Ontario, Canada Announces Effective Date And New Regulations Governing OHSA Changes Related To Washroom Facility Maintenance



Ontario's Bill 190, *Working for Workers Five Act, 2024*, amended the *Occupational Health and Safety Act* (OHSA) to add new washroom facility-related requirements for employers and constructors on construction projects. Specifically, these covered entities must ensure that any washroom facility they provide for workers are maintained in a clean and sanitary condition, and that they keep, maintain, and make available records of the washroom facility's cleaning. This amendment will come into force on **July 1, 2025**.

On November 29, 2024, Ontario filed the following clarifying regulations, which will come into force on **January 1, 2026**:

Regulation 480/24 – *Washroom Facilities – Records of Cleaning* **(Regulation #1)**

Regulation #1 clarifies that an employer and constructor can meet their obligation to make washroom cleaning records available by ensuring that:

- the record is posted in a conspicuous place in or near the washroom facility to which the record pertains where it is likely to come to the attention of workers; or
- the record is posted electronically where it can be accessed by workers, and workers are provided with direction on where and how to access the record.

Regulation #1 also provides that this record must include the date and time of the two most recent cleanings of the washroom facility.

Regulation 482/24 – *Washroom Facilities – Construction Projects* **(Regulation #2)**

Regulation #2 amends O. Reg. 213/91 (Construction Projects) under OHSA by revoking s. 29(12) and substituting a new s. 29(12). The new s. 29(12) requires a constructor to keep a record of the servicing, cleaning and sanitizing services of any toilet, urinal, and clean-up facilities. It also stipulates this record must include the date of all services for the past six months or the duration of the project, whichever is shorter.

Accordingly, effective January 1, 2026, a constructor will be required to satisfy its obligations under both Regulation #1 and Regulation #2.

Bottom Line for Employers & Constructors

Now that in-force dates are known and regulations have been published, employers are encouraged to review and amend their workplace policies and procedures, and constructors on a construction project are encouraged to review and amend their policies and procedures for project sites, to satisfy their upcoming washroom facility cleaning and recordkeeping obligations under OHSA (effective **July 1, 2025**), and their upcoming posting and recordkeeping obligations under Regulation #1 (effective **January 1, 2026**).

Constructors are also encouraged to review and amend their policies and procedures for construction project sites to satisfy their recordkeeping obligations under Regulation #2 (effective **January 1, 2026**).

By amending their policies and procedures now, employers and constructors will already be compliant when their upcoming obligations become effective.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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