OHS LAWS: Take 5 Steps to Comply with Personal Hygiene Requirements



There are certain things that people take for granted in their workplaces. For example, most people rightfully assume that there will be restrooms and sinks provided. But did you know that the OHS laws actually contain specific requirements as to toilets, sinks and showers' Although it may seem surprising that the OHS laws cover such matters, providing these facilities is a health and safety issue. For example, you can't expect workers to wash their hands to prevent spreading the flu and other illnesses or to remove any hazardous chemicals they may have been exposed to if there are no sinks or hot water available. So here's an overview of the five steps you should take to comply with what we'll call the personal hygiene requirements in the OHS laws.

BATHROOM CLEANING PROCEDURE: Download a **model safe bathroom cleaning procedure** you can adapt and have your workers use to ensure they safely clean your personal hygiene facilities.

Defining Our Terms

The OHS laws use different terms for rooms where personal hygiene activities take place, such as personal service rooms, toilet facilities, washrooms, etc. For simplicity's sake, we'll simply refer to all such rooms as "facilities" throughout this article. In addition, this article doesn't

address the special requirements for facilities in the "field," or mobile, temporary or outdoor work environments or the requirements for emergency showers.

TAKE 5 STEPS

The personal hygiene requirements are usually included in a general requirements, personal hygiene or sanitation section of the OHS regulations. As always, you should consult and comply with the specific requirements in your jurisdiction's OHS laws. But in general, taking these five steps will help you comply with those requirements:

#1: Provide Appropriate Facilities

Every workplace must either provide its own toilets and/or urinals and sinks, or provide access to these facilities. For example, in an office building with multiple tenants, the building owner may provide the facilities, to which each tenants' employees then have access.

In general, you must provide showers or shower rooms when workers:

- Are exposed to high temperatures and/or humidity; and
- Come into contact with or are exposed to hazardous substances or chemicals, including asbestos fibres.

#2: Provide a Sufficient Number of Facilities

You should have a sufficient number of facilities readily available for use by your workers. The OHS regulations may, in fact, specify the minimum number of facilities or elements in a facility'such as toilets and sinks'your workplace must have. These figures are usually based on the total number of employees. For example, under Alberta's *OHS Code 2009*, the minimum number of toilets an employer must provide is based on the following chart:

Number of workers of the sex	Minimum number of toilets for that sex
1-10	1
11-25	2
26-50	3
51-75	4
76-100	5
> 100	6 (plus 1 for each additional 30 workers of the sex in excess of 100)

What about urinals' Many OHS regulations allow you to replace a certain number of toilets, such as up to a half or two-thirds, with urinals under designated circumstances.

The OHS regulations may also specify the minimum number of sinks (sometimes called "wash basins") required in a workplace. Again, this number is usually determined by the total number of employees.

***Insider* Says:** In most workplaces, you'll need to provide separate facilities for men and women. But in smaller workplaces, such as those with fewer than 10 employees, you may be able to provide a unisex facility as long as it meets certain requirements, such as having a door that can be locked.

#3: Ensure Facilities Comply with Requirements

Your workplace's facilities must comply with various requirements in the OHS regulations. For example, these facilities must typically:

- Be easily accessible to workers in terms of location;
- Meet any temperature requirements. For example, if reasonably practicable, facilities should be heated;

- Have hot water available at the sinks that may have to be within a specified temperature range;
- Be properly vented;
- Be adequately illuminated;
- Be designed to keep vermin, insects and other pests out;
- Be constructed of waterproof and/or moisture resistant materials;
- Have doors that are clearly marked by sex (if you have separate facilities for each sex);
- Contain adequate supplies of toilet paper and soap, and a way for workers to dry their hands, such as paper towels or blowers; and
- Contain closed disposal containers for feminine hygiene products in facilities used by female workers.

***Insider* Says:** In addition to requirements in the OHS laws, your facilities may have to comply with other legal standards, such as plumbing or building codes. For example, such codes may include requirements for making your facilities accessible to those who are disabled.

#4: Ensure Facilities Are Properly Used

Make sure you take steps to ensure that your facilities are used only for their designated purpose. For example, some OHS regulations specifically bar employers from using facilities to store materials (unless there's a closet inside the facility designed for that purpose, such as for storing bathroom cleaning supplies).

You should also require workers to use the facilities, particularly the showers, when necessary. For example, require workers to shower at the end of their shift if they've been in contact with hazardous substances. And don't be afraid to discipline workers who choose to relieve themselves somewhere other than in the facilities you provide.

Example: A female bakery worker caught a male worker urinating

into a floor sink in a janitor's room. When confronted by the employer, the worker initially denied the act but then admitted urinating in the sink several times. The employer asked if he had a medical condition that required an accommodation. The worker provided a doctor's note that just said he needed regular bathroom breaks. So the employer fired him. The arbitrator noted that the bakery had a washroom the worker could've used. His conduct ignored basic rules of "civilized behaviour," which is especially troubling in a food industry setting. And his alleged medical condition didn't justify his reckless conduct. So the arbitrator upheld his termination [*X v. Y (Termination Grievance)*, [2012] B.C.C.A.A.A. No. 103, July 23, 2012].

It's also important that you don't unreasonably restrict workers' use of the facilities, such as by only permitting workers to use them, say, once a day. Setting rigid restrictions on when workers can use the facilities could result in complaints, especially if a worker has a medical condition that may require more frequent trips to the facilities.

Example: A worker with colitis often needed immediate access to the restroom at unpredictable times. But her employer told her to try to confine her washroom use to scheduled breaks. She was also harassed by a co-worker, who complained about her use of the washroom. When the worker complained to management about the harassment and asked for an accommodation, she was fired. An arbitrator upheld her disability discrimination complaint. The employer and her supervisor didn't properly address the harassment nor did they appropriately respond to her request for accommodation [*Pilon v. Cornwall (City)*, [2011] O.H.R.T.D. No. 1706, Sept. 14, 2011].

#5: Properly Maintain Facilities

Take steps to ensure that your facilities are kept clean and sanitary, and that all elements are in working order. The OHS

regulations may spell out how often such rooms need to be cleaned, such as at least once a day, as well as how frequently the garbage or waste must be removed from the facilities (also usually at least once a day).

So assign workers to clean the facilities on a regular basis. But note that this task can expose workers to certain hazards, such as slips and falls and exposure to hazardous chemicals. Thus, you should implement a safe work procedure for this job and make sure that all workers who clean your facilities are adequately trained on this procedure.

Example: A custodian for a Toronto school district was cleaning a bathroom when she mixed a toilet bowl cleaner and a bleach-based cleaning product, releasing toxic chlorine gas. She emerged from the bathroom and grabbed a co-worker, complaining that she couldn’t breathe. She died of acute chlorine gas intoxication. The school district pleaded guilty to failing to ensure that the custodian was properly trained in the safe use of these chemicals and was fined $150,000.

BOTTOM LINE

Providing adequate personal hygiene facilities is necessary not just for the comfort of your workers but also because the OHS regulations require employers to do so. No, ensuring compliance with these requirements isn’t usually a priority for OHS regulators. But having inadequate, dirty or out-of-order bathroom facilities will likely make your employees very unhappy and undermine their morale.