

# Workplace Toilet Facilities Requirements – Know the Laws of Your Province



OHS laws require employers to maintain proper sanitation and hygiene at the work site. A key part of this general obligation is to ensure that there are adequate toilet facilities in place. This can be tricky, especially if you have sites in different parts of the country to the extent that OHS requirements vary by jurisdiction with regard to:

- The types of toilet facilities required;
- The minimum number of facilities required at a particular workplace;
- Where the facilities must be located;
- How they must be designed;
- Which supplies and equipment they must contain; and
- How they must be maintained.

Ontario has, by far, the most detailed and stringent rules for toilet facilities. However, those rules apply only to what are considered construction project sites. On the other end of the spectrum, in Yukon and BC the requirements for toilet facilities are vague, general and lacking in specific detail. Here's a summary of the requirements in each part of Canada.

## OHS Worksite Toilet Facilities Requirements

### FEDERAL

1. If feasible, a toilet room must be provided for employees—or a separate toilet room for each sex if employees of both sexes are employed at workplace;
2. Minimum number of toilets which employer must determine based on maximum number of employees of each sex normally employed by it at any one time at the same work place: (a) 9 or fewer employees: 1 toilet; (b) 10 to 24 employees: 2 toilets; (c) 25 to 49: 3 toilets; (d) 50 to 74 employees: 4 toilets; (e) 75 to 100: 5 toilets; and (f) 101 or more: 5 toilets and 1 toilet for every 30 such employees or portion of that number in excess of

100;

3. If class of employment in a work place is the transaction of business or rendering of professional or personal services, the number of toilets may be reduced: (a) where the number of employees of each sex doesn't exceed 25: 1 toilet; (b) where the number of employees of each sex exceeds 25 but doesn't exceed 50: 2 toilets; and (c) where the number of employees of each sex exceeds 50: 3 toilets and 1 toilet for every 50 employees or portion of that number in excess of 50;
4. Employer may substitute urinals for up to two-thirds of the number of toilets required to be provided for male employees;
5. For purposes of above, an employee who's normally away from the work place for more than 75% of their working time and doesn't normally use the toilet room in the work place doesn't need to be counted;
6. If feasible, toilet rooms and wash basins separate from those used by other employees must be provided for food handlers;
7. Employer may provide only one toilet for both male and female employees if: (a) the total number of employees normally employed by it in the work place at any one time doesn't exceed 5; and (b) the door of the toilet room is fitted on the inside with a locking device;
8. If the class of employment in a work place is the transaction of business or the rendering of professional or personal services, employer may provide only one toilet for both male and female employees if: (a) the total number of employees normally employed by it in the work place at any one time doesn't exceed 10 or the area of the work place doesn't exceed 100 m<sup>2</sup>; and (b) the door of the toilet room is fitted on the inside with a locking device;
9. Toilet rooms must be located no more than 60 m from and no more than one storey above or below each work place;
10. Every toilet room must be so designed that: (a) it's completely enclosed with solid material that's non-transparent from the outside; (b) no toilet or urinal is visible when the door of the toilet room is open; (c) it has a ceiling height of no less than 2.2 m; (d) where the toilet room contains more than one toilet, each toilet is enclosed in a separate compartment fitted with a door and an inside locking device; and (e) the walls of each separate toilet compartment are designed and constructed to provide a reasonable amount of privacy for its occupant;
11. Toilet paper on a holder or in a dispenser must be provided: (a) where there's only one toilet in a toilet room, in that toilet room; and (b) in each toilet compartment; and
12. A covered container for the disposal of sanitary napkins must be provided in each toilet room provided for the use of female employees (*COHS Regs.*, Secs. 9.12 to 9.17)

## ALBERTA

1. Employer must not place unreasonable restrictions on a worker's use of, or access to, any of the required facilities;
2. Toilet requirements don't apply to: (a) a food establishment or other work site for which there are specific regulations under the *Public Health Act*, or (b) a mobile or temporary work site at which work is being performed for a period of no more than 5 working days if the employer has arranged for workers to use local toilet facilities during that period;

