

# Occupational Health and Safety Act

## ONTARIO REGULATION 213/91 CONSTRUCTION PROJECTS

### SECTIONS 28-30 HYGIENE

**28.** (1) A reasonable supply of potable drinking water shall be kept readily accessible at a project for the use of workers. O. Reg. 213/91, s. 28 (1).

(2) Drinking water shall be supplied from a piping system or from a clean, covered container with a drain faucet. O. Reg. 213/91, s. 28 (2).

(3) Workers shall be given a sanitary means of drinking the drinking water. O. Reg. 213/91, s. 28 (3).

(4) Workers shall not be required to share a common drinking cup to drink water. O. Reg. 213/91, s. 28 (4).

**29.** (1) In this section,

“facilities” means toilet, urinal and clean-up facilities; (“installations”)

“service”, when used as a verb, means to have waste pumped out and to have the facilities replenished where necessary. (“entretenir”) O. Reg. 527/00, s. 1.

(2) REVOKED: O. Reg. 527/00, s. 1.

(3) The constructor shall ensure,

(a) that facilities are provided or arranged for workers before work has started at a project; and

(b) that workers at the project have reasonable access to these facilities. O. Reg. 145/00, s. 15.

(4) 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.

(5) If work is being performed in a tunnel, the facilities shall be located not more than 180 metres, measured horizontally, from the entrance to the tunnel. O. Reg. 142/17, s. 6.

(6) The 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. O. Reg. 142/17, s. 6.

(7) If the project is the construction of a building, the facility shall 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 (4). O. Reg. 142/17, s. 6.

(8) The location of the facilities under subsection (7) may be varied if the arrangement affords reasonable accessibility for workers. O. Reg. 145/00, s. 15.

(9) If the location of the facilities is varied under subsection (8), the constructor shall document in writing the location and the reasons for the variance, and shall provide the document to,

(a) the joint health and safety committee or the health and safety representative, if any, for the workplace; or

(b) the workers, if there is no committee or representative for the workers. O. Reg. 145/00, s. 15.

(10) The constructor shall,

(a) inform workers of the location of the facilities; and

(b) post the location of the facilities in a conspicuous place at the project if it is practical to do so. O. Reg. 145/00, s. 15.

(11) The facilities shall be serviced, cleaned and sanitized as frequently as necessary to maintain them in a clean and sanitary condition. O. Reg. 145/00, s. 15.

- (12) The constructor shall keep at the project for the duration of the project,
- (a) a record of the servicing, cleaning and sanitizing of the facilities; and
  - (b) a copy of the document required under subsection (9), if any. O. Reg. 145/00, s. 15.

(13) Facilities that are 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. O. Reg. 145/00, s. 15.

**29.1 (0.1)** In this section,

“non-sewered flush toilet facilities” means water flush toilets or chemical flush toilets that have the features listed in subsection (0.2); (“installations de toilettes à chasse non raccordées à un réseau d’égouts”)

“sewered toilet facilities” means water flush toilets that are connected to a sanitary sewer system and equipped with a trap in accordance with the applicable provisions of the Building Code. (“installations de toilettes raccordées à un réseau d’égouts”) O. Reg. 527/00, s. 2 (1); O. Reg. 142/17, s. 7.

(0.2) The features referred to in the definition of “non-sewered flush toilet facilities” in subsection (0.1) are:

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. O. Reg. 527/00, s. 2 (1).

(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).

(2) Separate toilet facilities shall be provided for male and female workers, unless the facilities are intended to be used by only one worker at a time. O. Reg. 145/00, s. 15.

(3) Sewered toilet facilities or non-sewered flush toilet facilities shall be provided at a project, subject to subsection (4). O. Reg. 145/00, s. 15.

(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. O. Reg. 527/00, s. 2 (4).

(5) When water flush toilets or non-recirculating chemical flush toilets are provided, the minimum number of toilets required at the project is as follows:

TABLE

Item	Column 1 Minimum number of toilets	Column 2 Number of workers regularly employed at the project
1.	1	1-15
2.	2	16-30
3.	3	31-45
4.	4	46-60

5.	4, plus 1 additional toilet for each additional group of 15 or fewer workers	61 or more
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O. Reg. 145/00, s. 15; O. Reg. 527/00, s. 2 (5); O. Reg. 345/15, s. 8 (1).

(6) If the toilets are located in a multiple water flush toilet facility and are intended to be used by male workers, water flush urinals may be substituted for a maximum of two-thirds of the number of toilets required by subsection (5). O. Reg. 145/00, s. 15.

(7) When toilets other than water flush toilets or non-recirculating chemical flush toilets are provided, the minimum number of toilets required at the project is as follows:

TABLE

Item	Column 1 Minimum number of toilets	Column 2 Number of workers regularly employed at the project
1.	1	1-10
2.	2	11-20
3.	3	21-30
4.	4	31-40
5.	4, plus 1 additional toilet for each additional group of 15 or fewer workers	41 or more

O. Reg. 145/00, s. 15; O. Reg. 527/00, s. 2 (6); O. Reg. 345/15, s. 8 (2).

(8) If the toilets are located in a portable single-unit toilet facility intended for use by male workers, there shall be at least one urinal for each toilet. O. Reg. 145/00, s. 15.

(9) Portable urinals equipped with clean-up facilities are permitted in addition to the requirements of this section. O. Reg. 145/00, s. 15.

**29.2** (1) Each single-toilet facility shall be provided with its own clean-up facility. O. Reg. 527/00, s. 3.

(1.1) In a multiple-toilet facility at a project, one clean-up facility shall be provided for every two toilets. O. Reg. 527/00, s. 3.

(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. O. Reg. 145/00, s. 15.

(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. O. Reg. 145/00, s. 15.

**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. O. Reg. 213/91, s. 30.