

Workplace Sanitation Toilets & Compliance Game Plan



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 based on the numbers and [sexes](#) of the persons who work at, as well as the physical conditions of the site. While [specific requirements vary by jurisdiction](#), the approach is pretty much the same. Here's a game plan setting out the 8 things you must do to comply.

1. Ensure You Have the Type of Toilet Facilities

The general rule in the jurisdictions that specifically address the issue—including BC, New Brunswick, Ontario and Prince Edward Island—is that toilets must be of the water flush type where running water is reasonably available at the site. If not, the employer must provide chemical or freestanding toilets at the site.

2. Ensure You Have the Minimum

Number of Toilet Facilities Required

There must be an adequate number of toilets based on how many workers of different sexes are normally employed and/or expected to be present at the site at any one time. The minimum number is for each sex.

There are relatively significant deviations from these standard numbers under Newfoundland, Ontario and Quebec OHS laws. BC and Yukon are the only jurisdictions that don't specify a minimum number of toilets.

Exceptions

Saskatchewan, Newfoundland, Northwest Territories and Nunavut allow employers to provide fewer than the required number of toilets at sites with 100 or more workers, as long as a government OHS officer gives permission. Under federal law, reducing the number of toilets is okay when: i. the 'class of employment' at the site involves transacting business or providing professional or personal services; and ii. the number of toilets per sex doesn't fall below a specific ratio.

3. Be Sure It's Okay to Have One Shared Toilet

Five jurisdictions allow employers to have just one toilet facility for both sexes as long as 2 conditions are met:

- The total number of workers at the site is below a specific number, i.e., 9 (in New Brunswick and Nova Scotia) or 10 (Federal, Alberta and Prince Edward Island); and
- The door to the room containing the toilet facility can be locked from the inside.

4. Be Sure It's Okay to Substitute Urinals for Toilets

Most jurisdictions give employers leeway to substitute urinals for up to two-thirds of the number of toilets required for male workers at work sites requiring 2 or more toilets for male workers. **Example:** A workplace requiring 6 toilets for male workers can have 2 toilets and 4 urinals.

5. Ensure Toilet Facilities Are in a Proper Location

In general, employers must ensure that toilets are readily accessible to and within easy reach of the workers at the site without unreasonable obstruction. Specific location requirements also apply in some jurisdictions. Thus, under federal law, toilet rooms must be located no more than 60 metres from and no more than one storey above or below each work place. Ontario has the strictest rules, requiring that facilities at construction project sites be located:

- No more than 90 metres, where reasonably possible, and otherwise no more than 180 metres, measured horizontally, from the project work area;
- No more than 180 metres, measured horizontally, from the entrance to the tunnel, when work is performed in a tunnel;
- No more than 3 kilometres from the work area if transportation to the facilities is provided for workers where reasonably required;
- No more than 9 metres, measured vertically, from the level at which work is being performed, if the project is the construction of a building.

6. Ensure Toilet Facilities Are Properly Designed

Employers must ensure that required toilet facilities are properly designed and constructed for their intended use. Such facilities should be:

- Properly ventilated (Quebec has the strictest ventilation requirements for toilets);
- Adequately lit;
- Kept sufficiently heated, where [reasonably practicable](#); and
- Fully enclosed with non-transparent materials to maintain privacy, except for urinals.

In addition, Manitoba, Northwest Territories, Nunavut, Ontario and Saskatchewan require that toilets be enclosed in stalls that lock from the inside.

7. Ensure Toilet Facilities Are Properly Equipped

It's up to the employer to ensure that required toilet facilities are properly equipped with:

- Adequate supplies of toilet paper;
- Soap or other hand cleaning agents;
- Towels or other materials for drying hands;
- Wash basins; and
- Waste receptacles'4 jurisdictions (FED, AB, MB, ON) specifically require covered receptacles for disposal of feminine hygiene products in female toilet facilities.

Signs marking the sex of those allowed to use the facility are required in Manitoba and on construction projects in Ontario.

8. Ensure Toilet Facilities Are Properly Maintained

Employers are responsible for ensuring that toilet facilities are kept clean, sanitary, free from dirt and vermin and in proper running order at all times. Some provinces also impose specific cleaning and maintenance requirements:

- New Brunswick and Nova Scotia specify that self-contained toilet units must be emptied and serviced at regular intervals to ensure they don't overflow;
- In Ontario, the constructor at a construction project must keep a record of the servicing, cleaning and sanitizing of the facilities at the site for as long as the project lasts; and
- In Quebec, toilet facilities must be disinfected daily and cleaned and washed before each shift or on the first half of each shift, unless they haven't been used.

Final Compliance Pointer

Keep in mind that the duty to comply with workplace toilet standards extends beyond OHS laws. You must also take into account requirements under other laws, including but not limited to local building, sanitation and health codes that apply to your workplace and its operations.

Number of workers of that sex	Minimum number of toilets for that sex
1-9	1
10-24	2
25-49	3
50-74	4
75-100	5

Number of workers of that sex	Minimum number of toilets for that sex
101 or more	5 + 1 for each additional 30 workers of those workers' sex