



CRITICAL INCIDENTS POLICY

Employees under major stress following an accident or incident that occurs as part of KiwiRail's business, particularly where fatalities or serious injuries have resulted, are provided with the necessary support to assist them in dealing with these difficult situations.

In the event of a fatality occurring on KiwiRail property, arrangements will be made for Te Pure (a Maori cleansing ceremony) to be performed as soon as possible. KiwiRail recognises that individuals and their families have different cultural beliefs and in the case of a fatality or serious injury the company will make arrangements to minimise any cultural conflict that might arise.

These guidelines apply to all employees of KiwiRail; permanent, full-time, part-time, fixed term and casual involved in a serious incident.

All temporary agency staff, contractors and consultants are be subject to these guidelines, where they are involved in a serious incident which results in a fatality or serious injury while carry out work for KiwiRail or on KiwiRail controlled work sites.

Delegations

Managers have overall responsibility to ensure employees receive critical incident support as soon as possible after the incident.

The Network Control Manager (Train Control), the Line Services Manager (Line Haul Service Centre) or the Rail Incident Controller has the responsibility for contacting EAP Services for critical incident support and a representative from the Maori Network for Te Pure where a serious incident occurs.

In regards to maritime critical incidents the Interislander On-call Manager will manage the critical incident process. They can be contacted on [REDACTED]

The manager of an employee involved in a critical incident has the responsibility of contacting the relevant union's National Office as soon as practicable if that employee is one of their members.

The critical incident management team through EAP Services can be contacted on [REDACTED]

GUIDELINES AND PROCEDURES

Relieved from Duty

The manager or supervisor is to arrange for employees affected by a fatality, serious injury, accident or incident to be relieved from duty as soon as practicable following the incident. Timing may depend upon availability of relief and Police requirements. In addition to this the employee(s) are to be relieved from duty for the day and the day following the incident if these are not days off.

There is also a requirement for mandatory relief of employees involved in serious operating occurrences. The criteria and guidance on its application are provided for in the Network Rail Operating Rules s11 Instruction 6.

Employees may be relieved from duty for an additional period of time following the mandatory stand down period, which could be up to 3 days on pay. Additional time off may be arranged with the employees manager if supported by the respective counsellor. This time off will be paid as either earnings related compensation or paid special sick leave, depending on the situation.

If an employee has additional time off as the result of a fatal or serious accident they will be required to see a company RMO to confirm their fitness for work before starting back in their substantive role.

The employee has the right to representation during discussions regarding additional time off.

Critical Incident Support

It is important for employees involved in a serious incident that results in a fatality or serious injury to receive EAP critical incident support and a debriefing. This should happen as soon as possible after the incident and is mandatory for all employees involved. EAP Services will arrange for the nearest representative to contact the manager.

If the local manager has been involved in the incident then it is the responsibility of the Regional Manager to ensure that all employees have EAP Critical Incident Support.

Additional Support

Following debriefing and critical incident support, the EAP representative will advise the manager whether any further assistance is required and how employees are coping.

EAP will provide the manager with a recommendation as to whether further support is needed. This might include talking the issue through with a fellow employee who has been involved in a similar incident or attending counselling with an experienced trauma counsellor.

Follow up Requirements

All employees involved in a critical incident are to be followed up by EAP Services one month after the incident occurred, to ensure KiwiRail is doing everything it can to contribute to the employee's well-being.

Te Pure

In the case of a fatality occurring on KiwiRail property, arrangements will be made for Te Pure to be performed as soon as possible after the event.

Te Pure is a Maori ritual which removes Tapu from worksites, vehicles / machines or ships that have been involved in an accident that has led to a serious injury or death.

Te Pure makes it culturally safe again to resume work in the affected area vehicle, machine or ship.

Where the fatality occurs on the main line Train Control or the Line Haul Services Centre will make contact with a nominated representative of the Maori Network, Te Kupenga Mahi, who will arrange for Te Pure to be performed. In all other cases the manager is responsible for contacting the representative of the Maori Network, in the region where the incident occurred, to arrange Te Pure

For information on how to contact Te Kupenga Mahi please go to the intranet site

Before the Maori Network representative proceeds onto the site, only the manager will determine the safe and appropriate time for Te Pure to be performed, where there is minimal disruption to service.

All vehicles involved in the incident will need to be blessed during Te Pure. Again the Maori Network will work with KiwiRail to ensure that services are not disrupted as a result of Te Pure being performed.

Family Support Procedure for Fatal / Serious Workplace Accidents

KiwiRail will ensure appropriate support is given to families of employees who are seriously or fatally injured as a result of a workplace accident.

In the case of an accident resulting in a fatality the police will notify the family of the employee. In the case of serious injury the manager will notify the family.

In either a fatality or serious injury the manager will work together with the Corporate HSE team and the union to determine the appropriate person/s to visit the family to provide immediate support. Where possible, KiwiRail and the union will visit together.

The Business Unit GM, the CE and the General Secretary of the applicable union will visit the affected family within days of the accident occurring, provided the family is comfortable with this. During this visit the next of kin will receive the compassionate grant.

In regards to the accident investigation process, the Department of Labour (DoL), the Transport Accident Investigation Commission (TAIC) and Maritime New Zealand (MNZ) will inform the families of the process that will be followed and keep them regularly updated on its progress.

The extent to which the below protocol is followed in the case of a serious injury will depend on the severity of the injury but the same principles will apply as applicable.

Procedure

Initial Steps

As per the guidelines above, the affected families will be notified of a serious injury or fatality. Cultural issues should be taken into consideration when deciding who should visit the families.

Practical assistance will be given by KiwiRail and the union with regards to funerals, such as transport and accommodation. On-going support in the medium to long term can also be provided. This will be coordinated through an advocate who will be either a company, union or other representative.

Accident Investigation

In the case of an accident investigation the employee or their next of kin could be contacted by KiwiRail, the Police, the Department of Labour (DoL), Maritime New Zealand (MNZ), the New Zealand Transport Agency (NZTA) and the Transport Accident Investigation Commission (TAIC). The process of the accident investigation will be explained to the persons involved and the relevant union if applicable as well as the level of their involvement discussed.

During the investigation process as information becomes available the employee or their next of kin will be provided with updates and milestones of the accident investigation report.

The employee or their family will be given the opportunity to comment on draft KiwiRail, NZTA and DoL reports. The same will apply to MNZ reports except where a decision has been made to initiate legal action. For TAIC reports next of kin may only be given the opportunity to comment if there is a possible inference of blame on the deceased.

KiwiRail, the union, MNZ or DoL, NZTA, TAIC and the Police will be available to explain their reports to the employee or their family members if desired.

On-going Support

Support regarding hearings will be given to employees and families who desire it, e.g. transport and pre / post hearing counselling. Refer to the applicable employment agreement for information regarding legal representation and indemnity.

The EAP Services will be available to support both families and employees involved.

In the case of a fatality the families may require long term follow up and support which could be in excess of one year. KiwiRail and the union in conjunction with the advocate will provide this.

KiwiRail's third party administrator and the union will provide assistance in accessing earnings related compensation payments.