

LEGISLATIVE INTERPRETATIONS

Topic: Protective equipment – Definition of Provide	Issued by: V.P., WorkSafe Services
Statute: General Regulation 91-191	Date Issued: September 25, 2000
Section: 38(1)	Date Revised:

38(1) Where protective equipment is required to be used by an employee under this Regulation, *an employer shall provide the protective equipment required* and shall ensure that the employee is instructed and trained in the proper use and care of the protective equipment.

Question:

Does the employer have to pay for the protective equipment?

Answer:

The term “provide” is not defined in the *OHS Act*.

It has been and continues to be WorkSafeNB’s position that the term “provide” may or may not mean that the employer actually pays for the equipment. WorkSafeNB believes that this decision is best made by the workplace parties. It is to be an internal company policy whether it chooses to pay for protective equipment or not.

It must be noted that the duty to provide still lies with the employer. In a case, for example, where the company’s policy requires employees to purchase their own protective equipment and the particular type of protective equipment is difficult to obtain locally, the employer must ensure that the equipment is made available to the employee, for purchase.

