



July 11, 2008

Needle Safety Regulatory Review
Ontario Ministry of Labour
400 University Avenue, 12th Floor
Toronto, Ontario
M7A 1T7

Dear Sir or Madam:

Re: Consultation on Extending the Scope of the Needle Safety Regulation
under the Occupational Health and Safety Act

Thank you for this opportunity. Our members were delighted by the August, 2007 announcement of Ontario Regulation 474/07 and we indicated our views on it to Premier McGuinty, Health and Long-Term Care Minister Smitherman and Labour Ministers Peters and Duguid at the time. The current consultation has given us an opportunity to refine our views.

Our position can be described simply:

1. We believe that the protections in the regulation ought to be available to all workers.

We commend the Government for proceeding under the Occupational Health and Safety Act, and believe that O. Reg. 474/07 ought to reflect the spirit of that legislation and apply to all workplaces where there is a risk of exposure to a bloodborne pathogen.

Most such workplaces are in the health care sector, but others – such as correctional facilities, for example – are not. In our view, the risks addressed by the regulation are not limited to hospitals or even the entire range of health care sector workplaces.

2. We believe that this extension of O. Reg. 474/07 to all workplaces should take effect September 1, 2008, the original effective date for hospitals.

Regulation 474/07 is silent about application to health care sectors other than hospitals. In announcing it, Minister Smitherman indicated that the government “intends to mandate the use of safety engineered needles or needle-less systems in long-term care homes, psychiatric facilities, laboratories and specimen collection centres in 2009 and in other health care workplaces (home care, doctor’s offices, ambulances, etc.) in 2010.” We do not understand the rationale for these additional delays. In our view, some health care workers should not have to wait an additional 12 or 24 months to be protected, because of where they work in Ontario.

3. We believe that the regulation should be amended so that it applies to all medical sharps and all sharps injuries, thus improving protection for workers.

In our view, these changes are completely consistent with the intent of O. Reg 474/07. They clarify that “medical sharps” - and not just hollow bore needles - are to be replaced by safety-engineered devices and that the intent of the regulation is to eliminate or minimize the risk of parenteral injury (through the skin or mucous membrane, and including subcutaneous, intramuscular and intravascular routes of entry) and not just skin puncture injury, as currently provided. Details of these recommended changes are appended.

We urge the Government of Ontario to accept these modest changes and amend O. Reg 474/07. Our recommendations, if adopted, will enhance the protection of health care workers afforded by the regulation, and extend those protections to all Ontario workers. In so doing, it will reduce injuries and reduce the spread of communicable and potentially life-threatening diseases. Thank you for your consideration.

Sincerely,

Sid Ryan
President
CUPE Ontario

Linda Haslam-Stroud
President
ONA

Warren (Smokey) Thomas
President
OPSEU

Sharleen Stewart
President SEIU Local 1.0n
International Canadian
Vice-President, SEIU

Recommended Changes to Ontario Regulation 474/07

Section 1 Replace with the following:

"In this Regulation,

"safety-engineered sharp" means,

- (a) a medical sharp with a built-in safety feature or mechanism that,
 - (i) eliminates or minimizes the risk of accidental parenteral contact, and
 - (ii) is approved by Health Canada, or
- (b) a needleless device that,
 - (i) replaces a medical sharp, and
 - (ii) is licensed as a medical device by Health Canada."

Section 1 Add the following section:

"parenteral" means a route of entry that is through the skin or mucous membrane, and includes subcutaneous, intramuscular and intravascular routes of entry.

Section 2 Replace with the following:

This Regulation applies to all workplaces where there is a risk of exposure to a bloodborne pathogen.

Sec. 3 and 4 Replace "hollow bore needle" with "medical sharp" and "safety-engineered needle" with "safety-engineered medical sharp"