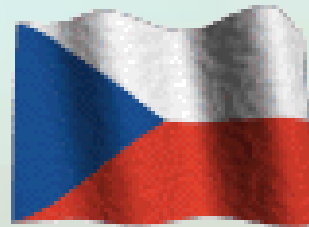


Promotion and Support of Implementation of Directive 2010/32/EU on prevention from sharps injuries in the hospital and healthcare sector

Regional Seminar
Vienna, 16 April 2013

Experience in the Czech Republic

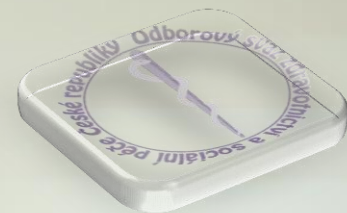


Ivana Štěpánková
Zbyněk Moravec



Important dates

- **17. 11. 2008** - Announcement of the intention of HOSPEEM and EPSU to enter into negotiations
- 17. 7. 2009 - Signing of the Framework Agreement on prevention by HOSPEEM and EPSU
- 10. 5. 2010 - adoption of Council Directive 2010/32/EU
- **11. 5. 2013** - A) putting regulations in force
or
- B) ensuring the implementation of measures by agreement between social partners



prior to 17. 11. 2008

- ~~20/1966 – generally codified medical care for employees~~
- 145/1988 - national legislation on the acceptance of the international convention on medical care for employees
- 258/2000 - Act on the Protection of Public Health - work categorisation and work with biological materials
- 178/2001 - specifies work with biological materials
- 185/2001 - Act on Waste - hazardous sharp waste
- ~~494/2001 – recording and reporting accidents~~ new legislation 201/2010
- 432/2003 - Criteria for categorisation of work in relation to risk factors in the working environment, including biological agents
- ~~195/2005 – hygienic requirements for medical devices, incl. handling of used medical supplies (i.e. needles)~~ new legislation 306/2011
- 262/2006 - Employment Code - also addresses health and safety at work, including the process of identifying and assessing risks and taking measures to minimise them
- 309/2006 - accompanying law to the Employment Code, including addressing the issue of competence of persons carrying out risk assessments
- 537/2006 - vaccination against communicable diseases, and for exposed health care workers
- 361/2007 - health protection conditions

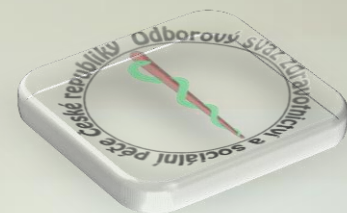


Current status (i.e. to 11. 5. 2013)

This area is the responsibility of three ministries:

Health, Labour and Social Affairs, Environment

- 372/2011 - Act on Medical Care, replacing Act No. 20/1966 (health services)
- 373/2011 - Act on Specific Health Services - now regulating medical care for employees, is replaced in this matter by the 1966 Act
- 79/2013 - details on employment-related medical services



Addressed by the Directive

- Risk assessment.
- Elimination, prevention and protection
- Information and education
- Training
- Reporting
- Interventions and follow-up measures, sanctions

Additionally addressed in the Czech Republic

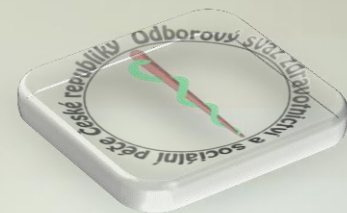
- Medical examinations
- Mandatory vaccination
- Waste management



The obligation of the employer stemming from the Employment Code.

After the identification of risk factors this is followed by their evaluation by different methods and adoption of measures.

Every year or after an accident or the discovery of new facts there is a follow-up or review and amendment. The outcome should be the minimisation of risks.



