

Council Directive of 30 November 1989 on the minimum health and safety requirements for the use by workers of personal protective equipment at the workplace (third individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC) (89/656/EEC)

## SECTION II

### EMPLOYERS' OBLIGATIONS

#### *Article 4*

#### **General provisions**

1 Personal protective equipment must comply with the relevant Community provisions on design and manufacture with respect to safety and health.

All personal protective equipment must:

- a be appropriate for the risks involved, without itself leading to any increased risk;
- b correspond to existing conditions at the workplace;
- c take account of ergonomic requirements and the worker's state of health;
- d fit the wearer correctly after any necessary adjustment.

2 Where the presence of more than one risk makes it necessary for a worker to wear simultaneously more than one item of personal protective equipment, such equipment must be compatible and continue to be effective against the risk or risks in question.

3 The conditions of use of personal protective equipment, in particular the period for which it is worn, shall be determined on the basis of the seriousness of the risk, the frequency of exposure to the risk, the characteristics of the workstation of each worker and the performance of the personal protective equipment.

4 Personal protective equipment is, in principle, intended for personal use.

If the circumstances require personal protective equipment to be worn by more than one person, appropriate measures shall be taken to ensure that such use does not create any health or hygiene problem for the different users.

5 Adequate information on each item of personal protective equipment, required under paragraphs 1 and 2, shall be provided and made available within the undertaking and /or establishment.

6 Personal protective equipment shall be provided free of charge by the employer, who shall ensure its good working order and satisfactory hygienic condition by means of the necessary maintenance, repair and replacements.

However, Member States may provide, in accordance with their national practice, that the worker be asked to contribute towards the cost of certain personal protective equipment in circumstances where use of the equipment is not exclusive to the workplace.

7 The employer shall first inform the worker of the risks against which the wearing of the personal protective equipment protects him.

8 The employer shall arrange for training and shall, if appropriate, organize demonstrations in the wearing of personal protective equipment.

9 Personal protective equipment may be used only for the purposes specified, except in specific and exceptional circumstances.

It must be used in accordance with instructions.

Such instructions must be understandable to the workers.

#### *Article 5*

### **Assessment of personal protective equipment**

1 Before choosing personal protective equipment, the employer is required to assess whether the personal protective equipment he intends to use satisfies the requirements of Article 4(1) and (2).

This assessment shall involve:

- a an analysis and assessment of risks which cannot be avoided by other means;
- b the definition of the characteristics which personal protective equipment must have in order to be effective against the risks referred to in (a), taking into account any risks which this equipment itself may create;
- c comparison of the characteristics of the personal protective equipment available with the characteristics referred to in (b).

2 The assessment provided for in paragraph 1 shall be reviewed if any changes are made to any of its elements.

#### *Article 6<sup>(1)</sup>*

### **Rules for use**

1 Without prejudice to Articles 3, 4 and 5, Member States shall ensure that general rules are established for the use of personal protective equipment and/or rules covering cases and situations where the employer must provide the personal protective equipment, taking account of Community legislation on the free movement of such equipment.

These rules shall indicate in particular the circumstances or the risk situations in which, without prejudice to the priority to be given to collective means of protection, the use of personal protective equipment is necessary.

Annexes I, II and III, which constitute a guide, contain useful information for establishing such rules.

2 When Member States adapt the rules referred to in paragraph 1, they shall take account of any significant changes to the risk, collective means of protection and personal protective equipment brought about by technological developments.

3 Member States shall consult the employers' and workers' organization on the rules referred to in paragraphs 1 and 2.

*Article 7*

**Information for workers**

Without prejudice to Article 10 of Directive 89/391 /EEC, workers and/or their representatives shall be informed of all measures to be taken with regard to the health and safety of workers when personal protective equipment is used by workers at work.

*Article 8*

**Consultation of workers and workers' participation**

Consultation and participation of workers and/or of their representatives shall take place in accordance with Article 11 of Directive 89/391 /EEC on the matters covered by this Directive, including the Annexes thereto.

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**Status:** This is the original version (as it was originally adopted).

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- (1) See the Commission communication (OJ No C 328, 30. 12. 1989, p. 3).