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Health and safety duties for businesses that supply PPE

The market for personal protective equipment (PPE) has recently been a target of significant fraudulent activity including counterfeit products, falsified documentation and misleading claims. This has made it difficult, in some cases, for those purchasing PPE to ensure the products are safe and effective for use.

PPE

PPE is anything used or worn by a person (including clothing) to minimise risks to their health and safety. This includes respiratory protective equipment (RPE), hearing protection, eye protection, protective clothing, and fall protection systems.

Suppliers of PPE can eliminate or minimise health and safety risks by ensuring the PPE they supply is safe for workers to use or wear.

Who is a supplier?

A supplier is any person that supplies plant, structures or substances that may be used in a workplace. The supplier is often an importer or manufacturer as well.

What duties do suppliers have under HSWA?

Under the Health and Safety at Work Act 2015 (HSWA), in addition to their primary duty of care at work, all suppliers must, so far as is reasonably practicable, make sure the products they supply for use at work:

Do not create health and safety risks to the people that use them and those nearby	Suppliers should consider how their customers will use the product and the particular risks of their work. Suppliers may need to get specialist advice from a person familiar with this work such as an occupational hygienist, mechanical or structural engineer, occupational physician or other safety professional.
Have been tested so they are safe for use at work	Ensuring the PPE complies with an Australian and New Zealand standard or a comparable recognised international standard is generally sufficient to demonstrate it has been evaluated and is without health and safety risks.
Give the following information to the people who buy their products	<ul style="list-style-type: none"> - the product's purpose or intended use - the results of calculations and tests - any general and relevant information about how to safely use, handle, store, construct, inspect, clean, maintain, repair, or otherwise work near the products supplied.

These duties do not apply to the sale (by suppliers) of second-hand plant that is sold 'as is'. 'As is' means the plant is sold without any representations or warranties about its quality, durability, or fitness, and the entire risk rests with the buyer.

These requirements apply across the product's entire lifecycle from construction or assembly to everyday use, decommissioning and disposal.

Suppliers must also make sure the products they supply meet all relevant New Zealand regulatory requirements.

Guidelines for suppliers to help ensure their products are safe

Suppliers of PPE should carry out due diligence of the supply chains they source from. ISO 10377:2017 [Consumer product safety – Guidelines for suppliers](#) (available for free from Trading Standards NZ) describes how to do this.

For example:

- Verify the manufacturer's contact details and company history:
 - investigate their history of producing PPE. For example, have they been producing PPE for a long time or did they just start? Is PPE their main business?
 - review their quality management systems to ensure every batch of the product is of similar quality
 - confirm their supply chain for critical components and that the materials used are of consistent quality
 - ensure they have a system to track the product from components to point of sale.
- Review international alerts and guidance for PPE products including recalls, safety alerts and product notifications.
- Send batches for independent testing and verification.
- Know how to identify genuine products. PPE should meet industry-specific requirements, or Australian and New Zealand standards or comparable recognised international standards.
- Look for a licence number and the manufacturer's name on the certifying body's website. For example, many companies that manufacture compliant PPE are certified by an independent body and can be found on the [JAS-ANZ Register](#); they normally have their licence number marked on the packaging in which the PPE is supplied.
- Check the PPE or its packaging has information on it such as the name of the manufacturer, reference to the Australian and New Zealand Standard (for example, AS/NZS 1716:2012), the classification of the PPE (for example, P2 for PPE), and the size of the PPE if applicable.

- Check the PPE comes with user instructions.
- Check there are no misspelt words on the packaging, PPE or user instructions – this could indicate poor quality management.

More information

WorkSafe

[Non-compliant RPE on the market](#)

Contact an occupational hygienist

<http://nzohs.org.nz>

<https://register.hasanz.org.nz>

Trading Standards

[Guidelines for suppliers](#)

[Making sure products are safe](#)