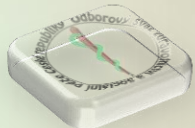
Addressed by the Directive

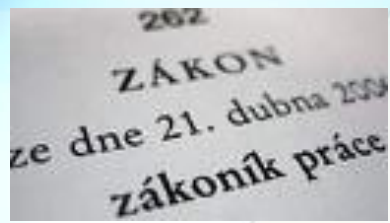
- Risk assessment.
- **Elimination, prevention and protection**
- Information and education
- Training
- Reporting
- Interventions and follow-up measures, sanctions

Additionally addressed in the Czech Republic

- Medical examinations
- Mandatory vaccination
- Waste management

Elimination, or at least minimisation, of risk is the next step in the process of risk identification and assessment, and constitutes its completion. Technical and collective measures should be given priority, residual risks are addressed in particular by the use of personal protective equipment or modifications to the work arrangements.





Example 1

Prevention and protection

"The employer is obliged to ensure the safety and health of workers in the workplace with regard to the possible risks to their life and health which relate to the performance of their work.

The employer's duty of care for the protection of health and safety at work forms an integral and equal part of the job-related responsibilities of all levels of management within the posts that they hold."

Addressed by the Directive

- Risk assessment.
- Elimination, prevention and protection
- **Information and awareness raising**
- Training
- Reporting
- Interventions and follow-up measures, sanctions

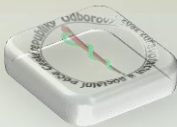
Additionally addressed in the Czech Republic

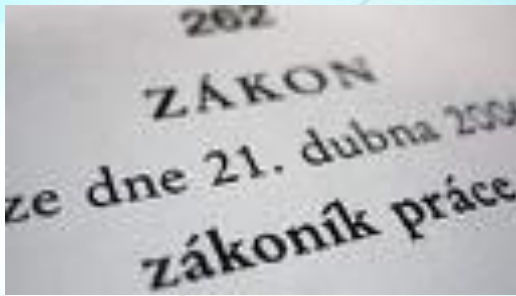
- Medical examinations
- Mandatory vaccination
- Waste management

Information on identified risks and measures is mandatory information that must be provided to employees by the employer.

For publicly available information - see www.bozp-info.cz.

The former centralised system of managed education has been disappearing in recent years.





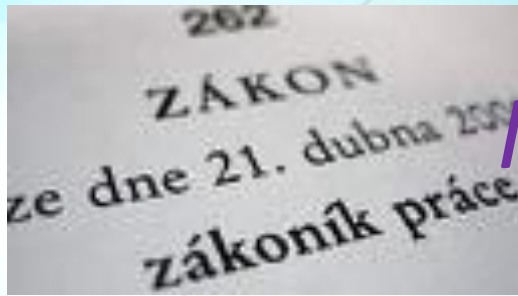
Example 2 Information



"Information and instructions must always be provided when an employee commences employment or is transferred, if there is a change in working conditions, or a change in the work environment, introduction of or modification to work-related equipment, technology and working procedures. The employer must retain documentation relating to information and instructions.

The employer must

- not allow an employee to perform prohibited work or such work that would not correspond to his/her abilities and state of health due to its difficult nature
- inform employees about the category of the work that they have carried out
- ensure that work in cases stipulated by special legal regulation is performed only by employees who have a valid medical certificate, who have undergone special vaccination or who have proof of immunity to infection"



Example 3

Information, awareness, prevention



The employer must

- inform employees about occupational health service providers and which types of vaccination, preventive check-ups and examinations they are required to undergo, to enable them to have such vaccinations, and undergo such examinations and investigations to the extent provided by special law or decision of a competent body for the protection of public health
- reimburse employees for potential loss of income, calculated on the basis of average earnings, who undergo a preventive check-up, examination or receive a vaccination
- allow employees to inspect the records which are kept on them in connection with the provision of health and safety at work
- ensure that employees are provided with first aid
- not use work in which employees are exposed to an increased risk of injury, the use of which would result in increasing work output to the detriment of safety and health of employees, as a method of remuneration

Addressed by the Directive

- Risk assessment.
- Elimination, prevention and protection
- Information and education
- **Training**
- Reporting
- Interventions and follow-up measures, sanctions

