New OHS Laws Require Employers to Provide Menstrual Products at Worksites



Because Occupational Health and Safety (OHS) laws were written when the industrial workforce was predominately male, they don’t address the special needs of female workers. One blind spot is personal hygiene. While OHS regulations require employers to provide sanitary and adequately equipped toilet facilities and washrooms, they don’t say anything about menstruation products. That leaves the estimated 35% of Canadian workers who use these products on a regular basis out in the cold. Studies show that lack of access to such products often causes female workers to skip work during their cycle.

Current State of Canadian OHS Menstruation Products Laws

However, things are starting to change. Four jurisdictions have recently revised their OHS regulations to include menstruation products in their toilet and washroom facilities requirements:

- Alberta requires employers to provide covered containers for disposal of feminine hygiene products next to required toilets used by women workers.

- Ontario requires not only containers but also actual products like tampons, pads, and napkins—but only at certain construction project sites and mines.
- Federal regulations require disposal containers and products to be furnished at all required toilet and washroom facilities.
- Manitoba goes a step further by requiring employers to not only provide disposal containers and a selection of feminine hygiene products at all required toilet and washroom facilities but also to make those products available to women workers for free.

No other jurisdiction's OHS laws specifically address menstruation or feminine hygiene products. Most require merely that employers furnish appropriate containers for disposing "waste," which could be interpreted as including menstrual products. In addition, three jurisdictions phrase their toilet and washroom requirements in a broad way that could be read as implying a duty to supply menstruation products:

- British Columbia, where required washrooms must be "provided with the supplies necessary for their use".
- New Brunswick, where washroom must have a sufficient supply of toilet paper and "hygiene supplies".
- Yukon, where employers must provide "sufficient" sanitary toilet facilities, taking into account the nature of the work, number of workers, and the workers' **gender**.

Québec currently has Canada's least menstruation-friendly OHS rules with neither express nor implicit requirements—even the standard waste disposal container requirement is phrased as narrowly covering only the disposal of paper towels.

Go to the OHSInsider website for a summary of the menstruation product rules, or lack thereof, in each part of Canada.