

HIOSH DIRECTIVE

DIRECTIVE NO.: CPL 02-00-171	EFFECTIVE DATE: October 1, 2025
SUBJECT: Communicating HIOSH Fatality Inspection Procedures to a Fallen Worker's Family	

Purpose: This Instruction provides guidance to ensure HIOSA communicates its fatality inspection procedures to the fallen worker's family and facilitates the exchange of information throughout the entire inspection process and settlement or final order of any citation(s) issued.

Scope: HIOSH-wide

References: Directive references adopted by HIOSH can be found at <https://labor.hawaii.gov/hiosh/guidelines/directives/>

Cancellations: This Instruction cancels CPL 02-00-166, Communicating HIOSH Fatality Inspection Procedures to a Victim's Family, October 1, 2022

State Impact: Notice of Intent and Equivalency required by the Federal Occupational Safety and Health Administration (OSHA).

Action Offices: HIOSH

Originating Office: HIOSH Administration and Technical Support Branch

Contact: HIOSH Administration and Technical Support Branch
830 Punchbowl St #425.,
Honolulu, HI 96813

By and Under the Authority of

HIOSH Administrator

Executive Summary

This instruction outlines HIOSH's commitment to communicating with a fallen worker's family, or a designated representative, throughout the fatality inspection process. This initiative will keep the family informed of the status throughout the inspection and any litigation, settlement, and final order of any citation(s) issued.

Significant Changes

- Ways to identify and general order of the Next of Kin.
- The number of phases of interaction and guidance on how to determine the Next of Kin.
- The initial communication order.
- The Follow-Up Communications.
- The Post-Inspection Communications.
- Final Order/Closing Communication phase added to the interaction and communication order with Next of Kin.
- Updated Appendix A: Template – HIOSH's Condolence Letter (no prior call)
- Updated Appendix B: Template - HIOSH's Condolence Letter (no prior call)
- Appendix C: Template – HIOSH's Condolence Letter (fallen worker passed away due to natural causes or taking his/her own life-prior communication).
- Appendix D: Template – HIOSH's Condolence Letter (out of jurisdiction-prior communication).
- Appendix E: Template – HIOSH's Inspection – No Proposed Citation.
- Appendix F: Template – HIOSH's Inspection – Proposed Citation(s).
- Appendix G: Template – Area Director's Contest Letter.
- Appendix H: Template – HIOSH's Next-of-Kin Closure Letter.
- Appendix I: Template – Guided Checklist for File.
- Appendix J: HIOSH's Basic Fatality Inspection Communication Process.

Contents

I. Purpose.....	4
II. Scope.....	4
III. References.	4
IV. Cancellations.	4
V. Action Offices.....	4
VI. Federal Program Change.	4
VII. Background.	4
VIII. Significant Changes.	5
XI. Definitions.	5
X. Identifying the Next of Kin.....	5
XI. Training.	6
XII. Communication with the Next of Kin	7
A. Initial Communication.....	7
B. Follow-Up Communications	9
C. Post-Inspection Communications.....	11
D. Communication with Next of Kin When the Employer Contests Citations/Penalties.....	13
E. Closing Communication with Next of Kin in Contested Cases.....	13
F. Closing Communication When No Citations Are Issued	13
APPENDIX A: HIOSH's Condolence Letter Template (follow-up after call).....	14
APPENDIX B: HIOSH's Condolence Letter Template (no prior call)	15
APPENDIX C: HIOSH's Condolence Letter Template (natural causes)	16
APPENDIX D: HIOSH's Condolence Letter Template (no jurisdiction)	17
APPENDIX E: HIOSH's Inspection – No Citation(s).....	18
APPENDIX F: HIOSH's Inspection – Citation(s) Issued	19
APPENDIX G: HIOSH's Contest Letter	20
APPENDIX H: HIOSH's – NEXT OF KIN Closure Letter	21
APPENDIX I: Optional-Guided Checklist for File.	22
APPENDIX J: HIOSH's Basic Fatality Inspection Communication Process.....	23

I. Purpose.

This Instruction provides guidance to ensure OSHA communicates its fatality inspection procedures to the fallen worker's family and facilitates the exchange of information throughout the entire inspection process and settlement or final order of any citation(s) issued.

II. Scope.

This applies HIOSH-wide.

III. References.

- A. CPL 02-00-064, Implementation of a Construction Fatality Information Dissemination System, June 5, 1985.
- B. CPL 02-00-164, Field Operations Manual (FOM), April 14, 2020.
- C. TED 01-00-019, Mandatory Training Program for OSHA Compliance Personnel.

