

# The WHS Regulations 2011 Division 5 States: Personal Protective Equipment

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## 44 Provision to workers and use of PPE

- (1) This clause applies if PPE is to be used to minimise a risk to health and safety in relation to work at a workplace in accordance with clause 36
- (2) The employer who directs the carrying out of work must provide the PPE to workers at the workplace, unless the PPE has been provided by another employer.

### Maximum penalty

- (a) In the case of an individual \$6,000 or
- (b) In the case of a body corporate \$30,000
- (3) The employer who directs the carrying out of work must ensure that PPE provided under sub clause (2) is:
  - (a) Selected to minimise risk to health and safety including the ensuring that the equipment is
    - (i) Suitable having regard to the nature of the work and any hazard associated with the work and
    - (ii) A suitable size and fit and reasonably comfortable for the worker who is to use or wear it and
  - (b) Maintained, repaired or replaced so that it continues to minimise risk to the worker who uses it, including by ensuring that the equipment is:
    - (i) Clean and hygienic and
    - (ii) In good working order and
- (c) Used or worn by the worker, so far as is reasonably practicable.
- (4) The employer who directs the carrying out of work must provide the worker with information, training and instruction in the:
  - (a) Proper use and wearing of PPE and
  - (b) The storage and maintenance of PPE

### Maximum penalty

- (a) In the case of an individual \$6,000 or
- (b) In the case of a body corporate \$30,000

## 45 PPE used by other persons:

The employer who directs the carrying out of work must ensure, so far as is reasonably practicable that:

- (a) PPE to be used or worn by any person other than a worker at the workplace is capable of minimizing risk to the person's health and safety and
- (b) The person uses or wears the equipment

### Maximum penalty

- (a) In the case of an individual \$6,000 or
- (b) In the case of a body corporate \$30,000

46 Duties of workers:

- (1) This clause applies if an employer provides a worker with PPE
- (2) The worker must, so far as the worker is reasonably able, use or wear the equipment in accordance with any information, training or reasonable instruction by the employer.

Maximum penalty

- (a) In the case of an individual \$3,600 or
- (b) In the case of a body corporate \$18,000
- (3) The worker must not intentionally misuse or damage the equipment

Maximum penalty

- (a) In the case of an individual \$3,600 or
- (b) In the case of a body corporate \$18,000
- (4) The worker must inform the employer of any damage to, deflection or need to clean or decontaminate any of the equipment of which the worker becomes aware

Maximum penalty

- (a) In the case of an individual \$3,600 or
- (b) In the case of a body corporate \$18,000