



Update on

Washroom Facilities in the Construction Industry

THE BC BUILDING TRADES provides coordination and support to affiliated construction unions. By working together, organized construction workers achieve a powerful voice in government, in bargaining and in their communities.

THE HARWOOD SAFETY GROUP is a leading occupational health and safety firm in B.C. Its consultants have decades of experience in safety and hygiene practice, law, training and working with WorkSafeBC.



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Executive Summary

The BC Building Trades (“BCBT”) published its first report on the dire sanitary conditions on construction sites in the Spring of 2021 (the “Report”). The Report examined the existing approaches used by employers in providing washrooms to workers on BC construction sites, and the governing regulatory framework under the *Workers Compensation Act* and the Occupational Health and Safety Regulation (OHSR) together with the related guidelines. Based on this review and considering the advanced practices in other jurisdictions, the Report made recommendations focused on modernizing washroom facilities and hygiene practices on construction sites. BCBT continues to push for these recommendations. They include, that employers:

- Supply plumbed washroom facilities – including the option of portable plumbed washrooms.
- Provide access to handwashing facilities close to washrooms.
- Ensure washrooms are properly cleaned, disinfected and maintained.
- Ensure washrooms have proper heating and illumination.
- Ensure washrooms are within appropriate walking distance for workers.¹

Despite the efforts of BCBT to advocate for these improvements, very little has changed. Plumbed toilets are still a rarity on construction sites. When they are utilized, they are often accessible only to supervisors and management. The workers who build our crucial infrastructure must still use porta-potties as their washroom facilities.



Industry has had two years to bring its practices into alignment with modern expectations around clean and sanitary facilities for construction workers. It is clear we must move beyond an educational approach and provide industry with clear directions about the provision of washroom facilities at workplaces. Additional and more prescriptive provisions setting the standards for how compliance is to be achieved at workplaces are called for to provide this clarity to employers, workers and enforcement officers.

¹ See Appendix 1 for Executive Summary of the Report.

This report details new recommendations to achieve the goal of worker access to flush toilets on construction sites in B.C. The highlights of those recommendations include:

- The requirement of flushed toilets on construction sites where the project has or will have 25 or more workers.
- The adoption of the definition of ‘plumbed’ contained in the BC Plumbing code: “*Plumbing system means a drainage system, a venting system and a water system or parts thereof.*”¹
- The use of portable flush facilities on construction sites.

The following workplace health and safety requirements continue to apply to washrooms facilities in B.C.:

The *Workers Compensation Act* requires employers to ensure the health and safety of all workers, remedy any workplace conditions that are hazardous to the health and safety of workers and comply with the OHSR.

The OHSR states plumbed washroom facilities must be provided to all workers (and be kept clean and sanitary and be readily available). An exception to this may be considered only when a plumbed facility cannot be provided, “because of the nature of the workplace” (or it is not “practical” as per guideline).

There are seldom any obstacles regarding “in the nature of the workplace” of a construction site that would prohibit the use of portable plumbed units. Particularly on larger construction projects, it is practical to have portable and plumbed washrooms on site. Indeed, this is currently the practice in Quebec’s construction industry.

While it has been slow going over the past two years, there has been some moderate progress. In the Summer of 2021, WorkSafeBC conducted a washroom facility inspection initiative. Additionally, WorkSafeBC has issued an updated guideline on construction site washroom facilities pertaining to maintenance.² There have also been various developments in Canada recognizing the need to modernize the approach to provision of washrooms on construction sites.

This updated Report examines these developments and makes recommendations about the path forward to better, cleaner and more sanitary conditions for all construction workers across British Columbia. An additional consequential benefit of providing improved washroom facilities in construction, is an increased level of support for under-represented groups who might be considering construction trades as a vocation.

1 See: British Columbia Plumbing Code (2018) Division A – Section 1.4. Terms and Abbreviations (bcpublications.ca)

2 BCBT has provided feedback to WorkSafeBC recommending additional revisions to the guideline that are needed.

Context

The current occupational environment requirements under section 4.85 of the OHSR pertaining to washrooms facilities at workplaces were enacted in 2004. WorkSafeBC also issued interpretive guidance for this section.

Despite the intent of this section of the OHSR to ensure that all workers have access to clean and hygienic washroom facilities, little has changed in decades regarding the provision and the condition of washrooms on construction sites. The default practice in the industry continues to be the use of portable chemical washrooms.

The following provides an update to the Report, including the increased attention being given to this topic and recent developments in Canada.



Current B.C. Regulatory Framework

The *Workers Compensation Act* and the OHSR include provisions related to employers' responsibilities to provide washroom facilities to workers. Plumbed washrooms are to be provided unless it is not practical to do so. The following is a summary of the relevant regulatory provisions and guidelines.¹

Workers Compensation Act

Section 21 – General Duties of Employers:

states that every employer must ensure the health and safety of all workers and any workers present at the workplace for which that employer's work is being carried out. It also states that employers must remedy any workplace conditions that are hazardous to the health and safety of the employer's workers.

