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Occupational Health and Safety Act

ONTARIO REGULATION 474/07

NEEDLE SAFETY

Consolidation Period: From July 1, 2010 to the [e-Laws currency date](#).

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. (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 long-term care home as defined in the *Long-Term Care Homes Act, 2007*.
- 7., 8. Revoked: O. Reg. 439/09, s. 1 (2).

O. Reg. 439/09, s. 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 workplace 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.
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. 439/09, s. 2.

(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.

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