Administrative Procedure Following a Serious Accident or Incident

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1 Scope of Application

The Director-General, after consulting the Standing Concertation Committee, the Safety Policy Committee (SAPOCO) and the Management Board, sets up the administrative procedure to be applied following a serious accident or incident. The procedure during an accident is described in IS51.

The Technical Inspection and Safety Division (TIS) assures the correct application of this procedure.

1.1 The administrative procedure is to be applied in the event of a serious accident. By serious accident is meant:

i) any accident involving persons and occurring on or off the CERN site\(^1\) which results in death or serious, or probably serious, bodily injury, if the accident occurred in the course of CERN’s official activities;

ii) any accident with serious consequences for the environment or for property belonging to CERN or to third parties, if the accident occurred in the course of CERN’s official activities;

iii) other accidents occurring on the Organization’s site, especially road accidents which have had, or could have had serious consequences.

1.2 The administrative procedure is also to be applied in the event of a serious incident occurring in the course of an official CERN activity, which could have dangerous consequences or which could have created major dangers and risks on or off the CERN site.

2 Information Process

2.1 Anyone witnessing a serious accident or incident must immediately inform the Safety Control Room (SCR).

2.2 The Safety Control Room and the relevant supervisor inform without delay, the Leader of the TIS Division, the Director(s) and the Division Leader(s) concerned, as well as the CERN Liaison Officers for the Host State authorities.

\(^1\) The grounds on which the Organization’s statutory operations are conducted and which is under its authority and control.
2.3 The Leader of the TIS Division informs, as soon as possible:

i) the Director-General;

ii) the Leader of the Human Resources Division;

and checks that the necessary authorities of the Host States have been informed (see Annex 1) then consults with the Director in charge of safety and calls a ‘crisis management team’ who are then responsible for the transmission of information to the media and other tasks.

2.4 The Human Resources Division takes the necessary steps to inform:

i) the institute or employer concerned if the person involved is not employed by CERN;

ii) the family or the person to be contacted when a member of the CERN personnel dies or is seriously injured;

iii) any other CERN authorities required to take action (legal adviser, Staff Association, Pension Fund, etc.).

3 Preservation of the Evidence

In order to facilitate subsequent enquiries into the facts and circumstances of the accident or incident, the TIS Division, via its Emergency and Fire Service, must, with the help of the other services concerned:

i) prevent any alterations from being made which could make it difficult or impossible to assess the damage and determine causes;

ii) preserve and record the situation as it appears immediately after the event, in particular by means of photographs, markings and measurements;

iii) announce the end of the preservation period, by the TIS Division Leader, after consultation with the person in charge of the activity related to the accident or incident (Division Leader, DSO, Safety Coordinator or Work Supervisor and, if applicable, the President of the Fact-Finding Group).
4 Procedures

4.1 After an accident the Group Leader(s) concerned must ensure that the Internal Accident Report is completed and sent immediately to the Leader of the TIS Division in accordance with Safety Code A2, which includes a copy of the Internal Accident Report Form. It may also be necessary to draw up an Accident Declaration (form HS 50) for medical insurance purposes.

4.2 In the case of accidents of a certain seriousness or for preventive purposes, the TIS Division makes a factual enquiry immediately recorded in a Preliminary Enquiry Report.

4.3 The Director-General judges whether the seriousness of an accident or incident should entail the application of the procedure 4.4, and makes this decision after taking into account the opinions of the TIS Division Leader, the Division Leader(s) concerned and any other interested parties.

4.4 Accident Board

4.4.1 The Director-General sets up an Accident Board and Fact-Finding Group to advise on the steps and decisions to be taken. The membership and terms of reference are given in the Annex 2.

4.4.2 The Fact-Finding Group produces a confidential Fact-Finding Report within a week giving the facts and circumstances of the serious accident or incident, without making judgements concerning responsibilities.

4.4.3 Once the Director-General has accepted the Fact-Finding Report, copies of it are sent to the Accident Board and anyone nominated by the Director-General. This Report must be kept confidential. It may nonetheless be consulted in the presence of a member of the Legal Service by any person concerned.

4.4.4 The Director-General shall then discuss the matter, as soon as possible, with the Accident Board, which presents its recommendations. These include a recommendation on whether or not to continue the enquiry by the appointment of a Committee of Enquiry. The Director-General decides on the steps to be taken concerning these recommendations.

4.4.5 If no Committee of Enquiry is appointed, the Accident Board shall make recommendations for promptly informing the staff of the accidents and incidents, as well as how to avoid them in the future, and shall inform SAPOCO of these recommendations.
4.5  Committee of Enquiry

4.5.1  The **Committee of Enquiry** shall examine the causes of the accident or incident in detail in order to be able to make Safety recommendations and determine responsibilities. The Committee draws up a confidential Enquiry Report and forwards it to the Director-General. The appointment, composition and terms of reference of the Committee of Enquiry are set out in Annex 2.

4.5.2  The Director-General makes the Enquiry Report available to the Division Leader(s) concerned and to any member of the personnel who can prove a legitimate interest, and invites them to return written comments.

