

Transportation Safety Board of Canada Policy on Occurrence Information Dissemination to Families, Loved ones, and Survivors (FLS)

PURPOSE:

The purpose of this document is to set out the Transportation Safety Board of Canada (TSB) policy for the provision of occurrence investigation information to involved families and loved ones of fatally injured persons, and survivors (FLS), regarding TSB investigation processes, activities, progress, plans and final outcomes.

BACKGROUND:

International guidance material (such as ICAO Circular 285-AN/166) regarding provision of assistance to FLS, reflects an international consensus about the need to provide appropriate humanitarian assistance to victims of transportation accidents and their families regardless of the location of the accident or the nationality of the victims. Furthermore, the provision of timely, accurate information to FLS, normally benefits the effectiveness and ultimate success of TSB safety investigations. That is, managing FLS expectations by proactively providing factual information usually instils confidence in and garners FLS support for the TSB's investigation and associated safety action initiatives. The fall-out from not communicating adequately with FLS, far outweighs the cost incurred by a well-planned FLS communication process.

The families, loved ones, and survivors (FLS) of transportation accidents usually find solace in having early factual information pertaining to the activities and progress of the investigation into the causes and contributing factors of the accident that created the grief and trauma that they bear. Providing a general description of the TSB's investigation and reporting process is generally helpful to the FLS in the early stages of a safety investigation. The transportation carriers and operators are responsible for providing assistance to survivors and families of transportation accident victims, and the police and coroners provide information about victim identification, cause of death, and victims' personal belongings. Nevertheless, the TSB is the principal source, and often the only source, of consistent factual information about the safety investigation of transportation occurrences. Therefore, the TSB accepts responsibility to provide relevant, factual information to FLS in an appropriate and timely manner as part of its investigation mandate.

Although each occurrence investigation requires sensitive management of the provision of timely information to FLS, the complexity and variety of methods used for providing such information are usually related to the magnitude of the occurrence and the number and diversity of FLS. Direct ad hoc provision of timely verbal and written information to FLS by the Investigator-in-Charge (IIC), involved manager, or a designated team-member, is normally adequate when the occurrence involves few fatalities. However, when a large-scale occurrence involves many fatalities and/or many seriously injured persons, meeting FLS expectations for timely information requires additional planning, assigned resources, and various methods to ensure adequate information dissemination to FLS for the duration of the investigation. For such large-scale occurrences, the responsible Director of Investigations (DOI) may direct that a FLS Information Dissemination Plan (FIDP), appropriate to the circumstances, be developed.

POLICY STATEMENT

The TSB will provide timely, factual, contextual information about the investigation process, activities, and progress of on-going investigations, to families and loved ones of fatally injured persons, and survivors (FLS), as appropriate to their needs and the circumstances of the occurrence investigation.

RESPONSIBILITIES AND AUTHORITIES

The TSB Chairperson is ultimately accountable for TSB dealings with the FLS and may choose from time to time to communicate directly with FLS.

The responsibility for implementing the TSB's Policy on Occurrence Information Dissemination to FLS is delegated to the modal DOIs. This responsibility will normally be delegated to the IIC of the investigation. When appropriate, the IIC may further delegate these tasks to an investigation team member. For this policy, the TSB person responsible for information dissemination to FLS will be referred to as the Families Liaison Coordinator.

TSB FAMILIES LIAISON COORDINATOR

When coordinating information dissemination to FLS and developing the FIDP, the Families Liaison Coordinator will adhere to TSB policies, procedures and standards. During the early stages of the investigation, the IIC will normally represent the TSB at FLS briefings to be held at a location convenient to the accident site. However, the Families Liaison Coordinator or other designated TSB person(s) would be expected to assimilate the main investigation facts and communicate factual information about the TSB investigation process in a sufficiently non-technical form so as to be readily understandable to FLS lay persons. The TSB Families Liaison Coordinator will work in close coordination with the IIC and the Public Affairs Coordinator regarding content, location, and timing of information update releases.

PRINCIPLES OF THIS POLICY

The following are the principles underlying this policy:

