

Draft of

REGULATIONS

entitled

Safety, Health and Welfare at Work (Prevention from Sharps Injuries in the Hospital and Healthcare Sector) Regulations 20__

I, _____, Minister for Jobs, Enterprise and Innovation, in the exercise of the powers conferred on me by section 58 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005)(as adapted by the Enterprise, Trade and Innovation (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 245 of 2011)) and after consultation with the Health and Safety Authority, hereby make the following regulations –

Citation and Commencement.

1. These Regulations may be cited as the Safety, Health and Welfare at Work (Prevention from Sharps Injuries in the Hospital and Healthcare Sector) Regulations 20__.

Interpretation.

2. In these Regulations -

“sharps” means objects or instruments necessary for the exercise of specific healthcare activities, which are able to cut, prick or cause injury or infection, sharps are considered as work equipment within the meaning of Regulation 2 of the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007) as amended by the Safety, Health and Welfare at Work (General Application) (Amendment) Regulations 2007 (S.I. No. 732 of 2007).

Application.

3. These Regulations apply to all employees in the hospital and healthcare sector.

Determination and assessment of risks.

4. (1) Without prejudice to the requirements of sections 3 and 4 of the Safety, Health and Welfare at Work (Biological Agents) Regulations 1994, as amended in 1998 and sections 19 and 20 of the Act, where employees are exposed to the risk of injuries and infections from medical sharps, an employer shall, in consultation with his or her employees or their representatives, or both, make suitable and appropriate assessment of the risk arising from such exposure.

(2) Assessments referred to in paragraph (1) should be conducted in all situations where there is potential for injury or exposure to blood or other potentially infectious material.

(3) An employer shall give particular attention when carrying out the assessment referred to in paragraph (1) to the following-

- (a) exposure determination and an understanding of the importance of a well resourced and organised working environment,
- (b) the existence of technology and possible alternative systems that can eliminate or reduce the levels of exposure to a minimum, and
- (c) the organisation of work, the working conditions and the experience of the employees.

5. (1) An employer shall –

- (a) in compliance with the general principles of prevention set out in Schedule 3 to the Act, so far as is reasonably practicable, ensure that where employees are exposed to the risk of injuries and infections from medical sharps, the employees exposure must be eliminated at source or reduced to a minimum, and
- (b) in complying with paragraph (a), ensure that-
 - (i) safe procedures for using and disposing of sharp medical instruments and contaminated waste, these procedures shall be regularly reassessed and shall form an integral part of the measures for the information and training referred to in Regulations 6 and 7,
 - (ii) measures to eliminate the unnecessary use of sharps by implementing changes in practice and on the basis of the results of the risk assessment, providing medical devices incorporating safety-engineered mechanisms,
 - (iii) the practice of recapping, that presents a risk of injury or infection, or both, shall be prohibited,
 - (iv) effective disposal procedures and clearly marked and technically safe containers for the handling of disposable sharps and injection equipment as

close as possible to the assessed areas where sharps are being used or to be found,

- (v) prevention of the risk of infections by implementing safe systems of work by-
 - (I) developing a coherent overall prevention policy, which covers technology, organization of work, working conditions, and the influence of factors related to the working environment,
 - (II) training, and
 - (III) conducting health surveillance procedures, in compliance with section 10 of the Safety, Health and Welfare at Work (Biological Agents) Regulations, 1994, as amended in 1998.
 - (vi) the use of personal protective equipment,
 - (vii) the keeping as low as possible of the number of employees exposed or likely to be exposed to the risk of injuries and infections from medical sharps,
 - (viii) the design of work processes and engineering control measures so as to avoid or minimize the risk of injuries and infections from medical sharps,
 - (ix) the use of both collective protection measures and individual protective measures where exposure to the risk of injuries and infections from medical sharps cannot be avoided by other means,
 - (x) the use of hygiene measures compatible with the aim of preventing or reducing the accidental exposure to the risk of injuries and infections from medical sharps,
 - (xi) the drawing up of plans to deal with accidents involving medical sharps, and
 - (xii) the making of arrangements for the safe handling and transport of medical sharps within the place of work.
- (2)(a) If the risk assessment referred to in Regulation 4 reveals that there is a risk to the health and safety of employees due to their exposure to a biological agent for which effective vaccines exist, an employer shall offer them vaccination,
- (b) vaccination shall be carried out in accordance with any guidelines issued or approved by the Authority and employees shall be informed of the benefits and drawbacks of both vaccination and non-vaccination,
 - (c) vaccination shall be offered free of charge to employees and students, and
 - (d) a vaccination certificate may be drawn up and should be made available to the employee concerned and, on request, to the Authority.

