



Health and Safety Executive		Operational Circular	
		OC 282/19 Supplement 1	
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Target Audience:
All Inspectors

THE PERSONAL PROTECTIVE EQUIPMENT AT WORK REGULATIONS 1992

REQUESTS FOR EXEMPTIONS

This Supplement provides guidance to inspectors when employers or employees request exemption from the use or wearing of personal protective equipment (PPE) which is required by the Personal Protective Equipment at Work Regulations 1992 (PPEW Regulations) reg.10.

- 1 Inspectors have received a number of requests from employers and employees for exemptions to be granted from the use or wearing of PPE on religious, medical and other grounds. The PPEW Regulations do not have provision for such exemptions because EC Directive 89/656/EEC on the use of PPE in the workplace itself does not have provision. Allowing for exemptions could lead to the UK being challenged by the European Commission for failing to fully implement Directive 89/656/EEC. It is suggested that inspectors use the points made in the remainder of this Supplement when this kind of enquiry is made.

- 2 Personal protective equipment should be regarded as the last resort and only used when other precautions cannot be taken. Personal protective equipment protects only the person wearing it, whereas measures controlling the risk at source can protect everyone in the workplace. Theoretical levels of protection are seldom achieved in practice, so that the actual level of protection is often difficult to assess. Finally, PPE may restrict the wearer to some extent by limiting mobility or visibility, or requiring additional weight to be carried.

- 3 It must be clearly established whether the PPE is provided to safeguard against identified risks to health and safety in accordance with reg.4, or is the result of the employer setting his/her own policy for the general wearing of PPE in areas, whether or not reg.4 applies throughout. Where employers impose general rules for administrative convenience, it may well be possible for them to allow relaxation for certain individuals provided, of course, that the failure to wear PPE does not cause significant risks to the health and safety of these individuals.

- 4 Regulation 4 requires provision of PPE which is suitable for the wearer. In particular, reg.4(3)(b) requires the health of the wearer to be taken into account and reg.4(3)(c) specifies that the PPE should fit correctly. Where PPE is to be worn continuously or for long periods it is important that a

selection of PPE is made available where practicable in order to achieve the best fit and comfort although the PPE on offer must achieve the required standard of protection.

5 The majority of problems concerned with refusal to wear PPE should be overcome firstly by minimising the need for PPE ([para 2](#)), then paying particular attention to the selection of the most appropriate model of PPE and by employees adjusting to the new regime.

6 Where there appears to be a medical difficulty over the wearing of PPE the inspector should consult the employment medical adviser (EMA) as to whether the condition:

(1) is temporary or permanent; and

(2) whether it is reasonable to judge that the medical condition will make it difficult or impossible to wear the PPE.

7 The decision on whether an employee should remain in his/her job will rest with management who should take on board the views of the EMA. Inspectors should consider action in consultation with the EMA in the event of the failure of management to act.

Construction (Head Protection) Regulations 1989

8 Inspectors will be aware that the Construction (Head Protection) Regulations 1989 reg.9 permits HSE to grant exemptions from the requirements to individuals. These regulations pre-date EC Directive 89/656/EEC and this exemption will remain in place for the time being. It may be of interest to inspectors to note that 29 formal applications for exemption under reg.9 were received by the relevant policy section but, following investigations of the cases no exemptions were actually granted.

9 There is also an exemption under the Employment Act 1989 which allows turban-wearing Sikhs not to wear safety helmets on construction sites. This exemption also remains in place for the time being but does not apply to Sikhs working elsewhere. FOD E1, Room 609 Daniel House, Bootle should be consulted before enforcement action is implemented against Sikhs refusing to wear safety helmets.

Annotation of instructions

10 OC 282/19 - **note** "See OC 282/19 Supplement 1 where employees refuse to wear PPE, exemption requests, etc".

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