



Health & Safety

MATTERS

Health & Safety Information for GMB Safety Reps

Personal Protective Equipment (PPE) - To Pay or Not to Pay?

Introduction

Every so often GMB members raise the issue of Personal Protective Equipment (PPE) with regard to supply, use and cost. These questions often arise as many employers do not understand when and how PPE should be supplied. PPE has a set of regulations, the Personal Protective Equipment Regulations (1992) which should be referred to when establishing how PPE should be used in your workplace.

Why must the employer supply PPE?

The answer is very straight forward. The employer must supply PPE when the need for it has been identified by a risk assessment, as stipulated by the Management of Health & Safety at Work Regulations (1999). The primary purpose of a risk assessment is to reduce exposure to hazards and minimise any risk to the lowest acceptable level. If a job can be done without the need for PPE, by another safe method, then that should form part of the prioritisation under the risk assessment process. An example of this might be paint spraying machine parts. Rather than just covering the worker from head to toe with clothes, boots, gloves, goggles and respiratory breathing equipment - enclosing the process in a sealed booth and controlling the spraying from the outside is a much safer option. In essence, the regulations state that PPE should only be used as a last resort.

What is PPE?

PPE is defined under the regulations as all equipment, including clothing affording protection against the weather, which is intended to be worn, by a person at work to protect them against one or more risks to their health and safety. Examples include; safety helmets, gloves, eye protection, high visibility clothing, footwear and safety harnesses. Some equipment such as hearing protection or respiratory equipment are normally specified under other legislation but should be compatible with existing PPE.

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Can an employer charge for PPE?

In normal circumstances, an employer cannot charge for PPE. Section 9 of the Health and Safety at Work Act (1974) 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”. This then overlaps with the PPE regulations which impose a “specific” duty on employers to provide PPE. However, Section 9 also makes it clear that no charge can be made for the provision of *PPE which is used only at work*.

Does this affect paying for PPE?

In some situations, particularly in the supply of safety spectacles (glasses) there is often confusion, as some employers contribute towards corrective appliances needed for Display Screen Equipment use, and for safety glasses used in areas where eye protection is needed. As many workers will use these glasses outside of the working environment, for personal use, but will require them for protection at work there is often a contributory sum given by the employer towards the cost of these “enhanced” spectacles. The difficulty often arises, as there is little understanding on how any figure is arrived at and in some examples seems to have been determined in an arbitrary manner. In addition, it may not have risen in line with inflation and remained static since its introduction.

It is worth exploring how the figure was established, was it negotiated or imposed? And is there room for re-examining the subsidy from the employer?

There is also provision for potential payment towards PPE by upgrading the issue. As long as the PPE is adequate for the task the employer will often seek to make efficiency savings by buying one design in bulk. Some workers like to have a “better model” and will pay the difference between the basic issue and the upgrade. Safety boots often fall into this category.

Are there other issues with PPE?

Obviously, there are a number of other issues associated with the issuing of PPE at work. These include -

- Information, instruction and training- workers need to know why, when and how it should be used
- Maintenance and replacement of PPE - PPE can deteriorate over time and will need to be cleaned, repaired or replaced as required
- Compatibility of PPE- this applies when more than one item of PPE are needed
- Accommodation for PPE- for safe storage when not in use

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Action points for GMB Safety Reps

- ✓ Ensure that the employer is not charging for PPE
- ✓ Ensure that you are consulted on the choice of PPE
- ✓ Check the risk assessment to make sure PPE is only used as a last resort
- ✓ Examine and if necessary renegotiate any subsidy towards safety spectacles

Conclusion

GMB safety reps need to be aware, particularly in an economic downturn that employers do not cut corners on the issue or replacement of PPE. If it is identified, through the risk assessment, then it must be supplied. A short guide to the regulations can be found on the HSE website at www.hse.gov.uk or contact tristan.chard@gmb.org.uk

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