

# Workplace Menstruation Products Requirements – Know The Laws Of Your Province



Employment Standards laws entitle employees to take time away from work without losing their jobs. Leaves provided in all jurisdictions include:

- Maternity leave for pregnant employees.
- Parental leave.
- Compassionate care or family care leave of some type.
- Domestic violence leave.
- Reservist leave for employees in the military Reserve.

Other common forms of leave include leave for bereavement, crime-related child death, short-term sick leave, long-term injury or illness, and public health emergencies. Some jurisdictions provide for organ donor and citizenship ceremony leave.

Ontario is the only province with job-search leave for employees affected by mass layoffs. Québec has the most extensive list of leaves with 21, followed by Ontario with 18.

Employment standards leaves are mostly unpaid, including all leaves measured in weeks, rather than days. However, many jurisdictions provide for paid domestic violence and public health emergency leave, as well as paid sick days.

In addition to the employment standards leaves, all jurisdictions have election laws guaranteeing employees time to vote. Employees can also take leave to serve as jurors or perform court-related duties.

Here's a complete list of the current employment standards law leaves in each part of Canada.

## FEDERAL

1. Employers must provide menstrual products, including clean and hygienic tampons and menstrual pads, in each toilet room (*Canadian Occupational Health and Safety*

*Regulations*, Sec. 9.17(1)).

2. If it's not feasible to provide menstrual products in a toilet room, the employer must provide them in another location in the same work place that is controlled by the employer, accessible by employees at all times and offers a reasonable amount of privacy (*COHS Regs*, Sec. 9.17(2)).
3. The employer must provide a covered container for the disposal of menstrual products:
4. in any toilet room that has only one toilet; and
5. in each toilet compartment of any toilet room that has more than one toilet (*COHS Regs*, Sec. 9.17(3)).

## ALBERTA

Employers must ensure that a toilet facility at a work site has, among other things, a covered disposal container for feminine hygiene products near each toilet used by women (*OHS Code*, Sec. 360(c)).

## BRITISH COLUMBIA

1. OHS regulations don't specifically address feminine hygiene or menstruation products.
2. However, the requirement to provide such products may be implied by Section 4.85(3)(c) of the regulations which says that where washroom facilities are provided they must be "provided with the supplies necessary for their use."

## MANITOBA

1. An employer must ensure that each toilet facility at a workplace is equipped with, among other things:
  1. a covered disposal container near each toilet, and
  2. menstrual products at no cost, including clean and hygienic tampons and menstrual pads (*WSH Regs*, Sec. 4.8(3)(e)).
2. If it's not reasonably practicable to supply menstrual products in each toilet facility, the employer must supply menstrual products at another location at the workplace that's accessible by workers at all times and offers a reasonable amount of privacy (*WSH Regs*, Sec. 4.8(3.1)).
3. Government guidelines clarify that employers must provide at least one choice of tampon and one choice of pad and may choose but aren't required to offer multiple types or sizes of products (*FAQs: Providing Menstrual Products in Manitoba Workplaces*).

## NEW BRUNSWICK

1. OHS regulations don't specifically address feminine hygiene or menstruation products.
2. However, the regulations do say that an employer must ensure that a washroom is, among other things, provided with a sufficient supply of toilet paper and "hygiene supplies" (*OHS General Regs*, Sec. 5(7)(f)).

## NEWFOUNDLAND & LABRADOR

1. OHS regulations don't specifically address feminine hygiene or menstruation products.
2. However, the regulations do require employers to provide "sufficient and suitable toilet facilities for workers" that, among other things, have easily cleanable covered receptacles for waste materials (*OHS Regs*, Sec. 61(1)(h)).

## NOVA SCOTIA

1. OHS regulations don't specifically address feminine hygiene or menstruation products.
2. However, the regulations do say that required toilet facilities must, among other things, have a waste receptacle (*Occupational Safety General Regulations*, Sec. 19(6)(g)).

## ONTARIO

1. OHS regulations don't expressly address feminine hygiene or menstruation products at workplaces other than construction projects and mine sites.

### **Construction Projects**

2. Where 20 or more workers are regularly employed at a project, the constructor must ensure that menstrual products are provided (*OHS Construction Projects Regs*, 28.1(1)).
3. For the purposes of subsection (1), the menstrual products must:
4. include both tampons and menstrual pads;
5. be kept clean and hygienic; and
6. be provided in one or more locations at the project such that for each worker there is at least one location that,
7. offers a reasonable amount of privacy, and
8. is reasonably accessible (*OHS Construction Projects Regs*, Sec. 28.1(2)).
9. The above requirements don't apply to a constructor at a project at which work is expected to last less than three months (*OHS Construction Projects Regs*, 28.1(3)).
10. The above requirements don't specifically say that menstrual products must be offered free:
11. At any project site where separate toilet facilities are required for female workers, those facilities must have a disposal receptacle for menstrual products (*OHS Construction Projects Regs*, 29.1(2.3)).

### **Mines**

7. Washrooms required at mining sites must, among other things, have a reasonable supply of personal hygiene supplies and equipment (*OHS Mines & Mining Plants Regs*, Sec. 276(2)(d)).
8. Required toilets at a mining site must, among other things, if any of the workers using it are women, be supplied with a means for disposing of menstrual products (*OHS Mines & Mining Plants Regs*, Sec. 277(4)(5)).

## PRINCE EDWARD ISLAND

1. OHS regulations don't specifically address feminine hygiene or menstruation products.
2. However, the regulations do say that required toilet facilities must, among other things, have washable covered receptacles for waste (*OHS Regs*, Sec. 2.6(1)(b)).

## QUÉBEC

OHS regulations don't specifically address feminine hygiene or menstruation products.

## SASKATCHEWAN

1. OHS regulations don't specifically address feminine hygiene or menstruation products.
2. However, the regulations do say that required toilet facilities must, among other things, be supplied with easily cleanable, covered receptacles for waste materials (*OHS Regs*, Sec. 6-8(7)(d)).

## NORTHWEST TERRITORIES

1. OHS regulations don't specifically address feminine hygiene or menstruation products.
2. However, the regulations do say that required toilet facilities must, among other things, have easily cleanable, covered receptacles for waste materials (*OHS Regs*, Sec. 75(6)(d)).

## NUNAVUT

1. OHS regulations don't specifically address feminine hygiene or menstruation products.
2. However, the regulations do say that required toilet facilities must, among other things, have easily cleanable, covered receptacles for waste materials (*OHS Regs*, Sec. 75(6)(d)).

## YUKON

Workers must be provided with sufficient clean sanitary toilet facilities, taking into account the nature of the work, the number of workers, and **the gender** of the workers (*WSC Regs*, Sec. 1.71(1)).