OHSR

Section 4.85 includes:

... the employer must ensure that a sufficient number of washrooms are readily available for workers.

If plumbed facilities cannot be provided because of the nature of the workplace or the nature of the work, then the employer must provide access to portable washrooms and handwashing facilities...

WorkSafeBC OHS Guidelines

The guidelines cover:

- The sufficient number of facilities
- The meaning of “readily available”
- When no plumbing is available
- The maintenance of facilities



¹ See Appendix 2 for a comprehensive overview of this legal framework.



Revised G4.85(3) Maintenance of Washrooms

Following the publication of the Report, Work-SafeBC issued additions to the section 4.85 guidelines addressing cleaning and sanitation, inspections of washroom facilities, a process for reporting and addressing issues with maintenance or cleanliness (including keeping a log) and providing supplies such as soap, toilet paper, etc. It also re-enforced the need to follow the requirements under section 4.65 of the OHSR for proper illumination.

Unfortunately, these revisions have not led to progress when it comes to ensuring sufficient, clean flush washroom facilities for workers in construction. Portable chemical washrooms

continue to be the default approach and the cleanliness of those washrooms has not been improved. This is particularly disappointing in British Columbia, a province which in the last several decades has taken the lead in Canada in implementing progressive worker health and safety standards, e.g., second hand smoke, pay at the pump, and bullying and harassment.

The limitations of the guidelines and the failure of industry to modernize sanitation practices in the previous two years shows that clearer, more prescriptive language for industry is required to advance this issue.

Canadian Progress

Across the country, provincial governments have recognized that there is a need for regulatory changes to enforce standards on contractors. The following sections showcase the progress made in Ontario and Quebec in requiring better standards to ensure more sanitary conditions are prevalent in washrooms on construction sites.

Quebec – Safety Code for the Construction Industry

In 2015, Quebec passed an amendment to the Construction Code, addressing the requirement for flushed toilets for construction sites where there are or will be more than 25 workers. The Code also includes specifications covering the following: one toilet for every 30 workers, portable washrooms will only be used where flushed toilets cannot be connected to a water or sewer system, they must be within 500 feet of the worksite and have specific levels of maintenance, lighting, location, temperature, ventilation, supplies and general cleanliness.¹

In practice, contractors use toilet trailers or single units where connection to the sewer system is not possible. Both options allow users to activate

a flushing system with a foot pedal that removes the waste. They also provide for hand washing stations in the unit and overhead lighting. Many include heating as well. Various models are readily available.²

Ontario

In 2022, the Building and Construction Trades Council of Ontario passed a resolution calling for a Canada-wide washroom improvement program. The Ontario government heard this call to action and undertook a bathroom inspection blitz at more than 1,800 locations. During this blitz, 244 violations were found.

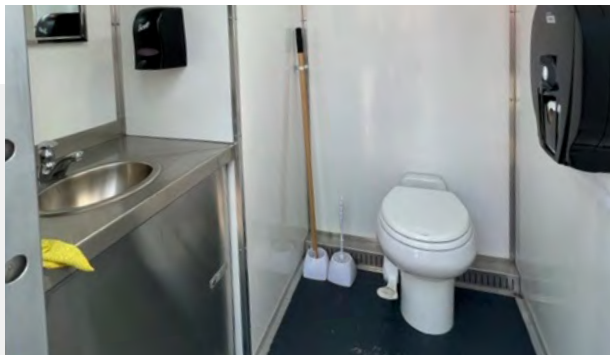


1 See Appendix 3 for full text of the code provisions.

2 Location De Toilette | Toilette Portative Intersan | Sanivac | Star – Star Suites

The dramatic number of violations prompted the Ontario government to take immediate action and have proposed changes to the Construction Projects Regulation under the Occupational Health and Safety Act. These changes include:

- At least one women-only washroom
- Doubling the number of washrooms on construction sites
- Adequate lighting stipulations
- Hand sanitizer where there is no running water
- Single toilets to be completely enclosed
- Repair for urinals and facilities, including additional sinks



These changes come into effect in July 2023.¹

Both Ontario and Quebec have made strides in the implementation of safe and clean washroom facilities for construction sites. Quebec has made improvements in having accessible, plumbed toilets that provide hand washing and more. These facilities, such as those referenced above should be the minimum standard. As the province often leading the way in advancing modern approaches to health and safety, B.C. can and should take the lead in setting humane washroom standards for construction sites.

Photos of a construction washroom trailer taken at the Pomerleau construction site at Majors Hill Park in Ottawa, Ontario May 2023. Standard units include flushing toilets with a porcelain tank, a counter, a sink, a porcelain urinal, a mirror, a window, an exterior lock, a light, air conditioning, air exchanger and heating.

¹ See Appendix 5 for full text of amendments.

And see: Appendix 6 – Joint OCA, NCHCA & Building Trades Best Practice for Construction Hygiene

Defining Better Standards

Where jurisdictions provide clear standards for the use of flush toilets, workers have appropriate access to adequate and safe washroom facilities. This not only benefits workers but also helps employers by creating a level playing field. Prescriptive standards support contractors in determining appropriate costs for their bids and removes this item as a competitive bidding tool. Defining when flush toilets must be used creates industry consistency and a fair process while advancing the conditions for workers.

