

Personal protective equipment

An update on the new proposed regulations by JON ALLBUTT

Since 1974 the Health and Safety at Work Act placed a general duty on the employer to provide a safe working environment for the employee, this including the provision for protective clothing where it was considered necessary. In general the minimum clothing is provided, although we tended to accept the manufacturer/suppliers opinion as to it's suitability rather than ask for a detailed specification. In situations where special protection is needed, eg. in dusty conditions or using chemicals, the equipment is often woefully inadequate.

The COSHH Regulations require that a 'suitable and sufficient' assessment of the risk to employees' health is carried out before a job involving the use of hazardous substances is carried out. If correctly carried out the risk assessment should deal with avoiding the risk by changing work practices or changing the substance used. The use of personal protective equipment is considered to be a 'last resort' after all other factors have been considered.

Temporary staff are sometimes treated differently; the provision of protective boots, coats or specialised equipment is usually reserved for permanent staff only.

Two important draft documents have recently been published by the Health and Safety Executive to implement EC Directives. They will not only help our understanding of what exactly a temporary worker is; but they will also more clearly define the employer/employee duties with regard to the issuing and use of personal protective equipment. These draft documents will be issued as Regulations and Codes of Practice soon and will come fully into force later this year.

The proposals for 'Health and Safety (General Provisions) Regulations and Approved Code of Practice' is intended to implement EC Directives 89/391/EEC and 91/383/EEC. The latter Directive is specifically to "encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship". Article 2 sets the objectives of which (1) states "The purpose of this Directive is to ensure that temporary workers are afforded the same level of protection as that of other workers in the user undertaking and/or establishment". This statement makes clear that temporary staff will no longer be treated as the 'poor relation' in terms of health and safety at work. In fact this document also makes clear in Regulation 12 that temporary workers must be provided with the same information and training as permanent workers.

It is necessary to employ seasonal workers on golf courses and sports grounds to help out at peak times and these temporary workers carry out a variety of tasks, including the use of machinery. In future it will be necessary to make provision for their training and issuing of personal protective equipment.

The document: Personal Protective Equipment at Work, Proposals for Regulations and Guidance, is intended to implement EC Directive 89/656/EEC on the Minimum Health and Safety Requirements for the Use of Personal Protective Equipment at the Workplace. The proposed Regulations provide some useful definitions:

"Personal Protective Equipment" – means all equipment designed to be worn or held by a person at work to protect him against one or more risks, and any addition or accessory designed to meet this objective. "Risk" – any risk to the health or safety of a person and includes wet or extreme temperature, caused by adverse weather or otherwise.

The guidance for Regulation 6 states "Most PPE will be provided ➡

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on a personal basis, some may be used by a number of people. There should therefore be arrangements for cleaning and disinfecting if necessary before PPE is reissued".

The employers duty is set out in Regulation 4 (1) – "Every employer shall provide suitable personal protective equipment to each of his employees who may be exposed to any risk while at work except where and to the extent that any such risk has been adequately controlled by other means which are equally or more effective".

Regulation 4 (3) states that the PPE shall not be suitable unless;

- (a) it is appropriate for the risk or risks involved and the conditions at the place where exposure to the risk may occur;
- (b) it takes account of ergonomic requirements and the state of health of the person or persons who may wear it;
- (c) it is capable of fitting the wearer correctly, if necessary after adjustments within the range for which it is designed;
- (d) so far as is practicable, it is effective to prevent or adequately control the risk or risks involved without leading to any increased risk (including circumstances where, whether because of the presence of more than one risk or otherwise, it is necessary to wear simultaneously more than one item of PPE).

The guidance to Regulation 4 refers to the use of PPE as a last resort. It explains that

steps should first be taken to prevent or control the risk at source by other means before deciding to issue PPE.

Regulation 5 (1) states "before choosing any PPE, an employer shall make an assessment to determine whether the PPE intended for use is suitable". As part of this assessment the employer should ensure that the information required to be supplied (Health and Safety at Work Act Section 6) by the manufacturer/supplier is available. This data will give the technical specification for the equipment and the relevant testing to indicate that it is 'suitable for the purpose'.

This year, in addition to any BSI kite mark and number, the manufacturer will indicate whether PPE meets EEC standards of quality by fixing the CE mark followed by the last two digits of the year it was fixed, eg. CE92.

The employee also has duties to wear the PPE, maintain it in good condition and report any defects as soon as they occur.

What should the golf course manager do?

Take a fresh look at the golf course as a workplace and make a list of all the jobs that require PPE in any form. Discuss your findings with all concerned, as this may well reveal some areas hitherto not considered. Make a list of the PPE currently in use, ask the wearers for their opinions and ask the supplier for the Section 6 information to ensure that the equipment is 'suitable for the purpose', or otherwise!

Assess the work practices and see if the job could be done another way to reduce or eliminate the need to wear PPE without reducing efficiency.

Revise the Statement of Safety Policy to include any special provisions for the use of PPE generally; and make mention of any special provisions necessary eg. working in very dusty conditions, mixing top dressing or mowing in drought conditions.

Remember that it does not have to be a hazardous operation to require the use of PPE; remember too that the reappraisal of the use of PPE may have an impact on the COSHH Assessment. If Risk Assessments have yet to be carried out, do the two jobs together and do not hesitate to ask for expert assistance'.

● The author, Jon Allbutt, is an independent technical consultant to the leisure and amenity industry, best known to BIGGA members as a no-nonsense trainer and lecturer in pesticides and the Code of Practice.

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