

OHS Bill 88: Naloxone Kit Requirement



New Ontario law (Bill 88) requires naloxone kits at high-risk workplaces.

The opioid crisis is having a devastating impact on Canadians, especially in the western and northern parts of the country. There were 19,355 opioid-related deaths in Canada between Jan. 2016 and Sept. 2020. The crisis has intensified even more during the COVID-19 pandemic. In BC alone, opioid deaths have topped 150 per month for 18 months in a row, reaching a record high of 209 in January 2022. Here's a look at how the opioid epidemic impacts the workplace and HR compliance.

Opioid Hazards in the Workplace

Opioid drugs like fentanyl, oxycodone, morphine and hydromorphone, are prescribed to manage pain, including workplace injuries. Canada is among the highest opioid prescribing nations in the world, with nearly 1 in 8 people receiving a prescription for an opioid drug in 2018, according to the Canadian Institute for Health Information. While the brain and nerve stimulation impacts of opioid drugs block perception of pain, they also produce a buzz that impairs judgment and increases the risks of accidents and injuries.

The greatest hazard posed by opioids is that they're addictive, which creates the risk of overdose. Opioid overdose deaths can happen anywhere, including at work. While Canada doesn't keep such statistics, the Bureau of Labor Statistics reports that 388 of the 4,786 workplace deaths in the US in 2020 (8.1%) were due to unintentional overdose from nonmedical use of opioid and other drugs. Overdose deaths were particularly common in 3 industries:

- Construction;
- Transportation & Warehousing; and
- Healthcare & Social Assistance.

Naloxone in the Workplace

A drug called naloxone hydrochloride has proven effective in temporarily stopping some of the life-threatening effects of opioid overdoses, such as by restoring breathing and reversing sedation and unconsciousness. Moreover, because it has few side effects, the benefits of using it to treat overdose greatly outweigh the risks. That's why police officers, emergency medical services providers and non-emergency professional responders carry the drug.

It's also why employers should consider implementing their own program to make naloxone available in the workplace in case somebody experiences an overdose. On April 11, 2022, Ontario passed legislation (Bill 88, *Working for Workers Act*) requiring employers to keep a naloxone kit if they "become aware, or ought reasonably to be aware," of a risk of overdose at the workplace. OHS regulations are expected to make naloxone kits mandatory at healthcare, construction (30% of work-related deaths overdose deaths in Ontario were to construction workers, according to an [MOL news release](#)) and other specified high-risk sites.

Employers must also ensure that, whenever there are workers in the workplace, the naloxone kit is in the charge of a worker who works in the vicinity of the kit and who's received the training on how to recognize an opioid overdose, administer naloxone and acquaint the worker with any hazards related to its administration.

How to Create a Naloxone Program

Even if it's not required, keeping a naloxone kit program at your workplace may save lives. But you need to implement proper policies and procedures. The National Institute of Occupational Safety and Health (NIOSH) recommends that employers take the following steps:

- Perform a risk assessment to identify employees, clients or visitors at risk of overdose and staff willing to take training and provide naloxone;
- Meet with local emergency responders and medical professionals who treat opioid use disorders to get advice;
- Assess potential liability and other legal issues related to the program;
- Establish procedures for documenting incidents and safeguarding the privacy of affected individuals;
- Define roles and responsibilities for all persons designated to respond to an overdose;
- Train staff to safely administer naloxone;
- Stock at least 2 doses of naloxone
- Follow manufacturer's instructions for proper storing of naloxone;
- Keep PPE and other first aid equipment close to the naloxone kit;
- Develop a plan for immediate care by professional healthcare providers, referral for follow-up care, and ongoing support for any worker who overdoses;
- Evaluate your program periodically for new risks;
- Maintain equipment and restock of naloxone as needed; and
- Schedule regular refresher training.