

SECTION 3(15)

PERSONAL PROTECTIVE EQUIPMENT

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Legal Requirements

The relevant regulations are the Personal Protective Equipment at Work Regulations 1992.

Regulation 4 states:

Every employer shall ensure that suitable personal protective equipment is provided to his/her employees who may be exposed to a risk to their health or safety while at work except where and to the extent that such risk has been adequately controlled by other means which are equally or more effective.

Employers should, therefore, provide appropriate personal protective equipment (PPE) and training in its usage to their employees wherever there is a risk to health and safety that cannot be adequately controlled by other means.

In order to provide PPE for their employees, employers must do more than simply have the equipment on the premises. The employees must have the equipment readily available, or at the very least have clear instructions on where they can obtain it.

By virtue of Section 9 of the Health and Safety at Work etc Act 1974, no charge can be made to the worker for the provision of PPE which is used only at work. Section 9 states: "No employer shall levy or permit to be levied on any employee of his any charge in respect of anything done or provided in pursuance of any specific requirement of the relevant statutory provisions". Section 9 applies to these Regulations because they impose a 'specific requirement' - i.e. to provide PPE.

Prior to selecting any PPE, an assessment must be made to ascertain that what is provided is suitable for that purpose.

To be suitable, PPE must:

- Be appropriate for the risks involved.
- Be capable of being used by the employee.
- Adequately control the risk of exposure.
- Be designed and manufactured to an approved standard.

It is important to remember that where more than one piece of PPE has to be worn than the employer must ensure they are compatible and remain effective.

- The way in which the protection must be worn.
- Limitations of the protection.
- The way in which the protection must be inspected and stored.
- The person to whom any defects or other problems should be referred.

It is an offence under Section 9 of Health and Safety at Work etc Act, 1974 to charge an employee for any item of personal protection which the employer is obliged to provide by any statutory requirement. This includes replacement after accidental loss or damage.

A guide to the regulations can be found at:

<http://www.hse.gov.uk/pubns/indg174.pdf>