6. An employer shall, without prejudice to section 9 of the Act, in the case of any activity in relation to which employees are exposed to the risk of injuries and infections from medical sharps -

- (a) take appropriate steps to ensure that employees or their representatives, or both, receive sufficient and appropriate information including-
 - (i) potential risks to health,
 - (ii) precautions to be taken to prevent exposure,
 - (iii) hygiene requirements,
 - (iv) the wearing and use of personal protective equipment,
 - (v) the steps to be taken by employees in the case of incidents and to prevent incidents,
 - (vi) guidance on existing legislation,
 - (vii) information on support programmes available,
 - (viii) promotion of good practices and safe systems of work regarding the prevention of sharps injuries, and
 - (ix) promotion of the importance of recording sharps injuries.
- (b) provide information in accordance with paragraph (a) to any employee or other employees or to any self employed person who may be exposed to the risk of injuries and infections from medical sharps arising from the conduct of his undertaking,
- (c) provide written instructions at the place of work, and, if appropriate, display notices which shall, as a minimum, include the procedure to be followed in the case of a serious accident or incident involving medical sharps, and
- (d) ensure that his employees or their representatives or both are informed, as quickly as possible, when a serious accident or incident occurs of the causes thereof and of the measures taken in relation thereto.

Employee Training.

7. An employer shall -

- (a) without prejudice to section 10 of the Act, where his or her employees are exposed to the risk of injuries and infections from medical sharps, provide them or their representatives, or both, with suitable and sufficient training relating to risks from medical sharps, and

- (b) ensure that, without prejudice to the generality of paragraph (a), the training provided under that paragraph includes -
- (i) the correct use of medical devices incorporating sharps protection mechanisms,
 - (ii) induction for all new and temporary staff,
 - (iii) the risk associated with blood and body fluid exposures,
 - (iv) preventive measures including standard precautions, safe systems of work, the correct use and disposal procedures, the importance of immunisation, according to the procedures at the workplace,
 - (v) the reporting, response and monitoring procedures and their importance, and
 - (vi) measures to be taken in case of injuries.

Reporting.

8 (1) It shall be the duty of every employee to report to his employer or his immediate supervisor any accident or incident, of which he becomes aware, involving the exposure to the risk of injuries and infections from medical sharps.

(2) An employer shall report in the prescribed manner to the Authority any work related accident involving sharps which results in an employee being absent from work for more than three consecutive days or where the circumstances of the event were such that the incident could have caused severe human infection or human illness, or both.

Response and follow-up.

9. (1) An employer shall, where a sharp injury occurs, put in place policies and procedures as appropriate.

(2) All employees must be aware of the policies and procedures referred to in paragraph (1).

(3) The policies and procedures referred to in paragraph (1) shall, in particular, taking into account any confidentiality concerns, ensure that-

- (a) a 'no blame' culture is promoted, incident investigation procedures should focus on systemic factors rather than individual mistakes,
- (b) the employer takes immediate steps for the care of the injured worker, including the provision of post-exposure prophylaxis and the necessary medical tests where indicated

for medical reasons and appropriate health surveillance in accordance with 5(1)(b)(v)(III),

- (c) the employer investigates the causes and circumstances and records the accident or incident, taking where appropriate the necessary action,
- (d) the employee provides the relevant information at the appropriate time to complete the details of the accident or incident, and
- (e) the employer shall, in cases of injury, consider counselling of workers where appropriate and guaranteed medical treatment.

PS (26/01/12).