

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Investigation of workplace incidents

Context

Victoria Police is the primary responder and responsible for the investigation of incidents that occur in the workplace. This policy provides direction to members responding to workplace incidents to ensure:

- control of the scene is maintained
- correct notification occurs
- charges are laid where appropriate.

Victoria Police works closely with the Victorian Workcover Authority (WorkSafe) to investigate workplace incidents. This relationship is outlined in the Memorandum of Understanding (MOU) between Victoria Police and WorkSafe.

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Scope and application

This policy applies to all operational members.

Responsibilities and procedures

1. Attending the site of a workplace incident

1.1 *Police Commander responsibilities*

- Ensure that WorkSafe is notified via its Emergency Communications Centre, Ph:13 23 60, of any of the following incidents:
 - incidents involving death (require immediate notification) or serious injury at a place of work, including injuries expected to require hospitalisation beyond routine observation
 - incidents involving death (require immediate notification) or serious injury which could be connected in some way with a person's industry or work
 - farm related incidents involving tractors, all terrain and other farm vehicles or equipment
 - incidents or emergencies involving boilers, pressure vessels, lifts, cranes or scaffolds
 - incidents involving dangerous goods (e.g. commercial explosives, spillage or fires involving chemicals, liquids or gases) – refer to the [Victoria Police Emergencies Handbook](#) for further information about attending a hazardous material incident
 - electrical incidents.
- Notify the Criminal Investigation Unit (CIU), who must attend and investigate where:
 - a workplace death has occurred, or life-threatening injuries are sustained
 - WorkSafe requests CIU assistance and there is evidence of injury resulting from negligence.
- Immediately notify the Major Collision Investigation Unit (MCIU) of every fatal or life-threatening collision. Refer to **VPM Road policing – general** for further information.
- Notify the State Coroner and the Police Coronial Support Unit where a death has occurred or is likely to occur. Refer to **VPM Deceased persons** for further information.
- Notify local government authorities for scaffolding accidents.
- In the case of electrical incidents, also notify:
 - the relevant electrical authority
 - the relevant public transport authority if their electrical supply is involved
 - EnergySafe, if the incident involves electric shock.
- Maintain control of the scene including control of exhibits in accordance with **VPM Scene management**.
- Only allow the site of an incident to be disturbed before WorkSafe arrives in order to:
 - take action to protect the health and safety of a person or prevent a further accident
 - provide aid to an injured person involved in the incident.

2. Investigating workplace incidents

2.1 *Roles and responsibilities*

- In the case of workplace deaths or incidents where life-threatening injuries are sustained, the role of the investigating member is to:
 - investigate for possible criminality (particularly manslaughter resulting from criminal negligence)
 - inquire into the death on behalf of the State Coroner and prepare the inquest brief.
- WorkSafe will investigate occupational health and safety offences and breaches (including the offence of workplace manslaughter).
- Victoria Police and WorkSafe may conduct independent investigations into issues of criminality in their respective jurisdictions.

2.2 *Workplace incidents resulting in death*

- Victoria Police has primacy in the initial investigations of all fatalities, including where the incident involves the death of a Victoria Police employee. Refer to **VPM Deceased persons** for further information
- The general responsibilities of Victoria Police and WorkSafe in the management and investigation of workplace deaths are outlined in the MOU between Victoria Police and WorkSafe. The MOU facilitates communication between Victoria Police and WorkSafe and provides guidance regarding:
 - the allocation and use of resources
 - how information and evidence is to be shared.
- In addition to the responsibilities outlined in the MOU, investigating members should also:
 - examine the scene and obtain assistance from the Crime Scene Unit, Forensic Services Department in accordance with **VPM Scene management**
 - ensure all witnesses are interviewed and statements taken in the company of a WorkSafe inspector, where possible. If the person has already made a statement to WorkSafe, only obtain a statement from the person where it is necessary.

2.3 *Workplace bullying*

- Workplace bullying is repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. If the incident involves allegations of bullying:
 - Victoria Police is responsible for investigating allegations of bullying under the stalking provisions as defined in s.21A, *Crimes Act 1958*
 - WorkSafe is responsible for investigating allegations of bullying under the *Occupational Health and Safety Act 2004*.
- WorkSafe will notify Victoria Police via the Commander, Crime Command. The Commander, Crime Command must assess the need for a criminal investigation and send it to the appropriate area to investigate in accordance with the Accountability and Resource Model. The Commander, Crime Command may advise WorkSafe of the outcome where appropriate.

- Where members identify allegations of bullying that fall under WorkSafe's jurisdiction they should immediately notify WorkSafe (the State Investigations Manager or the Director for the Enforcement Group) via the Commander, Crime Command at CRIME-SECRETARIAT-MGR.
- See **VPM Responses to non family violence disputes** for further information.

3. Preparation of briefs of evidence and laying of charges

- Where applicable, police are to lay charges under the *Crimes Act* and prepare briefs in accordance with **VPMP Briefs of evidence**.
- If an investigation identifies both criminal and the *Occupational Health and Safety Act 2004* offences arising out of the same incident, Victoria Police and WorkSafe may conduct separate prosecutions.
- WorkSafe is responsible for prosecuting workplace manslaughter offences.

4. Commonwealth matters

- Comcare was established under the *Safety, Rehabilitation and Compensation Act 1988* and is the national authority for work health and safety, and workers' compensation.
- An MOU between Victoria Police and Comcare exists which covers information sharing and the provision of assistance where appropriate to enable separate investigative and regulatory functions between the two agencies, where a workplace incident occurs on Commonwealth premises, or premises serviced under licence by Comcare.
- Comcare should be contacted via their 24 hour National Call Centre, Ph: 1300 366 979 if members attend a workplace incident on Commonwealth premises, or premises serviced under their licence.

5. Victoria Police workplaces

If the incident occurs at a Victoria Police workplace, members must comply with **VPM OHS Incident management**.

Related documents

- VPM Crime attendance and investigations
- VPM Scene management
- VPM Deceased persons
- Memorandum of Understanding between Victoria Police and the Victorian Workcover Authority
- Memorandum of Understanding between Victoria Police and Comcare

Further advice and information

For further advice and assistance regarding this policy, contact your supervisor.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
22/08/22	VPMG Investigation of workplace incidents reviewed as part of the VPM review and updated into the new VPM format. Minor amendments made to reflect the introduction of the offence of workplace manslaughter.	FF- 185332 1