

LEGISLATIVE INTERPRETATIONS

Topic: Over-the-Shoe Toe Protection	Issued by: Director, Compliance and Regulatory Review
Statute: Regulation 91-191	Date Issued: December 15, 2016
Section: 41(1), 41(2) of General Regulation	Date Revised:

Question 1

At our workplace, visitors and employees sometimes walk through areas with foot hazards. Are they required to wear safety footwear even though they are not conducting work in the area? Am I permitted to provide over-the-shoe toe protectors for when they are in these areas?

Answer 1

If there is a hazard to an employee's foot at a workplace or on a project site, employees and others must wear protective footwear that meets the requirements of CSA-Z195-M92 or an equivalent standard.

CSA Z334 Over-the-shoe Toe Protectors is a standard that covers the design and performance requirements for toe protectors intended to be temporarily worn over non-safety footwear. Over-the-shoe toe protectors that meet the requirements of CSA Z334 are subjected to the same impact tests as protective footwear and therefore are equivalent to the Z195-M92 requirement in Regulation 91-191

As long as the only hazard to the user's foot is impact on the toe, and the toe protectors are used only temporarily, as defined in the standard, using the toe covering is permitted. CSA defines *temporary basis* as "*short-term use such as that by visitors to a work site or by individuals traversing a foot hazard area (not performing work in that area), and not for continual daily use as a permanent method of foot protection.*"

The over-the-shoe toe protectors must be worn properly following the manufacturer's specifications and are not permitted when the type of hazards are sole puncture, metatarsal impact, electric shock, static discharge, static ignition or chainsaw cut. If the wearer can be exposed to any of these hazards, over-the-shoe protectors will not be an acceptable protection.

The toe protectors selected must have a white hourglass symbol on a purple square patch that is permanently attached to the right foot protector to verify that it meets the requirements of CSA Z334.

Question 2

I work for a small construction contractor as a labourer. My employer has provided me with over-the-shoe toe protectors to wear over my sneakers. Is this safe and allowed by the health and safety regulation in New Brunswick?

Answer 2

No, over-the-shoe protectors are only to be used on a “temporary basis”. Also over-the-shoe protectors do not provide sole puncture protection that is required on project sites.

Referenced Legislation

41(1) On a project site, an employee shall use Grade 1 footwear with sole protection that conforms to CSA standard CAN/CSA-Z195-M92, “Protective Footwear” or a standard offering equivalent protection.

41(2) At a place of employment, other than a project site, where an employee is exposed to a hazard that may injure the employee’s foot, the employee shall use protective equipment that is appropriate to the hazard and that conforms to CSA standard CAN/CSA-Z195-M92, “Protective Footwear” or a standard offering equivalent protection.