3. OK to have only one toilet facility for both sexes if: (a) the total number of workers at the work site is never more than 10, and (b) the door to the toilet facility can be locked from the inside;
4. If 3 or more toilets are required for men, employer may substitute not more than 2/3 of the toilets with urinals;
5. If 2 toilets are required for men, employer may substitute one of them with a urinal;
6. Employer must ensure that a toilet facility is located so that it's readily accessible to workers who may use it;
7. Employer must ensure that at least one wash basin or hand cleaning facility is provided in a toilet facility;
8. Employer must ensure that there's one wash basin or hand cleaning facility for every 2 toilets in addition to the wash basin or hand cleaning facility required under subsection 8 if 3 or more toilets are required in a toilet facility;
9. Employer may substitute circular wash fountains for wash basins or hand cleaning facilities required by subsections (9) and (10) on the basis that each 500 millimetres of the fountain's circumference is equivalent to one wash basin or hand cleaning facility;
10. Employer must ensure that a toilet facility at a work site has: (a) toilet paper available at each toilet, (b) hand cleaning agents and single use towels of cloth or paper, or air hand drying equipment, at each wash basin or hand cleaning facility, and (c) a covered disposal container for feminine hygiene products near each toilet used by women;
11. Employer must ensure that a lunch room, change room, toilet, urinal, wash basin, hand cleaning facility, circular wash fountain or shower at a work site is clean and sanitary and operational; and
12. Employer must ensure that changing rooms, lunch rooms, toilet facilities and rooms in which a wash basin or shower are located are not used as storage areas for materials unless the storage facilities are properly constructed for those materials(*OHS Code*, Secs. 354 to 361)

## BRITISH COLUMBIA

1. **General:** Employer must provide workers information, instruction, training and supervision necessary to ensure their health and safety of workers in carrying out their work and ensure the health and safety of other workers at the workplace (*Workers Comp Act*, Sec. 21(2)); and
2. **Toxic Biological Agents:** Education and training material on required exposure control plan for biological agents must be appropriate to the educational level, literacy, **and language** of workers (emphasis added) (*Guidelines to OHS Regs.*, Part 5)

## MANITOBA

1. Subject to the *Manitoba Building Code*, employer must ensure that a workplace has the number of toilets and washbasins in separate facilities for each sex.
2. OK to have 1 toilet for both sexes if: (a) never more than 10 workers at the workplace at one time; and (b) the door to the toilet facility can be locked from the inside;
3. If 2 or more toilets required for men, employer may substitute no more than

half of the toilets with stall urinals;

4. Employer must ensure that each workplace toilet facility: (a) has a legible sign posted on or near the door denoting the sex of those entitled to use facility; (b) is used only as a toilet facility; (c) is kept free from obstacles or obstructions; (d) is kept clean, sanitary and in good working order; (e) is supplied with (i) toilet tissue at each toilet at all times, (ii) easily cleanable containers for waste materials, and (iii) a covered disposal container for feminine hygiene products near each toilet used by women; (f) except for a urinal, is equipped with an individual compartment and a door that can be locked from the inside; and (g) is adequately heated, illuminated and ventilated;
5. Employer must not place unreasonable restrictions on a worker's use of or access to toilet facilities at a workplace (*WSH Regs.*, Secs. 4.7 to 4.8)

## **NEW BRUNSWICK**

1. Employer must provide following minimum number of toilets for each sex based on maximum number of employees of each sex who are normally employed at any one time at the same place of employment: (a) 9 or less: one toilet; (b) 10 to 24: 2 toilets; (c) 25 to 49: 3 toilets; (d) 50 to 74: 4 toilets; (e) 75 to 100: 5 toilets; and (f) 101 or more: 5 toilets + one toilet for every 30 employees over 100;
2. If total number of employees normally employed by an employer in the place of employment at any one time doesn't exceed 9, employer may provide only one toilet for both male and female employees if the toilet is situated in a room whose entrance door is fitted on the inside with a locking device;
3. Separate rules for number of toilets in an underground mine;
4. Where more than 2 toilets are required for male employees, employer may substitute urinals for up to two-thirds of the required number of toilets;
5. Toilets must be of the water flush type where running water and sewage facilities are available, and may be of the chemical, self-contained portable or other similar type if no running water is available;
6. As soon as work starts on a project site, the principal contractor or, if there is no principal contractor, the owner must provide the required toilets; and
7. Employer must ensure that a toilet facility is: (a) within easy access of an employee's work area, (b) enclosed so that an employee is sheltered from view and protected from the natural elements, (c) adequately ventilated and illuminated, (d) where possible, heated, (e) kept in a clean and sanitary condition, (f) provided with a sufficient supply of toilet paper and hygiene supplies, (g) provided with a covered waste receptacle, (h) maintained in working condition, and (i) in the case of a self-contained unit, is emptied and serviced at intervals ensuring that the unit doesn't overflow (*OHS Gen. Reg.*, Sec. 5)