IV. Cancellations.

[CPL 02-00-166](#), Communicating HIOSH Fatality Inspection Procedures to a Victim's Family, October 1, 2022

V. Action Offices.

HIOSH-wide

VI. Federal Program Change.

Federal Program Change, Notice of Intent Required, Adoption Encouraged. This Instruction describes a federal program change which provides guidance and a four-phased approach for communicating with family members of fallen workers of workplace incidents throughout the investigation of the incident and settlement processor final order of any citation(s) issued. State Plans are strongly encouraged, but not required, to adopt this Instruction and should utilize it in an "at least as effective" manner to communicate with the fallen worker's family members. Within 60 days of the effective date of this directive, a State Plan must submit a notice of intent indicating whether they already have similar policies and procedures in place, intend to adopt new policies and procedures, or do not intend to adopt this instruction. If a State Plan does not adopt at first, but at some later point decides to adopt this instruction or an at least as effective version of this instruction, the State Plan must also provide the date of adoption and identify differences, if any, between their policy and OSHA's. OSHA will provide summary information on the State Plan responses to this instruction on its [website](#).

VII. Background.

HIOSH places a high priority on fatality inspections, which demand a high degree of sensitivity and investigative accuracy. Historically, HIOSH has communicated with surviving family members both to express sympathy, to gather information about the deceased, and to explain HIOSH's role and process. This instruction guides the communication with Next of Kin to ensure they are treated with the utmost respect.

VIII. Significant Changes.

See page ii. Executive Summary and Significant Changes for complete list.

XI. Definitions.

- A. Fatality. A worker death resulting from a work-related incident or exposure; in general, from an incident or an illness caused by or related to a workplace hazard.
Note: to determine if a fatality is work-related review 29 CFR §1904.5 (as incorporated and amended by §12-52.1, HAR)
- B. Compliance Officer(s) (CO/COs)/Compliance Safety and Health Officer(s) (CSHO/CSHOS): Environmental Health Specialist(s) (EHS/EHS') and Occupational Safety & Health Compliance Officer(s) (OSHCO/OSHCOs).
- C. Next of Kin. For HIOSH purposes, a fallen worker's Next of Kin may include:
- Closest living relative(s),
 - Other family member(s), or representative(s) designated by the closet living relative(s),
 - Individual(s) listed as the emergency contact(s) on the fallen worker's employment records, or
 - Other person(s) identified by the employer if no emergency contact is specified in employee records, or if records do not exist.

X. Identifying the Next of Kin

Care must be taken to identify the fallen worker's Next of Kin early in the inspection process. Generally, a worker's personnel file lists the worker's Next of Kin; however, there are many reasons a worker's listed Next of Kin may change during their employment. And, in some cases, a fallen worker's current Next of Kin may not be listed on the fallen worker's personnel file.

When possible, confirm Next of Kin using the fallen worker's obituary. Other resources that may be consulted to identify the fallen worker's Next of Kin include:

- Employer (ex. personnel file, interviews),
- Co-workers,
- First Responders (Police, Fire Departments, Emergency Medical Services, and/or Medical Examiner),
- Funeral Home Representative,
- Consulates (if worker was a foreign national),
- Friends or Family members, and/or
- Community members.

The fall worker's Next of Kin should be determined on a case-by-case basis and with the understanding that there are many unique family settings. If the Area Office has difficulty in determining the Next of Kin, please use the following guide to identify the Next of Kin.

If there are any questions, please consult with respective HIOSH Branch Managers.

Guidance to Determine Next of Kin

The table below provides general guidance to assist Area Offices when attempting to identify the fallen worker's Next of Kin. Typically, the Next of Kin will be determined based on the fallen worker's age and marital/relationship status, among other factors. For instance, if the fallen worker was married, the Next of Kin will most likely be the fallen worker's spouse. If the worker was not married or was separated from their spouse, the Next of Kin will most likely be a significant other. In the event the spouse/significant other is unavailable, the Area Office would contact the fallen worker's next closest relative (i.e., children, parents/guardians, siblings, grandparents, aunts/uncles, nieces/nephews, cousins, etc.). If you encounter a unique family dynamic, use your best discretion to determine Next of Kin, or consult with HIOSH Branch Managers for guidance.

If fallen worker is:	Contact the:
Married or in long-term relationship	Married or in long-term relationship
Spouse or Significant Other	Spouse or Significant Other
Single (w/no children or children under 18 or the base legal age in your state)	Single (w/no children or children under 18 or the base legal age in your state)
Parent(s)/Guardian or Significant Other	Parent(s)/Guardian or Significant Other
Single (w/children 18 years of age or older or the base legal age in your state)	Single (w/children 18 years of age or older or the base legal age in your state)
Child (Biological or adopted); Parent(s)/Guardian; and/or Siblings; or Significant Other	Child (Biological or adopted); Parent(s)/Guardian; and/or Siblings; or Significant Other

If the Next of Kin are married parents, the letter should be addressed to both parents. If the Next of Kin are divorced parents, then a condolence letter should be sent to each individual parent. Below the signature line add, "Please be advised this letter was also sent to NAME OF PARENT/GUARDIAN." Do not include their address.

