

Investigation Process

What triggers an investigation by the N.C. Department of Labor's Occupational Safety and Health Division?

- A worker's death.
- Hospitalization of an employee, an amputation or the loss of an eye.
- The department may also receive information of a fatality or catastrophe from media reports or referrals from other government agencies.

How is the NCDOL OSH Division notified?

- An employer must notify NCDOL within eight hours of any work-related fatality. In-patient hospitalizations of one or more employees, any work-related amputation, and any work-related loss of an eye must be reported within 24 hours.

What will the investigation focus on?

- The investigation will usually be limited to the events surrounding the accident unless observations at the site indicate a broader investigation is needed.

What will happen during the investigation?

- An OSH investigator will go to the accident site and collect physical evidence, including photographs.
- The investigator will interview employees, witnesses and management officials about the accident to determine its cause.
- Any violations of safety and health standards will be noted and citations will be issued.

How long will the investigation take?

- An investigation can take anywhere from a few weeks to six months, depending on the complexity of the accident.

When are investigation results disclosed?

- Citations and penalties, if issued, can be released to the public on the issuance date.
- Other contents of the file cannot be released until the case is closed or final order on citations is rendered.



Josh Dobson, Commissioner

N.C. Department of Labor
Occupational Safety and Health Division
1101 Mail Service Center
Raleigh, NC 27699-1101

www.labor.nc.gov

1-800-625-2267

What programs does the Department of Labor have in place to prevent heat-related events?

Consultative services: Free consultative services is available to small employers.

Free education and training: On-site training, workshops and consultation in both English and Spanish.

Publications: Heat-related publications available on our website: www.nclabor.com.

The Investigation

Heat-related events are prevalent in the state when outdoor temperatures exceed 95 degrees with high relative humidity. In 2012, five employees died from extreme heat and a number of other employees suffered serious physical harm as a result of exposure to excessive heat. Since there is not an OSHA heat stress standard, the hazards associated with exposure to heat stress must be cited using the General Duty Clause. General Duty Clause violations are limited to addressing hazards that could cause death or serious physical harm and can only be used when there is not a standard that applies to the identified hazard. The investigator must document four specific elements to advance a General Duty Clause Violation.

The N.C. Department of Labor investigates fatalities resulting from employee exposure to excessive heat. When conducting an investigation in response to a heat-related incident, the investigator will seek to determine several factors, including whether;

- The employee was exposed to a recognized hazard. The air temperature would be determined and the body temperature established using the wet bulb globe temperature index.
- The exposure to the hot environment was a hazard that could result in death or serious physical harm.
- The employer had developed, implemented and provided training on a written heat stress program.
- The employer enforced a sufficient work/rest cycle during extremely hot periods.
- The employer had implemented a program to acclimate the employees to work in high temperatures and provided shade or other means of cooling.
- The employees had access to adequate supplies of drinking water and a plan was in place to encourage and monitor water intake.
- Employers and employees had been trained in the signs and symptoms of heat stress, value of acclimatization, what constitutes an adequate water supply and other heat-related issues.

Standards: *General Industry and Construction* – none
Agriculture Industry – 1928.110 (Field Sanitation) requires potable drinking water.

Industry Type: Employees in all industries could be exposed to hot environments.

Event Type: Heat exhaustion or heat stroke.

Statistical Data: In calendar years 2019 and 2020, two workplace deaths involved exposure to excessive heat.