# Federally Regulated Employers Will Soon Be Required To Provide Menstrual Products For Employees



**Effective December 15, 2023 federally regulated employers will be required to provide menstrual products at no cost to their employees who need them while at work. This requirement is being introduced by the *Regulations Amending Certain Regulations Made Under the Canada Labour Code (Menstrual Products)* (the "Regulations").**

The Regulations will amend the *Canada Occupational Health and Safety Regulations*, the *On Board Trains Occupational Health and Safety Regulations*, the *Oil and Gas Occupational Safety and Health Regulations*, the *Maritime Occupational Health and Safety Regulations*, and the *Aviation Occupational Health and Safety Regulations.* The amendments will impose a requirement on federally regulated employers to have menstrual products in *each* toilet room (regardless of their marked gender) or another feasible and private location in all workplaces. The Regulations outline menstrual products to include clean and hygienic tampons and menstrual pads. Federally regulated employers will also need to have disposal containers in each toilet room or toilet compartment.

A Regulatory Impact Analysis Statement was provided regarding the Regulations. It noted:

- an estimated 35% of employees in federally regulated workplaces require menstrual products on a regular basis;
- there are potential psychological health and safety risks that can result from the absence of menstrual products in the workplace; and
- the cost of menstrual products varies across Canada and the financial burden falls on employees.

The *Administrative Monetary Penalties (Canada Labour Code) Regulations* which outline the penalties for violating the Regulations will also be modified. Depending on the size of the employer, a violation of the Regulations can result in a fine ranging from $750 to $12,000.

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