Additionally, the CSHO must ensure that all procedures are followed, per HIOSH FOM, Chapter 11, Section G, Families of Victims.

XI. Training.

CSHOs attend OSHA Training Institute courses relevant to fatality inspections. CSHO personnel involved in fatality inspections and in communication with the Next of Kin must complete training in accordance with HIOSH instructions, and receive on-the-job field training under the guidance of a supervisor and/or an experienced CSHO.

XII. Communication with the Next of Kin

HIOSH places a high priority on communicating with Next of Kin after a workplace fatality. Care must be taken to ensure sensitivity and tact are exercised during all communications.

Interactions with Next of Kin can typically be accomplished by using a four-phase approach which includes:

- A. Initial Communication,
- B. Follow-up Communications (throughout the inspection),
- C. Post-inspection Communications, and
- D. Closing Communication: No Citations/Final Order.

The communication phases will help HIOSH receive the necessary information for the inspection.

It will also keep the Next of Kin informed during each phase of the investigation and Hawaii Labor Relations Board (HLRB) proceedings (if any) until the case is either closed or a final order of the HLRB is issued.

A. Initial Communication

It is important that HIOSH contacts the Next of Kin early in the inspection process. This gives the CSHO the opportunity to communicate the incident is being investigated and establish a trusting and working relationship with the Next of Kin.

- Confirmation of Next of Kin:

Within three (3) business days of becoming aware of the fatality, receiving notification of the fatality, or the opening date of inspection, CSHO should make every effort to confirm the Next of Kin's name and contact information (e.g., address, phone number, and/or email).

Note: If HIOSH is unable to confirm the Next of Kin and/or their contact information, then document all contact or attempts to contact the Next of Kin in the OIS and Case File.

- HIOSH – Initial Communication

Call from HIOSH:

If HIOSH has not heard from the Next of Kin (within 14 business days) of HIOSH's awareness of the fatality, then the CSHO should contact the Next of Kin via telephone.

During the HIOSH's initial communication (within 14 business days) with the Next of Kin, the CSHO should:

- Introduce themselves,
- Express condolences,
- Indicate that their office is investigating the incident or conducting an

inspection,

- Provide contact name and number for HIOSH, and
- Inform the Next of Kin that at any time during the inspection process, they may contact HIOSH to inquire about the status of the case or ask questions.

The CSHO should explain the following to the Next of Kin; however, they should use discretion regarding whether to provide it during the initial communication or subsequent follow-up communication.

- How HIOSH's fatality investigation process works.
- HIOSH's role in the inspection process (i.e., to inspect the worksite(s) where fatalities have occurred to determine whether a violation of the HIOSH Law or HIOSH standards took place and what effect the alleged violation(s) had on the incident).
- The inspection process may take up to six months to complete.
- HIOSH does not issue citations or penalties solely because there was a workplace fatality.
- Fatality inspections are often comprehensive in nature, but at times are limited to safety and health hazards that may be associated with the fatality.
- If HIOSH finds that the employer violated safety and health standards, the agency may issue citation(s) with proposed monetary penalty(ies) to the employer.
- HIOSH should also explain the roles of the following:
 - **Law Enforcement**
First responders such as local police, paramedics, and fire personnel generally arrive at the scene within minutes of the event. If local law enforcement determines that no criminal laws were implicated, they will release jurisdiction of the site to HIOSH. Law enforcement and HIOSH inspections are conducted independently. HIOSH will determine whether any workplace health and safety laws were violated, while law enforcement evaluates whether a crime has been committed.
 - **Medical Examiner**
The Medical Examiner identifies possible casual factors related to

some workplace fatalities. The report produced by the Medical Examiner is also independent of HIOSH's inspection. In some cases, if available, HIOSH will obtain information from the Medical Examiner as part of the investigation.

NOTE: If it is not the appropriate time, the CSHO should ask whether there might be a better time to talk and provide the Next of Kin with their contact information, while briefly explaining the nature of future communication with the agency.

If the fallen worker's Next of Kin declines to speak with CSHO and/or has appointed another individual/family member or legal representative (attorney) as point of contact on behalf of their family, their decision shall be documented in the case diary and in OIS.

Any and all messages (voicemail, emails, etc.) left for the Next of Kin should be general – (i.e., CSHO should introduce themselves and simply request that the person call the HIOSH back and/or informing them when to expect a return call). Avoid making declarative statements regarding what caused or contributed to the fatality or whether citations should be issued.

Written Communication – HIOSH:

If the CSHO makes contact with the Next of Kin via telephone, then the HIOSH information/condolence letter ([Appendix A](#)) will be sent via U.S. mail within five (5) business days after contact with the Next of Kin, as per CPL 02-00-164, FOM, Chapter 11, Section G, Families of Victims.