Two essential approaches to setting clear standards for when flush washroom facilities must be provided are:

1. Use of a definition of “plumbed.”
2. Provision of a “triggering” threshold – e.g., number of workers or size of project.

Defining “Plumbed”

The OHSR currently states that plumbed washrooms must be provided unless employers cannot practically do so. However, neither section 4.85 nor the accompanying guidelines provide a definition of “plumbed.” This has allowed industry to assert that plumbed is something that is not easily accommodated on construction sites. Additional clarity of what plumbed means and a definition that showcases how the use of plumbed washrooms is available for most worksites is needed.

The following BC Plumbing code provides a clear definition which WorkSafeBC could reference in guideline and clarify that plumbed is not limited to connection to a public water system.

Plumbing system means a drainage system, a venting system and a water system or parts thereof.¹

1 See: British Columbia Plumbing Code (2018) Division A – Section 1.4. Terms and Abbreviations (bcpublications.ca)

And see:

Drainage system means an assembly of pipes, fittings, fixtures, traps and appurtenances that is used to convey sewage, clear-water waste or storm water to a public sewer or a private sewage disposal system, but does not include subsoil drainage pipes.

Venting system means an assembly of pipes and fittings that connects a drainage system with outside air for circulation of air and the protection of trap seals in the drainage system.

Water system means a private water supply system, a water service pipe, a water distribution system or parts thereof.

This definition incorporates the concept of mobile flush washroom facilities. Employers accordingly would have to demonstrate that they have assessed the practicality of providing such facilities to comply with section 4.85.

Threshold for Plumbed Facilities

The Report provided examples from other jurisdictions on how the obligations for flush type facilities have been met. There are several approaches that have been used which rely on a “threshold” for the size of the workplace to trigger the obligation for flushed facilities.

Victoria, Australia

In Australia, WorkSafe Victoria has requirements and guidance for the use of flush toilets on construction sites. These are outlined in Design of Toilets – sections 46 and 48 provide that:¹

- a. The toilet facilities need to, so far as is reasonably practicable, be connected to a sewerage system. Where it is not reasonably practicable to connect to the sewerage system, self-contained fresh water flushing type toilets (for example, portable water seal toilets) or an equivalent need to be provided. Pan type closets or straight drop toilets do not meet hygiene requirements.
- b. Each toilet needs to include hand washing facilities (general washing facilities may be used if it is located adjacent to the toilet facility). Applying this definition, employers would need to consider plumbed facilities which are either permanent or portable when making their assessment for use at the workplace.²

The accompanying guidance documentation published by WorkSafe Victoria states that in “medium-sized construction sites” the facilities must be self-contained and use fresh water-flushing toilets.

United Kingdom – Health and Safety Executive (HSE)

In the UK, the HSE has made it clear that plumbed or portable facilities with built-in water supply are the default requirement for toilets on construction sites where, “the work is notifiable (that is lasts more than 30 days or will involve more than 500 person days of work).”³

Toilets

So far as is reasonably practicable you need to provide flushing toilets and running water, connected to mains water and drainage systems. If this is not possible, facilities with a built-in water supply and drainage tanks should be used. Portable chemical toilets are acceptable only if it is not reasonably practicable to make other adequate provision.⁴

Quebec

A threshold of 25 workers is currently the standard in Quebec and there has been minimal concern expressed by the contractor community. In fact, Quebec and B.C. share several general contractors in common, including Kiewit, Aecon, and Pomerleau.

1 See: ISBN-Compliance-code-facilities-in-construction-2018-03.pdf (worksafe.vic.gov.au)

2 See: “Workplace facilities on medium sized residential construction developments” (worksafe.vic.gov.au)

3 “Provision of welfare facilities during construction work”, HSE Construction Information Sheet no 59.

4 Ibid at page 2.



Conclusion

Clear direction for when a flush toilet is required on construction work sites is provided in other jurisdictions in their legislation, codes and guidance documents. To bring this clarity to British Columbia, we recommend that the OHSR be amended to specify the circumstances where employers must provide flushed toilet facilities, including portable flush facilities where a

connection cannot be made to a water or sewer system. In line with the approaches used in other jurisdictions and to provide clarity, the amendment should use a threshold approach. We recommend that the threshold be based on the size of construction projects, and, that the threshold be where the project has or is anticipated to have 25 or more workers.

Recommendations

Industry has had two years to bring their practices into alignment with modern expectations around clean and sanitary facilities for construction workers. It is clear we must move beyond an educational approach and provide industry with clear regulations, consistent guidelines and a compliance strategy for implementation. Based on the analysis above, BCTC recommends the following:

1

The OHSR be amended to provide the requirement that flushed toilets be mandatory at construction sites where the project has or is anticipated to have 25 or more workers.

2

The OHSR be amended to provide a definition of plumbed flush toilets that includes portable flush facilities, consistent with the BC Plumbing Code definition of 'plumbed'.