## **NEWFOUNDLAND**

1. Employer must provide, maintain and keep clean sufficient and suitable toilet facilities for workers and make effective provision for lighting and heating the toilet facilities; and
2. Sufficient and suitable toilet facilities referred to in subsection (1) means: (a) 1 suitable toilet for up to 10 workers and one additional toilet

for every 20 workers or fraction of those likely to be present; (b) additional toilets where toilet facilities are likely to be used by persons in addition to workers; (c) where both males and females are employed, separate toilets must be provided and suitably identified for workers of each sex; (d) where a toilet is designated for males, employer may replace up to two thirds of the toilets with urinals; (e) where more than 100 males work or are likely to work on a shift and sufficient urinal accommodations are provided, the requirements of paragraph (a) may be reduced at the discretion of an officer; (f) a toilet that's under cover and positioned and partitioned off to secure privacy must have a proper door and fastenings; (g) doors and partitions must extend at all parts from not more than 30.48 centimetres and not less than 1.83 metres above floor level; (h) a supply of toilet tissue must be maintained in a toilet stall at all times and easily cleanable covered receptacles must be provided for waste materials; and (i) toilets must be conveniently accessible to the workers at all times during work (*OHS Regs.*, Sec. 61)

## NOVA SCOTIA

1. Employer must make accessible a minimum number of toilets for each gender, determined according to the maximum number of persons of each gender normally employed at any one time at the same workplace, as follows: (a) 9 or fewer: 1 toilet; (b) 10 to 24: 2 toilets; (c) 25 to 49: 3 toilets; (d) 50 to 74: 4 toilets; (e) 75 to 100: 5 toilets; and (f) 101 or more: 5 toilets + 1 toilet for every 30 persons over 100;
2. If a workplace, such as a motor vehicle or an isolated small temporary workplace such as a logging operation or a survey site, doesn't have running water or sewage facilities, employer must ensure that the toilets required in subsection (1) are accessible where it's reasonably practicable;
3. Where the total number of persons normally employed in the workplace at any one time doesn't exceed 9, employer may provide 1 toilet for both male and female persons if the toilet is situated in a room with an entrance door fitted on the inside with a locking device;
4. Where more than 2 toilets are required for male employees, employer may substitute urinals for up to  $\frac{2}{3}$  of the required number of toilets;
5. Employer must ensure that toilets are of the water flush, chemical, self-contained portable or other similar types;
6. Employer must ensure that a toilet facility required by these regulations is: (a) within easy access of a person's workplace; (b) enclosed so that a person is sheltered from view and protected from the natural elements; (c) adequately ventilated and illuminated; (d) heated, where reasonably practicable; (e) kept in a clean and sanitary condition; (f) provided with a sufficient supply of toilet paper; (g) provided with a waste receptacle; (h) maintained in working condition; and (i) in the case of a self-contained unit, emptied and serviced at intervals to ensure that the unit doesn't overflow; and
7. Employer must ensure that an employee has reasonable opportunities to use the toilet facilities (*Occ. Safety Gen. Regs.*, Sec. 19)