If the CSHO is not able to connect with the Next of Kin via telephone after multiple attempts, but has their mailing address, then the HIOSH information/condolence letter ([Appendix B](#)) should be sent to the Next of Kin within 16 business days of HIOSH's awareness of the fatality via U.S. mail.

Out of respect for the Next of Kin, all condolence letters must be physically signed and not electronically signed.

If for any reason the HIOSH condolence letter was not sent to the Next of Kin, explain the rationale in the case diary and in OIS. Copies of all written communication with the Next of Kin, including the condolence letters, should be maintained in the case "Documents" in OIS.

NOTE: In some circumstances, it may not be appropriate to follow the above procedures. If, for example, the fallen worker's Next of Kin is also the owner/co-owner of company, then the communications to the Next of Kin would be skipped, and the case file would be notated indicating letters and phone calls were not made and the reason why.

B. Follow-Up Communications

Follow-up communications are vital to the exchange of information. These communications allow HIOSH to give updates on the status of the inspection and provide Next of Kin with an opportunity to ask questions. HIOSH must not divulge any privileged information, such as the names of potential witnesses, during these discussions.

HIOSH's commitment to exchange of information with the Next of Kin either during the initial communication or during the following-up communication should be as follows, if appropriate:

- Communication with the Next of Kin should continue on a periodic basis, at least once every 30 days or at an interval agreed to between the CSHO and the Next of Kin, until the inspection is completed, and the findings have been communicated.
- HIOSH may determine when it is a good time to reiterate (if explained previously) or explain the following to the Next of Kin in either the initial or follow-up communication:
 - HIOSH inspects the worksite(s) where fatalities have occurred to determine whether a violation of HIOSH safety and health standards has happened and what effect the alleged violation had on the fatality incident.
 - The inspection may take up to six months to complete.
 - Fatality inspections are often comprehensive in nature, but at times are limited to safety and health hazards that may be associated with the fatality.
 - If HIOSH finds that the employer violated safety and health standards, the agency may issue citation(s) with proposed monetary penalty(ies) to the employer.
 - HIOSH is prohibited from releasing certain information as a result of possible litigation. The releasable portion of the case file will not be made available to the Next of Kin until the inspection becomes a final order.
- At any time during the inspection, the Next of Kin may contact the CSHO to inquire about the status of the case or to ask questions. If the Next of Kin contacts the CSHO, it is important that every effort is made to return their phone call or email correspondence within two (2) business days.
- If the Next of Kin declines to participate in the exchange of information, initially

or during the inspection, the CSHO must inform the Next of Kin that they or another family member may inquire about the status of the case at a later date. The CSHO should provide their name and contact information to the Next of Kin. The CSHO will fully document in OIS and case file if the Next of Kin declines to participate.

NOTE: If the HIOSH communicated with the Next of Kin and subsequently determined that the incident was due to self-harm¹, drug overdose², or natural causes, they should customize and send the template notification letter in [Appendix C](#) to inform the Next of Kin.

If the CSHO communicated with the Next of Kin and subsequently determined that the incident was not covered by HIOSH, they should customize and send the template letter in [Appendix D](#) to inform the Next of Kin.

All communications (verbal and written) with the Next of Kin should be documented in the case file and in OIS.

C. Post-Inspection Communications

When the inspection is completed, HIOSH will either close the case without citations and penalties or issue citations and proposed penalties. If citations are not issued, see Section F. If citations and penalties are being issued, see below.

After confirming that the employer has received the citation(s), an CSHO from HIOSH will promptly contact the Next of Kin via telephone to explain:

- The inspection findings, including the violations identified and their classifications; the associated citations; the penalties proposed, and the employer's possible next steps:
 - Accepting the citations, paying the proposed penalties, and/or abating the hazards identified.
 - Requesting an informal conference to discuss the citations and penalties proposed with HIOSH (Penalty adjustments and abatement requirements will be discussed).
 - Contesting all or part of the citations. In this situation, the case is referred to the Hawaii Labor Relations Board (HLRB) for review.

NOTE: If necessary, the CSHO shall reiterate the contents of Section B, Part 2 and additionally discuss the below contents:

¹ 29 CFR §1904.5(b)(2)(vi)

