



# **Who Is Responsible For Payment of Workplace Personal Protective Equipment?**

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## Introduction

Who is financially responsible for providing personal protective equipment (PPE) at work does not have a simple answer. First, it is important to understand that PPE is to be used when it is not reasonably practicable to eliminate or control a hazard by workplace design or by using administrative controls. What this implies is the employer has already deployed every other possible worker risk reduction strategy, such as, but not limited to: guards, shields, anti-vibration and adequate ventilation.



Giving a worker PPE without education on the risks associated with the task, or expecting that the PPE will eliminate all chance of injury, instead of training on how to safely conduct the work is legally unacceptable.

However, once PPE has been identified as an injury reduction tool, the Ontario Occupational Health and Safety Act (OHSA) states in section 25(a), *an employer shall ensure that the equipment, materials and protective devices as prescribed are provided.* (The word "prescribed" means required by a regulation made under the Act.). Although it identifies that the employer must "provide" the equipment, it is not as clear as to if they are "required to pay for" it.

It would seem reasonable that employers are likely to pay for PPE when the alternative of increased time off work and compensation claims is likely to be more expensive, but this is not guaranteed. Regrettably, a two-tiered approach to this matter is often applied in recreation operations. Union environments are more likely to clearly recognize who will pay for PPE. Non-union workplaces may not be so quick to cover the costs.

According to Don Brown, MOL specialist for the Industrial Health and Safety Program, the legislation does not legally define the word "provide". "Many lay people believe that provide means pay, but without a legal definition, we can only look to the Oxford dictionary" he says, and it defines "provide" as to cause to have possession or use of, to supply, make available. No mention of payment in the dictionary means employers aren't required to pay.

Source: *Canada's Occupational Health & Safety Magazine*



Additionally, it is important to note that employers must provide guidance on what PPE is best worn specific to the work being undertaken. Further, the employer is required by law to train workers how to use and maintain PPE. Simply providing a worker with a financial benefit with the expectation that they will select the correct type of PPE (or purchase it at all) and then know how to properly use it may be questioned during an accident investigation.

The policy statement that every recreation facility staff member must wear CSA approved footwear would seem straight forward. However, at closer review it can quickly become more complicated and without proper direction a worker can easily make the wrong choice. The correct choice starts with a careful review and cross reference of all SDS information held on site, equipment owner's manuals, internal Job Hazard (Risk) Analysis (JHA) and incident/accident report documents.

Given that recreation workers are subjected to different work environments (areas where chemicals such as brine or pool chemicals can be present that will weaken leather, cold/warm areas, ice, water, oil slip hazards, potential for projectiles from grounds

or ice maintenance equipment and heavy objects that can be dropped onto the feet – propane or chlorine tanks) selecting the correct footwear beyond adequate protective toe coverage must also be consider. There may be the chance of exposure to high electrical currents in a recreation facility, so boots that meet the CSA 2011 standards by providing protection from open electrical currents may also need consideration during the research stage.

Considering the footwear’s sole, as well as ensuring the ankle is properly protected, would seem reasonable starting points to be considered. Is there a need for a strap-on anti-slip device for ice work? The average facility staff worker will walk 10 plus KM per-shift, thus making comfortable safety footwear that helps keep the foot stabilized and prevents it from shifting and moving around too much, in turn preventing joint and bone problems later in life.

As health and safety continues to be a rising tide of national concern and, as the obligation to comply with regulatory or legislative responsibility is considered a joint obligation between all workplace parties, will the future include the purchasing of common PPE a joint or worker sole responsibility as a condition of employment? To some this may seem a radical shift, but many would agree that if the worker was investing their own financial resources into these items, there may be a higher level of respect in the care and maintenance of these items.

Immediately, is it unreasonable for seasonal or part-time staff to be required to arrive prepared with basic approved foot, head, ear and hand protection that can be used at other work sites. Remember, if they don’t arrive on the first day of work with it – you had better be sure they receive it as part of the workplace orientation.

Increase in personal investment in PPE. ORFA staff continually encounter members that have invested in purchasing PPE items that are custom fit or of significant higher quality than what is being offered by the employer. Investing in one’s own health and safety is considered a good investment.

Specialty PPE items such as, respirators and disposable suits should be the responsibility of the employer. Is it unreasonable for workers that are required to purchase their own PPE, that is

subsequently destroyed because of workplace chemical exposure, to be afforded some compensation by the employer? Some workplaces encourage workers to take their PPE home to be safe. There are also others that expect the PPE to only be used while at work. Clearly discussing these points at the time of hiring will help ensure all workplace parties are clear on the in-house policies.



## Conclusion

In closing, please ask yourself how current and clear are your policies on the use and ownership of PPE. Do they get a pass or fail? Given the previously identified issues and concerns in this document, “who is paying for the PPE” should be considered the last question...not the first.

## Resources

Ministry of Labour - Safe at Work Strategy PPE  
[http://www.orfa.com/resources/documents/librarydocs/guides\\_bp/SafetyBlitz-PPE.pdf](http://www.orfa.com/resources/documents/librarydocs/guides_bp/SafetyBlitz-PPE.pdf)