- **The TSB will coordinate its role with all other involved agencies and organizations to provide the FLS with clear, coordinated, contextual, factual information about the safety investigation;**
- **Recognizing that the carrier/operator has the fundamental responsibility to the victims and their families for dealing with their individual needs,** the TSB will respect the FLS' collective requirements for occurrence investigation information and will provide such information permissible by legislation to the extent practicable and without jeopardizing the safety investigation;
- The role of FLS spokesperson will normally be delegated to the IIC, or the TSB Accredited Representative to foreign investigations, for matters pertaining to information dissemination to FLS. This responsibility may be further delegated to a designated Families Liaison Coordinator for occurrences involving a large number of families, loved ones, or survivors, or for other special circumstances;
- **All information disseminated to FLS shall be done with particular sensitivity and care;**
- Questions from FLS regarding human remains and personal belongings will be referred to the coroner/police or carrier/operator, as appropriate;
- All disseminated written information shall be available in French and English (as selected by the FLS), and in unique circumstances other languages may optionally be employed if the primary contacts cannot comprehend either and local translation is not practicable. Accredited Representatives may assist in such circumstances;
- The TSB will not pay for travel or other expenses incurred by FLS relating to the information dissemination process, but hospitality funds for specific FLS events may be considered, where appropriate;
- The frequency and content of verbal and written investigation updates to the FLS will be contingent upon the occurrence circumstances. Normally, for investigations extending beyond one year, a written update is to be sent to the FLS. For unusual or lengthy investigations and for those involving large numbers of FLS, the update frequency will normally be more often, in accordance with the relevant FIDP;
- Diverse languages, cultures, religions, and geographic distribution of FLS residence locations, should be considered when developing FLS Information Dissemination Plans (FIDP) - also known as the Families Information Dissemination Plan;

TSB Policy on Families, Loved ones, and Survivors

- Large-scale investigations within each mode or between modes are rarely similar in scope, detail or complexity. Each investigation is unique to some degree. Therefore, the IIC and Families Liaison Coordinator may exercise flexibility in respect of developing, implementing, maintaining and modifying the FIDP, within the guidelines of this policy and direction provided by the MOIs and respective DOIs;
- At the discretion of the responsible DOI, interim safety actions such as Safety Recommendations, Safety Advisories and Safety Information letters along with an appropriate cover letter, may be distributed to FLS;
- When practicable, significant factual information obtained during the initial phase of the investigation, as well as an opportunity to know the final results, will be provided to FLS before such information is released to the media or the public; and
- All interested FLS will be provided with a printed or electronic copy of the Board's final investigation report as soon as feasible when it is made public.

FAMILIES, LOVED ONES, and SURVIVORS (FLS)

Families, Loved ones, and Survivors (FLS) in the context of this policy shall mean the 'families and loved ones of fatally injured persons, and survivors'. Generally, FLS include a Primary Contact person (PC) and, where appropriate, a Secondary Contact person (SC).

The **Primary Contact** (PC) associated with each fatally injured or incapacitated person is:

- a) the most senior or significant family member;
- b) the most significant loved one when no family members remain or where the loved-one's relationship is tantamount to being a significant family member (i.e. common-law spouse or partner);
- c) the executor, administrator, or guardian where no family member or loved one remains;
- d) a person holding power of attorney;
- e) a survivor that is not mentally incapacitated;
- f) in the case of a mentally incapacitated survivor, a senior or significant family member or loved one; or,
- g) a legal representative when so directed in writing by the FLS.

Note 1: In some instances a legal advisor may be nominated by the PC as the sole recipient of occurrence-related information; however, it should be clarified if such instructions also include all TSB correspondence.

Note 2: Normally there will be only one PC per each fatally injured person, and that PC would be sent a copy of the final TSB investigation report. Other family members and loved ones may be included on the information dissemination distribution list, as deemed warranted by the IIC.

Note 3: Depending on the nature and circumstances of the occurrence, the involved DOI may implement procedures that reduce or omit the information dissemination to survivors who were not adversely affected by the occurrence.

The Secondary Contact (SC) associated with each fatally injured person is someone who could very well have been considered a Primary Contact, but because of family conflict and associated strained communications, it would be imprudent to presume that the primary contact would pass on the information disseminated by the TSB. SCs could include an immediate relative other than the PC (e.g. son/daughter, father/mother, sister/brother, or a close relative of a survivor who is incapacitated), and/or a significant loved one other than spouse / partner or immediate relative.

Note 4: SCs will also be sent a copy of the final TSB investigation report.

The designation of a FLS Primary or Secondary Contact does not connote that the person is a legally determined next-of-kin or will be a Designated Reviewer.

To ensure privacy, the identification of Primary and Secondary Contacts and their personal information including addresses shall be maintained on 'protected' lists that remain confidential to the Families Liaison Coordinator, IIC, and other TSB staff and contractors on a need-to-know basis.

FLS INFORMATION DISSEMINATION PLAN

The FLS Information Dissemination Plan will document the overall plans for disseminating information to the FLS, including the following aspects: personnel and financial resource needs, dissemination methods and frequency/criteria, designated spokespersons and support personnel, roles and responsibilities, coordination with other agencies as applicable, contingency plans as appropriate, and final TSB report release considerations.

POST-INVESTIGATION EVALUATION

To ensure the effectiveness of this policy and integrity of associated standards and procedures, an assessment of investigation information dissemination to FLS should be conducted for each investigation following issuance of the Board's final investigation report.

For major investigations, a more formal evaluation will be conducted and a lessons-learned report will be produced.

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