² *id*

- The gravity of the violation is the primary consideration in determining penalty amounts. The gravity-based penalty for each violation is determined by combining the severity of the injury and the probability of its occurrence.
- Penalty adjustment factors will vary based on size, inspection history, and good faith of the employer.
- HIOSH may, as appropriate, make a criminal referral to local, state, or federal law enforcement authorities. In situations where the case is contested or a criminal referral is under consideration or has been made, the case file will not be made available until after litigation is completed.
- Address any questions the family may have regarding the findings/inspection, etc. HIOSH must not divulge any privileged information (such as the names of potential witnesses) during these discussions.
- Once the case is settled, the Next of Kin may request a copy of the casefile via the Uniform Information Practices Act (UIPA, §92F, HRS) as per CPL 02-00-164, FOM Chapter 16, Uniform Information Practices Act. If the case is contested or if HIOSH makes a criminal referral, the case file will not be made available until after these proceedings have concluded.
- Ask the Next of Kin if they would like to receive any future correspondence from HIOSH to keep them updated on the status of any abatement/appeal/court information, etc. Communication with the Next of Kin should continue at a timeframe determined between the Next of Kin and the CSHO. The CSHO will fully document the Next of Kin's decision in the case file and in OIS.
- Within three (3) business days after the verbal post-inspection communication with the Next of Kin, the CSHO should send a follow-up letter confirming the verbal conversation and provide a copy of the citation(s). The template letter ([Appendix H](#)) should be modified as necessary.
- If HIOSH plans to issue a press release, the HIOSH/CSHO will make every attempt to notify the Next of Kin by telephone or email before its issuance. The HIOSH office may also provide a copy of the press release to the family once it has been issued.
- Communications between HIOSH and the Next of Kin will continue until the case becomes a final order and the case is closed.
- If the Next of Kin has shared that they would like to receive communications via telephone, document this preference in the case file and in OIS.

NOTE: All communications with the Next of Kin will be documented in the case file and in OIS.

D. Communication with Next of Kin When the Employer Contests Citations/Penalties

Upon receiving notification of the employer's contest, HIOSH will notify the Next of Kin by sending the modified template letter ([Appendix G](#)).

E. Closing Communication with Next of Kin in Contested Cases

Upon receipt of a final order HIOSH will send a letter ([Appendix H](#), modified as necessary) including the following information:

- A copy of the HLRB decision or (when applicable) a copy of the signed formal settlement agreement, and an explanation of the settlement and outcomes, including (when applicable) information associated with the settlement agreement (i.e., amended abatement dates, reclassification of violations, and the modification or withdrawal of a penalty, a citation, or a citation item).
- Requesting information under the Uniform Information Practices Act (UIPA), as it pertains to HIOSH's inspection.

NOTE: All communications with the Next of Kin will be documented in the case file and in OIS.

F. Closing Communication When No Citations Are Issued

If citations are not issued, the CSHO should contact the Next of Kin via telephone immediately after confirmation that the employer has been notified and explain why citations were not issued.

Additionally, the CSHO should be prepared to discuss and explain the following:

- HIOSH does not issue citations solely because there was a workplace fatality
- The workplace inspection found no alleged violation(s) of safety and health standards and, as a result, no citations were issued to the employer.

The CSHO should make the Next of Kin aware of the Uniform Information Practices Act (UIPA), as it pertains to HIOSH's inspection file.

NOTE: Within three (3) business days after the verbal post-inspection communication with the Next of Kin, the CSHO should send a follow-up letter confirming the verbal conversation. The template letter ([Appendix E](#)) should be modified as necessary.

APPENDIX A: HIOSH's Condolence Letter Template (follow-up after call)

This letter is to be sent after the initial call from the CSHO to the Next of Kin of the fallen worker within 10-14 business days.

[DATE]

[Mr./Mrs./Ms.] [FIRST/LAST NAME] (NEXT OF KIN of FALLEN WORKER)
[STREET ADDRESS]
[CITY, STATE ZIPCODE]

Dear [Mr./Mrs./Ms.] [LAST NAME]:

Please again accept my heartfelt condolences on the tragic loss of **[FALLEN WORKER'S FIRST AND LAST NAME]**.

Per our conversation on **[DATE]**, this letter confirms that the Hawaii Occupational Safety and Health (HIOSH) is investigating the circumstances surrounding the fatal injury of **[FALLEN WORKER'S FIRST NAME]**.

It can take up to six months to complete our investigation, at which time we can share our findings with you. If you believe you, another family member, or friend may have information that would assist in our investigation, please contact us.

If you have any questions or concerns, please do not hesitate to contact us at (808) 586-9116 or email at **[EMAIL ADDRESS]**.

Sincerely,

[FIRST AND LAST NAME]
HIOSH Administrator
Hawaii Occupational Safety and Health (HIOSH)

APPENDIX B: HIOSH's Condolence Letter Template (no prior call)

This letter is to be sent within 16 business days of the incident, if there are no prior calls between HIOSH and the Next of Kin.

[DATE]

[Mr./Mrs./Ms.] [FIRST/LAST NAME] (NEXT OF KIN of FALLEN WORKER)
[STREET ADDRESS]
[CITY, STATE ZIPCODE]

Dear [Mr./Mrs./Ms.] [LAST NAME]:

My name is [FIRST/LAST NAME], and I am the Administrator for the Hawaii Occupational Safety and Health (HIOSH). I would like to express my heartfelt condolences for the loss of [FALLEN WORKER'S FIRST AND LAST NAME].

