

DOS & DON'TS: [û] Ensure PPE Policy Is Clear



If you can't eliminate a safety hazard through engineering controls or administrative measures, you may protect workers from it by requiring them to use appropriate PPE, such as [respirators](#), [eye protection](#) or [safety footwear](#). But it's important that your PPE policy is clear and specifies what kinds of PPE should be worn in which parts of the workplace and under what circumstances. For example, workers may need to wear hearing protection while using some equipment or working in certain areas but not in others. And as with all safety policies, your PPE policy should be in writing. If your PPE policy is unclear or contradicted by verbal instructions, a court or arbitrator may not allow you to discipline a worker for violating it.

A solid waste facility in the Yukon learned this lesson the hard way. It fired a worker for, among other things, failing to wear required PPE. For example, it claimed that she failed to wear her vest, steel-toed boots and hardhat, which were required to be worn at all times. The worker said she did her best to comply with the PPE rules, but 'she was being told different things by different people.' It wasn't that she disagreed with the policies *per se*—she just didn't understand them. So she sued for wrongful dismissal.

The court said that it couldn't come to a clear conclusion on whether the worker regularly violated the PPE rules because it wasn't entirely clear to the court what the rules and policies

were and to what extent they were made clear and communicated to the workers. For example, the employee guidelines didn't mention hardhats at all. And a supervisor's claim that she told the worker PPE was to be worn '100% of the time' was illogical because, say, ear plugs aren't going to be worn in the office when on the phone. The court concluded that the facility didn't take the necessary steps to ensure that there was a clear and unequivocal set of rules, guidelines and/or policies that made it clear what PPE was to be worn at what locations and at what times. And to the extent that there were some verbal instructions provided, these instructions also weren't clear and so couldn't be relied on to establish a standard that the worker could then be viewed as having violated. Thus, the court ruled that the facility failed to establish that it had just cause to fire the worker [[Goncharova v. Marsh Lake Waste Society](#), [2015] YKSM 4 (CanLII), Dec. 30, 2015].