

Personal Protective Equipment at Work Regulations 1992 (PPE Regulations)

What is PPE?

The Personal Protective Equipment at Work Regulations 1992 (Reg 2) define PPE as: ... *all equipment (including clothing affording protection against the weather) which is intended to be worn or held by a person at work and which protects him against one or more risks to his health and safety, and any addition or accessory designed to meet that objective.*

Examples of PPE

This can be both equipment or clothing, depending on the circumstances. Examples are: eye protectors, safety shoes, Wellington boots, life jackets, high visibility waistcoats or jackets, gloves, safety helmets, safety harnesses, headwear to protect against the harmful effects of the sun, warm/waterproof clothing for work outside in cold or wet weather conditions.

Note: the PPE at Work Regulations do not apply directly to ear protectors, most respiratory protective equipment and some other types of PPE. This is because they are covered by other regulations such as the Prevention of Noise at Work Regulations 2005. But similar principles will apply eg in relation to selecting and maintaining PPE and consulting workers.

What is not PPE?

Reg 3 PPE at Work Regs 1992 excludes ordinary working clothes or uniforms which do not specifically protect the health and safety of the wearer, and offensive weapons used as self-defence or deterrence, and portable devices used for signalling risks or nuisances. PPE used while travelling on the road such as cycle and motor cycle helmets and leathers is also excluded – unless it is used elsewhere for example farm workers using it while driving farm cycles or all terrain vehicles.

When should PPE be issued?

Reg 4(1) states that every employer must provide suitable PPE where a risk assessment has shown that there are risks to health and safety that cannot be adequately controlled by other means. The employer must also assess whether the PPE they provide is suitable, and review the assessment if it is no longer valid. PPE should only be used as a last resort to protect workers from workplace hazards. In other words, the employer must first take preventive measures to control the risk: for example using safe systems of work, engineering controls and collective

measures to protect workers. PPE may be used as secondary protection in combination with other control measures if these measures do not adequately control the risk on their own. And it may also be good practice to provide PPE to give additional protection should any of the control measure fail.

Employers' duties

- ensure that PPE is provided for personal use to ensure hygiene and health.
- maintain PPE, keep it clean, replace it as necessary, keep it in good repair and in an efficient state and in efficient working order.
- provide employees with information, instruction and training on the use of the PPE.

Employees' duties

- use the PPE in accordance with the training and instructions they have received from the employer
- report any loss of PPE or if the PPE is defective.

Unite Action: Respiratory Protective Equipment (RPE) – insulation company

A Unite shop steward carried out a workplace survey of those who used RPE. All the workers who took part in the survey seized the opportunity to complain about health issues that they believed were caused by working in the areas where respirators are required. These included stinging eyes, skin rashes, nose bleeds, coughs, sickness and vomiting. The steward presented the results of the survey to his safety committee and ensured that improvements were made and monitoring was put in place.

PPE should be provided free of charge

The Health and Safety at Work Act 1974 Section 9 states that employers have a duty not to charge employees for anything they are required to provide by law. This means if an employer (including an employment agency who is an employer) has to provide PPE by law, then it must be provided free of charge.

Sharing PPE

The Health and Safety at Work etc Act 1974 states that employers must ensure their employees' health, safety and welfare at work.

Under the PPE regulations PPE should be provided for personal use unless it is only used for limited periods and can be properly cleaned to ensure there are no health risks for the next person.

Unite action: shared Wellington boots at a food factory in the Midlands

Unite has run a number of campaigns on shared PPE. At a food factory in the Midlands employing 500 workers, Unite organisers found that their main issue was having to share their work boots. The incoming shift had to take over the boots of the outgoing shift. And, as if that wasn't enough, their boots leaked, and no personal lockers were provided. As a result of Unite action including a workplace petition and lodging over 200 grievances, the employer granted recognition and agreed to issue boots for personal use. The employer then bought inferior boots. This was soon picked up by the newly elected reps and representations were made. Using cheap boots was a false economy as the employer had to replace them.

Relationship between the PPE Regulations and other health and safety regulations

The PPE Regulations do not apply where PPE is provided under six other Regulations because these regulations already require the use of some types of PPE to protect against certain risks, for example, the Noise at Work Regulations require the use of hearing protection where necessary. These six regulations are:

- Control of Lead at Work Regulations.
- Ionising Radiations Regulations.
- Control of Asbestos Regulations.
- Control of Substances Hazardous to Health Regulations.
- Construction (Head Protection) Regulations.
- Control of Noise at Work Regulations.

Consulting those who will be using the PPE is absolutely crucial and the employer should offer a choice of suitable PPE if at all possible. If workers are not consulted on PPE, and can't try it out first, this may result in it being unsuitable or uncomfortable, too heavy, or limit mobility or vision thus creating further potential hazards.

The result may also be that workers either don't use it at all or use it improperly resulting in a "blame culture". This can be avoided by meaningful consultation on selection of PPE at the outset, followed by the employer providing effective information and training.

Safety Reps' Action Points

- Use rights to consultation under the Safety Representatives and Safety Committees Regulations 1977.
- Ensure that the employer provides information and training on PPE.
- Promote equality.

Ensure that a gender-sensitive approach is taken to PPE the underlying principle being "differentiate, don't discriminate". PPE is often designed for the average sized man. As a result it may not be suitable for use by women workers or others who are not of standard male size and may also introduce hazards and discomfort for pregnant or menopausal women.

Ensure that disability issues are taken to account. Health and safety should never be used as a false excuse for not employing, or not continuing to employ, disabled people. The PPE Regulations 1992 (2002 amendment) state that employers must take account of ergonomic requirements and the state of health of the person who may wear the PPE.

- Ensure that PPE is provided free of charge.