Please know we have been attempting to contact you directly without success. This letter is to inform you that HIOSH is investigating the circumstances surrounding the loss of [FALLEN WORKER'S FIRST NAME].

HIOSH's mission is to ensure safe and healthful working conditions for all Hawaii workers by setting and enforcing standards and by providing training, outreach, education, and assistance. It is our responsibility to inspect the worksites where tragedies have occurred to determine whether violation(s) of the Hawaii Occupational Safety and Health Law (HIOSH Law) or HIOSH safety and health standards taken place. Our goal is to prevent similar incidents from happening in the future and prevent other families from enduring such a loss.

The results of the investigation may be of great importance to you and your family. It can take up to six months to complete our inspection, at which time we can share our findings with you. If you believe you, another family member, or friend may have information that would assist in our investigation, please contact us.

If you have any questions or concerns, please do not hesitate to contact us at (808) 586-9116 or email at [EMAIL ADDRESS].

Sincerely,

[FIRST AND LAST NAME]
HIOSH Administrator
Hawaii Occupational Safety and Health (HIOSH)

APPENDIX C: HIOSH's Condolence Letter Template (natural causes)

Fallen worker passed away due to natural causes or taking his/her own life-prior communication.

[DATE]

[Mr./Mrs./Ms.] [FIRST/LAST NAME] (NEXT OF KIN of FALLEN WORKER)
[STREET ADDRESS]
[CITY, STATE ZIPCODE]

Dear [Mr./Mrs./Ms.] [LAST NAME]:

Please accept my heartfelt condolences on the tragic loss of your [RELATION], [FALLEN WORKER'S FIRST AND LAST NAME].

HIOSH's mission is to ensure safe and healthful working conditions for all Hawaii workers by setting and enforcing standards and by providing training, outreach, education, and assistance. It is our responsibility to inspect the worksites where tragedies have occurred to determine whether violation(s) of the Hawaii Occupational Safety and Health Law (HIOSH Law) or HIOSH safety and health standards taken place.

Due to the circumstances surrounding your loss, HIOSH is unable to complete an investigation related to the loss of your [RELATION], [FALLEN WORKER'S FIRST NAME].

If you have any questions or concerns, please do not hesitate to contact us at (808) 586-9116 or email at [EMAIL ADDRESS].

Sincerely,

[FIRST AND LAST NAME]
HIOSH Administrator
Hawaii Occupational Safety and Health (HIOSH)

APPENDIX D: HIOSH's Condolence Letter Template (no jurisdiction)

Out of Jurisdiction-prior communications with Next of Kin.

[DATE]

[Mr./Mrs./Ms.] [FIRST/LAST NAME] (NEXT OF KIN of FALLEN WORKER)
[STREET ADDRESS]
[CITY, STATE ZIPCODE]

Dear [Mr./Mrs./Ms.] [LAST NAME]:

Please accept my heartfelt condolences on the tragic loss of your [RELATION], [FALLEN WORKER'S FIRST AND LAST NAME].

Please be advised that after further investigation it has been determined that HIOSH is unable to continue its inspection of the incident on [DATE] where your [RELATION] was fatally injured. It has been determined that [COMPANY'S NAME] is not within HIOSH's jurisdiction. Therefore, we do not have any authority to investigate this incident any further. [EXPLAIN WHY THIS IS NOT IN HIOSH'S JURISDICTION].

The inspection of this incident will be conducted by [NAME OF STATE PROGRAM OR OTHER AUTHORITY (IF KNOWN)]. They can be reached at [PHONE NUMBER] or [EMAIL].

Again, please accept our sincere sympathies and condolences for your loss. If you have any questions or concerns, please do not hesitate to contact us at (808) 586-9116 or email at [EMAIL ADDRESS].

Sincerely,

[FIRST AND LAST NAME]
HIOSH Administrator
Hawaii Occupational Safety and Health (HIOSH)

APPENDIX E: HIOSH's Inspection – No Citation(s)

[DATE]

[Mr./Mrs./Ms.] [FIRST/LAST NAME] (NEXT OF KIN of FALLEN WORKER)

[STREET ADDRESS]

[CITY, STATE ZIPCODE]

Dear [Mr./Mrs./Ms.] [LAST NAME]:

I am writing to share with you the findings of the Hawaii Occupational Safety and Health (HIOSH) inspection of the loss of **[FALLEN WORKER'S FIRST AND LAST NAME]**.

As you may know, HIOSH inspects the worksites where tragedies have happened to determine whether a violation of the Hawaii Occupational Safety and Health Law (HIOSH Law) or HIOSH safety and health standards occurred. If HIOSH finds that the employer violated the HIOSH Law or any safety and health standards, the agency may issue citations. However, HIOSH is unable to issue citations solely because there was a workplace fatality.

