**Personal Protective Equipment (PPE) at Work Regulations 2022’**

Recent changes to the regulations around Personal Protective Equipment (PPE) mean that employers must now provide suitable PPE for casual workers where this is deemed necessary.

Bradford Council takes the health and safety of all our employees, casual workers and volunteers very seriously. All managers are required to note these changes to the amended regulations and ensure you are correctly protecting people who may be exposed to risks to their health and safety whilst at work.

**Duties unchanged but extended**

On 6 April 2022 the Personal Protective Equipment at Work (Amendment) Regulations 2022 (PPER 2022) came into force and basically extended the duties and responsibilities on employers and employees under PPER 1992 to now include casual workers [defined as limb (b) workers in PPER 2022].

**What this means for us**

Under the PPER 1992, the Council has a duty to ensure that suitable PPE is provided to our employees who may be exposed to a risk to their health or safety while at work. We have to ensure suitable PPE is provided free of charge, compatible, maintained, correctly stored and used properly. We must provide training and instruction in its use to all our employees.

PPER 2022 extends this duty to casual workers [limb (b) workers]. We would normally provide suitable PPE to all our employees, casual workers and volunteers. All managers are required to carefully consider these changes to the PPER 2022 and make the necessary changes to comply, if necessary.

**What this means for casual [limb (b)] workers**

If a risk assessment indicates that a casual worker requires PPE to carry out their work activities, we have to treat them exactly like our other employees by providing them with suitable PPE free of charge, ensure it is compatible, maintained, correctly stored and used properly. We must provide training and instruction in its correct use to all our casual workers.

Our casual workers now have a duty to use the PPE in accordance with their training and instruction, and ensure it is returned to the storage area provided to them. If the provided PPE is lost or becomes defective, the worker has to report this to their line manager.

**Definitions of employees [limb (a)] and casual workers [limb (b)]**

In the UK, section 230(3) of the Employment Rights Act 1996’s definition of a worker has 2 limbs:

* **Limb (a)** describes those with a contract of employment. This group are employees under the Health and Safety at Work etc Act 1974 and were 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 – they did not come under the scope of PPER 1992

PPER 2022 draws on this definition of worker and captures both employees and limb (b) workers:

‘“worker” 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.’

**Workers who come under limb (b):**

* carry out casual or irregular work for one or more organisations;
* after 1 month of continuous service, receive holiday pay but not 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);
* As every employment relationship will be specific to the individual and employer, the precise status of any worker can ultimately only be determined by a court or tribunal.

Please note: These changes do not apply to those who have a ‘self-employed’ status.

If you would like any further information, assistance and help with the changes to the PPER 2022 or any other aspects of workplace safety, please contact the Occupational Safety Team via email occupational.safety@bradford.gov.uk, telephone 01274-431007 or visit the website at <http://www.bradford.gov.uk/hands/>

You can also find guidance on PPE duties on the HSE website by clicking the links below:

* [Personal protective equipment at work (L25)](https://www.hse.gov.uk/pubns/books/l25.htm)
* [Risk at work - personal protective equipment (PPE)](https://www.hse.gov.uk/toolbox/ppe.htm)

**What PPE is**

PPE is defined in the PPER 1992 as ‘all equipment (including clothing affording protection against the weather) which is intended to be worn or held by a person at work and which protects the person against one or more risks to that person’s health or safety, and any addition or accessory designed to meet that objective’.

Where an employer finds PPE to be necessary after a risk assessment, using the hierarchy of controls explained below, they have a duty to provide it free of charge.

**Hierarchy of controls**

PPE should be regarded as the last resort to protect against risks to health and safety. Engineering controls and safe systems of work should be considered first.

Consider controls in the following order, with elimination being the most effective and PPE being the least effective:

* Elimination – physically remove the hazard
* Substitution – replace the hazard
* Engineering controls – isolate people from the hazard
* Administrative controls – change the way people work
* PPE – protect the worker with personal protective equipment