Prevention of Sharp Injuries in Hospitals and Health Care Establishments Order (2013)

In exercise of the powers conferred by article 27 of the Public Health Act, the Superintendent of Public Health has made the following order

Title

1. The title of this order shall be the Prevention of Sharp Injuries in Hospitals and Health Care Establishments Order (2013)

Interpretation

2. In this order, unless the context otherwise requires

“employer” means any natural or legal person responsible for managing, organising and providing healthcare and directly related services or activities delivered by workers having an employment relationship with a worker and includes contractors and sub-contractors.

“hierarchy of measures”: means the order of effectiveness of measures taken to avoid, eliminate and reduce risks as defined in Article 6 (2) of the Occupational Health and Safety Authority Act, 2000 (in side note to add Chapter 424 of the Laws of Malta)

“sharps” means objects or instruments necessary for the exercise of specific healthcare activities, which are able to cut, prick, cause injury and, or infection.

“specific preventative measures”: means those measures taken to prevent injury and, or transmission of infection in the provision of hospital and healthcare directly related services and activities, including the use of the safest equipment needed, based on the risk assessment and safe methods of handling the disposal of medical sharps;

“worker” includes any person employed by an employer including trainees, students and apprentices in the hospital and healthcare sector-directly related services and activities irrespective of whether such employment is of a permanent or temporary nature.

“workplace” includes any healthcare organisation or service in both the public or the private sectors, and every other place where health services/activities are undertaken and delivered, under the managerial authority and supervision of the employer;

“workers’ representatives” and “workers health and safety representatives” shall have the same meaning as prescribed in the Occupational Health and Safety Authority Act (Cap 424) and its subsidiary legislation.

Scope of Order
3. The scope of this order is to aim at achieving the safest possible working environment for health care workers by preventing injuries caused by medical sharps, including needle-stick injuries; protecting all workers at risk through the establishment of policies in risk assessment, risk prevention, training, information, awareness raising and monitoring and putting g in place response and follow up procedures.

Applicability
4. The provisions of this order shall apply to all workers in the hospital and healthcare sector, and all who are under the managerial authority and supervision of an employer.

Duties of Employers and Employees
5. Without prejudice to any obligations under any other act, it shall be the duty of the employer:
   (i) to ensure the safety and health of workers in every aspect related to their work, including psycho-social factors and work organisation;
   (ii) to develop an environment where workers and their representatives are participating in the development of health and safety policies and practices;
   (iii) to ensure the provision of training on the prevention of the risk of injuries and infections from medical sharps;
   (iv) to provide the necessary resources to minimise the risk of occupationally acquired injuries or infections;
   (v) to promote a no blame culture focusing incident reporting procedures on systemic factors rather than individual mistakes.

6. Without prejudice to any obligations under any other act, it shall be the duty of the worker:
   (i) to take care, as far as possible, of their own safety and health and that of other persons affected by their actions at work, in accordance with their training and the instructions given by their employer;
   (ii) to undertake the training offered by his employer on the prevention of the risk of injuries and infections from medical sharps;
   (iii) to make use of the resources supplied by the employer to minimise the risk of occupationally acquired injuries or infections;

8. It shall be the responsibility of the employers, workers and workers’ representatives to work together to prevent and eliminate risks, protect workers’ health and safety, and create a safe working environment, carry out consultation regarding the choice and use of safe equipment, identifying how best to carry out training, information and awareness-raising processes.

Risk assessment
9. (1) Risk-assessment procedures shall be conducted by the employer in compliance with the requirements of the General Provisions for Health and Safety at Work Places Regulations, 2003, and the Protection of Workers from Risks related to Exposure to Biological Agents at Work Regulations, 2003 and any amendments thereto, and without prejudice to the generality of the foregoing shall: (a) include an exposure determination, taking into account the importance of a well resourced and organised working environment.
(b) take into account all situations where there is injury, blood or other potentially infectious material;
(c) take into account technology, organisation of work, working conditions, level of qualifications, work related psycho-social factors and the influence of factors related to the working environment.

(2) The aim of the risk assessment shall be to identify how exposure could be eliminated and to consider possible alternative systems.

Elimination, prevention and protection

10. Where the results of the risk assessment carried out in terms of the preceding regulation reveal a risk of injuries by a medical sharps and, or infection, workers’ exposure must be eliminated by implementing the following measures;

(a) specify and implement safe procedures for the use and disposal 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 of workers referred to in this order;
(b) 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 protection mechanisms;
(c) ban the practice of recapping with immediate effect;
(d) place 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;
(e) prevent the risk of infections by implementing safe systems of work, by:
   (i) developing a coherent overall prevention policy, which covers technology, organisation of work, working conditions, work related psycho-social factors and the influence of factors related to the working environment;
   (ii) providing the necessary training; (iii) conducting health surveillance procedures, as provided by the Protection of Workers from Risks related to Exposure to Biological Agents at Work Regulations, 2003 and any amendments thereto;
(f) use of personal protective equipment;

11. (1) If the assessment referred to in paragraph 9 reveals that there is a risk to the safety and health of workers due to their exposure to biological agents for which effective vaccines exist, then it shall be the duty of the employer to offer vaccination to the workers;
(2) Vaccination and, if necessary, revaccination shall be carried out in accordance with the schedules and recommendations established by the Superintendent of Public Health;

Provided that workers shall be informed of the benefits and drawbacks of both vaccination and non-vaccination and that the vaccination is offered free of charge to all workers

Information and awareness-raising
12. As regards sharps it shall be the duty of the employer, without prejudice to any other obligation under any other act, to take the appropriate measures to:
   (a) highlight the different risks,
   (b) give guidance on existing legislation,
   (c) promote good practices regarding the prevention and recording of incidents/accidents,
   (d) raise awareness by developing activities and promotional materials in partnership with representative trade unions and/or workers’ representatives,
   (e) provide information on support programmes available.

Training.

13. (1) In addition to those measures established under the Occupational Health and Safety Authority Act and its subsidiary legislation, employers shall provide the necessary training on a regular basis taking into account results of monitoring, modernisation and improvements including
   (a) the correct use of medical devices incorporating sharps protection mechanisms,
   (b) induction programmes for all new and temporary staff,
   (c) the risk associated with blood and body fluid exposures,
   (d) 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,
   (e) the reporting, response and monitoring procedures and their importance, and
   (f) measures to be taken in case of injuries.

   (2) Employers shall ensure that workers are released in order to attend the training provided.

Reporting

14. (1) The employer shall set up a procedure whereby all sharp injuries can be reported. This shall be done in consultation with the Workers’ Health and Safety representatives

   (2) It shall be the responsibility of workers to immediately report any accident or incident involving sharps to the employer or to any other person so delegated by him.

Response and follow-up

15. Upon receipt of a report of an injury, the employer shall
   (a) immediately take the necessary 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 the appropriate health surveillance in accordance
with the Protection of Workers from Risks related to Exposure to Biological Agents at Work Regulations, 2003;

(b) investigates the causes and circumstances leading to the injury and records the accident or incident, taking, where appropriate, the necessary action. The worker must provide the relevant information at the appropriate time to complete the details of the accident or incident;

(c) consider the need for counselling of workers, where appropriate, and guarantee medical treatment;

(d) maintain the confidentiality of the injured worker and the diagnosis and treatment resulting from the injury.

16. It shall be the duty of all employers to ensure compliance with the provisions of this order.

Offences and Penalties

17 Without prejudice to the provisions of any other Act, any breach of these regulations shall be deemed to be a breach of the Public Health Act and shall be subject to the same penalties.