

Voluntary Use of Personal Protective Equipment – Ask The Expert



Employers sometimes encounter situations where employees choose to wear personal protective equipment (PPE) even when it is not required by a hazard assessment. This can raise questions about compliance with safety standards and potential liability.

Question

An employee has chosen to wear their own tight-fitting respirator while performing routine work because they find certain workplace odours unpleasant. The employer is conducting air monitoring but expects exposure levels to be well below any limits requiring respiratory protection.

The employee is medically cleared to wear a respirator but has facial hair that would prevent a proper seal under applicable CSA standards.

If respiratory protection is ultimately determined to be unnecessary, could the employer still face regulatory issues by allowing the employee to voluntarily wear a respirator that does not meet the required fit standards?

Answer

Potentially, yes. Even if respiratory protection is not legally required, voluntarily allowing the use of a respirator may create an expectation that it is being used in accordance with applicable safety standards, including proper fit and seal requirements.

Before permitting its use, the employer should determine whether a respirator is actually necessary based on the air monitoring results. If respiratory protection is required, the respirator must fit properly, and facial hair that interferes with the seal should not be permitted unless accommodation obligations apply.

Explanation

If testing confirms there is no hazardous exposure, the regulatory risk is significantly lower. However, it is still advisable to explain that facial hair may reduce the effectiveness of the respirator and document that discussion if the employee chooses to continue wearing it.

If testing identifies a respiratory hazard, the employer should ensure the respirator complies with applicable CSA standards before allowing the employee to perform the work. When in doubt, employers should err on the side of caution and ensure any protective equipment used provides the level of protection it is intended to deliver.