3

WorkSafeBC provide guidance documentation to give clarity and direction to employers on their obligations under section 4.85, and the amendments thereto.

4

WorkSafeBC undertake an implementation strategy for follow-up and enforcement of the OHSR amendments in a timely manner to ensure industry compliance.

If adopted, these recommendations will provide the path to safer, cleaner and more hygienic washroom conditions for construction workers throughout British Columbia.

Appendix 1

Executive Summary

Report on Washroom Facilities in the Construction Industry – Spring 2021

The time has come to question the prevailing practice in the construction industry regarding the provision of washrooms on construction sites in B.C.

Construction sites rely on portable, non-plumbed washroom facilities, or “porta-potties” in meeting this health and safety requirement. Non-plumbed washrooms are wholly inadequate in terms of providing readily accessible, safe, hand hygiene and washing facilities, sufficient illumination, and consistent clean and sanitary conditions overall.

There are recognized biological hazards associated with poor hygiene practices prevalent under the conditions these facilities afford. The dangers from such hazards are now exacerbated by the additional adverse health outcomes that can arise from contracting the COVID-19 virus.

The current view by the industry and WorkSafeBC is that the use of unplumbed toilets on construction sites complies with the *Workers Compensation Act*, the OHS Regulation and the OHS Guidelines pertaining to the occupational environment requirements. However, in view of viable alternatives to non-plumbed portable washrooms – such a view is outdated and needs to be examined more closely.

The *Workers Compensation Act* requires employers to ensure the health and safety of all workers, remedy any workplace conditions that are hazardous to the health and safety of workers and comply with the OHS Regulation.

The OHS Regulation provides that plumbed washroom facilities must be provided to all workers (and be kept clean and sanitary and be readily available). An exception to this may be considered only when a plumbed facility cannot be provided, “because of the nature of the workplace” (or it is not “practical” as per Guideline).

There are seldom any obstacles regarding “in the nature of the workplace” of a construction site that would demonstrably prohibit the use of portable plumbed units. Particularly on larger construction projects, the nature of the workplace is not a prohibition and it is practical to have portable and plumbed washrooms on site.

Portable trailered plumbed washrooms provide the following benefits for worker health and safety.

- Water-flushing toilets and hand hygiene facilities with hot and cold running water.
- Pumped, cleaned, disinfected and replenished regularly if used with a proper servicing agreement.
- During the pandemic, proper upkeep meets the directions from Health Canada, WorkSafeBC

and the BCCDC for personal hygiene requirements as well as the cleaning and disinfecting of washrooms daily.

- Can be heated and illuminated, offering better conditions for use and effective cleaning and disinfection. Additionally, the efficacy of the disinfecting properties of most disinfectants is optimal in room temperature conditions.
- Conform with societally accepted and appropriate standards for personal hygiene.
- Align B.C. with other jurisdictions that take a modern-day and enlightened approach to worker hygiene on construction sites.

The use of illuminated, sanitary, well-maintained plumbed portable washrooms with hot and cold running water will assist in removing a variable that serves to impede women from actively considering construction trades as a vocation.

An industry and regulatory enforcement shift is called for in order to provide workers with the most basic element of workplace hygiene to help ensure both their personal dignity and their health and safety at work.

Recommendations

3. Modernize practices on construction sites in the use of flush toilets to align with other jurisdictions that require the use of plumbed, portable washrooms on construction sites.
4. Follow the current Health Canada, BCCDC, and WorkSafeBC COVID-19 protocols that recommend that any washroom facility be cleaned periodically throughout the workday, and again at the end of the workday.
5. Comply with the requirements under section 4.85 of the OHS Regulation, including by:
 - supplying plumbed washroom facilities
 - providing access to hand-washing facilities in close proximity to washrooms
 - ensuring facilities are effectively cleaned and disinfected and are kept clean and sanitary, and
 - ensuring facilities are “readily available for workers,” with the walking distance from a working area to a washroom no more than 60 metres (200 feet) away.
6. Provide a daily toilet cleaning schedule and have it posted adjacent to the washroom.
7. Ensure washroom units have appropriate heating and illumination.

Appendix 2

Comprehensive Overview of Regulatory Provisions and Guidelines

The following sets out the requirements under B.C.'s *Workers Compensation Act* and the Occupational Health and Safety Regulation ("OHS Regulation") regarding employers' responsibilities to provide washroom facilities to workers.

Workers Compensation Act

Section 21—General Duties of Employers

- (8) Every employer must
 - (a) ensure the health and safety of
 - i. all workers working for that employer, and
 - ii. any other workers present at the workplace at which that employer's work is being carried out, and
 - (b) comply with this Part, the regulations and any applicable orders.
- (9) ... an employer must
 - (a) remedy any workplace conditions that are hazardous to the health or safety of the employer's workers...

OHSR

Section 4.85

- (1) Except as provided by subsection (2), the employer must ensure that a sufficient number of plumbed washroom facilities are readily available for workers.

