

MENSTRUAL PRODUCT REQUIREMENTS: FAQS

The Ministry of Labour, Immigration, Training and Skills Development (MLITSD) was asked a series of questions regarding the menstrual product requirements on jobsites, and the following are their responses.

- **What are the specific requirements?**

From January 1, 2025, the Construction Projects regulation (O. Reg 213/91) has/will have a new section 28.1 that will require that menstrual products be made reasonably accessible on construction sites of 20 or more workers who are regularly employed on a project for three months or longer. The products must be kept clean and hygienic at an accessible location where there is a reasonable amount of privacy.

- **What types of menstrual products need to be provided (e.g., tampons, sanitary pads)?**

Both tampons and menstrual pads must be provided.

- **How many products should be made available at a time?**

A supply of menstrual products must be available at the project at all times for the duration of the project and refilled as frequently as necessary to ensure they are available when needed.

- **Who is responsible for providing the menstrual products?**

The constructor is responsible for providing the menstrual products.

- **Is it the general contractor or the employer for each subcontractor on-site?**

The constructor is responsible for providing the menstrual products.

- **Where should the menstrual products be made available?**

In a location that allows for discreet, easy access while maintaining worker privacy.

- **Should they be placed in specific restrooms or sanitary facilities?**

The constructor can place the menstrual products in one or more locations. If it is in a toilet facility only, it must be easily accessible to any worker. The menstrual products could be placed in female-designated toilet facilities, but they must be in at least one toilet facility that is accessible to any worker.

- **How should the products be stored to ensure they remain sanitary?**

The menstrual products must be kept clean and hygienic. As examples, the menstrual products could be kept in an accessible dispenser, a sealed container, or an enclosed cabinet to meet this requirement.

- **What is the cost implication for contractors?**

Constructors must ensure that menstrual products are provided and made accessible for all workers. Consequently, the constructor would be responsible for ensuring that there is a continuous supply of these products, both tampons and menstrual pads, throughout the duration of the project. They would also be responsible for the cost of the container in which the products are stored to ensure they are kept clean and hygienic.

- **Will the government or any agencies provide funding or support?**

This is not a consideration at this time.

- **Are there any exemptions to this requirement?**

There are no exemptions to this requirement. If 20 or more workers are regularly employed at a project that lasts three months or longer, the requirements for menstrual products must be complied with.

- **Do smaller construction sites or projects with fewer workers have different rules?**

The requirement for the provision of menstrual products would not apply to projects where there are less than 20 workers regularly employed at the project.

- **If there are no women on site, are the sanitary products still required?**

The requirement applies whether or not there are women working at the project.

- **When do the new requirements come into effect?**

They come into effect on January 1, 2025.

- **What is the timeline for implementation and compliance?**

If the new provisions apply to a project, the constructor of that project must ensure compliance by January 1, 2025.

- **Are there documentation or reporting requirements?**

There are no documentation or reporting requirements.

- **Will contractors need to maintain records of compliance, and how will this be monitored or audited?**

There are no record-keeping requirements specifically for menstrual products.

- **How does this fit into the overall health and safety requirements?**

The amendments are intended to support accessibility and gender inclusion in the construction industry.

- **Will menstrual product availability be part of broader site inspections?**

Inspectors will audit for compliance with all hygiene requirements of the Construction Projects regulation, including the provision of menstrual products on projects where 20 or more workers are regularly employed on a project that lasts three months or more.

- **How can contractors communicate this change to workers?**

The constructor may choose how to communicate this change. For example, workers could be informed of this change during their site orientation.

- **What's the best way to inform workers about the availability of menstrual products?**

As per O. Reg. 213/91 s. 29(10), the constructor must post the location of the toilet and clean-up facilities in a visible location at the project if it is practical to do so. Information regarding the location and availability of menstrual products could be included in this communication.

- **Do we need to provide different sizes of tampons and pads, or is one standard size okay?**

The constructor may choose to provide either a range of sizes or just one size of menstrual products.

- **Can we store these in the jobsite trailer? Storing them inside the washroom itself does not seem hygienic.**

The constructor can choose to store the menstrual products in a toilet facility, in another location, or in both, as long as each worker can easily access the products in a discreet manner in at least one location. A location that allows for discreet and easy access for all workers where privacy can be maintained could be considered to be in compliance with the regulation.

- **Will washroom providers incorporate menstrual product dispensers into their washrooms?**

This is at the discretion of the supplier of the washroom facility. Construction Projects regulation does not require separate dispensers for menstrual products in each portable toilet facility on construction projects.

- **What are the requirements for disposing of used sanitary napkins? Would these be considered waste and require a special process for disposal?**

If the facility is intended for use by female workers, including nongender assigned single unit toilets, then a disposal receptacle for sanitary napkins must be provided as per O. Reg. 213/91, s. 29.1(2.3). Separate dispensers for the disposal of menstrual products inside single portable toilets on construction projects are not required if there is already a general waste disposal receptacle located in the toilet facility. If the clean-up facility is outside the portable toilet, then there needs to be a disposal unit for menstrual products inside the unit. The containers for the disposal of menstrual products should have fitted covers. In trailers with multiple toilets used by female workers, a disposal container for menstrual products should be placed in each toilet enclosure.