## ONTARIO

### Construction Projects:

1. Constructor must ensure that facilities are provided or arranged for workers before work has started at a project, and that workers at the project have reasonable access to these facilities;
2. Location: (a) Facilities must be located not more than 90 metres, where reasonably possible, and otherwise not more than 180 metres, measured horizontally, from the project work area; (b) If work is performed in a tunnel, facilities must be located not more than 180 metres, measured horizontally, from the entrance to the tunnel; (c) 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; (d) If the project is the construction of a building, facility must 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 (a); (e) Location of the facilities under subsection (d) may be varied if the arrangement affords reasonable accessibility for workers, provided that the constructor documents in writing the location and the reasons for the variance, and provides the document to: the workplace joint health and safety committee (JHSC) or health and safety representative (HSR), or the workers if there is no JHSC or HSR;
3. Constructor must inform workers of the location of the facilities, and post the location of the facilities in a conspicuous place at the project if it is practical to do so;
4. Facilities must be serviced, cleaned and sanitized as frequently as necessary to maintain them in a clean and sanitary condition and kept in good repair at all times;
5. Constructor must keep at the project for the duration of the project, a record of the servicing, cleaning and sanitizing of the facilities, and a copy of the document required under subsection (2)(e);
6. Facilities 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 (*OHS Const. Projects Regs.*, Sec. 9);
7. Each toilet facility must 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;
8. In addition, the facility must: i. be adequately illuminated by natural or artificial light, ii. be adequately heated, if possible, iii. be adequately ventilated, and iv. afford the user privacy and protection from weather and falling objects—if the facility is a single-toilet facility, it must be completely enclosed, except for a portable urinal;
9. Separate toilet facilities must be provided for male and female workers, unless the facilities are intended to be used by only one worker at a time;
10. Where the minimum number of toilets required at a project is 5 or more, at least one must be for the use of female workers only, where reasonable in the circumstances;
11. If the facility is intended for use by males only or females only, it must have a sign indicating that;
12. If the facility is intended for use by female workers, there must be a disposal receptacle for sanitary napkins;

13. Sewered toilet facilities or non-sewered flush toilet facilities must be provided at a project; exception: If a project is being carried out in a remote unpopulated area and it's not reasonably possible to provide toilet facilities required under subsection (13), other types of toilet facilities must be provided;
14. When water flush toilets or non-recirculating chemical flush toilets are provided.
15. If the toilets are located in a multiple water flush toilet facility and intended to be used by male workers, water flush urinals may be substituted for up to two-thirds of the number of toilets required;
16. When toilets other than water flush toilets or non-recirculating chemical flush toilets are provided, the minimum number of toilets required.
17. If the toilets are located in a portable single-unit toilet facility intended for use by male workers, there must be at least one urinal for each toilet; portable urinals equipped with clean-up facilities are permitted in addition to the requirements of this Section 29; and
18. Each single-toilet facility must be provided with its own clean-up facility; exception: 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 (*OHS Const. Projects Regs.*, Sec. 29)

## **PRINCE EDWARD ISLAND**

1. Every employer must at each workplace provide proper toilet facilities that are maintained in proper working order at all times, kept clean and have adequate provision for privacy, heat, light and ventilation;
2. Where fewer than 10 persons are employed, employer must provide washroom and toilet facilities in a room having a proper door with a locking device on the inside;
3. Where 10 or more persons are employed, employer must provide separate washrooms and toilet facilities for each sex with a locking device on the inside;
4. Numbers: In every place of employment where running water is available, employer must provide following minimum number of toilet facilities based on number of persons employed at the site: (a) 9 or less: 1 facility; (b) 10 to 24: 2 facilities; (c) 25 to 49: 3 facilities; (d) 50 to 74: 4 facilities; (e) 75 to 100: 5 facilities; and (f) 101 or more: 5 facilities + one facility for every additional 30 persons;
5. In every place of employment where running water is available, employer must also provide a supply of toilet tissue for each toilet at all times and washable covered receptacles for waste;
6. Where more than two toilets are required for male workers employer may substitute urinals for up to 2/3 of the required number of toilets;
7. In workplaces where running water is unavailable, employer must provide privies, chemical toilets, or other types of toilets and facilities for handwashing to the satisfaction of an OHS officer; and
8. Employer must ensure that all chemical toilets or privies are: (a) provided from the start of the project; (b) constructed so that any user is sheltered from view and protected from weather and flying objects; (c) adequately heated in cold weather; (d) provided with adequate supplies of disinfectant; and (e) maintained in a clean and sanitary condition (*OHS*

## QUÉBEC

1. All establishments must have installed one or more washrooms that are separate from other rooms in the establishment;
2. The number of washrooms, toilets, urinals, sinks, showers and other facilities must meet Schedule IX of the Regulations; 3
3. The toilets of an establishment must be: (a) provided with toilet paper; (b) kept in good working order; and (c) provided with seats;
4. Any cracked or damaged toilet seat must be replaced immediately;
5. The toilets of an establishment must be: (a) used only for the purposes for which they were designed; (b) free from any obstacle or obstruction that could prevent them from being used; (c) kept clean and free of vermin, rodents or insects; (d) maintained in sanitary condition; (e) cleaned and washed before each shift or on the first half of each shift, except if they haven't been used; and (f) disinfected daily (*OHS Regs.*, Secs. 161 to 165); Separate rules apply to toilets at construction project sites