- (2) If plumbed washroom facilities cannot be provided because of the nature of the workplace or the nature of the work in which the worker is involved, the employer must
 - (a) provide access to portable washroom and hand-washing facilities, or
 - (b) make such other reasonable arrangements to accommodate workers as the circumstances allow, if access to portable washroom and hand-washing facilities cannot be provided.
- (3) If washroom facilities are provided, they must be:
 - (a) maintained in proper working order,
 - (b) kept clean and sanitary, and
 - (c) provided with the supplies necessary for their use

WorkSafeBC OHS Guidelines

Section 4.85 OHS Guidelines (Issued January 1, 2005)

G4.85(1)1 Washroom facilities—Sufficient facilities

In determining the number of facilities to provide, the calculations should be based on the anticipated largest number of workers on any shift at the workplace at one time; workers who spend more than 75% of their time away from the workplace may be excluded from the count.

Recommendations for sufficient plumbed wash-room facilities include the following:

- Where there are more than 9 workers, separate washrooms clearly signed for male and female workers. However, if the total number of workers on shift is 9 or fewer, or if a work area with 9 or fewer workers is located more than 60 metres (200 feet) from other washroom facilities, a single washroom for use by both male and female workers is generally suitable, provided it has a lockable door.
- In each female or male washroom, one toilet for 9 or fewer workers, two toilets for 10 to 24 workers, plus one more toilet for each additional 25 workers. If more than one toilet is required in a washroom for male workers, urinals may be substituted for half the recommended number of toilets.
- In each male or female washroom, one wash basin connected to a source of hot and cold water in each washroom containing one or two toilets and/ or urinals, and at least one additional wash basin for each additional two such fixtures. If a large circular pedestal wash basin is provided, 60 centimetres (2 feet) of the circumference is generally considered equivalent to one wash basin.
- Washrooms should be designed so as to provide privacy for workers using the facilities.

G4.85(1)2 Washroom facilities—Readily available

Section 4.85(1) requires washroom facilities to be “readily available for workers.” Generally, the walking distance from a working area to a washroom should not be more than 60 metres (200 feet). In multi-storied workplaces, washrooms should not be more than one floor above or below the working area.

In a workplace where the washroom facilities are not in a part of the building occupied by or under the control of the employer, the employer must ensure suitable facilities are available to workers.

If public-use washrooms are available within walking distance at the workplace, the employer may utilize these facilities for workers provided the facilities are kept clean and sanitary and are of sufficient number to accommodate the total number of users, including the anticipated number of workers and the public. A risk assessment under the workplace violence provisions of the Regulation (section 4.28) may also be required where workers will be sharing washrooms with non-workers.

G4.85(2) Washroom facilities where no plumbing is available

Where access to or installation of plumbed facilities is not practical, portable toilets should be provided and maintained. The number of portable facilities (toilets and hand-washing facilities) should be sufficient for the number of workers, and the facilities should be readily accessible to workers. See OHS Guidelines G4.85(1)-1 and G.4.85(1)-2 for recommendations on the number of facilities and their location. [Emphasis added]

In highly transient or short-term operations, where it is not practical to provide portable facilities, the needs of workers must be reasonably accommodated. Depending on the workplace location, workers may be given the opportunity to access alternative facilities such as those in parks or public buildings or be provided with other options appropriate to the workplace location.

Revised Guideline – February 3, 2022

G4.85(3) Maintenance of washroom facilities

Purpose of guideline

The purpose of this guideline is to explain the minimum standards for maintaining washroom facilities in accordance with section 4.85(3) of the Regulation.

Maintenance requirements for washroom facilities

The employer must ensure washroom facilities are maintained to meet the requirements of section 4.85(3).

Washroom facilities must be serviced, cleaned, and sanitized as frequently as necessary to maintain them in a clean and sanitary condition. Sanitized means that cleaned surfaces have been treated by a process that destroys bacteria, viruses, and other microorganisms that can cause disease or otherwise affect a worker's health.

For example, urinals, floors, walls, toilet seats, and high touch points like door handles should be cleaned with appropriate cleansing and sanitizing agents and wiped dry. Sanitizing products should be applied according to the manufacturer's directions in order to ensure effectiveness.

Employers should regularly inspect and assess the condition of washroom facilities at worksites as part of their occupational health and safety

program and set a routine servicing schedule for cleaning, waste removal, and replenishment of supplies. Servicing schedules should account for the number of toilets, workers, and shifts. Employers must ensure that washroom facilities provided through rental contracts are appropriately serviced to meet the requirements.

To facilitate compliance with the requirements of section 4.85(3) of the Regulation, the employer should have a process in place for reporting and addressing issues with the maintenance or cleanliness of the washroom facilities, or availability of supplies, and ensure that workers are made aware of that process.

Keeping a cleaning log and/or schedule and posting it, as well as the process for reporting issues, in or around each washroom facility can help employers show they have been duly diligent in meeting their responsibilities. It can also help to assure workers that the facilities are being reasonably maintained.

With respect to the provision of supplies, each washroom should be provided with suitable waste receptacles and with the supplies necessary for the use of the facilities, such as a supply of soap or other hand cleanser, toilet paper, and hand-drying towels or air dryers.