HIOSH has completed its inspection of **[COMPANY NAME]** and determined that no violation of safety and health standards occurred. Therefore, HIOSH will not be issuing citations or proposed penalties with respect to this incident.

We understand that you may have questions about the inspection. You are welcome to submit a written request for inspection information that may be released, through the Uniform Information Practices Act (UIPA). For more information, please visit <https://oip.hawaii.gov/>.

We know that these findings offer little comfort to you for the loss you and your family have suffered, and that your lives have been changed forever because of this tragedy. I again would like to express to you my deepest sympathy.

If you have any questions about our inspection, please do not hesitate to contact me.

Sincerely,

[FIRST AND LAST NAME]

HIOSH Administrator

Hawaii Occupational Safety and Health (HIOSH)

APPENDIX F: HIOSH's Inspection – Citation(s) Issued

[DATE]

[Mr./Mrs./Ms.] [FIRST/LAST NAME] (NEXT OF KIN of FALLEN WORKER)

[STREET ADDRESS]

[CITY, STATE ZIPCODE]

Dear [Mr./Mrs./Ms.] [LAST NAME]:

I am writing to share with you the findings of the Hawaii Occupational Safety and Health (HIOSH) inspection into the fatal injury of [FALLEN WORKER'S FIRST AND LAST NAME].

[INSERT ONE OR TWO SENTENCES ON THE WORKPLACE HAZARD(S) THAT MAY HAVE CONTRIBUTED TO THE INCIDENT OR DEATH, IF POSSIBLE. PLEASE BE CAREFUL NOT TO TOUCH ON ANY PRIVILEGED INFORMATION OR INFORMATION THAT IS OTHERWISE NOT PUBLIC.]

Enclosed is a copy of the citations and proposed penalties against [COMPANY NAME]. HIOSH citations state the alleged violations of safety and health standards at the worksite. They also note which alleged violations HIOSH has determined to be specifically associated with the fatal injury of your [RELATION].

I would like to emphasize that, under the Hawaii Occupational Safety and Health Law, civil penalties that HIOSH proposes are not based on the occurrence of a fatality. Instead, the gravity of the violation is the primary consideration in determining penalty amounts. The penalty for each violation is determined by combining the severity of injury and the probability of occurrence. In some cases, penalties may be reduced from the maximum allowable by law based on the company's size and history of previous violations.

We know that a monetary penalty cannot measure the loss you and your family have suffered, and your lives have been changed forever because of this tragedy. I would like to express to you my deepest sympathy. If you have any questions about our inspection or any of the information enclosed, please do not hesitate to contact me.

Sincerely,

[FIRST AND LAST NAME]

HIOSH Administrator

Hawaii Occupational Safety and Health (HIOSH)

APPENDIX G: HIOSH's Contest Letter

[DATE]

[Mr./Mrs./Ms.] [FIRST/LAST NAME] (NEXT OF KIN of FALLEN WORKER)

[STREET ADDRESS]

[CITY, STATE ZIPCODE]

Dear [Mr./Mrs./Ms.] [LAST NAME]:

As you may be aware, the Hawaii Occupational Safety and Health (HIOSH) issued a Citation and Notification of Penalty to [COMPANY NAME] for violations related to Inspection No. [XXXX].

I am writing to inform you that on [DATE], our office received a notice of contest from [NAME OF COMPANY] regarding the inspection. The case is being transmitted to the Hawaii Labor Relations Board (HLRB) to review and resolve this matter. When it is resolved we will send you a copy of the Final Order.

If you have any questions, please feel free to contact our office at (808) 586-9116, Monday through Friday, 7:45AM to 4:30PM HST (excluding State holidays).

Again, please accept our sincere sympathy and condolences for your loss. Let us know if we can be any assistance to you, your family, or friends.

Sincerely,

[FIRST AND LAST NAME]

HIOSH Administrator

Hawaii Occupational Safety and Health (HIOSH)

APPENDIX H: HIOSH's – NEXT OF KIN Closure Letter

This letter is to be sent if the citations/penalties have been paid in full and the case is considered CLOSED.

[DATE]

[Mr./Mrs./Ms.] [FIRST/LAST NAME] (NEXT OF KIN of FALLEN WORKER)
[STREET ADDRESS]
[CITY, STATE ZIPCODE]

Dear [Mr./Mrs./Ms.] [LAST NAME]:

I am writing to share with you the post-inspection and abatement results of the Hawaii Occupational Safety and Health (HIOSH) Inspection [INSPECTION NUMBER] involving the fatal injury of [FALLEN WORKER'S FIRST AND LAST NAME] and to inform you that the case has been closed as of [DATE].

[INSERT ONE OR TWO SENTENCES TO EXPLAIN RESULTS OF THE FINAL ORDER AND ANY ABATEMENT.]

