



## New Jersey Work Environment Council (WEC) Fact Sheet

# ***Employers Must Provide and Pay for Personal Protective Equipment (PPE)***

Personal protective equipment (PPE) can prove important after other methods to protect workers have been exhausted. When properly selected, fitted, maintained, and used, PPE can limit the danger to workers exposed to certain hazards. PPE includes equipment that protects a part of the body from sparks, flying or falling objects, chemical splashes, bodily fluid splashes, dust, noise or radiation; provides flotation, visibility, or fall protection; or protects from inhalation of dust, fumes, or vapors. Examples of PPE are listed on the last page of this fact sheet.



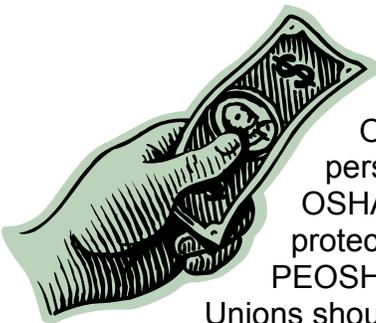
### **Employer Obligations**

Employers have many obligations concerning PPE under Occupational Safety and Health Administration (OSHA) and Public Employees Occupational Safety and Health (PEOSH) standards. Employers must:

- **Observe employees working to assess hazards that may require PPE.** Determine the type and level of risk, and seriousness of potential injury from each of the hazards found. The possibility of exposure to several hazards simultaneously should be considered.
- **Become familiar with the types of protective equipment available** for the potential hazards and what they can do; i.e., splash protection, impact protection, etc.
- **Compare the hazards with the capabilities of the available protective equipment.**
- **Select protective equipment** that ensures a level of protection greater than the minimum required to protect employees from the hazards.
- **Fit the user** with the protective device and give instructions on its care and use. It is important that workers be aware of all warning labels and limitations of their PPE.
- **Give careful consideration to comfort and fit.** PPE that fits poorly will not afford the necessary protection. Continued wearing of the device is more likely if it fits the wearer comfortably. Protective devices are generally available in a variety of sizes. Care should be taken to ensure the right size selection.
- **Adjust devices with adjustable features.** Adjustments should be made on an individual basis for a comfortable fit that will maintain the protective device in the proper position. Particular care should be taken to fit devices for eye protection against dust and chemical splash so that the devices are sealed to the face. In

addition, proper fitting of helmets is important so they will not fall off during work operations. In some cases a chin strap is necessary to keep the helmet on an employee's head. (Chin straps should break at a reasonably low force, however, so as to prevent a strangulation hazard). Where manufacturer's instructions are available, they should be followed carefully.

- **Train the user.** Each employee who is required to use PPE must be trained to know at least the following: when PPE is necessary; what PPE is necessary; how to properly don, doff, adjust and wear PPE; the limitations of the PPE; and the proper care, maintenance, useful life, and disposal of the PPE.
- **Reassess hazards.** Reassess the workplace hazard situation as necessary, by identifying and evaluating new equipment and processes, reviewing accident records, and reevaluating the suitability of previously selected PPE.
- **Inspect, clean and maintain PPE.** It is important that all PPE be kept clean and properly maintained. Cleaning is vital for eye and face protection where dirty or fogged lenses could impair vision.
- **Dispose of contaminated PPE.** Ensure that PPE that cannot be decontaminated is disposed of in a manner that protects employees from exposure to hazards.



### **Employers Must Pay for Protective Gear**

On May 15, 2008 a new OSHA rule regarding employer payment for personal protective equipment went into effect. With a few exceptions, OSHA now requires private sector employers to pay for personal protective equipment used to comply with OSHA standards. A similar PEOSH payment requirement is in effect for New Jersey public employers.

Unions should work with employers to make sure they are complying with the new rule.

The payment rule was first proposed in 1999; it took a lawsuit by unions and congressional intervention before the Bush administration would act.

The new requirement should put an end to employers interpreting the requirement that they provide necessary protective equipment as meaning that the employer could make the employee pay for such equipment.

Employers may choose different options for PPE purchase and distribution including employer purchase and distribution, allowances, vouchers, and employer reimbursement of employees. Employers are not required to reimburse employees for time spent shopping for PPE or for travel expenses related to PPE shopping.

## PPE Limitations

PPE should be used to protect workers only after employers have used all reasonable methods to eliminate the hazard and have used safety devices and design methods to reduce the risk of injury or disease. Also, workers should be trained and instructed about work practices that reduce the risk of harm. Then personal protective equipment can be used to further reduce the risk of harm. Protective equipment, while a useful additional safeguard in some high-hazard jobs, is the *least effective* method for overall worker protection. This is because:

- PPE does not eliminate the hazard.
- If the PPE is inadequate or fails, the worker is not protected.
- No PPE is foolproof. For example, respirators leak and hard hats protect against only small falling objects.
- PPE is often uncomfortable and places a physical burden on a worker. For example, using a respirator can strain the heart and lungs, chemical-resistant clothing can cause workers to overheat, and gloves can make hands clumsy.



