

EMPLOYER ALERT, OSHA's new regulations:

By May 15th 2008, employers must be in compliance with a new Occupational Safety and Health Administration rule requiring employers to pay for their employees' **personal protective equipment**. Under the new rule, employers are required to provide all OSHA-required personal protective equipment at no cost to full- and part-time workers. This rule applies to only OSHA-required personal protective equipment. Employers are not required to pay for items that are not being worn for protection from workplace hazards.

Other exceptions to the employer-pay requirement include steel-toe shoes or boots that are permitted to be worn off the job site; everyday clothing such as long-sleeve shirts, long pants and normal work boots; and ordinary clothes or skin creams used solely for protection from weather, such as winter coats, gloves or sunscreen.

Employers also are obligated under the new rule to pay for replacement personal protective equipment, except when the employee has lost or intentionally damaged the equipment.

The new rule also clarifies that employers can, and should, enforce discipline and work rules to ensure overall compliance with safety initiatives, so long as the discipline is uniform, reasonable and appropriate.

The new regulation does not alter in any way the standards for what personal protective equipment is required either through generally applicable requirements for all jobs or through more industry-specific rules. However, it may prompt union-represented employees to bargain more aggressively for additional employer-supported equipment. Employers should work quickly to develop and implement policies to comply with the new rule by the May 15 target date.

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