

Occupational Health and Safety Act

ONTARIO REGULATION 474/07

NEEDLE SAFETY

Consolidation Period: From November 23, 2009 to the [e-Laws currency date](#).

Note: July 1, 2010 has been named by proclamation as the day on which section 194 of the *Long-Term Care Homes Act, 2007* comes into force.

Last amendment: O. Reg. 439/09.

This is the English version of a bilingual regulation.

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. O. Reg. 474/07, s. 1.

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.
 - 5. Every laboratory or specimen collection centre as defined in the *Laboratory and Specimen Collection Centre Licensing Act*.
 - 6. Every psychiatric facility as defined in the *Mental Health Act*.
 - 7. Every nursing home as defined in the *Nursing Homes Act*.

Note: On the later of April 1, 2009 and the day that section 194 of the *Long-Term Care Homes Act, 2007* comes into force, paragraph 7 is revoked and the following substituted:

7. Every long-term care home as defined in the *Long-Term Care Homes Act, 2007*.

See: O. Reg. 317/08, ss. 2, 4 (2) and O. Reg. 21/09, ss. 3, 5 (3).

8. Every home as defined in the *Homes for the Aged and Rest Homes Act*.

Note: On the later of April 1, 2009 and the day that section 194 of the *Long-Term Care Homes Act, 2007* comes into force, paragraph 8 is revoked. **See:** O. Reg. 317/08, ss. 2, 4 (2) and O. Reg. 21/09, ss. 3, 5 (3).

9. Every approved charitable institution as defined in the *Charitable Institutions Act* that is approved, under that Act, as one of the following classes:
- i. halfway houses where rehabilitative residential group care may be provided for adult persons,
 - ii. homes for the aged in which elderly persons may be cared for,
 - iii. homes where residential group care may be provided for handicapped or convalescent adult persons. O. Reg. 474/07, s. 2; O. Reg. 317/08, s. 1; O. Reg. 21/09, s. 2.

Note: On the later of April 1, 2009 and the day that section 194 of the *Long-Term Care Homes Act, 2007* comes into force, paragraph 9 is revoked. **See:** O. Reg. 317/08, ss. 2, 4 (2) and O. Reg. 21/09, ss. 3, 5 (3).

Note: On July 1, 2010, section 2 is revoked and the following substituted:

Application

2. (1) This Regulation applies in each of the following circumstances:
 1. A worker is to do work requiring the use of a hollow-bore needle on a person for a therapeutic, preventative, palliative, diagnostic or cosmetic purpose, in any workplace.
 2. A worker is to do any work requiring the use of a hollow-bore needle, in a workplace listed in subsection (2). O. Reg. 439/09, s. 1 (1).
- (2) The workplaces mentioned in paragraph 2 of subsection (1) are the following:
 1. Every hospital as defined in the *Public Hospitals Act*.
 2. Every private hospital as defined in the *Private Hospitals Act*.
 3. Homewood Health Centre Inc.
 4. Every laboratory or specimen collection centre as defined in the *Laboratory and Specimen Collection Centre Licensing Act*.
 5. Every psychiatric facility as defined in the *Mental Health Act*.
 6. Every nursing home as defined in the *Nursing Homes Act*.

Note: On the later of July 1, 2010 and the day that section 194 of the *Long-Term Care Homes Act, 2007* comes into force, paragraph 6 is revoked and the following substituted:

6. Every long-term care home as defined in the *Long-Term Care Homes Act, 2007*.

See: O. Reg. 439/09, ss. 1 (2), 3 (2).

7. Every home as defined in the *Homes for the Aged and Rest Homes Act*.

Note: On the later of July 1, 2010 and the day that section 194 of the *Long-Term Care Homes Act, 2007* comes into force, paragraph 7 is revoked. See: O. Reg. 439/09, ss. 1 (2), 3 (2).

8. Every approved charitable institution as defined in the *Charitable Institutions Act* that is approved, under that Act, as one of the following classes:
 - i. halfway houses where rehabilitative residential group care may be provided for adult persons,
 - ii. homes for the aged in which elderly persons may be cared for,
 - iii. homes where residential group care may be provided for handicapped or convalescent adult persons. O. Reg. 439/09, s. 1 (1).

Note: On the later of July 1, 2010 and the day that section 194 of the *Long-Term Care Homes Act, 2007* comes into force, paragraph 8 is revoked. See: O. Reg. 439/09, ss. 1 (2), 3 (2).

See: O. Reg. 439/09, ss. 1 (1), 3 (1).

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. O. Reg. 474/07, s. 3 (1).

(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. O. Reg. 474/07, s. 3 (2).

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. O. Reg. 474/07, s. 4 (1).

(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. O. Reg. 474/07, s. 4 (2).

(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. O. Reg. 474/07, s. 4 (3).

(4) The employer shall develop, establish and provide training for workers to assist them in applying subsection (2). O. Reg. 474/07, s. 4 (4).

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,

Note: On July 1, 2010, paragraph 1 is amended by striking out “facility” in the portion before subparagraph i and substituting “workplace”. See: O. Reg. 439/09, ss. 2, 3 (1).

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.

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. O. Reg. 474/07, s. 5 (1); O. Reg. 317/08, s. 3; O. Reg. 21/09, s. 4.

(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. O. Reg. 474/07, s. 5 (2).

6. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 474/07, s. 6.

Français

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