



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 incidents and ill-health. We investigate all fatalities that are related to a work activity in order to understand and prevent such incidents reoccurring.

This information booklet is for the next of kin and family who have lost a family member in a workplace incident.

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 incident has occurred. The investigation procedures that take place can be very difficult for families. This booklet seeks to help you at this difficult time by explaining to you:

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

We will endeavour 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 HSA Victim Liaison Officer.

VLO contact details:

Email: vlo@hsa.ie

Telephone: 01 799 7815

LoCall: 0818 289 389



What do we do when a fatal incident occurs at a place of work?

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:

- HSA Inspectors attending and recording details of the scene of the incident,
- 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 incident 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 informed of progress?

The Victim Liaison Officer (VLO) will be your main contact person in relation to the investigation. The VLO will keep you informed on the progress of the investigation. We ask that you make contact with the VLO only.

It is important that you and family members understand that we cannot release any details of the investigation to family or third parties during the investigation. We are aware that this may cause distress to you and family members but it is absolutely necessary to ensure the integrity of the Authority's investigation.

What are the possible outcomes of the HSA investigation?

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

In certain circumstances a "Safety Alert" may be issued in an attempt to prevent a similar incident happening. Completed fatal incident investigation files are normally sent to the Office of the Director of Public Prosecutions (DPP) 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 from the HSA 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 fatality.

How does a prosecution arise?

When fatal files are sent to the Office of the Director of Public Prosecution (DPP), the DPP 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 inform you of any direction the Authority receive from the DPP, i.e. either no prosecution or a direction to take a prosecution.

Where no prosecution is directed by the DPP, we will inform you as to how you contact the DPP 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 notified 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 the HSA’s control. There may be a number of court mention dates before the actual court hearing. The full court hearing may take place some considerable time after the investigation is completed. The Victim Liaison Officer can inform you about 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 Gardaí involved in investigating workplace fatalities?

The Emergency Services, together with An Garda Síochána, are usually the first to be informed of a fatal incident at a workplace.

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

The inquest into a workplace fatality

In the case of a sudden death, such as one resulting from a workplace incident, a Coroner is required to hold an inquest. This is completely separate from the HSA 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 the HSA 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, the Authority 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 informed when this will occur and be given the option to leave the room and return after this is 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 informed when you need to be present.

Further sources of information

The Health and Safety Authority website – www.hsa.ie – contains links to other national agencies and organisations which may offer further information and assistance.

Visit www.hsa.ie/workplacefatality for details. The following organisations can also be contacted:

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

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