

**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.**