



# **NOTIFICATION REQUIREMENTS**

**FOR OCCUPATIONAL EXPOSURE TO HUMAN  
BLOOD-BORNE PATHOGENS**

**GUIDE 2003**

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## 1. WHO IS THIS GUIDE FOR?

This Guide is to assist employers and occupiers of any workplace in NSW to make notifications about incidents that occur at their workplace involving potential or actual exposure to human bodily fluids that presents a risk of transmission of blood-borne diseases (Clause 341(h) OHS Regulation 2001).

Information is provided about occupations at particular risk, ways transmission can occur and employer/occupier notification requirements.

**Public health care facilities in NSW may** be exempt from components of the notifying requirements of this guide. Refer to WorkCover NSW Exemption Order No 003/03.

### **Note**

In this Guide “*Bodily fluids*” means “*human blood or body substances*” and “*diseases*” means “*pathogens*”.

\* See the definition for blood, body substances, blood-borne pathogens and occupational exposure in Appendix A definition of terms.

## 2. LEGAL REQUIREMENTS

Notifying is a legal requirement of the:

- *Workplace Injury Management and Workers Compensation Act 1998* (WIMWC Act 1998)
- *Occupational Health and Safety Act 2000* (OHS Act 2000).
- *Occupational Health and Safety Regulation 2001* (OHS Regulation 2001).

Under section 44 (2) of the WIMWC Act 1998, employers are required to notify their insurer of any workplace injury, that is, any injury to, or illness of a worker where compensation is or may be payable. This excludes any case of a worker employed in or about a mine to which the Coal Mines Regulation Act 1982 applies.

Under Section 86 of the *Occupational Health and Safety Act, 2000* (OHS Act 2000) occupiers or employers are obligated to notify WorkCover about Serious Incidents and Incidents. This section does not apply to mines.

Clause 341 of the *OHS Regulation 2001* lists workplace incidents that may occur in relation to work which, although not immediately life threatening, can present a risk to health or safety and must be notified to WorkCover NSW. Specifically the following provisions are relevant:

- Clause 341(b) an illness of a person (supported by a medical certificate) that is related to work processes and results in the person being unfit, for a continuous period of at least 7 days, to attend the person’s usual place of work or to perform his or her usual duties at that place of work.
- Clause 341(h) exposure to bodily fluids that presents a risk of transmission of blood-borne diseases.
- Clause 341(j)(iii) any other incident that involves a risk of serious injury to, or illness of, a person.

### **3. OCCUPATIONS AT RISK OF EXPOSURE**

In many workplaces there is a risk of exposure to blood or body substances from sharps injuries and other modes of transmission listed in this guide. Examples of occupations where workers may be exposed to blood-borne pathogens include but are not limited to:

- Health care workers
- Dental care workers
- Other care workers including child care, disability services and residential aged care
- Pharmacists and pathology laboratory workers
- Medical and forensic laboratory technicians
- Police officers, fire fighters, SES, and ambulance personnel
- Workers in adult and juvenile corrective services.
- Sanitation, plumbing or waste management workers
- Local council and parks and garden workers
- Cleaners
- People performing acupuncture, tattooing, body piercing and hair removal by electrolysis or other methods
- People who participate or work in body contact sports
- First aid providers, eg life guards, workplace first aiders
- Post mortem technicians, assistants and funeral embalmers
- Sex industry workers

## 4. BLOOD-BORNE PATHOGENS

Exposure to blood-borne pathogens (viruses, bacteria etc) poses a serious risk in many workplaces. Transmission of at least 20 different pathogens by needlestick and other sharps injuries has been reported (Journal of Applied Bacteriology 1987, 62, 385-402).

