

Information notice: Procurement of Safe Work Equipment

What should be considered when procuring work equipment? How do you ensure that the machines, tools, and devices used at ETH conform to safety regulations?

Definition of «work equipment»

Work equipment consists of machines, systems, apparatus, and tools used at work. Also included in this definition are products which are not actually used for work but belong to the work environment (e.g., ventilation, heating, lighting, gas detection system, etc.), as well as personal protective equipment (PPE). The terms operating and work equipment are often used synonymously, whereas operating equipment is used more commonly in production and work equipment for administrative business units.

Definition of «placing on the market»

Placing something on the market means making a machine or a partly completed machine available for use, whether against payment or free of charge, for the first time in Switzerland. Someone who puts work equipment on the market, professionally or commercially, is considered a distributor. A distributor can be, in particular, manufacturers, importers, wholesalers, dealers, retailers, general contractors, businesses (for own constructions and direct imports).

Crucial questions prior to purchase

Four key questions that must be clarified prior to purchase:

1. Is the equipment actually suitable for the intended use?
2. Does it conform to safety regulations?
3. Can any negative impact on the work environment be expected (e.g. noise)?
4. Is it user-friendly (e.g. ergonomic)?

What must be checked after purchase

CE labels and declarations of conformity are no guarantee that the work equipment conforms to safety regulations. Nevertheless, it is advisable to check for the CE marking and declaration of conformity before putting into service. What else should you check for?

- Have the operating instructions been supplied and in the required language?
- Are there no obvious defects (e.g. safety features not installed, unsecured hazards, missing marking)?
- Is a disconnecting device (e.g. main switch) available?
- Is instruction (training) necessary?

Special cases

Complete machines purchased or manufactured after 1997 must have a CE label (conformity) and operating instructions. In addition to these, the legislature recognizes so-called «partly completed machines», which are only destined to be built into another machine or in another partly completed machine or equipment or to be incorporated in them. These do not meet the basic health and safety requirements and may not have the CE label. For partly completed machines, the manufacturer / distributor must, however, include a declaration of incorporation and assembly instructions. It is prohibited to place partly completed machines on the market as long as the buyer has not integrated them in or on a machine. (In this case, the buyer is obliged to prepare the CE documentation in accordance with the Machinery Directive 2006/42/EC). With the integration and subsequent placement on the market, he assumes the obligations of a manufacturer / distributor.

Used machines

Used machines / secondhand machines which were manufactured and placed on the market before the end of 1996 require operating instructions as well as evidence of safety and must comply with safety requirements according to VUV (Accident Prevention Ordinance) (Art. 25 to 32 and 34 Para. 2). Used machinery is machinery or equipment that has already been placed on the market and used for the first time. Used machinery or equipment is said to be unmodified if it has not undergone any modifications or adaptations since it was first placed on the market / put into service and the manufacturer's safety concept has consequently remained unchanged.

If used machines are substantially modified (see SUVA CE05-D2. «Modification of used machines»), the employer (at ETH in this case, e.g. workshop manager, research team leader) must check whether the modifications result in new hazards or an increase in risk; if necessary, the safety measures must be adapted to the new conditions and new proof of safety (CE documentation according to Machinery Directive 2006/42/EC) must be provided.

Machines manufactured in Switzerland and intended for the Swiss market do not necessarily have to have a CE label (CE marking). However, the machine must fulfill the same requirements as MaschV (Swiss Machinery Ordinance) and 2006/42/EC (Machinery Directive).

If the employer (cf. above) builds machines himself (own construction) and puts them into service, he becomes the de facto manufacturer. He is therefore obligated to fulfill the requirements for placing his machine on the market.

When is a machine considered self-built?

- When the employer designs and constructs the machine himself, with the possible support of an external planner.
- When the employer himself creates a complete installation out of individual machines (e.g. a manufacturing cell consisting of robot, discharge conveyor, protective housing), with the possible support of an external planner.
- When the employer plans machines and/or installations on his own responsibility.
- When the employer develops or procures the control of a machine or installation on his own responsibility.

Caution when importing directly

Caution is advised on internet platforms. These tempt with lower prices for products which may not be safe (they usually do not meet the necessary basic European health and safety requirements) and are therefore not suitable for procurement of work equipment.

We recommend in the case of direct imports stipulating the safety requirements (European product guidelines) already in the purchase agreement. For direct imports it is especially important that you check compliance with the terms and conditions of purchase when the products are delivered. This is important because in case of a faulty delivery (e.g. safety defects, missing declaration of conformity, missing instructions) you as employer are responsible for ensuring the appropriate rectification. Attention: In case of damage or accident, you could be held liable under these circumstances.

Work equipment without CE conformity

Work equipment, such as a pushcart or hand tools, whose only source of power is directly applied physical strength, as well as shelves, cabinets, scaffolds, etc. for which there are no basic health and safety requirements must be manufactured according to the latest standards and technology.

The manufacturer / distributor must be able to prove in a suitable manner that this work equipment was produced according to the state of the art and technology (e.g. norms, guidelines, datasheets).

The work equipment may not or only minimally endanger the health and safety of employees during normal use or reasonably foreseeable use.

For any necessary internal expertise, please contact cabs@ethz.ch. Support in the procurement process can be obtained from [Einkaufskoordination](#).

Legal framework and FCOS publications (Federal Coordination Commission for Occupational Safety)

UVG (Swiss Accident Insurance Act), Art. 82, Obligations and Responsibilities of the Employer

VUV (Accident Prevention Ordinance), Art. 3-10, Employer Obligations

VUV, Art. 24-32.c, Work Equipment

OR (Code of Obligations), Art. 41, Liability in Case of Damages and Compensation

FCOS Guideline 6512 «Work Equipment Guideline»

Additional recommendations

SUVA 66084.D. «Safety begins with the purchase»

SUVA CE05-D2. «Modification of used machines»

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