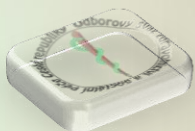
Additionally addressed in the Czech Republic

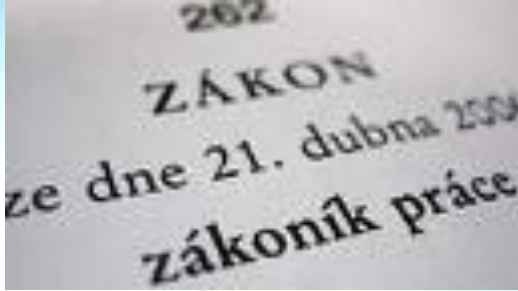
- Medical examinations
- Mandatory vaccination
- Waste management

Obligation of the employer, established by the Employment Code. Usual practice - a new employee completes initial training, and this is usually repeated after two years. For management the frequency is usually three years.

Training includes validation of knowledge, and for management this is mainly done in writing.

The content and proper implementation of training forms a part of all monitoring (by state bodies or trade union inspections).





Example 4 training



"The employer is obliged to provide employees with training on legal and other regulations to ensure the safety and health at work that complement their areas of specialism and requirements for the performance of work related to the work that they perform and are subject to the risks with which an employee may come into contact in the workplace, at which the work is performed, and to continuously monitor and require compliance. The employer must provide the employee with training on commencement of employment, and additionally when there is a change in employment status or type of work when introducing new technology or changes in production and work resources or changes in technology or working procedures in cases that have or may have a significant impact on health and safety at work.

The employer is required to determine the content and frequency of training on legal and other regulations to ensure health and safety at work, the method of verifying employees' knowledge and documentation of the training received. If required by the nature of the risk and its relevance, according to the first sentence the training shall be repeated periodically; in the cases referred to above such training must be carried out without undue delay."

Addressed by the Directive

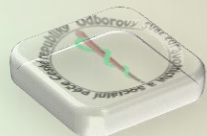
- Risk assessment.
- Elimination, prevention and protection
- Information and education
- Training
- Reporting (and recording)
- Interventions and follow-up measures, sanctions

Additionally addressed in the Czech Republic

- Medical examinations
- Mandatory vaccination
- Waste management

Primarily imposed by the Employment Code, the details are elaborated in other legislation (2010).

An employee has a duty to report even a minor injury, the employer is obliged to keep records of all injuries, and take action in specific cases and also meet comprehensive reporting obligations.



Addressed by the Directive

- Risk assessment.
- Elimination, prevention and protection
- Information and education
- Training
- Reporting
- **Interventions and follow-up measures, sanctions**

Additionally addressed in the Czech Republic

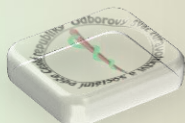
- Medical checks
- Mandatory vaccination
- Waste management

State authorities supervising safety at work are authorised to issue sanctions that may amount to millions of crowns.

They may issue sanctions e.g. in the event of shortcomings in risk assessments, deficiencies in work-related accidents, waste management, breaches of hygiene rules, etc.

Example: Failure to meet reporting requirements for work-related accidents - 300 thousand.

Failure to provide PPE - 2 million



Addressed by the Directive

- Risk assessment.
- Elimination, prevention and protection
- Information and education
- Training
- Reporting
- Interventions and follow-up measures, sanctions

Additionally addressed in the Czech Republic

- **Medical check**
- Mandatory vaccination
- Waste management

The decree of 2013 is crucial and is embodied in several pieces of legislation - it prescribes the majority of the time periods in relation to risk factors in the working environment and other aspects.

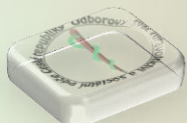
For health workers these periods are set at a minimum of 3 and 5 years (depending on age) and, where there is a higher degree of risk, two years.

