



Needlestick/Sharps Safety and Prevention

RESPONSIBILITY
IN ESTABLISHING
SAFETY
MEASURES
AND
PROCEDURES

ONA is pleased to provide this publication for use by our members. Although it does not cover all aspects of the Occupational Health and Safety Act (OHSA), this pamphlet highlights an employer's legal duties and responsibilities as it pertains to worker health & safety. It is designed to help ONA members understand how to exercise their legal rights to protect themselves against needlestick/sharps injuries. If you encounter an issue that is still not resolved, you should contact the nearest Ministry of Labour Office, or your Bargaining Unit/Local/Labour Relations Officer for your region.

The main purpose of the OHSA is to protect workers against health and safety hazards on the job. In addition to health and safety legislation that applies to all Ontario workers, health care workers also enjoy additional protections (specific to health care sector hazards) in the Ontario Regulation for Health Care and Residential Facilities, enacted in 1993.

These health and safety laws and regulations exist for your protection. ONA encourages all members to familiarize themselves with this important information and exercise their legal right to a healthy and safe workplace.

Most ONA members have a limited right to refuse unsafe work. Therefore, we recommend that you familiarize yourself with ONA's "Right To Refuse" document found at www.ona.org.

DUTIES AND RESPONSIBILITIES, RIGHT TO REFUSE, REPRISALS BY EMPLOYER PROHIBITED

The OHSA sets out minimum requirements in a number of areas (eg. s.114, of the Health Care Regulation regarding recapping). Another section of the Act proposes a more general and over-riding duty of employers to, 'take every precaution reasonable in the circumstances for the protection of a worker' (s. 25, 2(h)). The best practices in this document are based on this general duty.

25. Duties of employers

- (2) Without limiting the strict duty imposed by subsection (1), an employer shall,
 - (c) when appointing a supervisor, appoint a competent person;
 - (e) afford assistance and co-operation to a committee and a health and safety representative in the carrying out by the committee and the health and safety representative of any of their functions;
 - (h) take every precaution reasonable in the circumstances for the protection of a worker;
 - (i) post, in the workplace, a copy of this Act and any explanatory material prepared by the Ministry, both in English and the majority language of the workplace, outlining the rights, responsibilities and duties of workers;
 - (j) prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy;
 - (k) post at a conspicuous location in the workplace a copy of the occupational health and safety policy;

26. Additional duties of employers

- (1) In addition to the duties imposed by section 25, an employer shall,
 - (g) comply with a standard limiting the exposure of a worker to biological, chemical or physical agents as prescribed;
 - (k) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for the protection of a worker; and
 - (l) carry out such training programs for workers, supervisors and committee members as may be prescribed.

27. Duties of supervisor

- (1) A supervisor shall ensure that a worker,
 - (a) works in the manner and with the protective devices, measures and procedures required by this Act and the regulations; and
 - (b) uses or wears the equipment, protective devices or clothing that the worker's employer requires to be used or worn.

Additional duties of supervisor

- (2) Without limiting the duty imposed by subsection (1), a supervisor shall,
 - (a) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;
 - (b) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker; and
 - (c) take every precaution reasonable in the circumstances for the protection of a worker.

28. Duties of Workers

- (1) A worker shall,
 - (a) work in compliance with the provisions of this Act and the regulations;
 - (b) use or wear the equipment, protective devices or clothing that the worker's employer requires to be used or worn;
 - (c) report to his or her employer or supervisor the absence of or defect in any equipment or protective device of which the worker is aware and which may endanger himself, herself or another worker; and
 - (d) report to his or her employer or supervisor any contravention of this Act or the regulations or the existence of any hazard of which he or she knows.

Idem

- (2) No worker shall,
 - (a) remove or make ineffective any protective device required by the regulations or by his or her employer, without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device shall be replaced immediately;
 - (b) use or operate any equipment, machine, device or thing or work in a manner that may endanger himself, herself or any other worker;

43. Refusal to work

Non-application to certain workers

- (1) This section does not apply to a worker described in subsection (2),
 - (a) when a circumstance described in clause (3) (a), (b) or (c) is inherent in the worker's work or is a normal condition of the worker's employment; or
 - (b) when the worker's refusal to work would directly endanger the life, health or safety of another person.
- (2) The worker referred to in subsection (1) is,
 - (a) a person employed in, or a member of, a police force to which the Police Services Act applies;
 - (b) a firefighter as defined in subsection 1 (1) of the Fire Protection and Prevention Act, 1997;
 - (c) a person employed in the operation of a correctional institution or facility, a training school or centre, a place of secure custody designated under section 24.1 of the Young Offenders Act (Canada) or a place of temporary detention designated under subsection 7 (1) of that Act or a similar institution, facility, school or home; (d) a person employed in the operation of,
 - (i) a hospital, sanatorium, nursing home, home for the aged, psychiatric institution, mental health centre or rehabilitation facility,
 - (ii) a residential group home or other facility for persons with behavioural or emotional problems or a physical, mental or developmental disability,
 - (iii) an ambulance service or a first aid clinic or station,
 - (iv) a laboratory operated by the Crown or licensed under the Laboratory and Specimen Collection Centre Licensing Act, or
 - (v) a laundry, food service, power plant or technical service or facility used in conjunction with an institution, facility or service described in subclause (i) to (iv).