**Examples of blood-borne pathogens that may be transmitted include:**

**Hepatitis B (HBV):** a virus that causes inflammation of the liver and liver disease.

**Hepatitis C (HCV):** a slow-acting virus that causes inflammation of the liver and liver disease.

**Human Immunodeficiency Virus (HIV):** a human retrovirus that leads to “Acquired Immunodeficiency Syndrome” (AIDS).

### **Note**

Refer to the national code of practice for the *Control of work-related exposure to Hepatitis and HIV (blood-borne) viruses* [NOHSC:2010 (2003)] for guidance about the risk management of occupational exposure to blood-borne pathogens.

## **5. TYPES OF INJURIES AND TRANSMISSION**

### **5.1 Sharps Injuries**

Sharps injuries are wounds caused by any object which may or may not be contaminated with human blood or body substances and is capable of inflicting a penetrating injury. Examples include any object that can puncture, cause laceration, abrasion, damage or break the skin including:

- needles (see 5.2)
- scalpels
- broken glass
- broken capillary tubes
- exposed ends of dental wires
- any other sharp objects or instruments designed to perform penetrating procedures

### **5.2 Needlestick Injuries**

Needlestick injuries are wounds caused by needles that puncture the skin. Needlestick injuries are a hazard in a variety of industries including cleaning services, waste removal, accommodation venues and clubs, hospitality, dental care, health, aged care and disability services, and local council services.

Activities associated with needlestick injuries include:

- Administering injections
- Drawing blood
- Recapping needles
- Disposing of needles, including collection and disposal of materials used during patient care procedures
- Handling waste and dirty linen where workers encounter them unexpectedly
- Conducting personal, bag and room searches in correctional facilities
- Cleaning toilets and pipes (drains and sewerage pipes)
- Working in public locations such as parks and gardens

Because of the risk of transmission of blood-borne pathogens, needlestick injuries are of a major concern. Even small amounts of infected fluid may present a risk of transmission of disease.

### **5.3 Other Modes of Transmission**

Blood-borne pathogens may also be transmitted when:

- infected blood or body substances splash into the eye or other mucous membranes, or into cuts, abrasions and open wounds.
- unsterile tattooing, body piercing and skin penetration procedures are undertaken
- sharing any object (eg syringes, razors, toothbrushes, other personal hygiene items and grooming aids) that may come into contact with blood or body substances
- violent incidents/assaults occur in the workplace where workers are exposed to blood or other body substances

## 6. NOTIFICATION REQUIREMENTS

Notify WorkCover either by completing a Notification Form online via WorkCover's website at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or by calling 13 10 50. The former Accident Report Form is no longer used to notify WorkCover of work related incidents.

### 6.1 Workers - Incidents of exposure to blood-borne pathogens

**Notify your workers compensation insurer.**

Notify your insurer **within 48 hours** of becoming aware of:

- An incident to a worker involving exposure to blood or body substances that presents a risk of transmission of blood-borne pathogens where workers compensation is or may be payable.

**OR**

If the workers compensation insurer is not notified about an exposure because workers compensation is **not** or **may not** be payable:

**Notify WorkCover NSW within 7 days** of becoming aware of an exposure to blood or body substances that presents a risk of transmission of blood-borne pathogens.

The employer or worker or their representative can make a notification to the insurer. Refer to section 44 of the WIMWC Act 1998 for information about requirements to notify the insurer.

### 6.2 Non-workers-Incidents of exposure to blood-borne pathogens

A non-worker for the purposes of making an incident notification is a person who is not your worker and not covered by your workers compensation eg. visitor, customer, patient, volunteer.

**Notify WorkCover NSW within 7 days** of becoming aware of:

- An incident to a non-worker involving exposure to blood or body substances that presents a risk of transmission of blood-borne pathogens.

A notification to WorkCover NSW can be made by an employer/occupier or their nominee.

#### **Note**

- The full notification process is set out on the following page in Section 6.3.
- Refer to Clauses 341 and 344 of the OHS Regulation 2001 for a list of notifiable Serious Incidents and Incidents.



