



## Needle Safety

### Tip Sheet

The *Needle Safety Regulation 474/07* enacted in 2007 under the *Occupational Health and Safety Act (OHSA)* requires hospitals to use safety-engineered needles and needleless devices to replace conventional hollow-bore needles, beginning September 1, 2008.

The Ontario government amended the regulation, making it applicable April 1, 2009, to 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.

As of July 1, 2010, the regulation also applied to 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.

This regulation ensures that our members are protected from sharps injuries and reduces the transmission of infectious diseases, especially blood-borne viruses.

### The Employer's Duty

Ontario Regulation 474/07 (Needle Safety)<sup>1</sup>, under *OHSA* **requires that employers provide Safety Engineered Needle Devices (SENDs)**. However, the regulation lists exceptions to this obligation including:

- If the employer is unable, despite making reasonable efforts in the circumstances, to obtain a safety-engineered needle.
- If there is a declaration of emergency made under the *Emergency Management and Civil Protection Act*, or a situation exists that constitutes or may constitute a serious risk to public health, and the employer's supplies of safety-engineered needles have been exhausted.

While the regulation identifies exceptions to employers' obligations to provide SENDs, employers still have a duty under the *OHSA* to "take every precaution reasonable in the circumstances for the protection of a worker" (Section 25(2)(h)) as well as to ensure that equipment as prescribed are provided (Section 25(1)(a)), which includes ensuring there

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<sup>1</sup> Ontario Regulation 474/07: Needle Safety <https://www.ontario.ca/laws/regulation/070474>

is adequate supply of SENDS. Where supplies are low, employers must take proactive measures to ensure adequate supply.

Employers also have a responsibility under the *OSHA* (Section 25(2)(a)) to provide information, instruction and supervision to a worker to protect the health or safety of the worker. This responsibility requires employers to orient and train workers on SENDS prior to their use.

If your employer exhausts their SENDS supply and all alternate avenues to access them, contact your Bargaining Unit President (BUP)/Labour Relations Officer (LRO) to support your complaint to the Ministry of Labour, Training, and Skills Development (MLTSD). If the MLTSD accepts that the circumstance fits the exception in the regulation, the employer must still advise and consult the Joint Health and Safety Committee (JHSC) on the measures and procedures for introducing non-SENDs, including training for their use.

### **JHSC Tips for Ensuring for Needle Safety**

JHSCs can take the following steps to ensure for needle safety in their workplaces:

- Ask workers during workplace inspections whether SENDS are being used consistently throughout the workplace.
- Review and audit the workplace written sharps management policy annually at JHSC.
- Ensure Routine Practices and Additional Precautions for Preventing the Transmission of Infection in Healthcare Settings <sup>2</sup> is adhered to in the workplace.
- Review incident reports of sharps injuries and near misses at JHSC meetings, and the steps taken by the employer to prevent a recurrence (Ontario Reg. 420/21 – *Notices and Reports Under Section 51 to 53/1 of the Act*).
- Request a risk assessment where needed and review the report (Section 25 (2) (l)).
- Consult with workers and the JHSC members on the findings; make recommendations to improve safe work practices where needed.
- Propose the development of an exposure control plan and sharps injury log if your workplace does not have them.
- Ensure workers are trained prior to using SENDS and as needed.
- Request that the JHSC be notified about any possible SENDS shortages.
- Ensure SENDS inventory levels are adequate. Provide updates to members when SENDS supply is low and encourage them to contact their ONA representative if they are provided with non-SENDs.
- Recommend that the employer create and implement an alternate plan to access SENDS in consultation with the JHSC to prepare for shortages (e.g., investigate other suppliers and secure extra inventory).

Contact your BUP or LRO with any questions.

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<sup>2</sup> Government of Canada, Routine Practices and Additional Precautions for Preventing the Transmission of Infections in Healthcare Settings at <https://www.canada.ca/en/public-health/services/publications/diseases-conditions/routine-practices-precautions-healthcare-associated-infections.html>