**Warning!** Unions should never allow PPE to be the entire safety program. Although PPE can be effective for some jobs and some situations, unions should investigate and bargain for permanent control measures. Unions should always be pushing the employer to fix problems so that PPE isn't needed.

## Payment Exceptions under the OSHA Rule

Employers are not required to pay for some PPE in some circumstances:

- Non-specialty safety-toe protective footwear (including steel-toe shoes or boots) and non-specialty prescription safety eyewear, provided that the employer permits such items to be worn off the job site.
- Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots.
- Ordinary clothing, skin creams, or other items, used solely for protection from weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.
- Items such as hair nets and gloves worn by food workers for consumer safety. These would be required by public health agencies.
- Lifting belts because their value in protecting the back is questionable.
- When the employee has lost or intentionally damaged the PPE and it must be replaced.
- Where an employee provides adequate protective equipment he or she owns, the employer may allow the employee to use it and is not required to reimburse the employee for that equipment. The employee's use of PPE they own must be completely voluntary.

## Bargaining for PPE Payment

The new rule may impact existing collective bargaining agreements. Unions should renegotiate any contract provision that allows the employer to avoid paying for PPE that is covered by the standard. Unions are free to bargain to put everything the OSHA law requires into their contract plus anything else they think will benefit their members. Under both

New Jersey and federal labor laws, all issues regarding workplace health and safety, including payment for PPE, are mandatory subjects of bargaining.



### For More Information

#### OSHA/PEOSH General Industry Standards on PPE

- 1910.132: General requirements and payment
- 1910.133: Eye and face protection
- 1910.134: Respiratory protection
- 1910.135: Head protection
- 1910.136: Foot protection
- 1910.137: Electrical protective devices
- 1910.138: Hand protection.

#### OSHA/PEOSH Construction Industry Standard on PPE

- 1926.28: Personal protective equipment

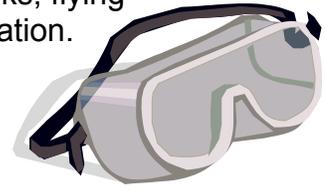
There are also PPE requirements in shipyards and marine terminals and many standards on specific hazards, such as 1910.1030: Bloodborne pathogens and 1910.146: Permit-required confined spaces.

OSHA/PEOSH standards are online at [www.osha.gov](http://www.osha.gov). On the right side of the homepage, under “Laws and Regulations,” click on “Standards.” Click on the appropriate “Part,” for example “Part 1910.” Then click on the desired standard.

The complete text of the new rule on payment for PPE, 1910.132(h), along with the preamble to the standard which discusses many specific examples of PPE, are online at [www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=FEDERAL\\_REGISTER&p\\_id=20094](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=20094)

## Examples of Personal Protective Equipment

- Safety glasses, goggles, and face shields protect against sparks, flying objects, chemical splashes, bodily fluid splashes, dust, or radiation.
- Hard hats are designed to provide protection from impact and penetration hazards caused by falling objects. Head protection that protects workers from bumps or electric shock and burn is also available.
- Safety shoes and boots protect against impact and compression. Some provide protection to the top of the foot or from puncture. Electrical conductive or insulating safety shoes are also available.
- Gloves prevent cuts, abrasions, burns, and skin contact with chemicals that are capable of causing local or systemic effects following dermal exposure; they also protect against bodily fluid splashes.



- Clothing such as aprons, lab coats, and jump suits protect against chemical splashes, bodily fluid splashes, or dust. Some protect from heat or burns.
- Earplugs and muffs protect against noise.
- Respirators can provide protection from dust and fume particles, solvent vapors, or gases, depending on the types of filters and cartridges.
- Firefighting helmets, gloves, boots, and proximity suits protect from multiple hazards during firefighting.
- Welding helmets, flame-resistant clothing, and respirators protect from radiation, sparks, heat, and welding fumes.
- Items used in medical/laboratory settings protect from exposure to infectious agents such as aprons, lab coats, goggles, disposable gloves, and shoe covers.



- Ladder safety device belts, belts and climbing hooks used by linemen, and window cleaners' safety straps protect against falls.
- Personal flotation devices such as life jackets protect from drowning.
- Reflective work vests and hand-held signs for visibility protect against being struck by vehicles.

*This fact sheet was prepared by the New Jersey Work Environment Council (WEC). WEC is an alliance of labor, community, and environmental organizations working together for safe, secure jobs, and a healthy, sustainable environment. WEC links workers, communities, and environmentalists through training, technical assistance, grassroots organizing, and public policy campaigns to promote dialogue, collaboration, and joint action.*

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