

Employers Must Provide and Pay for PPE

Employees need to wear personal protective equipment (PPE) to be protected from injury, illness, and death caused by exposure to workplace hazards. Many of OSHA standards (incorporated by HIOSH standard) require employers to pay for all PPE except for certain items. This is primarily because the OSH Act requires employers to pay for PPE that is necessary for employees to do their job safely, and to enhance compliance with existing PPE requirements in many practical ways.

Reasons Employers Must Pay PPE

OSHA requires employers to pay for employees' PPE based on three key reasons:

Legal Responsibility. Consistent with the OSH Act, since employers are solely responsible for complying with OSHA standards, they are also responsible for paying for the tools and equipment needed for compliance, including PPE.

Employee Safety Benefits. When employers pay for PPE, it helps reduce work-related injuries and illnesses while encouraging employees to participate in safety programs and strengthen the workplace safety culture.

Establish Clarity. Previously PPE payment practices varied widely—based on tradition, collective bargaining, and more. This provides a clear understanding across the board.

Benefits

The benefits of requiring employers to pay for PPE include:

Proper Selection & Maintenance. Employers are more knowledgeable about workplace hazards and are in the best position to choose the correct PPE and ensure it is properly maintained.

Increased Compliance & Proper Use. When employers provide PPE, they can control its selection, issuance, and use, reducing the risk of employees not using or misusing it.

Greater Employee Cooperation. Employees are more likely to comply with safety standards with PPE is provided at no cost, leading to better protection.

How to Determine Employer Payment for PPE

Generally, there are two conditions under which employers are not required to pay for PPE:

1. if item is not considered PPE (for employee protection), or
2. is not required by OSHA standards.

Note: Only PPE mandated by OSHA standards, with certain exceptions, falls under the employer's payment obligation.

Exceptions to Employer Paid PPE

Employers don't have to pay for PPE that isn't required by OSHA standards, but OSHA encourages them to do so because it improves workplace safety. This is not a full list of PPE that employers do not have to pay for:

- Non-specialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and non-specialty prescription safety eyewear,
 - employer permits footwear and eyewear to be worn off jobsite;
- Shoes or boots with built-in metatarsal protection that the employee has requested to use instead of the employer-provided detachable metatarsal guards;

- Logging boots required by 1910.266(d)(1)(v);
- Back belts;
- Everyday work clothing;
- Weather-related clothing and items (such as, skin creams, winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen); or
- Dust masks and respirators (for voluntary use if not required to comply with OSHA standard);

Examples of PPE Employer Payment is Required

This is not a complete list of PPE examples that employers must pay for, usually because PPE is needed to follow an OSHA standard:

- Metatarsal foot protection.
- Rubber boots with steel toes.
- Shoe covers--toe caps and metatarsal guards.
- Non-prescription eye protection.
- Prescription eyewear inserts/lenses for full face respirators.
- Prescription eyewear inserts/lenses for welding and diving helmets.
- Goggles.
- Face shields.
- Laser safety goggles.
- Fire fighting PPE (helmet, gloves, boots, proximity suits, full gear).
- Hard hat.
- Fall Protection.
- Hearing protection.
- Welding PPE.
- Replacement PPE (*unless employee has lost or intentionally damaged the issued PPE*).

This is one in a series of informational fact sheets highlighting HIOSH programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of HIOSH standards or regulations, refer to Title 12, Subtitle 8 of the Hawai'i Administrative Rules.

Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY Dial 711 then ask for (808) 586-9116

How to Contact HIOSH

Under the Hawai'i Occupational Safety and Health Law, **employers are responsible for providing safe and healthful workplaces for their employees.**

HIOSH's mission is to assure Hawai'i's workers have safe and healthful working conditions free from unlawful retaliation.

HIOSH carries out its mission by setting and enforcing standards; enforcing anti-retaliation provisions of the HIOSH Law; providing and supporting training, outreach, education, and assistance.

For more information, call HIOSH at **(808) 586-9100** or visit www.labor.hawaii.gov/hiosh.

