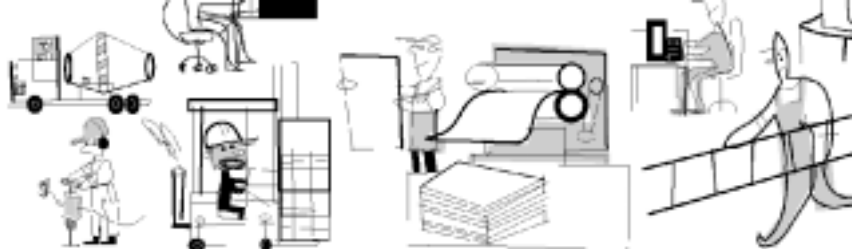




fact sheet



20 Dec 2002

Personal Protective Clothing & Equipment

Health and safety in the workplace

The Health and Safety in Employment Act aims to promote the health and safety of everyone at work and of other people in or around places of work. To achieve this, it requires people who are responsible for work and those who do the work to take steps to ensure their own health and safety and that of others.

The Act also recognises that employees have a valuable contribution in making workplaces safe.

Employers duty to provide protective clothing and equipment

Employers have a duty to provide protective clothing and equipment. The Act now states that the employer is 'to provide' rather than to 'ensure that there is provided' and the wording clarifies that while it is the employer's responsibility to ensure the clothing or equipment is worn, the employee has a responsibility to wear it.

An employer cannot satisfy the duty by paying an allowance or extra remuneration instead of providing the equipment. Neither can they comply by requiring the employee to provide his or her own equipment or clothing as a precondition to or as a condition of an employment agreement

The only exception is where the employee voluntarily chooses to provide their own protective clothing

The Act recognises that there may be some instances where an employee finds it more convenient or comfortable to use his or her own protective clothing.

In these cases, the employee relieves the employer of the duties to provide this clothing. The employee must genuinely and voluntarily choose to provide his or her own protective clothing for comfort or for convenience.

The exception only relates to protective clothing not equipment and the employer must be satisfied that the employee's protective clothing is suitable. The employee who elects to use his or her own protective clothing continues to have a responsibility to ensure it is worn.

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Personal Protective Clothing & Equipment, continued

FAQs

Below are the answers to some frequently asked questions, which illustrate the application of the Act in relation to personal protective clothing and equipment:

Q: Who pays for the protective clothing and equipment?

A: The employer must bear the cost of providing the equipment and protective clothing required.

Q: What if an employee genuinely prefers his/her own protective clothing?

A: There may be some instances where an employee finds it more convenient or comfortable to use his or her own protective clothing.

The employee must genuinely and voluntarily choose to provide his or her own protective clothing for comfort or for convenience. This choice only relates to the provision of protective clothing not equipment.

The employer must be satisfied that the employee's protective clothing is suitable. The employee who elects to use his or her own protective clothing continues to have a responsibility to ensure it is worn.

Q: Can an employee, who opts to provide his or her own clothing, ask the employer to provide this in the future?

A: An employee who has elected to provide his or her own protective clothing may, after giving reasonable notice to the employer, choose that the employer provide the clothing.

Q: The duty on employers to ensure employees use protective clothing and equipment has been emphasised. Is there a corresponding duty on employees to use protective clothing and equipment?

A: Yes. There is a corresponding duty on employees to use protective clothing and equipment that has been supplied to them

Further information

This information is a guide only and may not be accurate for all situations. It should not be used as a substitute for legal or other expert advice.

For further information, call 0800 20 90 20.
