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

On 6 April 2022 the Personal Protective Equipment at Work (Amendment) Regulations 2022 (PPER 2022) came into force. They amend the 1992 Regulations (PPER 1992).

**Duties unchanged but extended**

Under PPER 2022, the types of duties and responsibilities on employers and employees under PPER 1992 remain unchanged but are extended to limb (b) workers, as defined in PPER 2022.

**What this means for employers**

PPER 1992 placed 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. The employer needs to ensure suitable PPE is provided free of charge, compatible, maintained, correctly stored and used properly. The employer must provide training and instruction in its use to all your workers.

PPER 2022 extends this duty to limb (b) workers and came into force on 6 April 2022. Employers need to carefully consider whether the changes to UK law apply to them and their workforce and make the necessary changes to comply.

**What this means for limb (b) workers**

If a risk assessment indicates that a limb (b) worker requires PPE to carry out their work activities, the employer must carry out a PPE suitability assessment and provide the PPE free of charge as they do for employees.

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

A limb (b) worker now has a duty to use the PPE in accordance with their training and instruction, and ensure it is returned to the storage area provided by their employer.

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

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.

You can find guidance on the PPE duties in:

* [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