

Ministry of Labour, Immigration, Training and Skills Development

Portable Sanitation on Construction Projects

**Presentation - OASIS Conference
January 30, 2026**

Occupational Health
and Safety Branch

Fair, Safe and Healthy
Workplaces Division

Agenda

- Introduction
- Duties of Supplier & Constructor
- Review of hygiene requirements on construction projects.
- Common orders issued by inspectors
- Questions

Introduction

The Importance of hygiene in construction

Construction workers are often at risk from exposure to infectious diseases on construction projects due to poor sanitary conditions associated with toilets and clean-up facilities. Poor sanitation is a major cause of disease and can be a serious occupational health risk.

Occupational Health & Safety Act (OHSA)

Section 23 – Constructor duties

Section 31(1) – Supplier duties

Duties of Supplier

31 (1) Every person who supplies any machine, device, tool or equipment under any rental, leasing or similar arrangement for use in or about a workplace shall ensure,

- (a) that the machine, device, tool or equipment is in good condition;
- (b) that the machine, device, tool or equipment complies with this Act and the regulations; and
- (c) if it is the person's responsibility under the rental, leasing or similar arrangement to do so, that the machine, device, tool or equipment is maintained in good condition.



Duties of Supplier

- Suppliers and constructors each have separate and overlapping duties with respect to facilities under the Act.
- The Ministry will hold both suppliers and constructors accountable for fulfilling their legal obligations based on the facts in each case.
- If a supplier knowingly supplies non-compliant equipment to a project, it will be in contravention of clause 31(1)(b) of the OHSA.
- A contract or agreement does not immunize a supplier from the enforcement of the provisions of the OHSA against them.

Hygiene Requirements

Reg 213/91

The legislation - Hygiene Requirements

The regulation (sections 28 to 30) addresses:

- Drinking water
- Menstrual products
- When and where facilities are required
- Acceptable toilet types and numbers
- Privacy and protection from the elements
- Servicing, cleaning, sanitizing, maintenance & record keeping
- Clean-up facilities

Drinking Water (S. 28)

Constructor duty (may also be agreements with employers on the project or a supplier)

- Reasonable supply of potable drinking water kept accessible on the project
- Supplied by piping system or clean, covered container with drain faucet
- Sanitary means of drinking the water
- No sharing of drinking cups

Menstrual Products (S. 28.1)

Constructor's duty (unless agreement with employer(s) or supplier)

Note: Only applies on projects with 20 or more regular workers lasting 3 months or more.

Menstrual products shall be provided by constructor and must:

- Include tampons and pads
- Be kept clean and hygienic
- Be provided in one or more locations – which offers privacy and reasonably accessible
- Note: s. 29.1(2.3) – toilet facility intended only for females shall have disposal container for menstrual products

Facilities General Requirements (S. 29)

Location of the toilet facilities:

- 90 metres horizontally where reasonably possible, and otherwise not more than 180 metres horizontally from the project work area (except for tunnels).
- 3 km if transportation is provided
- 9 metres vertically from work location
- Location(s) must be told to workers and posted

Facilities General Requirements – Cont'd

S. 29 (11, 11.1 & 12)

- Servicing, cleaning and sanitizing the facilities **as frequently as necessary**
- Facilities shall be kept in good repair at all times
- *Note: revision starting January 1, 2026: The constructor shall keep:*
 - (a) a record of the servicing of the facilities, including any associated cleaning and sanitizing, which must include the date of all services for the past six months or the duration of the project, whichever is shorter

Toilet facilities (S. 29.1)

Non-sewered flush toilet facilities means water flush toilets or chemical flush toilets and:

1. The toilets are not connected to a sanitary sewer system.
2. They are equipped with a trap or a positive seal separating stored waste from the bowl.
3. The waste is first flushed from the bowl with water or with water containing chemical additives. Then the waste is deposited into a container and chemically treated sufficiently for the container's maximum capacity.