Refusal to work

- (3) A worker may refuse to work or do particular work where he or she has reason to believe that,
- (a) any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;
 - (b) the physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself; or
 - (c) any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention is likely to endanger himself, herself or another worker.

Report of refusal to work

- (4) Upon refusing to work or do particular work, the worker shall promptly report the circumstances of the refusal to the worker's employer or supervisor who shall forthwith investigate the report in the presence of the worker and, if there is such, in the presence of one of,
- (a) a committee member who represents workers, if any;
 - (b) a health and safety representative, if any; or
 - (c) a worker who because of knowledge, experience and training is selected by a trade union that represents the worker, or if there is no trade union, is selected by the workers to represent them, who shall be made available and who shall attend without delay.

Worker to remain near work station

- (5) Until the investigation is completed, the worker shall remain in a safe place near his or her work station.

Refusal to work following investigation

- (6) Where, following the investigation or any steps taken to deal with the circumstances that caused the worker to refuse to work or do particular work, the worker has reasonable grounds to believe that,
- (a) the equipment, machine, device or thing that was the cause of the refusal to work or do particular work continues to be likely to endanger himself, herself or another worker;
 - (b) the physical condition of the workplace or the part thereof in which he or she works continues to be likely to endanger himself or herself; or

- (c) any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention continues to be likely to endanger himself, herself or another worker, the worker may refuse to work or do the particular work and the employer or the worker or a person on behalf of the employer or worker shall cause an inspector to be notified thereof.

Investigation by inspector

- (7) An inspector shall investigate the refusal to work in consultation with the employer or a person representing the employer, the worker, and if there is such, the person mentioned in clause (4) (a), (b) or (c).

Decision of inspector

- (8) The inspector shall, following the investigation referred to in subsection (7), decide whether the machine, device, thing or the workplace or part thereof is likely to endanger the worker or another person.

Idem

- (9) The inspector shall give his or her decision, in writing, as soon as is practicable, to the employer, the worker, and, if there is such, the person mentioned in clause (4) (a), (b) or (c).

Worker to remain at a safe place pending decision

- (10) Pending the investigation and decision of the inspector, shall remain at a safe place near his or her work station during the worker's normal working hours unless the employer, subject to the provisions of a collective agreement, if any,
 - (a) assigns the worker reasonable alternative work during such hours; or
 - (b) subject to section 50, where an assignment of reasonable alternative work is not practicable, gives other directions to the worker.

Duty to advise other workers

- (11) Pending the investigation and decision of the inspector, no worker shall be assigned to use or operate the equipment, machine, device or thing or to work in the workplace or in the part of the workplace being investigated unless, in the presence of a person described in subsection (12), the worker has been advised of the other worker's refusal and of his or her reasons for the refusal.

Idem

- (12) The person referred to in subsection (11) must be,
- (a) a committee member who represents workers and, if possible, who is a certified member;
 - (b) a health and safety representative; or
 - (c) a worker who because of his or her knowledge, experience and training is selected by the trade union that represents the worker or, if there is no trade union, by the workers to represent them.
- (13) A person shall be deemed to be at work and the person's employer shall pay him or her at the regular or premium rate, as may be proper,
- (a) for the time spent by the person carrying out the duties under subsections (4) and (7) of a person mentioned in clause (4) (a), (b) or (c); and
 - (b) for time spent by the person carrying out the duties under subsection (11) of a person described in subsection (12).

50. No discipline, dismissal, etc., by employer

- (1) No employer or person acting on behalf of an employer shall,
- (a) dismiss or threaten to dismiss a worker;
 - (b) discipline or suspend or threaten to discipline or suspend a worker;
 - (c) impose any penalty upon a worker; or
 - (d) intimidate or coerce a worker, because the worker has acted in compliance with this Act or the regulations or an order made thereunder, has sought the enforcement of this Act or the regulations or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the Coroners Act.

Arbitration

- (2) Where a worker complains that an employer or person acting on behalf of an employer has contravened subsection (1), the worker may either have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any, or file a complaint with the Board in which case any rules governing the practice and procedure of the Board apply with all necessary modifications to the complaint.

