

LEGISLATIVE INTERPRETATIONS

Topic: Protective equipment – Adequate body covering	Issued by: V.P., WorkSafe Services
Statute: Regulation 91-191	Date Issued: June 9, 2004
Section: 42(c)	Date Revised:

42 Where an employee is exposed to a hazard that may injure the skin, the employee shall use, as necessary,

(c) adequate body covering

Question:

I work in the construction industry where I am required to work outdoors regularly in the summer. To remain cool during hot days, I would like to wear sleeveless (muscle) shirts or T-shirts. Does the regulation allow for this type of clothing to be worn on a construction project?

Answer:

Except for the need for CSA-approved safety footwear (or equivalent), an ANSI approved hard hat (or equivalent) and possibly the need for CSA approved protective eyewear (or equivalent), General Regulation 91-191 does not specify the clothing (body covering) required on a construction (project) site. The extent of body covering will depend on the potential hazards employees are exposed to while performing their duties.

Potential hazards to exposed skin of employees working outdoors on construction projects include abrasions, cuts, exposure to chemical irritants, hot tar, and excessive exposure to the sun and other sources of ultraviolet radiation.

In some circumstances, adequate body covering for work outdoors includes a loose fitting long-sleeved light coloured shirt and long pants. This requirement would not only apply to work being carried out on construction sites but to other types of work as well (work in forestry operations, for example). Where the only potential hazard to employees is overexposure to the sun, short-sleeved or sleeveless shirts may be allowed provided that:

1. The employer agrees with the practice.
2. The employer provides sunscreen to the employee.
3. The employee uses the sunscreen as directed by the manufacturer.

4. The sunscreen has a sun protection factor (SPF) of at least 15 that provides protection from both UVA and UVB type ultraviolet radiation.

Employers could develop a written policy to deal with this issue (identifying the required clothing and sunscreen requirement for the different tasks).

Examples of common tasks on project and other sites requiring long sleeve shirts and long pants include:

1. Employees involved in laying asphalt (except those involved in traffic control)
2. Welding operations
3. Applying hot tar on a roof
4. Application of pesticides