## 6.3 Notification Guide for Employers & Occupiers

### WHAT, WHO & WHEN TO NOTIFY

#### INCIDENTS involving injury or illness to WORKERS

**SERIOUS INCIDENTS** involving a fatality or a serious injury or illness. Refer Clause 344 of OHS Regulation 2001.



Notify WorkCover **IMMEDIATELY** on Phone: **131050** as an urgent investigation may be needed. **PLUS** notify your workers compensation insurer within **48 hours**.

**OTHER INCIDENT** Involving an injury or illness to a worker, where workers comp. is or may be payable. Eg. time lost, medical expenses. Refer Section 42 & 44 of *Workplace Injury Management & Workers Compensation Act 1998*.



Notify your workers compensation insurer within **48 hours**. The insurer advises WorkCover of these incidents.

#### INCIDENTS involving injury or illness to NON-WORKERS at your workplace (i.e. those not covered by your workers compensation eg. visitor, customer)

**SERIOUS INCIDENTS** Involving a fatality or a serious injury or illness Refer Clause 344 of OHS Regulation 2001.



Notify WorkCover **IMMEDIATELY** on Phone: **131050** as an urgent investigation may be needed. **PLUS** notify WorkCover within **7 days with full notification details** using the online form at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or Phone: **1310 50**

**OTHER INCIDENTS** Involving a non-worker where the injury or illness results in being unable to perform their normal activities for 7 or more days Refer Clause 341 of OHS Regulation 2001.



Notify WorkCover within **7 days** using the online form at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or Phone: **13 10 50**

#### INCIDENTS that present a risk to health and safety at your workplace (i.e incidents where there is no injury or illness to workers or non-workers)

**SERIOUS INCIDENTS** that are immediately life threatening but result in no injury or illness Refer Clause 344 of OHS Regulation 2001.



Notify WorkCover **IMMEDIATELY** on Phone: 131050 as an urgent investigation may be needed. **PLUS** notify WorkCover within **7 days with full notification details** using the online form at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or Ph: **13 10 50**

**OTHER INCIDENTS** are certain risky incidents that are not immediately life threatening but result in no injury or illness Refer Clause 341 of OHS Regulation 2001.



Notify WorkCover within **7 days** using the online form at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) or Ph: **13 10 50**

For further information refer to WorkCover's notification brochure and the Frequently Asked Questions (FAQs) relating to the new notification system at [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au).

## **7. GENERAL REQUIREMENTS**

### **7.1 Record Keeping**

All employers or occupiers who give notification under Section 44(2) of the *WIMWC Act 1998 Act* must establish and maintain an accurate record for each worker who has been exposed to human blood or body substances that present a risk of transmission of blood-borne pathogens. A record of the date, time, place and nature of the injury, and the date and the way notification was given must be kept for at least five years. Employers or occupiers must also keep the written confirmation of the notification sent by their insurer or WorkCover for at least 5 years and produce that record upon request from a WorkCover inspector or authorised officer [*Workers Compensation Regulation 2003* Clause 32(3)(4), and *OHS Regulation 2001* Clause 343].

Employers should refer to Australian Standard *AS 1885.1 – 1990* “Workplace injury and disease recording standard” when setting up a workplace injury and disease recording system for occupational exposures.

NSW public health organisations must refer to the record keeping requirements of the NSW Department of Health policies and guidelines.

Licensed private health care facilities should refer to NSW Department of Health Circulars and Guidelines and follow the legislative requirements of the *Private Hospitals and Day Procedures Act 1988* and the *Nursing Homes Act 1988*.

### **7.2 Confidentiality**

Where an employer or controller of a workplace completes a notification and provides the name of the injured person to the workers compensation insurer or WorkCover, the confidentiality of the injured person will be maintained.

The confidentiality of all records of workers who may have been exposed to blood-borne pathogens must be maintained.

Organisations including WorkCover NSW must manage workers personal information in accordance with the *NSW Privacy and Personal Information Protection Act 1998* and the *Commonwealth Privacy Act 1988* and the *Privacy Amendment (Private Sector Act) 2000*.

