

Personal Protective Equipment — Who Pays?

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Division 2/I
Division 3/E
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With few exceptions, employers must pay for all personal protective equipment (PPE) required by Oregon OSHA standards. The rule and this fact sheet apply to all employers subject to Oregon OSHA rules.

This fact sheet will acquaint you with the details of our new rule and to answer most of your questions about when and how you must pay for PPE for your workers.

The Basics

You, the employer, must pay for PPE if a rule or law requires PPE or states you must pay.

You, the employer, do not have to pay for PPE if it is:

- Personal in nature and can be worn off the job. Examples might be ordinary safety-toed shoes and prescription safety eyewear.
- Integrated metatarsal footwear and you provide attachable metatarsal protective devices.
- Needed to replace PPE lost or damaged by the employee.
- Regular clothing that may be worn off the job that also provides protection.
- Upgraded or has been personalized over and above what you provide.
- Doctor's exams related to prescription lenses for required eye protection.



The Details

- The rule lists examples of PPE that are personal and thus exempt from employer payment. One example is non-specialty daily clothing. If you require pole climbing workers to wear long sleeve shirts and heavy pants to avoid splinters and abrasions, that does not make the pants and shirts PPE even though they provide some protection. It is assumed the workers would have to wear pants and shirts anyway and they can wear them away from the job so the employer does not have to pay for them.
- Heavy coats worn in cold storage are considered PPE and you must pay for them. The rule exempts clothing worn just to protect from the weather, like a flagger wearing rain gear, but it does not exempt clothing needed in an artificial environment like cold storage.
- When the employee loses or intentionally damages PPE, you are not required to pay for the replacement. PPE is lost if the employee shows up for work without it. You may handle such situations with your own work rules and disciplinary policies.
- When you provide required PPE and the employee wants to use something else, you don't have to pay for the elective PPE if it costs more than what you provide. If you allow the employee to use the more expensive upgraded or personalized PPE you are not obligated to pay for it. This applies to original issue and replacement PPE. If you use an allowance system for your PPE you only have to provide the employee with the amount they would have received if they had chosen to use the PPE you recommended. If they buy something more expensive, they must pay the difference. You must assure that any alternate PPE the employee selects provides the required protection and is kept in good condition.
- You do not have to pay for dust masks or respirators that you allow employees to use, according to the voluntary use rules in the respiratory protection standard, if they are not required by an Oregon OSHA standard.
- If the employee needs prescription lenses in a full-face respirator, you must pay for them but not for the medical examination to determine the prescription.



Not Your Employees

If you get your workers from an employment agency, temporary staffing firm or employee leasing company, and you direct and control worker activities, you are responsible for providing and paying for their PPE under the same terms as if they were your own workers. Oregon OSHA recognizes that the best way to assure proper PPE and proper use of PPE is to have the employer with direction and control over the workers and the work, provide it. Agreements between the temporary or leasing agency and the employer are allowed as long as PPE is provided at no cost to the worker.

There is a special application for multi-employer construction worksites like those often found on construction sites. Normally, a host-employer/general contractor does not have to provide or pay for PPE for sub-contractors' employees.

Method

Employers may devise their own means of providing PPE. You can issue vouchers or purchase orders, keep your own stock and issue the equipment, provide a cash allowance or any other method as long as the employee does not have to pay for things that are your responsibility. This applies to the initial issue and replacements.

Multiple Rules

If other Oregon OSHA standards specify payment requirements for PPE, that standard will prevail.

LINKS:

General Industry: <https://osha.oregon.gov/OSHARules/div2/div2I.pdf>

Construction: <https://osha.oregon.gov/OSHARules/div3/div3E.pdf>

Agriculture: <https://osha.oregon.gov/OSHARules/div4/div4I.pdf>

Forest Activities: <https://osha.oregon.gov/OSHARules/div7/div7D.pdf>



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