Washroom facilities must also be adequately illuminated in accordance with the requirements of section 4.65 of the Regulation.

Appendix 3

Quebec

Act Respecting Health and Safety (Chapter S-2.1, 2.4, s. 223)

Safety Code for the Construction Industry

3.2.7. Toilets:

As of the first day of work, a toilet must be placed at the disposal of workers. If 25 or more workers are to occupy the site at the same time, a flushing toilet must be placed at their disposal, even if all the workers are not yet present on site. If there never will be more than 24 workers on site, a chemical toilet may be at their disposal.

One toilet is provided per group of 30 workers or fewer.

If a flushing toilet is not connected to a water-works or sewer system in accordance with the Construction Code (chapter B-1.1, r. 2), it must collect the waste in a tank to process the waste chemically and be built in accordance with the standard Sanitation – Nonsewered Waste – Disposal Systems – Minimum requirements, ANSI Z4.3-1995 (R. 2005), published by the American National Standards Institute.

The obligation to place a toilet at the disposal of workers is met if the workers are authorized to use the sanitary facilities of an establishment located at a distance that complies with section 3.2.7.1

3.2.7.1. Toilets

must be located at a distance not exceeding 150 m (500 ft.) from the work area and must not be more than 4 storeys higher or lower than the work area.

3.2.7.2. A toilet must be

- (4) within easy access;
- (5) free from any obstacle or obstruction that could prevent the toilet from being used;
- (6) built so that the occupant is sheltered from view and protected from the weather and falling objects;
- (7) provided with natural or artificial lighting;
- (8) equipped with a seat and cover;
- (9) provided with toilet paper;
- (10) heated to a minimum of 20 °C; and
- (11) ventilated.

The toilet must be maintained in good operating condition and in a clean and sanitary condition and be kept free of vermin, rodents and insects.

Any cracked or damaged toilet seat must be replaced immediately.

3.2.8. Sinks:

The employer shall provide the workers who handle corrosive or toxic materials with sinks or showers that comply with section 3.2.15 and that enable them to wash with clean water, and likewise provide them with paper towels or individual hand towels.

3.2.8.1. Flushing toilet accessories:

A sink containing clean and temperate water must be placed at the disposal of workers for each flushing toilet. The sink must be maintained

in good operating condition and in a clean and sanitary condition and the following products must be placed at the disposal of workers:

- (a) soap or another cleansing agent;
- (b) a hand dryer, roller towels or paper towels;
- (c) where paper towels are used, waste paper baskets for their disposal.

A notice indicating that the water is not suitable as drinking water must be displayed so that it is visible to workers, where applicable.

Appendix 4

Ontario Recent Regulatory Changes to July 2023

CO. Reg. 213/91: CONSTRUCTION PROJECTS

Hygiene

28.

- (12) A reasonable supply of potable drinking water shall be kept readily accessible at a project for the use of workers. O. Reg. 213/91, s. 28 (1).
- (13) Drinking water shall be supplied from a piping system or from a clean, covered container with a drain faucet. O. Reg. 213/91, s. 28 (2).
- (14) Workers shall be given a sanitary means of drinking the drinking water. O. Reg. 213/91, s. 28 (3).
- (15) Workers shall not be required to share a common drinking cup to drink water. O. Reg. 213/91, s. 28 (4).

29.

- (1) In this section,
“facilities” means toilet, urinal and clean-up facilities; (“installations”)
“service”, when used as a verb, means to have waste pumped out and to have the facilities replenished where necessary. (“entretenir”)
O. Reg. 527/00, s. 1.
- (2) Revoked: O. Reg. 527/00, s. 1.

- (3) The constructor shall ensure,

- (a) that facilities are provided or arranged for workers before work has started at a project; and
- (b) that workers at the project have reasonable access to these facilities. O. Reg. 145/00, s. 15.

- (4) Subject to subsections (5) and (6), the facilities shall be located not more than 180 metres, measured horizontally, from the project work area. O. Reg. 142/17, s. 6.
- (5) If work is being performed in a tunnel, the facilities shall be located not more than 180 metres, measured horizontally, from the entrance to the tunnel. O. Reg. 142/17, s. 6.
- (6) The facilities may be located not more than 3 kilometres from the work area if transportation to the facilities is provided for workers where reasonably required. O. Reg. 142/17, s. 6.
- (7) If the project is the construction of a building, the facility shall be located not more than 9 metres, measured vertically, from the level at which work is being performed, in addition to meeting the requirement set out in subsection (4). O. Reg. 142/17, s. 6.

