

Changes to Health and Safety Legislation You Should Know About

Washroom facilities and Personal Protective Equipment in Construction

The Ministry of Labour, Immigration, Training and Skills Development have indicated their desire to strengthen requirements for personal protective equipment (PPE) and washroom facilities on construction projects.

On July 1, 2023, amendments will be made to Regulation 213 – Construction Projects.

On the following pages you will find a side-by-side comparison of what these amendments mean for workplaces in construction.

You can view the amendments by visiting [Regulation 61/23](#).

Increased fines for Corporations

On March 20, 2023, the Minister of Labour, Immigration, Training and Skills Development introduced a bill that would result in increased fines for corporations under the Occupational Health and Safety Act. The bill has not yet been finalized, but if passed would amend the following in the Act:

66 (2) of the Occupational Health and Safety Act is amended by striking out “\$1,500,000” at the end and substituting “**\$2,000,000**”.

You can monitor the status of the changes to this Bill by visiting the website for the [Legislative Assembly of Ontario](#).

Contact WorkBright™

If you have any questions about how these proposed amendments apply to your workplace, feel free to contact WorkBright™.

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Amendments to Regulation 213 – Construction Projects. Comes into force on July 1, 2023

Important amendments have been bolded in black.

21. Protective Clothing, Equipment and Devices

Add (4) Personal protective clothing and equipment that is provided, worn or used **shall be a proper fit**, having **regard to all relevant factors including body types**.

29. (4) Hygiene (distance to washroom facilities)

Revoked 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.

Substitute (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.

29. Hygiene (Good repair)

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

29.1 (1) Hygiene (Non-sewered flush toilets)

Revoked (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).

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- Substitute** (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.

29.1 Hygiene (female-only use)

- Add** (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.

29.1 (4) Hygiene (toilets in remote areas)

- Revoked** (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.
- Substitute** (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.**

29.2 (1) Hygiene (clean-up facilities)

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Revoked (1) Each single-toilet facility shall be provided with its own clean-up facility.

Substitute (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.**

29.2 (3) Hygiene (hand sanitizer)

Revoked (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.

Substitute (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.**

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