

## Worker PPE, Who Pays for It?



Source: [www.TurfMagazine.com](http://www.TurfMagazine.com)



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The Occupational Safety and Health Administration (OSHA) requires that all employers provide the necessary Personal Protective Equipment (PPE) to all workers whose jobs require it. This is a very broad statement that leaves a lot of room for clarification.

In the landscape/lawn service industry as well as the other sectors of the green industry, laborers must be provided with PPE in order to properly perform their jobs. Specifically what types of PPE must be provided varies depending on the job duties and type of work performed. It's safe to assume, however, that gloves, eye protection, and hearing protection are all necessary PPE which laborers will need at some point to perform their job duties.

**Q: Does the employer have to pay for PPE such as gloves, eye protection and hearing protection?**

**A:** Yes. Since 2007, OSHA has required that employers pay for all PPE that's required for workers to perform their duties. This also means that employees cannot be required to provide their own PPE, or reimburse the employer for the costs of PPE. Ultimately, there's no way around it, employers have to provide PPE and not make deductions from employees' paychecks, or otherwise request reimbursement from the employee.

**Q: Are there any exceptions to the requirement that the employer**

## **pay for PPE?**

**A:** Yes, there are limited exceptions that don't require an employer to pay for PPE. Safety-toe footwear doesn't have to be paid for by the employer, provided the employer allows the employee to wear the footwear for personal use, off the job site. However, if an employer requires a special type of sole or footwear for performance of job duties, this can bring them outside of this exception and the employer will then be required to pay for the footwear.

The employer doesn't have to pay for prescription safety eyewear for employees either. Finally, the employer is not required to pay for everyday clothing and weather related gear that an employee uses for personal use in addition to at work. These exceptions are limited, so carefully review OSHA's rules before deciding that the exemptions apply to your company.

## **Q: If an employee chooses to purchase their own PPE, is the employer required to reimburse them for these costs?**

**A:** No. If an employee purchases their own PPE for style, comfort or other reasons, then the employer is not required to reimburse those costs. However, the employer is still required to have PPE available for workers who provide their own PPE, in case the worker decides not to use their personal PPE at work.

## **Q: If PPE breaks, is the employer required to pay for replacement PPE?**

**A:** Yes. If a worker's PPE becomes damaged, broken or otherwise unusable due to normal wear and tear, then the employer must provide replacement PPE to the employee at no additional cost. If an employee intentionally damages or loses PPE, then the employee is not required to pay for the replacement PPE. In such a hard working industry as the green industry, it can be a very gray area as to whether PPE damage was due to wear and tear, or intentional damage. One way to address this issue is by stating the expected life expectancy of PPE in the [employee handbook](#). PPE that doesn't last the expected duration can be handled on a case-by-case basis, but at least there is a guideline in place.

While OSHA's rules are lengthy and can be confusing, make the time to put safety first and review the rules that apply to your company. OSHA's [website](#) is a wealth of information and has many useful fact sheets.