4.5.3  The Director-General informs the Committee of Enquiry of these comments and invites it to make its own comments.

4.5.4  Once the Director-General has accepted the Enquiry Report, copies of the report and the relevant comments are sent to the Accident Board. The Division Leaders and any person who can prove a legitimate interest may consult these documents in the presence of a member of the Legal Service.

4.5.5  The Accident Board discusses the Enquiry Report and any relevant comments, and gives its own opinion.

4.5.6  The final conclusions of the Accident Board, including any new recommendations, are submitted to the Director-General, to the other Directors, to the Division Leaders and to the members of the Safety Policy Committee (SAPOCO).

4.5.7  Any further distribution of the Enquiry Report, the recommendations of the Committee of Enquiry, or the recommendations of the Accident Board is at the Director-General’s discretion.

4.6  End of the Procedures

4.6.1  The Director-General decides on any appropriate steps to be taken with regard to all these recommendations.

4.6.2  Where appropriate, the Director responsible for disciplinary matters ensures the application of the disciplinary measures provided for in the Staff Rules and Regulations.

4.6.3  The administrative procedure following a serious accident or incident shall apply without prejudice to the steps which may be taken by an outside authority.
4.6.4 The reports are internal and do not affect the rights and duties of the people working on the site who are not members of the CERN personnel (e.g. temporary labour or those working under service contracts).

5 Legal Basis

This Safety Code is published by TIS Division under the procedure set out in the document Safety Policy at CERN and pursuant to the Organisation’s regulations. It will come into force on the date of publication following approval by the Director-General.
Glossary

SAPOCO
   Safety Policy Committee

TIS
   Technical Inspection and Safety Division
Annex 1

Host State Authorities to be contacted

Death and serious injury:
- Switzerland: Swiss Police
- France: French Gendarmerie

Environmental incidents:
- Switzerland: Director of the Environment, Geneva
- France: DRIRE, Bourg en Bresse

Radiation incidents:
- Switzerland: Office Fédéral de la Santé Publique (OFSP), Bern
- France: Institut de radioprotection et de sûreté nucléaire (IRSN).
Annex 2

Composition and Terms of Reference for the Accident Board, Fact-Finding Group and Committee of Enquiry

1 Accident Board

1.1 The Accident Board’s mandate is to give the Director-General its opinion on the steps and decisions to be taken in the event of a serious accident or incident.

1.2 The Accident Board shall be convened by the Director-General, who shall be its Chairman or delegate that office to one of the Directors who are members of the Board.

1.3 The members of the Board shall comprise:
   i) the Director-General or a delegated Chairman;
   ii) a Director responsible for administrative and/or technical matters;
   iii) the Director responsible for disciplinary matters;
   iv) any other Director deemed appropriate by the Director-General;
   v) the Leader of the Technical Inspection and Safety Division (TIS);
   vi) the Leader of the Human Resources Division;
   vii) the Leader(s) of the Division(s) concerned with the accident;
   viii) the Legal Adviser;
   ix) the President of the Staff Association;
   x) the Chairman of the Fact-Finding Group, who shall present the Fact-Finding Report;
   xi) a Secretary to the Board appointed by the Director-General.

1.4 The Chairman of the Board may call on experts for advice, as necessary.

2 Fact-Finding Group

2.1 The Fact-Finding Group appointed by the Director-General to draw up a report on the circumstances of a serious accident or incident shall comprise:
i) a Safety Officer of a Division not involved in the event who will be Chairman of the Group;

ii) a senior Staff Member of one of the Divisions involved;

iii) a senior Staff Member of the Technical Inspection and Safety Division (TIS);

iv) a member of the Legal Service, who shall act as Secretary to the Group.

2.2 The group may consult outside specialists if it is necessary for the enquiry.

2.3 The terms of reference of this group are to determine, as speedily and objectively as possible, the facts and circumstances, whilst refraining from any judgement concerning liabilities and responsibilities.

2.4 The group shall submit its Fact-Finding Report to the Director-General within one week of its appointment.

2.5 This report shall be confidential.

3 Committee of Enquiry

3.1 The Committee of Enquiry, appointed by the Director-General after consultation with the Accident Board, shall consist of five persons who are not members of the Technical Inspection and Safety Division (TIS) or the Division(s) involved:

i) a Chairman, who shall be a senior Staff Member;

ii) two further Staff Members;

iii) a Staff Member representing the Staff Association;

iv) a Secretary, member of the Legal Service.

3.2 The Committee of Enquiry may call upon outside experts as consultants.

3.3 The terms of reference of this Committee are to make a detailed study of the causes of the accident or incident and to investigate the manner and extent to which the duties and responsibilities laid down in the CERN Safety Codes and other relevant documents and instructions applicable to the Organization were effectively discharged by Members of the Personnel, at all levels, concerned directly or indirectly
with the accident itself or with the circumstances leading up to it. The Committee shall prepare a confidential Enquiry Report and send it to the Director-General.

3.4 The Committee may also draw up Safety Recommendations arising from its enquiry and shall submit them separately to the Director-General.

3.5 The Enquiry Report and, where appropriate, the Committee’s Recommendations shall be sent to the Director-General within no more than three months.

3.6 The Enquiry Report and any Recommendations made by the Committee shall be confidential.