I would like to emphasize that, under the Hawaii Occupational Safety and Health Law (HIOSH Law), any penalties proposed by HIOSH as a result of a citation are not based on the occurrence of a fatality. Instead, the gravity of the violation is the primary consideration in determining penalty amounts. The penalty for each violation is determined by combining the severity of the injury and the probability of its occurrence. In some case, penalties may be reduced from the maximum allowable by law based on the company's size and history of previous violations.

We understand that you may have questions about the inspection. You are welcome to submit a written request for inspection information that may be released, through the Uniform Information Practices Act (UIPA). For more information, please visit <https://oip.hawaii.gov/>.

If you have any questions, please feel free to contact our office at (808) 586-9116, Monday through Friday, 7:45AM to 4:30PM HST (excluding State holidays).

Sincerely,

[FIRST AND LAST NAME]
HIOSH Administrator
Hawaii Occupational Safety and Health (HIOSH)

Next of Kin's Information

Communication with NOK Checklist

Complete for each NOK

1. Name of Fallen Worker
2. Name of Next of Kin
3. NOK Relation to Fallen Worker
4. Mailing Address of NOK (i.e., Address, Room, City, State, Zip)
5. Phone of NOK
6. Email of NOK
7. Company Name of Fallen Worker
8. Inspection Number
9. Inspection Start Date

COMMUNICATION HISTORY

1. NOK would like to receive updated information regarding inspection? Y/N
2. Confirmed the NOK name and their contact information? Y/N Date
3. Call NOK->HIOSH CSHO? Y/N Date
4. Sent Condolence Letter to NOK? Y/N Date
5. Continued follow-up communication dates:
Inspection End Date:
6. Post-Inspection call to NOK? Y/N Date
7. Sent Notification of Contest Letter to the NOK? Y/N Date
8. Sent Final Order/Closing letter to NOK? Y/N Date
9. Comments:

APPENDIX J: HIOSH's Basic Fatality Inspection Communication Process

PHASES	STAGE	ACTIONS
INITIAL COMMUNICATION CSHO HIOSH	1. Confirmation of NOK: within 3 business days of knowledge or notification of the fatality or the opening date of inspection the CSHO should attempt to confirm the NOK's name and contact information.	
INITIAL COMMUNICATION CSHO HIOSH	<p>2. Call from HIOSH: If HIOSH has not received a call/email already from the NOK, within 14 business days of HIOSH's awareness of the fatality, then CSHO should contact the NOK via telephone.</p> <p>3. HIOSH Information and Condolence Letter (<u>after call</u> to NOK): If the CSHO was able to connect via telephone with the NOK, then HIOSH will send a condolence letter within 5 business days after contact with NOK.</p> <p>4. HIOSH Information and Condolence Letter (<u>no prior call</u> to NOK): If the CSHO was not able to connect via telephone with the NOK, but has their mailing address, the condolence letter should be sent within 16 business days of HIOSH's awareness of the fatality via U.S. Certified Mail.</p>	<p>Appendix A (follow-up call)</p> <p>Appendix B (no prior call)</p>
FOLLOW-UP COMMUNICATIONS CSHO HIOSH	5. If fallen worker passed away due to natural causes or taking his/her own life and the CSHO had prior communication then HIOSH	Appendix C

	should send the letter in upon HIOSH receiving knowledge of cause of fatality.	
FOLLOW-UP COMMUNICATIONS CSHO HIOSH	6. If CSHO had prior communication with the NOK and has since discovered the fatality is out of HIOSH's jurisdiction, the CSHO must send the letter upon HIOSH receiving knowledge of jurisdiction status.	Appendix D
FOLLOW-UP COMMUNICATIONS CSHO HIOSH	7. Updated information to the NOK should continue on a periodic basis; for example, once every 30 days or at a time agreed to between the CSHO and the Next of Kin.	
POST-INSPECTION COMMUNICATIONS CSHO HIOSH	8. Phone call to NOK: Immediately after confirmation that the employer has received the citations or findings of the inspection, HIOSH will make every effort to contact the NOK via <u>telephone</u> .	
	9. Letter to Next of Kin: Within 3 business days after the verbal post-inspection communication with the NOK the CSHO shall send a follow-up post-inspection communication letter confirming the verbal conversation.	No Citation(s) Issued: Appendix E With Citation(s) Issued: Appendix F
	10. Letter to Next of Kin: Upon receiving notification of the employer's contest, the HIOSH will notify the NOK by sending the modified template letter.	Appendix G (contest letter)

<p>FINAL ORDER/CLOSING COMMUNICATION</p> <p>CSHO HIOSH</p>	<p>Final Letter: Upon receipt of a final order CSHO will send the final order/closing letter.</p> <p>Call prior to sending letter if NOK requested correspondence via telephone.</p>	<p>Appendix H</p>
--	--	-----------------------------------