A clear and accurate incident report should be written so that it is legally, medically and fiscally defensible. Such a strong incident report prevents mountains from forming out of molehills. Yet too often, the Incident Report is relegated as an administrative task. NFP’s Elsie Tai, Vice President of Risk Management Services, talks about the missing link in reporting that could be costing your organization.

Q: You say that accident/incident reports are not always serving the company’s interests. How is that happening?

The problem is that reporting is often done badly. An incomplete or unclear report can have a domino effect on the cost of losses in the claim that arises from that report. It can be the set up for a Pandora’s Box of a claim. But few people recognize the problem or know how to write a legally, medically and fiscally defensive report.

Sometimes, the problem is the wrong person is writing the report. Too often, supervisors, security staff or administrative assistants put together the report. However, the company needs to realize this: that report represents the company’s account of what could become an unwieldy claim. So, the person charged with writing this report is now acting as a management representative, presenting the most commanding, clear, detailed, descriptive and accurate account of what occurred, how and why, based on a thorough investigation resulting in a deliberate, carefully composed report that can serve to protect the employer’s interest so that its liability cannot be abused, or succumb to unwarranted expansion.

It is reflective of the attitude of the organization. People generally don’t want to report injuries or incidents, especially when busy supervisors and managers either aren’t receptive to hearing about them, or don’t make the time to write out a report, or disregard it as too minor to report it higher up the food chain. Minor incidents and near misses are an imperative part of the intelligence gathering mechanism of a functioning safety system. They are data points on the safety performance radar. If the environment does not encourage and reward such communication, then it only captures the tips of the icebergs, often, too late and repeatedly.

Q: That sounds to me like we need to talk about where the missing links are. Talking about it is one, isn’t it?

Yes. It’s the intelligence gathering mechanism, and yet it’s shut down because people don’t realize how important it is to report everything, and alternatively, to solicit any potential reports from others. This should be part of a supervisor’s training. It should not be anyone’s decision on whether something is bad enough to report. It should all be reported. Consider the imperative reporting of harassment or discrimination or abusive conduct. The same principal applies. People should not be left to their own judgment of whether an accident is “bad enough” to say something. Most people are reluctant to report such things. They don’t want to stick out, be a squeaky wheel, seem like a complainer. They are concerned about negative ramifications. The work environment must be actively receptive, encouraging and supportive of reporting.

Management must create that atmosphere where reporting incidents is not being that squeaky wheel or a nuisance – it’s being helpful. It’s putting something on the company radar, and that could be something that’s a trending problem. It allows the company to connect the dots sooner and not get blindsided. But unless people report it, the company can’t correct it. That’s part of setting up a culture of safety.
Q: That’s also part of a company’s defense, right?

Absolutely. People conducting the investigation and writing the reports need to remember they’re creating a legal document. It’s not just paperwork. It should be written only by supervisors or managers, never by an employee. Start every response with something to the effect of “The employee alleges/reports/states/asserts the following…” unless they actually witnessed it themselves. Should the company ever want to controvert the claim at a later date, this type of language will matter. It will assert that the company isn’t claiming, asserting or agreeing, but only reporting what the employee has relayed.

Q: What else should be part of that report?

A real investigation. Management that do not expect proper, thorough and complete investigations into these incidents, but just merely pass off a poorly constructed report, cannot be surprised by skyrocketing claims payouts. They need to be conducting thorough investigations into each report. You should try to replay everything. Take pictures, gather evidence, and make sure you know everything that happened and how. Write out how the accident occurred as if it is as screenplay, so that no matter who reads it (claimant, claimant’s attorney, evaluating doctors, administrative law judges, claims examiners, etc.), they will be more likely to interpret it exactly the way it occurred. This will help prevent proliferation of a claim into areas that are really not affected by the incident. “Causal relationship” can only be found when there is a reasonable potential that the incident caused the injury or condition. But if the report is so vague and so unclear, then almost any kind and severity of injuries and conditions can be attached to it.

I’ve seen claims for injuries that state “employee burned their hand.” Well, what part of the hand? How badly? Did you take a photo? Do you have the item that caused the burn? If they fell, from what? How far down? An entire flight of stairs, or just from the bottom second step? Was there something they tripped over? Did they land on one knee, both knees, which hand, which side? All these details matter. I’ve seen so many claims reports say, “Hurt back.” “Fell down stairs.” It leaves so much to the imagination, which means almost any medical finding can be arguably attributed to that incident, even if, in reality, it isn’t related. This could be the difference that means not paying for knee replacements, or only paying for one.

Those details can uncover ongoing problems, too. In one instance, a new employee burned herself using a steam table. The company assumed it was because she was new on the job, and maybe the orientation training needed to be repeated. So often, the immediate response is the “employee was careless” and the remedy is “more training.” Often times this is just not the case. But by asking a few more questions, we determined that while she was trained, she was unsure. So, she watched how the other seasoned employees worked the equipment, and just copied them. That right there is a systemic issue. It usually is. You have to find the failure in the system. It’s usually not the employee. Because management hired this person, trained them, and supervises and communicates with them. If anything, usually, something went awry in that process.

Q: What kind of advice do you have for organizations when it comes to reporting?

Look at how your claims proliferate. Do the proper investigation into the root causes, then make sure that report is legally, medically and fiscally defensible. Present a clear, thorough, detailed report that reads like a screenplay. Report that incident immediately. Too often, claims don’t occur for months to a year. By then, details will be forgotten. When you consider how expensive claims can get and how they can proliferate, getting that report right at the moment of a reported incident can save your organization should the incident be escalated. There is a correlation between the turn around time of incident reporting and processing and the severity of claims that proliferate from them. The longer the lag, the more expensive the claims.

The competency of your frontline supervisors and their ability to report accurately and thoroughly on every incident or injury is something the entire organization needs to support. Better training, a more open and receptive attitude throughout the company regarding reporting incidents is essential.

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