## SASKATCHEWAN

1. workers: (a) are provided at a place of employment, maintained and kept clean; (b) are sufficient in number for the number of workers at the place of employment at any one time; and (c) have adequate provision for privacy, heat, light and ventilation;
2. Minimum number of toilet facilities required at place of employment depending on number of workers employed there as set out in Table 10 of Regs.: (a) 10 or fewer: 1 toilet; (b) 11 to 25: 2 toilets; (c) 26 to 50: 3 toilets; (d) 51 to 75: 4 toilets; (e) 76 to 100: 5 toilets; and (f) 101 or more: 5 toilets + 1 toilet for each additional 30 persons;
3. If toilet facilities are likely to be used by persons other than workers, employer, contractor or owner must provide additional toilets in a number proportionate to the number set out in Table 10 and, if use by those other persons is substantial and frequent, employer, contractor or owner must provide separate toilet facilities for those other persons;
4. If there are more than 10 workers and both male and female persons are employed at any time, employer, contractor or owner must provide separate toilet facilities for workers of each sex in numbers proportionate to the numbers of male and female persons employed;
5. If each toilet compartment is completely enclosed from floor to ceiling and has a door that can be locked from the inside, employer, contractor or owner is deemed to have met the requirements of subsection (4);
6. If more than 100 male persons work or are likely to work on any shift and sufficient urinal accommodations are provided, the minimum number of toilet facilities set out in Table 10 may be reduced with permission of an officer;
7. Employer, contractor or owner must ensure that each toilet facility required: (a) is used exclusively for the purposes for which the facility is designed; (b) is free from any obstacle or obstruction that could prevent the facility from being used; (c) is kept free of vermin; (d) is supplied with toilet tissue at all times and with easily cleanable, covered receptacles for waste materials; and (e) except in the case of a urinal, is

equipped with an individual compartment and a door that can be locked from the inside (*OHS Regs.*, Sec. 6-8)

## **NORTHWEST TERRITORIES & NUNAVUT**

1. Employer must, to the extent reasonably possible, ensure that suitable and readily accessible toilet facilities for workers: (a) are provided at a work site, maintained and kept clean; (b) are sufficient in number for the number of workers at the work site at any one time; and (c) have adequate provision for privacy, heat, light and ventilation;
2. Minimum number of toilet facilities required at place of employment depending on number of workers employed there as set out in Schedule K of Regs.: (a) 10 or fewer: 1 toilet; (b) 11 to 25: 2 toilets; (c) 26 to 50: 3 toilets; (d) 51 to 75: 4 toilets; (e) 76 to 100: 5 toilets; and (f) 101 or more: 5 toilets + 1 toilet for each additional 30 persons;
3. If toilet facilities are likely to be used by persons other than workers, employer must provide additional toilets in a number proportionate to the number set out in Schedule K and, if use by those other persons is substantial and frequent, employer must provide separate toilet facilities for those other persons;
4. If there are more than 10 workers and both male and female workers who work at a work site, employer must provide separate toilet facilities for workers of each sex in numbers proportionate to the numbers of male and female workers present;
5. If more than 100 male workers work or are likely to work on a shift and the Chief Safety Officer is satisfied that sufficient urinal accommodations are provided, he or she may reduce the minimum number of toilet facilities required under Schedule K; and
6. Employer must ensure that each toilet facility required: (a) is used exclusively for the purposes for which the facility is designed; (b) is free from any obstacle or obstruction that could prevent the facility from being used; (c) is kept free of vermin; (d) is supplied with toilet tissue and with easily cleanable, covered receptacles for waste materials; and (e) except in the case of a urinal, is equipped with an individual compartment and a door that can be locked from the inside (*OHS Regs.*, Sec. 75)

## **YUKON**

Workers must be provided with sufficient clean sanitary toilet facilities, taking into account the nature of the work, the number of workers and the gender of the workers (*WSC Regs.*, Sec. 1.71)