the circumstances there may be a recommendation for no further action, for example, where there is no evidence of any breach of safety laws related to the incident or where the sole duty holder was the victim of the fatal accident.

How does a prosecution arise?

When fatal accident files are sent to the Office of the Director of Public Prosecution (ODPP) the ODPP directs whether a prosecution should be taken and, if so, at what level. Prosecutions can take place in either the District or the Circuit Criminal Courts.

We will advise you of any direction we receive from the ODPP of either no prosecution or a direction to take a prosecution. Where no prosecution is directed by the ODPP, we will advise you as to how you may contact the ODPP should you wish to request a summary of the reasons or a review of the decision not to prosecute.

How does a prosecution proceed?

If a decision is made to take a prosecution, you will be kept informed by the VLO. You will be advised of the “first mention date”. This is the date on which an upcoming prosecution will be mentioned in court for the first time before the actual case commences and normally sets out a date for the hearing. In the case of Circuit Court prosecutions this first mention may include the serving of the Book of Evidence on the defendant(s).

The date on which any case is to be heard is set by the court and is outside of our control. There may be a number of court mention dates before the actual hearing. The full court hearing may take place some considerable time after the investigation is completed.

The Victim Liaison Officer can advise you around the general prosecution process and court procedures. Sometimes the date of the hearing is altered at short notice by the court. The VLO will keep you informed as soon as possible of any such changes.

The prosecution will take place either in the District Court before a District Court Judge or the Circuit Criminal Court before a Circuit Court Judge and Jury.



On completion of a prosecution the Judge decides the size of any fine or penalty and this judicial process is completely independent.

Are the Gardai involved in investigating workplace fatalities?

The emergency services, along with An Garda Síochána, are usually the first to be advised of a fatal accident at a workplace.

We will often work with the Gardai in the initial part of an investigation and depending on the circumstances they may remain involved.

The inquest into a workplace fatal accident

In the case of a sudden death, such as one resulting from a workplace accident, a coroner is required to hold an inquest. This is completely separate from our investigation and the coroner's office will communicate directly with the family and next of kin.

An inquest is an inquiry by a coroner into the circumstances surrounding a death. The purpose of the inquest is to establish and record when, where and how the death occurred.

Where we have an on-going investigation, we will ask the coroner to adjourn the inquest until our investigation or any prosecution is completed. While this delay in holding an inquest can be distressing for family members, it is necessary to ensure the integrity of the legal process. The Coroner may open the inquest to allow hearing of medical evidence and

issuing of the Death Certificate. When the full inquest into the sudden death goes ahead, we can, if requested by the coroner, attend and provide a report to the coroner.

During the inquest, details of the cause of death are given by the pathologist who carried out the post mortem. As this and other details can be distressing for the family, you can ask the coroner that the family be advised when this will occur and be given the option to leave the room and return after this to read into the record. Also, you may not wish to be present during other inquests being heard on the same day and can request to be advised when you actually need to be present.

Further sources of help and information

Our website contains links to other national agencies and organisations which may offer further information and support.

Visit www.hsa.ie/workplacefatality for details.

The following organisations can also be contacted for assistance:

Citizens Information Board

Web: www.citizensinformationboard.ie
Tel: 0818 07 4000

Bereavement Ireland

Web: www.bereavementireland.org
Tel: 01 839 1766

Embrace FARM – Farm Accident Support Network

Web: www.embracefarm.com
Tel: 085 770 9966

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0818 289 389

www.hsa.ie