Onus of proof

- (5) On an inquiry by the Board into a complaint filed under subsection (2), the burden of proof that an employer or person acting on behalf of an employer did not act contrary to subsection (1) lies upon the employer or the person acting on behalf of the employer.

**ONTARIO – REGULATION FOR HEALTH CARE AND
RESIDENTIAL FACILITIES – MADE UNDER THE OCCUPATIONAL
HEALTH AND SAFETY ACT, 1993.**

GENERAL DUTY TO ESTABLISH MEASURES AND PROCEDURES

8. Every employer in consultation with the joint health and safety committee or health and safety representative, if any, and upon consideration of the recommendation thereof, shall develop, establish and put into effect measures and procedures for the health and safety of workers.
9. (1) The employer shall reduce the measures and procedures for the health and safety of workers established under section 8 to writing and such measures and procedures may deal with, but are not limited to, the following:
 1. Safe work practices.
 2. Safe working conditions.
 3. Proper hygiene practices and use of hygiene facilities.
 4. Control of infections.
 5. Immunization and inoculation against infectious diseases.
 6. The use of appropriate antiseptics, disinfectants and decontaminants.
 7. The hazards of biological, chemical and physical agents present in the workplace, including the hazards of dispensing or administering such agents.
 8. Measures to protect workers from exposure to a biological, chemical or physical agent that is or may be a hazard to the reproductive capacity of a worker, the pregnancy of a worker or the nursing of a child of a worker.
 9. The proper use, maintenance and operation of equipment.
 10. The reporting of unsafe or defective devices, equipment or work surfaces.
 11. The purchasing of equipment that is properly designed and constructed.
 12. The use, wearing and care of personal protective equipment and its limitations.
 13. The handling, cleaning and disposal of soiled linen, sharp objects and waste.

- (2) At least once a year the measures and procedures for the health and safety of workers shall be reviewed and revised in light of current knowledge and practice.
- (3) The review and revision of the measures and procedures shall be done more frequently than annually if,
 - (a) the employer, on the advice of the joint health and safety committee or health and safety representative, if any, determines that such a review and revision is necessary; or
 - (b) there is a change in circumstances that may affect the health and safety of a worker.
- (4) The employer, in consultation with and in consideration of the recommendation of the joint health and safety committee or health and safety representative, if any, shall develop, establish and provide training and education programs in health and safety measures and procedures for workers that are relevant to the workers' work.

ONTARIO MINISTRY OF LABOUR CONTACTS

Occupational Health & Safety Branch
655 Bay St., 14th Floor, Toronto, ON M7A 1T7
Tel: (416) 326-7770 • Toll-free: 1-800-268-8013 (province-wide) • Fax: (416) 326-7761
Web Site: www.gov.on.ca/LAB/ohs/ohse.htm

REGIONAL OFFICES

To report fatalities and critical injuries during day-time hours, contact the number for the region applicable to you.
To report fatalities and critical injuries after hours, call (416) 325-3000 or toll-free 1-800-268-6060.

NORTHERN REGION (Sudbury, Timmins, Thunder Bay, Sault Ste. Marie)

Sudbury East/Sudbury West

159 Cedar St., Ste 301
Sudbury, ON P3E 6A5
Tel: (705) 564-7400
Toll-free: 1-800-461-6325
Sudbury East Fax: (705) 564-7076
Sudbury West Fax: (705) 564-7437

Timmins

Ontario Government Complex
P.O. Bag 3050 "D" Wing
Highway 101 E.
South Porcupine, ON PON 1H0
Tel: (705) 235-1900
Toll-free: 1-800-461-9847
Fax: (705) 235-1925

Thunder Bay

435 James St. S., Ste. 222
Thunder Bay, ON P7E 6S7
Tel: (807) 475-1691
Toll-free: 1-800-465-5016
Fax: (807) 475-1646

Sault Ste. Marie

70 Foster Dr., Ste. 480
Sault Ste. Marie, ON P6A 6V4
Tel: (705) 945-6600
Toll-free: 1-800-461-7268
Fax: (705) 949-9796

WESTERN REGION

(Hamilton, Halton, Brant, Niagara,
London, Windsor, Kitchener)