Types of check:

initial

periodic - according to the type of work, as specified in legislation

emergency - following injury



Addressed by the Directive

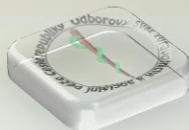
- Risk assessment.
- Elimination, prevention and protection
- Information and education
- Training
- Reporting
- Interventions and follow-up measures, sanctions

For exposed health care workers
- laboratory staff, haematology, infection departments, ambulance service, ... -
mandatory vaccination against hepatitis B

Non-mandatory - a collective agreement may be entered into from the Social Fund

Additionally addressed in the Czech Republic

- Medical checks
- **Mandatory vaccination**
- Waste management



Addressed by the Directive

- Risk assessment.
- Elimination, prevention and protection
- Information and education
- Training
- Reporting
- Interventions and follow-up measures, sanctions

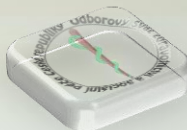
Additionally addressed in the Czech Republic

- Medical checks
- Mandatory vaccination
- **Waste management**



The Act of 2001 - regulates waste for hazardous waste, which includes sharp objects, and implements strict requirements for the separation and final disposal thereof.

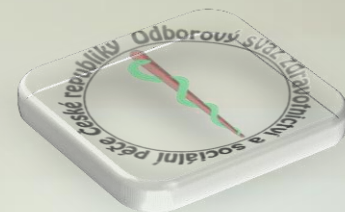
Used sharp objects must be placed in paper bags or plastic bottles and stored only in solid, puncture-proof, tightly resealable containers. Containers should be filled up to $\frac{3}{4}$ of their volume. They must be tightly closed. It is recommended to further seal them with adhesive tape, for example. Containers must be labelled with the description "sharp objects". Containers containing waste should be labelled as "sharp objects and hazardous waste."





Status of trade union bodies

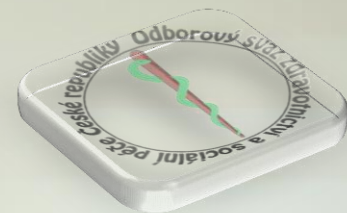
- They have the right to comment in the legislative process
- Representation in the tripartite consultative body for health and safety
- Participation in on-site health and safety inspections
- Proposals of measures to the employer
- Activities - publications and leaflets, training for union officials
- By law a competent trade union body must be party to the investigation of accidents at work
- in marginal cases, they may make suggestions to the state authority (agreement between ČMKOS [Czech-Moravian Confederation of Trade Unions] and MLSA [Ministry of Labour and Social Affairs])



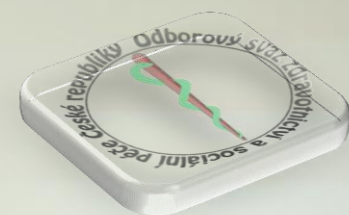
After 11. 5. 2013

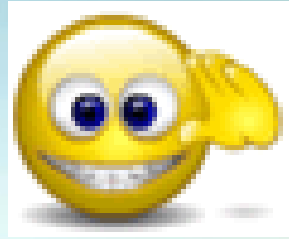
"Procedure for injuries caused by sharp object or tool

- (1) Health service providers are required to immediately notify the competent public health authority of any injury to a medical or other specialist employee that was caused when handling a contaminated sharp object or instrument used to perform medical procedures in the provision of health care, which would result in the emergence of an infectious disease transmissible by blood. The competent public health authority decides on the provision of medical supervision of the injured employee.
- (2) (2) the health service provider is obliged to act in the laboratory diagnosis of the injured employee in accordance with the system of epidemiological vigilance for selected infections. "



- **The guidelines for the Czech Republic pose no serious problem.**
- **The majority or almost all of the points that are set out in the Directive have already been governed in our legal system for decades in a large number of laws:**
 - **Employment code**
 - **Act on Public Health Protection**
 - **Acts on other requirements relating to health and safety at work**
 - **Legislation on the prevention and spread of infectious diseases governed by the Act on Public Health Protection**
 - **Vaccination reporting**





Thank you for your attention