NSW public health care organisations, private hospitals, nursing homes, extended care facilities and day procedures centres should refer to confidentiality requirements of the *NSW Public Health Act 1997* (Section 17) “Provisions for preserving the confidentiality of people who are or may be infected with HIV”, and also refer to current NSW Department of Health Circulars and Guidelines.

## 8. APPENDIX

### Definitions of terms used in this Guide:

**Blood** means human blood, human blood components and products made from human blood.

**Blood-borne pathogen** means pathogenic microorganisms that are present in blood and can cause disease in humans.

**Blood-borne virus** is a virus that may be transmitted via blood or body substances that contain blood.

**Body substance** includes any human bodily secretion or substance other than blood, eg saliva.

**Contaminated** means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

**Contaminated sharp** means any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

**Hepatitis** is a term that means inflammation of the liver.

**Human Immunodeficiency Virus** is a human retrovirus that leads to Acquired Immune Deficiency Syndrome (AIDS).

**Mucous membrane** is the membrane lining body cavities and passages, which are usually moistened with mucus. It is found in the mouth, eye, nose, rectum, vagina and urethra.

**Occupational exposure** means skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of a workers duties. Transmission generally occurs in two major ways:

- (a) when sharps contaminated with infected blood or body substances penetrate the skin, or
- (b) when infected blood or body substances splash into the eye or other mucous membranes, onto broken skin or into a cut.

**Parenteral Exposure** means any piercing of skin or piercing of mucous membrane with a contaminated sharp.

**Non-parenteral exposure** means any eye, mouth, other mucous membrane or non-intact skin contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

**Sharps** are any objects capable of inflicting injury to the skin such as punctures, lacerations or abrasions. These include hollow bore needles, suture needles, scalpel blades, wires, trochars, auto lancets, stitch cutters and broken glassware.

## 9. FURTHER INFORMATION

### WorkCover NSW

The following publications are available from the WorkCover website.

*Occupational Health and Safety Act 2000* <http://www.Workcover.nsw.gov.au/pdf/2000-40.pdf>

*Occupational Health and Safety Regulation 2001*

<http://www.workcover.nsw.gov.au/pdf/occ-health&safety.pdf>

OHS Consultation Code of Practice 2001

<http://www.workcover.nsw.gov.au/publications/index.asp>

Risk Management at Work Guide 2001

<http://www.workcover.nsw.gov.au/publications/index.asp>

*Code of practice for health care workers and other people at risk of the transmission of Human Immunodeficiency Virus and other blood-borne pathogens in the workplace* 1995. (Currently being reviewed)

For further information and advice contact WorkCover's Information Centre on 13 10 50.

### Other Publications

Australian Standard AS 1885.1 – 1990 Workplace injury and disease recording standard.

<http://www.standards.com.au>

*Commonwealth Privacy Act 1988 and the Privacy Amendment (Private Sector Act) 2000.*

<http://www.privacy.gov.au/act>

C H Collins & D A Kennedy. "A Review - Microbiological hazards of occupational needlestick and 'sharps' injuries". *Journal of Applied Bacteriology* 1987, 62, 385-402.

*National Code of Practice for the Control of Work-related Exposure to Hepatitis and HIV (blood-borne) Viruses* [NOHSC:2010 (2003)]. <http://www.nohsc.gov.au>

NSW Department of Health Circular 98/1833 Management of health care workers potentially exposed to HIV, hepatitis B and hepatitis C. <http://www.health.nsw.gov.au>

The following NSW Acts and Regulation can be located at :

<http://www.legislation.nsw.gov.au>

*NSW Privacy and Personal Information Protection Act 1998*

*Nursing Homes Act 1988.*

*NSW Public Health Act 1997*

*Private Hospitals and Day Procedures Act 1988*

*Workplace Injury Management and Workers Compensation Act 1998*

*Workers Compensation Regulation 2003*

**Catalogue No. 4430**



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Website [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)