- (8) The location of the facilities under subsection (7) may be varied if the arrangement affords reasonable accessibility for workers. O. Reg. 145/00, s. 15.
- (9) If the location of the facilities is varied under subsection (8), the constructor shall document in writing the location and the reasons for the variance, and shall provide the document to,
 - (a) the joint health and safety committee or the health and safety representative, if any, for the workplace; or
 - (b) the workers, if there is no committee or representative for the workers. O. Reg. 145/00, s. 15.
- (10) The constructor shall,
 - (a) inform workers of the location of the facilities; and
 - (b) post the location of the facilities in a conspicuous place at the project if it is practical to do so. O. Reg. 145/00, s. 15.
- (11) The facilities shall be serviced, cleaned and sanitized as frequently as necessary to maintain them in a clean and sanitary condition. O. Reg. 145/00, s. 15.
- (12) The constructor shall keep at the project for the duration of the project,
 - (a) a record of the servicing, cleaning and sanitizing of the facilities; and
 - (b) a copy of the document required under subsection (9), if any. O. Reg. 145/00, s. 15.
- (13) Facilities that are not under the constructor's control satisfy the requirements of this section only if the constructor has received permission from the facilities' owner for workers to use the facilities. O. Reg. 145/00, s. 15.

29.1

(0.1) In this section,

“non-sewered flush toilet facilities” means water flush toilets or chemical flush toilets that have the features listed in subsection (0.2); (“installations de toilettes à chasse non raccordées à un réseau d’égouts”)

“sewered toilet facilities” means water flush toilets that are connected to a sanitary sewer system and equipped with a trap in accordance with the applicable provisions of the Building Code. (“installations de toilettes raccordées à un réseau d’égouts”) O. Reg. 527/00, s. 2 (1); O. Reg. 142/17, s. 7.

(0.2) The features referred to in the definition of “non-sewered flush toilet facilities” in subsection (0.1) are:

1. The toilets are not connected to a sanitary sewer system.
2. They are equipped with a trap or a positive seal separating stored waste from the bowl.
3. The waste is first flushed from the bowl with water or with water containing chemical additives. Then the waste is deposited into a container and chemically treated sufficiently for the container's maximum capacity. O. Reg. 527/00, s. 2 (1).

(1) Each toilet facility shall meet the following requirements:

1. There shall be a toilet with an open-front toilet seat.
2. There shall be a toilet paper holder and an adequate supply of toilet paper. If the facility is intended for use by female workers, there shall be a disposal receptacle for sanitary napkins.

3. The facility shall afford the user privacy and protection from weather and from falling objects. There shall be a self-closing door that can be locked from inside the facility.
 4. The facility shall be,
 - i. illuminated by natural or artificial light,
 - ii. adequately heated, if that is possible, and
 - iii. adequately ventilated.
 5. If the facility is intended for use by males only or by females only, it shall have a sign indicating that fact.
 6. The facility shall be kept in good repair at all times. O. Reg. 145/00, s. 15; O. Reg. 527/00, s. 2 (2, 3).
- (2) Separate toilet facilities shall be provided for male and female workers, unless the facilities are intended to be used by only one worker at a time. O. Reg. 145/00, s. 15.
- (3) Sewered toilet facilities or non-sewered flush toilet facilities shall be provided at a project, subject to subsection (4). O. Reg. 145/00, s. 15.
 - (4) If a project is being carried out in a remote unpopulated area and it is not reasonably possible to provide the toilet facilities required under subsection (3), other types of toilet facilities that come as close as possible to having the features of non-sewered flush toilet facilities shall be provided instead. O. Reg. 527/00, s. 2 (4).
 - (5) When water flush toilets or non-recirculating chemical flush toilets are provided, the minimum number of toilets required at the project is as follows:

Minimum number of toilets	Number of workers regularly employed at the project
1	1-15
2	16-30
3	31-45
4	46-60
4, plus 1 additional toilet for each additional group of 15 or fewer workers	61 or more

- (6) If the toilets are located in a multiple water flush toilet facility and are intended to be used by male workers, water flush urinals may be substituted for a maximum of two-thirds of the number of toilets required by subsection (5). O. Reg. 145/00, s. 15.
- (7) When toilets other than water flush toilets or non-recirculating chemical flush toilets are provided, the minimum number of toilets required at the project is as follows:

Minimum number of toilets	Number of workers regularly employed at the project
1	1-10
2	11-20
3	21-30
4	31-40
4, plus 1 additional toilet for each additional group of 15 or fewer workers	41 or more

- (8) If the toilets are located in a portable single-unit toilet facility intended for use by male workers, there shall be at least one urinal for each toilet. O. Reg. 145/00, s. 15.
- (9) Portable urinals equipped with clean-up facilities are permitted in addition to the requirements of this section. O. Reg. 145/00, s. 15.

29.2

- (1) Each single-toilet facility shall be provided with its own clean-up facility. O. Reg. 527/00, s. 3.
- (1.1) In a multiple-toilet facility at a project, one clean-up facility shall be provided for every two toilets. O. Reg. 527/00, s. 3.
- (2) Each clean-up facility shall meet the following requirements:
 - 1. Subject to subsection (3), the facility shall have a wash basin with running water.

Both hot and cold running water shall be available if reasonably possible.