Toilet facilities (S. 29.1)

Single use, non-sewered toilet shall have:

- a toilet with an open-front toilet seat
- a toilet paper holder and an adequate supply of toilet paper
- a self-closing door that can be locked from the inside
- be adequately illuminated by natural or artificial light
- be adequately heated, if that is possible
- be adequately ventilated
- afford the user privacy and protection from weather and falling objects
- be completely enclosed

Toilet facilities (S. 29.1)

Installation of lighting or heating units in single use toilet facilities:

Ensure that heaters and lights are installed correctly and suitable for their use.

Follow electrical safety legislation to ensure no fire or electrical hazard is created.

- section 185(2) of the Construction Regulations
- Electricity Act, 1998
- Ontario Regulation 438/07 – Product Safety

“adequately heated” means kept at a temperature which will allow all components of the toilet facility to function properly.

Clean-up facilities (S. 29.2)

(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 .

Clean-up facilities (S. 29.2)

(2) Each clean-up facility shall meet the following requirements:

- 1. Subject to subsection (3), the facility shall have a wash basin with running water. Both hot and cold running water shall be available if reasonably possible.*
- 2. Soap or hand cleanser shall be provided.*
- 3. Paper towels or a hand dryer shall be provided. If paper towels are provided, there shall be a waste disposal receptacle nearby.*

(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.*

Clean-up facilities (S. 30)

Workers who handle or use corrosive, poisonous or other substances likely to endanger their health shall be provided with washing facilities with clean water, soap and individual towels

- This overrides subsection 29.2(3): washing facilities with clean water, soap and individual towels must be provided when workers handle or use corrosive, poisonous or other substances – including hazardous products, likely to endanger their health.

