

ScaffTalk

Safety Bulletin from Safety & Access Ltd

April 2022

Personal Protective Equipment at Work (Amendment) Regulations 2022 Extension to the Regulation

From 6 April 2022, existing PPE regulations are being amended, and the Personal Protective Equipment at Work (Amendment) Regulations 2022 (PPER 2022) will come into force. They extend employers' and employees' duties regarding personal protective equipment (PPE).

Existing regulations place a duty and responsibility 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, this will remain unchanged. However, the amendment to the Regulation will extend to include **limb (b)** workers, as defined in PPER 2022.

If PPE is required, employers must ensure their workers have sufficient information, instruction and training on the use of PPE. A **limb (b)** worker will have the 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.

- Limb (a) describes those with a contract of employment. This group are employees under the Health and Safety at Work etc 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 – they do not currently come under the scope of PPER 1992

Generally, 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 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)

For employers with **(a) and (b) workers**:

- By 6 April 2022, you need to ensure that there is no difference in the way PPE is provided to your workers

For employers with just (b) workers:

You need to ensure that your workers are provided with PPE free of charge, where required, by 6 April 2022. This means assessing the residual risk once all other measures (such as engineering controls) have been taken.

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