

THE OCCUPATIONAL SAFETY AND HEALTH ACT

Regulations made by the Minister under section 100(1) of the Occupational Safety and Health Act

1. These regulations may be cited as the Occupational Safety and Health (Personal Protective Equipment) Regulations 2012.
2. In these regulations –

“Act” means the Occupational Safety and Health Act.
3. These regulations shall apply in addition to the provisions of section 82 of the Act.
4. (1) Every person who manufactures, imports, supplies or provides personal protective equipment shall ensure that the personal protective equipment complies with paragraph (2).

(2) Every item of personal protective equipment shall –
 - (a) (i) satisfy the basic safety and health requirements applicable to its respective class or type of personal protective equipment; and
 - (ii) comply with such standards as may be acceptable to the Mauritius Standards Bureau; and
 - (b) when properly maintained and used for its intended purpose, not compromise the safety and health of its user.
5. Every self-employed person shall ensure that he wears and uses suitable and appropriate personal protective equipment and clothing where he may be exposed to a risk to his safety or health while at work.
6. (1) Every employer shall ensure that, where the presence of more than one risk to safety or health makes it necessary for his employee to wear or use simultaneously more than one item of personal protective equipment, such equipment is compatible and continues to be effective against the risk or risks in question.

(2) Every self-employed person shall ensure that, where the presence of more than one risk to safety or health makes it necessary for him to wear or use simultaneously more than one item of personal protective equipment, such equipment is compatible and continues to be effective against the risk or risks in question.

7. (1) Before choosing any personal protective equipment required to be provided, worn or used, every employer or self-employed person shall ensure that an assessment is made to determine whether the personal protective equipment he intends to provide, wear or use, as the case may be, will be suitable and appropriate.

(2) The assessment required under paragraph (1) shall include –

- (a) an assessment of any risk to safety or health which has not been avoided by other means;
- (b) the definition of the characteristics which the personal protective equipment must have in order to be effective against the risk referred to in subparagraph (a), taking into account any risk which the equipment itself may create; and
- (c) comparison of the characteristics of the personal protective equipment available with the characteristics referred to in subparagraph (b).

(3) Every employer or self-employed person shall ensure that any assessment made under paragraph (1) is reviewed if –

- (a) there is reason to believe that it is no longer valid; or
- (b) there has been a significant change in the matters to which it relates,

and where, as a result of any such review, changes in the assessment are required, the relevant employer or self-employed person shall ensure that they are made.

8. Every self-employed person shall ensure that any personal protective equipment used or worn by him is maintained in an efficient state, in efficient working order and in good repair.

9. Every self-employed person shall ensure there is appropriate accommodation for any personal protective equipment required, when it is not being used.

10. (1) Every employer who is required to provide personal protective equipment to an employee shall also ensure that the employee is provided with such information, instruction and training as is adequate and appropriate to enable him to know –

- (a) the risk which the personal protective equipment will avoid or limit;
- (b) the purpose for which and the manner in which the personal protective equipment is to be used; and

- (c) any action to be taken by him to ensure that the personal protective equipment remains in an efficient state, in efficient working order and in good repair as required by regulation 8.

(2) Without prejudice to the generality of paragraph (1), the information and instruction provided by virtue of that paragraph shall not be adequate and appropriate unless it is comprehensible to the persons to whom it is provided.

11. (1) Every employee shall –

- (a) use any personal protective equipment provided to him in accordance with any training received by him and the instructions provided to him, under regulation 10, in the use of the personal protective equipment; and
- (b) take all reasonable steps to ensure that the personal protective equipment provided to him is returned to the accommodation provided for it after use.

(2) Every self-employed person shall –

- (a) make full and proper use of any personal protective equipment worn or used by him to ensure his safety and health; and
- (b) take all reasonable steps to ensure that the personal protective equipment is returned to the accommodation provided for it after use.

12. These regulations shall come into operation on 25 January 2013.

Made by the Minister on 25 July 2012.
