

ONTARIO SEEKS TO REMOVE BARRIERS AND PROMOTE INCLUSIVITY FOR WOMEN ON CONSTRUCTION WORKSITES

Posted on April 26, 2023

Categories: [Insights](#), [Publications](#)

Active construction sites may not always allow for the most comfortable of washroom facilities for construction workers, and this is particularly true for female construction workers. Hopefully, this is soon set to change. On March 15, 2023 the Ontario government announced that it will move ahead with efforts to require women's-only washrooms on construction jobsites.

The proposed amendments to the *Construction Projects*^[1] regulation under the *Occupational Health and Safety Act*,^[2] which, if approved and filed, would take effect July 1, 2023 (the “**Proposed Amendments**”), come as part of the Ontario government’s broader efforts under the *Working for Workers Act*, 2021^[3] and 2022^[4] to foster employee-friendly and inclusive workplaces in Ontario.

What’s changing?

The Proposed Amendments would double the number of washrooms required on most worksites. It would also require portable washrooms to be private and completely enclosed, with adequate lighting, and equipped with a method to wash hands where running water is not available.

Additionally, the Proposed Amendments would require washroom facilities to:

- be kept in good repair at all times;
- have an open-front toilet seat, a toilet paper holder with adequate supply of toilet paper, and a self-closing door that can be locked from the inside;
- be heated if possible, ventilated, and have protection from the weather and falling objects;
- have a disposable receptacle for sanitary napkins in female washroom facilities; and
- where possible, be located no more than 90 metres from the project work area.

Considerations for Employers

The announcement of the Proposed Amendments comes after a “bathroom inspection blitz”, which found over 244 violations to the current regulations, the most common being that there was no cleaning, a lack of privacy, and no toilets provided.^[5]

These results are not dissimilar to an investigation undertaken in British Columbia in Spring 2021, where BC Building Trades concluded that on construction sites, “[n]on-plumbed washrooms are wholly inadequate in terms of providing readily accessible, safe, hand hygiene and washing facilities, sufficient illumination, and consistent clean and sanitary conditions overall.”^[6] Ontario’s Building Trades has also followed suit on the heels of BC Building Trades with similar calls to action of its own.^[7]

Pending implementation of the Proposed Amendments, employers must continue to fulfill their obligations under the current regulations, i.e., servicing, cleaning and sanitizing washroom facilities as frequently as necessary to maintain them in a clean and sanitary condition, and keeping records of such efforts.^[8]

Fostering Inclusivity

The untapped potential of women in the construction sector is significant, and the Proposed Amendments is just one step towards realizing that potential.

The Minister of Labour, Immigration, Training and Skills Development is hopeful that the Proposed Amendments will help foster inclusivity and increase women representation when it comes to careers in construction.^[9]

Presently, only 1 in 10 construction workers in Ontario are women, Ontario reports.^[10] By equitably addressing the issue of hygiene, privacy and sanitation on worksites, the hope is that women representation in construction will grow.

It’s expected that the Proposed Amendments will also serve the ancillary purpose of growing Ontario’s construction workforce generally. The Ontario Government projects that 72,000 new construction workers will be needed in Ontario over the next six years.^[11] By making careers in construction more attractive to a diverse workforce, including women, the Proposed Amendments are but one of the government’s measures to facilitate this projected increased demand.

The Ontario government is not alone in its efforts to promote women inclusivity in construction. Leading industry groups, the Ontario General Contractors Association and the Canadian Association of Women in Construction, have consistently advocated for the advancement and inclusivity of women in the construction industry and are jointly hosting Ontario’s inaugural Women in Construction Gala on April 28, 2023, of which McMillan is a proud sponsor.

Conclusion

With the Proposed Amendments looming, likely taking effect on July 1, 2023, it is essential that those responsible for worksites and construction projects remain apprised of their obligations under the regulations

as they evolve. The National Construction and Labour and Employment groups at McMillan LLP continue to track the Ontario government's efforts in this regard, and will remain apprised of developments as they arise.

[1] O.Reg 213/91 [*Construction Projects Regulation*].

[2] R.S.O. 1990, c. O.1.

[3] S.O. 2021, c. 35 – Bill 27.

[4] S.O. 2022, c. 7 – Bill 88.

[5] Amy Simon, "Ontario plans to require women only bathrooms on large construction sites" dated March 15, 2023, Global News, accessed [online](#).

[6] BC Building Trades, "Report on Washroom Facilities in the Construction Industry" dated Spring 2021, BC Building Trades, accessed [online via pdf](#).

[7] Don Wall, "Building Trades Support Washroom Dignity Movement" dated October 25, 2022, Daily Commercial News by Construction Connect, accessed [online](#).

[8] *Construction Projects Regulation*, s. 29(11) and (12).

[9] Ontario Government News Release, "Ontario Requiring Cleaner Washrooms on Construction Sites" dated March 15, 2013, accessed [online](#) [*Ontario Government News Release*].

[10] *Ibid*, Ontario Government News Release.

[11] *Ibid*, Ontario Government News Release.

by [Gemma Healy-Murphy](#), [Victor Kim](#), [Anthony Labib](#)

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

© McMillan LLP 2023