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Experts in Safety

Industry Report

**The unseen risk leaving
you and your business
dangerously exposed**



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Industry safety experts are keen to tell us that the UK is one of the safest places in the world to work, often adding that we have the lowest incidence of work related fatalities in the EU. However, recent findings suggest this positive picture is in spite of a gap in the compliance process that puts millions of UK workers at risk even while they are using CE-marked PPE that they believe will protect them.

The research reveals that, in some circumstances, manufacturers of PPE are swapping materials and changing processes after the initial issue of a CE certificate. The result is a product, which does not protect the user from the risks it claims to, because it no longer meets the requirements of the CE marking process. More concerning still, it means that evidence now exists that non-compliant products are being made available in the UK marketplace and are finding their way into the workplace.

The findings only serve to underline what Industry Health & Safety consultant, Paul Haxell, is seeing himself: "There's certainly PPE within the workforce, that I've come across, that is substandard and therefore not safe". Meanwhile, for James Pomeroy, Group Safety, Security & Environmental Director at Lloyds Register, the situation is exacerbated by a widespread assumption that if PPE is on sale, it must be safe: "I think when it comes to PPE we assume there is so much around PPE in terms of certifications and approvals, we take it for granted."

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**CE markings
do not guarantee
compliance**

How can this be happening?

As Simon Harrison, Buying and Logistics Director at Arco explains, the mark simply does not provide the levels of guarantee that many credit it with because it is a one-off test that requires only one pass report: “It can have been conducted a number of years ago” he points out, “so you can have multiple failures ahead of that” and according to the PPE regulations there is currently no ongoing monitoring process for category one or two PPE. It is up to the manufacturer to ensure the product continues to conform to the standards and this shift in responsibility creates a gap that can be exploited by unscrupulous manufacturers.

»» This situation poses an obvious risk to end users, and is a timely reminder that only relying on CE certification for certain product types is no guarantee of ongoing quality assurance ««

The British Safety Industry Federation (BSIF) has made attempts to raise awareness of these findings, recently writing to members to say: “This situation poses an obvious risk to end users, and is a timely reminder that only relying on CE certification for certain product types is no guarantee of ongoing quality assurance.”

The CE mark is no guarantee of safety

Against a background of budget pressures and legislative complexity, the reassurance that the CE mark and EN standards claim to provide when specifying or buying PPE has made it something Health and Safety professionals look for as an indicator of product compliance. Paul Haxell highlights such reliance as misplaced: “People assume because it has a CE mark, it must be good”. This lack of knowledge about the protection provided by the CE mark is a concern shared by Neal Stone: “It is not a guarantee that just because that is there, that the product actually complies with those standards. A manufacturer, for example, may have changed the composition of that particular boot, or that particular glove”.

It is critical that changes to safety related components should not be made without re-testing. European Law Expert, Aline Doussin, is clear about the manufacturer’s obligations: “Every time a product is potentially subject to modification, testing will have to be either re-done, or at least reassessed, in the light of the new performance of the product.” But for Alan Murray, Chief Executive of the BSIF, this shift of responsibility has created a loophole with the potential to be exploited by unscrupulous, or simply careless, manufacturers. “There are gaps in the process, in my opinion”.

What sorts of products are failing?

The evidence is undeniable, particularly in the area of a number of CE marked safety footwear and gloves that are freely available on the market. “We have examples of non-compliant product failing in our testing. That potentially exposes people to hazards... to dangers,” confirms Alan Murray.

For example, independent lab testing showed that around 40% of non-metallic footwear and 30% of rigger gloves failed surveillance testing, despite carrying the CE mark. This means that incorrectly CE marked products are in the marketplace today and are currently in use in businesses across the country. This issue is not just restricted to a few categories, it is being seen across an increasing number of safety products, including those that claim to be flame retardant.

A dangerous lack of governance

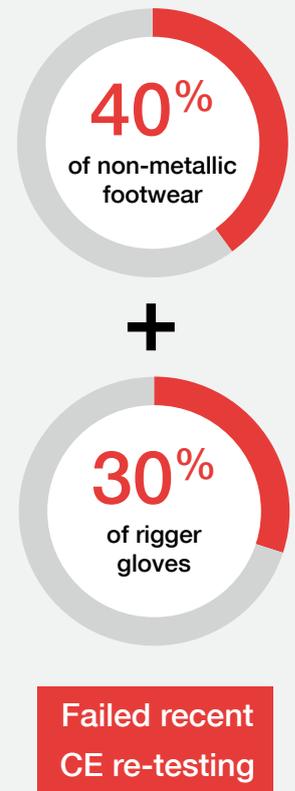
Simon Harrison sums it up quite simply: “being subject to one or two annual tests on the many hundreds of thousands of products provided into market once a year is not sufficient. We don’t have enough governance”. It’s a view shared by Jeff Ward, CEO of Centurion Safety Products, who admits he was surprised at the lack of governance when he moved into working in the safety products sector. “I was more in a consumer goods background before, and it was better regulated”.

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Although Trading Standards are responsible for every product sold in the UK and are answerable to their local authority, they simply don’t have the resources to discharge all the duties they are responsible for.

James Pomeroy is in no doubt about where the flaw in the process lies: “There’s no independent scrutiny of the CE process. There’s no independent verification”. It’s a view that is also shared by Alan Murray. For him, it comes back to a lack of governance which leaves a void that can be exploited: “In my opinion, this leaves a gap, if not a vacuum, of market surveillance in our product category”.

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The risk of serious injury, fines and imprisonment

Despite the best efforts of the BSIF, with initiatives like the Registered Safety Suppliers Scheme, many in the safety industry remain unclear about how to protect their people and their businesses, where the responsibility lies and what the potential consequences of failing to act could be.

»» Employers have an obligation to undertake their own due diligence and to ensure that whatever they buy is compliant ‹‹

Aline Doussin stresses that responsibility lies with the buyer to seek quality assurance evidence from manufacturers and suppliers and confirmation that an ongoing regime of quality testing is in place. “Employers have an obligation to undertake their own due diligence and to ensure that whatever they buy is compliant. If they don’t, there are civil and criminal responsibilities, depending on what happened with the product” says Aline Doussin. “The consequences could range from fines to prison for the individuals involved. Ultimately, it’s your job to do your job, and we will not do that for you”.

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“There are a number of consequences for not getting it right, ranging from the moral aspect, to the product not preventing the very thing it is designed to prevent. That in turn has a knock on effect to the reputation of the organisation, and to the morale within the organisation,” says Dr Shaun Davis, Global Director of Health, Safety, Wellbeing & Sustainability for Royal Mail.

With around of 693,000¹ workers a year reporting that they have suffered injury at work, the consequences of failing to apply due diligence to PPE purchasing is huge. Without a robust process in place they are also potentially life changing. Not just for end users, but for the individuals involved in specifying and purchasing the equipment, as well as the businesses they work for.

For Alan Murray of the BSIF, the message is ultimately a very simple one:

“Your responsibility as the buyer is the employer’s responsibility to look after his workforce. You select it, it’s your responsibility.”

If you are concerned about the risks of failing CE marked PPE leaving you and your business exposed, [click here](#) to watch a short documentary about this important Health & Safety topic. You can also check your risk factor and get a **free risk profile** by answering a few quick questions to **calculate your risk factor**.



£35.8 Million
HSE Fines 2019/20

¹ <https://www.hse.gov.uk/statistics/causinj/index.htm>