Hamilton/Brant

1 Jarvis St., Main Floor
Hamilton, ON L8R 3J2
Tel: (905) 577-6221
Toll-free: 1-800-263-6906
Fax: (905) 577-1200

Halton

1 Jarvis St., Main Floor
Hamilton, ON L8R 3J2
Tel: (905) 577-6221
Toll-free: 1-800-263-6906
Fax: (905) 577-1324

Niagara

301 St. Paul St., 8th Floor
St. Catharines, ON L2R 7R4
Tel: (905) 704-3994
Toll-free: 1-800-263-7260
Fax: (905) 704-3011

London North/London South

217 York St., 5th Floor
London, ON N6A 5P9
Tel: (519) 439-2210
Toll-free: 1-800-265-1676
Fax: (519) 672-0268

Kitchener

155 Frobisher Dr., Unit G213
Waterloo, ON N2V 2E1
Tel: (519) 885-3378
Toll-free: 1-800-265-2468
Fax: (519) 883-5694

Windsor

4510 Rhodes Dr., Ste. 610
Windsor, ON N8W 5K5
Tel: (519) 256-8277
Toll-free: 1-800-265-5140
Fax: (519) 258-1321

CENTRAL REGION (Toronto East,
Durham, Toronto North, Toronto West,
Peel, York, Barrie)

Toronto East

2275 Midland Ave.
Unit #1, Main Floor
Scarborough, ON M1P 3E7
Tel: (416) 314-5300
Fax: (416) 314-5410

Durham

67 Thornton Rd. S.
Oshawa, ON L1J 5Y1
Tel: (905) 433-9416
Toll-free: 1-800-263-1195
Fax: (905) 433-9843

Toronto North

1201 Wilson Ave.
Building E., 2nd Floor
Downsview, ON M3M 1J8
Tel: (416) 235-5330
Fax: (416) 235-5080

Toronto West

1201 Wilson Ave.
Building E., 2nd Floor, West Building
Downsview, ON M3M 1J8
Tel: (416) 235-5330
Fax: (416) 235-5090

Peel North/Peel South

1290 Central Parkway W., 4th Floor
Mississauga, ON L5C 4R3
Tel: (905) 273-7800
Toll-free: 1-800-268-2966
Fax: (905) 615-7098

York

1110 Stellar Dr., Unit 102
Newmarket, ON L3Y 7B7
Tel: (905) 715-7020
Toll-free: 1-888-299-3138
Fax: (905) 715-7140

Barrie

114 Worsley St., Ste. 201
Barrie, ON L4M 1M1
Tel: (705) 722-6642
Toll-free: 1-800-461-4383
Fax: (705) 726-3101

EASTERN REGION (Ottawa, Kingston,
Peterborough)

Ottawa West/Ottawa East

1111 Prince of Wales Dr. Ste. 200
Ottawa, ON K2C 3T2
Tel: (613) 228-8050
Toll-free: 1-800-267-1916
Fax: (613) 727-2900

Kingston

Beechgrove Complex, 51 Heakes Lane
Kingston, ON K7M 9B1
Tel: (613) 545-0989
Fax: (613) 545-9831

Peterborough

300 Water St. N. 3rd Floor, South Tower
Peterborough, ON K9J 8M5
Tel: (705) 755-4700
Toll-free: 1-800-461-1425
Fax: (705) 755-4724



HEAD OFFICE – TORONTO

400 – 85 Grenville St., Toronto, ON. M5S 3A2

Tel: (416) 964-8833 Toll-free: 1-800-387-5580 Fax: (416) 964-8864

Web site: www.ona.org

REGIONAL OFFICES

Hamilton

205 – 393 Rymal R. W.
Hamilton, ON. L9B 1V2
Tel: (905) 383-3341
Fax: (905) 574-0933

Kingston

306 – 4 Cataraqui St.
Kingston, ON. K7K 1Z7
Tel: (613) 545-1110
Fax: (613) 531-9043

London

204 – 750 Baseline Rd. E.
London, ON. N6C 2R5
Tel: (519) 438-2153
Fax: (519) 433-2050

Orillia

126A – 210 Memorial Ave.
Orillia, ON. L3V 7V1
Tel: (705) 327-0404
Fax: (705) 327-0511

Ottawa

211 – 1400 Clyde Ave.,
Nepean, ON. K2G 3J2
Tel: (613) 226-3733
Fax: (613) 723-0947

Sudbury

Unit 1, 760 Notre Dame Ave.
Sudbury, ON. P3A 2T3
Tel: (705) 560-2610
Fax: (705) 560-1411

Thunder Bay

214 Woodgate Centre
1139 Alloy Dr.
Thunder Bay, ON. P7B 6M8
Tel: (807) 344-9115
Fax: (807) 344-8850

Timmins

110A – 707 Ross Ave. E.
Timmins, ON. P4N 8R1
Tel: (705) 264-2294
Fax: (705) 268-4355

Windsor

220 – 3155 Howard Ave.
Windsor, ON. N8X 3Y9
Tel: (519) 966-6350
Fax: (519) 972-0814