

ONTARIO REGULATION 474/07
made under the
OCCUPATIONAL HEALTH AND SAFETY ACT

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NEEDLE SAFETY

Definition

1. In this Regulation,

“safety-engineered needle” means,

(a) a hollow-bore needle that,

- (i) is designed to eliminate or minimize the risk of a skin puncture injury to the worker, and
- (ii) is licensed as a medical device by Health Canada, or

(b) a needleless device that,

- (i) replaces a hollow-bore needle, and
- (ii) is licensed as a medical device by Health Canada.

Application

2. This Regulation applies to the following facilities:

- 1. Every hospital as defined in the *Public Hospitals Act*.
- 2. Every private hospital as defined in the *Private Hospitals Act*.
- 3. Every institution as defined in the *Mental Hospitals Act*.
- 4. Homewood Health Centre Inc.

Provision of safety-engineered needles

3. (1) When a worker is to do work requiring the use of a hollow-bore needle, the employer shall provide the worker with a safety-engineered needle that is appropriate for the work.

(2) Subsection (1) does not apply if the employer is unable, despite making efforts that are reasonable in the circumstances, to obtain a safety-engineered needle that is appropriate for the work.

Use of safety-engineered needle

4. (1) A worker who has been provided with a safety-engineered needle for work described in subsection 3 (1) shall use the safety-engineered needle for the work.

(2) Despite subsection (1), the worker may use a hollow-bore needle that is not a safety-engineered needle if he or she believes on reasonable grounds that, in the particular circumstances, the use of a safety-engineered needle would pose a greater risk of harm than the use of the hollow-bore needle.

(3) In subsection (2), “risk of harm” refers to either or both of the following risks:

- 1. A risk of harm to the worker or to another worker.
- 2. If the work involves the use of a needle on a person, a risk of harm to him or her.

(4) The employer shall develop, establish and provide training for workers to assist them in applying subsection (2).

Exceptions, emergencies and risks to health

5. (1) Subsection 3 (1) does not apply if all of the following conditions are satisfied:

1. The facility is located in a part of Ontario in which,
 - i. a declaration of emergency made under the *Emergency Management and Civil Protection Act* is in effect, or
 - ii. a situation exists that constitutes or may constitute a serious risk to public health, whether the Chief Medical Officer of Health has taken action under section 77.1 of the *Health Protection and Promotion Act* or not.
2. The employer's supplies of safety-engineered needles appropriate for the work have been exhausted.
3. The risk of harm from postponing the work until a safety-engineered needle appropriate for the work becomes available is greater than the risk of harm from using a hollow-bore needle that is not a safety-engineered needle.

(2) In paragraph 3 of subsection (1), "risk of harm" refers to any or all of the following risks:

1. A risk of harm to the worker or to another worker.
2. If the work involves the use of a needle on a person, a risk of harm to him or her.
3. An immediate or potential risk to the public or to the public interest.

Commencement

6. This Regulation comes into force on September 1, 2008.