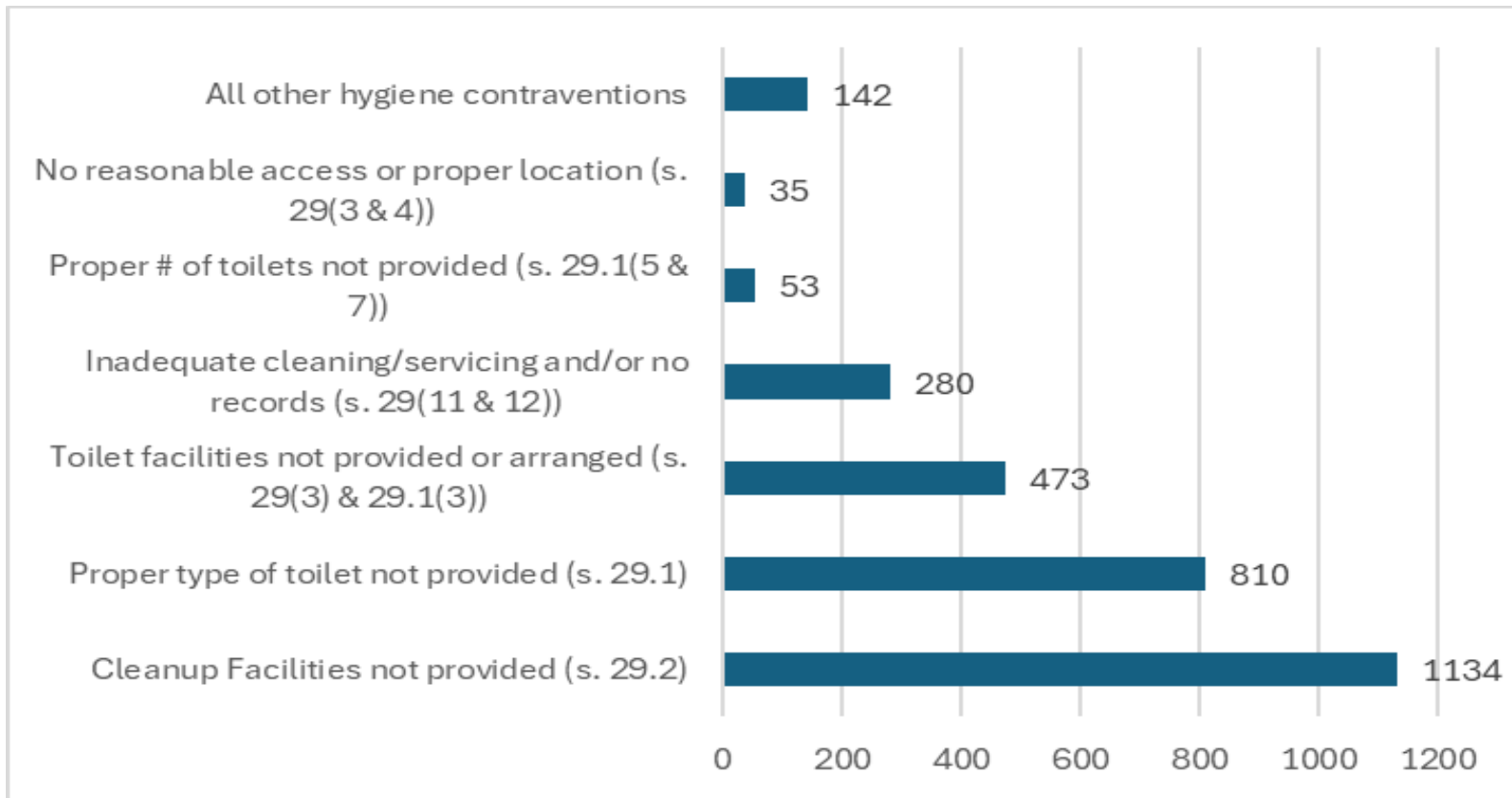
ORDERS

Hygiene orders issued 2024-2025

- Total orders issued under Hygiene sections of Construction Regs (213/91) = **2900 +**
- Total orders issued to suppliers regarding toilet or clean-up facilities = **10**
- Types of orders issued to suppliers regarding toilet and clean-up facilities:
 - Improper portable toilet = 3
 - No clean-up facility provided = 3
 - Improper heater installed in toilet = 2
 - Toilet not heated = 1
 - No records of cleaning/servicing = 1

Most frequently issued orders (2024-2025)

Out of 2900+, the most frequently issued orders to constructors under the hygiene sections of Reg. 213/91.



Questions for you

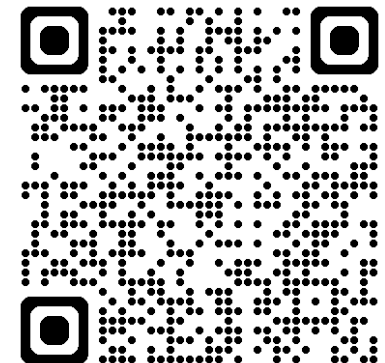
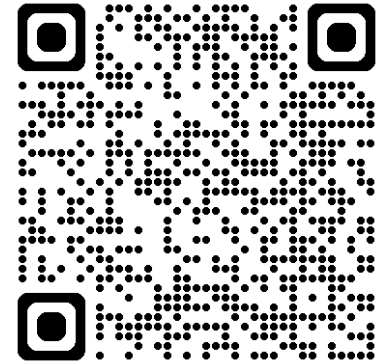
- How can suppliers assist the constructors in complying with all applicable hygiene regulations?
- What services can suppliers offer constructors?
 - Cleaning/servicing
 - Supply of products (toilet paper, menstrual products, drinking water, lighting, heating, etc.)
 - Cleanup facilities with supplies (hand soap, paper towels, hand cleanser, hand sanitizer)
 - Disposal of debris (paper towels, menstrual products)
 - Fully self-sustained toilet trailers?

Assistance

Ministry of Labour, Immigration, Training & Skills Development

[Achieve compliance on construction sites: hygiene | ontario.ca](#)

Infrastructure Health & Safety Association
[Health and Safety Advisory: Sanitary Conditions on Construction Sites](#)



Questions?