- 2. Soap or hand cleanser shall be provided.
- 3. Paper towels or a hand dryer shall be provided. If paper towels are provided, there shall be a waste disposal receptacle nearby. O. Reg. 145/00, s. 15.
- (3) If it is not reasonably possible to have a wash basin with running water at a clean-up facility, hand cleanser that can be used without water shall be provided instead. O. Reg. 145/00, s. 15.

30.

Workers who handle or use corrosive, poisonous or other substances likely to endanger their health shall be provided with washing facilities with clean water, soap and individual towels. O. Reg. 213/91, s. 30.

Appendix 5

Ontario Construction Projects Regulation Amendment

ONTARIO REGULATION 61/23

made under the

OCCUPATIONAL HEALTH AND SAFETY ACT

Made: March 9, 2023

Filed: March 29, 2023

Published on e-Laws: March 29, 2023

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AMENDING O. REG. 213/91

(CONSTRUCTION PROJECTS)

2.

(1) Subsection 29 (4) of the Regulation is revoked and the following substituted:

- (4) Subject to subsections (5) and (6), the facilities shall be located not more than 90 metres, where reasonably possible, and otherwise not more than 180 metres, measured horizontally, from the project work area.

(2) Section 29 of the Regulation is amended by adding the following subsection:

- (11.1) The facilities shall be kept in good repair at all times.

3.

(1) Subsection 29.1 (1) of the Regulation is revoked and the following substituted:

(1) Each toilet facility shall meet the following requirements:

1. The facility shall have,

- i. a toilet with an open-front toilet seat,
- ii. a toilet paper holder and an adequate supply of toilet paper, and
- iii. a self-closing door that can be locked from the inside.

2. The facility shall,

- i. be adequately illuminated by natural or artificial light,
- ii. be adequately heated, if that is possible,
- iii. be adequately ventilated, and
- iv. afford the user privacy and protection from weather and falling objects.

3. If the facility is a single-toilet facility, it shall be completely enclosed.

(1.1) For greater certainty, the requirement that a facility be completely enclosed does not apply to a portable urinal.

(2) Section 29.1 of the Regulation is amended by adding the following subsections:

(2.1) Where the minimum number of toilets required at a project under subsection (5) or (7) is five or more, at least one facility at the project shall be for the use of female workers only, where reasonable in the circumstances.

(2.2) If the facility is intended for use by males only or females only, it shall have a sign indicating that.

(2.3) If the facility is intended for use by female workers, there shall be a disposal receptacle for sanitary napkins.

(3) Subsection 29.1 (4) of the Regulation is revoked and the following substituted:

(4) If a project is being carried out in a remote unpopulated area and it is not reasonably possible to provide toilet facilities required under subsection (3), other types of toilet facilities shall be provided.

4.

(1) Subsection 29.2 (1) of the Regulation is revoked and the following substituting:

(1) Subject to subsection (1.0.1), each single-toilet facility shall be provided with its own clean-up facility.

(1.0.1) One readily accessible clean-up facility may be provided for every two single-toilet facilities if those single-toilet facilities are located together in the same area at the project.

(2) Subsection 29.2 (3) of the Regulation is revoked and the following substituted:

(3) If it is not reasonably possible to have a wash basin with running water at a clean-up facility, both of the following shall be provided:

1. A means of cleaning hands.
2. An alcohol-based hand sanitizer containing a minimum of 60 per cent alcohol.

Commencement

5.

This Regulation comes into force on the later of July 1, 2023 and the day this Regulation is filed.

Appendix 6

Joint OCA, NCHCA and Building Trades Best Practice for Construction Hygiene

Toilets: Washroom facilities must meet the overall requirements of the MOL Ontario Toilet Regulations except where exceeded below.

As of the first day of work, a water flush toilet or non-recirculating chemical flush toilet must be placed at the disposal of workers. The minimum number of toilets required at the project is as follows:

Minimum number of flushing toilets	Number of workers regularly employed at the project
1	1-10
2	11-20
3	21-30
4	31-40
4, plus 1 additional toilet for each additional group of 15 or fewer workers	41 or more

Under exceptional and challenging construction site circumstances toilets other than water flush toilets or non-recirculating chemical flush toilets may be considered upon request.

Toilets must be located at a distance not exceeding 150 m (500 ft.) from the work area and must not be more than 9 metres higher or lower than the work area. Gender appropriate facilities need to be provided, unless the facilities are intended to be used only by one worker at a time. Toilets should be well lit, ventilated, and in a secure area.

Cleaning Protocol – A toilet and wash station cleaning inspection protocol shall be instituted by the constructor. The protocol will require an inspection report. Toilets and wash stations should be inspected four times a day. Cleaning will be done if necessary, with each inspection but at a minimum, washrooms/toilets must be washed at least twice per shift, that is, one in the middle of the shift and one at the end of the shift (alternately one before the start of the shift and one in the middle of the shift).

Wash Stations: For work sites with 15 or more workers, a sink supplied with clean, temperate water must be made available to workers with each flush toilet. The following products must be made available to workers:

3. Antibacterial soap or other antibacterial cleaning substance;
4. roll-up towels or paper towels;
5. the case where paper towels are used, baskets intended to throw them after use, contactless if possible.