



## ONTARIO REGULATION 474/07 AND SHARPS/NEEDLE SAFETY

### Needle Safety Regulation Expanded

Effective July 1, 2010, Regulation 474/07 Needle Safety will apply in all workplaces where a hollow-bore needle is used for a therapeutic, preventative, palliative, diagnostic or cosmetic purpose. In addition to workplaces such as hospitals and long-term care homes, the regulation will now apply in doctors' and dentists' offices, community health centres, family health teams, independent health facilities and other workplaces where health-related services are provided, including home care services, ambulance services, public health programs, health support services to students in schools and health care/first aid services to workers in industrial and other workplaces.

These extensions of the regulation are welcome. However, even as amended, Regulation 474/07 is still incomplete – it does not mandate replacing all conventional medical sharps with their safety-engineered counterparts.

### Background

In August, 2007, the Ontario government enacted Regulation 474/07 Needle Safety under the *Occupational Health and Safety Act (OHSA)* that mandated the use of safety-engineered needles and needleless systems to replace conventional hollow-bore needles in hospitals. It was amended in 2009 to apply to additional categories of workplace. Effective April 1, 2009, it applied to hospitals, long-term care homes (including long-term care facilities, nursing homes, homes for the aged and rest homes), psychiatric facilities, laboratories, and specimen collection centres.

### Implementation Issues

We believe this Regulation may be misinterpreted by employers, who may argue that they need only to protect their employees from hollow-bore needles, the only device explicitly named in the regulation. The implementation of Regulation 474/07 in no way diminishes the responsibility of all health care employers to protect all workers from all sharps injuries. Injuries/hazards caused by devices not explicitly described in Regulation 474/07 can be addressed using *OHSA* Section 25 2 (h).

We also believe that many employers may misinterpret the use of exemptions under the Regulation, in the belief that workplaces can simply “opt out” of its requirements.

### The Sharps/Needle Safety Initiative

#### Checklist

A sharps safety and needlestick injury prevention checklist is appended to help you assess the extent to which your employer has adopted safety-engineered medical devices and implemented an Exposure Control Plan, sharps injury log and appropriate training for all affected workers. Assess your employer's compliance with the Needle Safety Regulation and the *OHSA* by completing it.

## Recommendations

If you identify gaps, develop written recommendations by tailoring the attached sample recommendation for sharps safety in Appendix B (a Word version can be downloaded from your Union's website) and present them at your next Joint Health and Safety Committee (JHSC) meeting. In smaller workplaces, Health & Safety Representatives will present their recommendations directly to their employer. If the issue is not resolved after following this process, call the Ministry of Labour and advise your union representative or staff representative, depending on the union you belong to.

## Exemptions

The attached note explains the circumstances under which a facility may continue to use non-safety-engineered sharps devices.

## **Take Action**

We cannot count on employers to do the right thing. If JHSCs or Health & Safety Representatives do not address this issue, it is likely that many health care employers will continue to disregard the *OHS*A and regulations under it. Please help us achieve our goal of protecting all of our members from sharps injuries in all our workplaces.

By working together, now, we can be stronger and more effective in protecting our members from these devastating and unnecessary exposures.

On our websites, you will find all of the appended documents plus the following resources and links:

- Step-by-Step Process for Sharps Safety Initiative.
- Sharps/Needle Safety Initiative – Useful Health and Safety Legislation.
- Sharps/Needle Safety Position.
- Regulation 474/07 Needle Safety (current version, as amended).
- A link to the Ontario Safety Association for Community and Health Care (OSACH) *Planning Guide: Implementation of Safety Engineered Medical Devices*.
- A link to the Vancouver Island Health Authority's (VIHA) "Blood and Body Fluids Exposure Control for Victoria General Hospital."

Thank you for your help with this important initiative. Please do not hesitate to call your union representative or staff representative, depending on the union you belong to with any questions or if you need assistance.

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Encl: Sharps Safety and Needlestick Injury Prevention Checklist; Sample Recommendation; Exemption Issues Note