



PPE Regulations 2022

Introduction

On 6 April 2022, the *Personal Protective Equipment at Work (Amendment) Regulations 2022 (PPER 2022)*¹ will come into force and amend the 1992 Regulations (PPER 1992).

This amendment will extend employers' and employees' duties regarding personal protective equipment (PPE) to limb (b) workers.



Please note

The types of duties and responsibilities on employers and employees under PPER 1992 **will remain unchanged** but will **extend** to limb (b) workers, as defined in PPER 2022.

Consequently, PPE must be provided to all workers when required. Employers **must** also ensure their workers have sufficient information, instruction, and training on the use of PPE.

Definitions of limb (a) and limb (b) workers

In the UK, Section 230 of the **Employment Rights Act 1996**² the definition of a worker has two 'limbs':

- **Limb (a)** describes those **with a contract of employment**. This group are employees under the Health and Safety at Work Act 1974 and are already in scope of PPER 1992.
- **Limb (b)** describes workers who generally **have a more casual employment relationship and work under a contract for service**.



Please note

One of the main changes is that where limb (b) workers were not covered under the previous regulations, all workers are now covered under PPER 2022.

The definition of "worker" as stipulated by the *Employment Rights Act* means 'an individual who has entered into or works under...

(a) a contract of employment; or

(b) any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual; and any references to a worker's contract shall be construed accordingly.'

General duties of limb (b) workers

Generally, workers who come under limb (b):

- Carry out casual or irregular work for one or more organisations.
- After one month of continuous service, receive holiday pay but no other employment rights such as the minimum period of statutory notice.
- Only carry out work if they choose to.
- Have a contract or other arrangement to do work or services personally for a reward (*the contract doesn't have to be written*) and only have a limited right to send someone else to do the work, for example, swapping shifts with someone on a pre-approved list (*subcontracting*).
- Are not in business for themselves (*they do not advertise services directly to customers who can then also book their services directly*).

What does this mean for employers?

PPER 1992 places a duty on every employer in Great Britain to ensure that suitable PPE is provided to 'employees' who may be exposed to a risk to their health or safety while at work.

PPER 2022 extends this duty to limb (b) workers and comes into force on 6 April 2022. Employers will therefore need to carefully consider whether the change to UK law applies to their workforce and make the necessary preparations to comply.

What does this mean for limb (b) workers?

If a risk assessment undertaken by the company or business that they are working for indicates that PPE is required to carry out the work activities, that they are employed to undertake the employer must carry out a PPE suitability assessment and provide the PPE free of charge as they do for employees.

The employer will also be responsible for the maintenance, storage, and replacement of any PPE they provide. As a worker, you will be required to use the PPE properly following training and instruction from your employer. If the PPE you provide is lost or becomes defective, you should report that to your employer.

What is PPE?

PPE can include items such as safety helmets, gloves, eye protection, high-visibility clothing, safety footwear, safety harnesses, earplugs, ear protection and respiratory protective equipment (RPE). In appropriate situations, disposable PPE may be provided; for example, single-use overalls. PPE does not include:

- Ordinary working clothes or uniforms not designed to provide for the health or safety of workers;
- Equipment used for protection while travelling on a public road (*motorcycle or bicycle helmets*);
- Portable devices for detecting and signalling risks and nuisances, such as alarms for detecting exposure to vibration.

In the hierarchy of risk control, PPE is considered to rank lowest and represent the option of last resort. It is only appropriate where the hazard in question cannot be totally removed or controlled in such a way that harm is unlikely (*for example, by isolating the hazard or reducing the risk at source to an acceptable level*). There are several reasons for this approach:

- PPE protects only the person using it, whereas collective measures that control the risk at source, edge protection for example, protect everyone in the workplace.

- Effective protection can only be achieved by PPE which is correctly fitted, maintained, and properly used at all times.
- PPE may restrict the wearer by limiting mobility visibility or by requiring additional weight to be carried, if this occurs, then this should be covered within the risk assessment and appropriate measures taken.
- Use of PPE may alter employees' perception of the hazards they are dealing with, if this occurs, then this should be covered within the risk assessment and appropriate measures taken.

The NFRC has produced two further Health and Safety Guidance Sheets on **counterfeit or illegal PPE**³ and **RPE Face Fit**⁴. If you require further information or clarification on the information within this guidance sheet, please contact technical team.



Further information

¹ Personal Protective Equipment at Work (Amendment) Regulations 2022 (PPER 2022): <https://www.legislation.gov.uk/uksi/2022/8/contents/made>

² Employment Rights Act 1996: <https://www.legislation.gov.uk/ukpga/1996/18/2015-05-26/data.pdf>

³ NFRC HSGS18 Counterfeit or illegal PPE: <https://bit.ly/3sNJeJ2>

⁴ NFRC HSGS19 Face-fit masks: <https://bit.ly/3KkNANO>

COMMON TYPES OF PPE



A Hard hats

Hard hats provide protection from impacts. They should be in good condition. If they are damaged, they should be taken out of use immediately. Hard Hats should fit the person wearing it and be worn properly and not stop the wearing of hearing protection. Only obtain hard hats from a reputable supplier, as there are fake hard hats on the market.

B Ear protection

Ear plugs or ear defenders provide protection from hearing loss.

The level at which employers must provide hearing protection and hearing protection zones is 85 dB(A).

C Respiratory Protective Equipment (RPE)

RPE is required for numerous tasks in addition to the dust control at source.

In most instances, either a disposable or a half mask with changeable filters should be used which have an Assigned Protection Factor (APF) of 20.

D Safety glasses

Safety glasses and goggles provide eye protection from debris, dust, and chemicals.

Safety glasses can be made with prescription lenses or designed to be worn over prescription glasses.

E Gloves

Gloves protect hands and fingers from cuts, heat, abrasions, and chemicals.

The selected gloves must be appropriate for the risk(s) and take into account the ergonomic requirements of the person wearing them, and should prevent or control the risk involved, without increasing the overall risk.

F Hi-Viz clothing

Hi-Viz clothing should be comfortable and fit the wearer properly. It should cause the minimum of restriction in the wearer's movement. Hi-Viz clothing should be manufactured to a recognised standard. The British Standard for Hi-Viz clothing is BS EN 471.

G Safety work boots

Safety work boots with steel toe protection provide protection from falling or rolling objects.

Supportive work boots also provide protection from rolled ankles that result in strains and sprains.

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