**Technical Services Service Line**

Functional Direction on All-access Washrooms
April 2021

# Authority

This document is issued under the authority of the Director General, Technical Services Service Line (TSSL), Real Property Services (RPS), Public Services and Procurement Canada (PSPC).

# Scope

**The purpose of this document is to communicate PSPC-RPS’s approach to the provision of All-access Washrooms.**

This document applies to all PSPC-RPS real property inventory, including Crown-owned and leased facilities as well as those managed by a third party real property contractor.

# Context

PSPC is committed to becoming a leader in accessibility for the Government of Canada (GC). The Accessibility Strategy for the Public Service identifies 5 Key Goals to meet the vision to be the most accessible and inclusive public service in the world. PSPC-RPS was identified as the lead for Goal 2 under this strategy: ‘enhancing the accessibility of the built environment’.

Accessibility and inclusiveness are priorities for the GC. The *Canadian Human Rights Act* adds gender identity and gender expression to the list of prohibited grounds for discrimination ensuring there are no grounds to discriminate against or prohibit individuals from using existing Male and Female washroom facilities on the basis of their gender identity or expression within PSPC facilities, even if it differs from one’s physiological gender. Furthermore, to ensure a barrier-free Canada, the *Accessible Canada Act* gives authority to the identification and removal of barriers, and the prevention of new barriers, in the built environment. In this context, All-access Washrooms in GC facilities has become a subject for more focused attention. Currently the requirements of the National Building Code of Canada (NBCC) and Canadian Standards Association (CSA) B651-18 - Accessible Design for the Built Environment are used as a minimum benchmark in the design application of gender-specific barrier-free washroom facilities. However, the NBCC is yet to be amended to specify any new technical provisions of All-access Washrooms to reflect the new legislative provisions.

# Details

Definitions: The following terminology applies to this functional direction:

**Universal washroom facility**

A single-use, enclosed, and accessible washroom facility that includes an accessible lavatory, toilet, and accessories, as per the National Building Code of Canada, and is usually not gender specific.

**All access washroom facility**

A single-use, enclosed, gender-inclusive, fully accessible washroom facility. An all access washroom will be identified by standardized signage approved by the Treasury Board of Canada Secretariat’s [Federal Identity Program Manual](https://www.canada.ca/en/treasury-board-secretariat/services/government-communications/federal-identity-program/manual.html).

**Gender-inclusive (gender-neutral) washroom facility**

“Gender-Neutral Washroom” or “Gender-Inclusive Washroom” is not currently defined in federal codes or legislation, however, it is defined in some provincial codes.  Gender-inclusive single-user washrooms or Gender-inclusive multi-stall washrooms are washrooms that anyone can use, regardless of gender identity, however, they may or may not be Universal or Barrier-Free.

**Barrier-free washroom facility**

A barrier-free washroom facility is a term defined in various provincial accessibility codes describing a multi-stall washroom facility, with at least one toilet and associated accessories, that has a barrier-free access path. The facility can be gender-neutral or gender-specific and is commonly found in malls, restaurants, metro stations, and other public places.

Every effort must be made by real property practitioners to promote and inform stakeholders of the approved terminology.

**Legal Context**

In advising RPS on the degree of latitude available, to implement All-access Washrooms under the existing legislative and policy context , whether in our capital projects or in serving our clients, our PSPC Legal Services team have recommended that the design configuration of each All-access Washroom must be prepared on a case-by-case basis to meet differing building configurations, current culture, security, occupancy type, and number of washrooms being replaced, while meeting all the requirements of legislation. For consistency, Regional Accessibility Co-ordinator’s Office must be consulted for their approval to ensure adherence to regulations, codes and standards.

Any and all questions regarding this legal advice, the interpretation of current legislative instruments or requests for additional clarification from Legal Services shall be directed to the TSSL-Office of Accessibility in the Built Environment (OABE):

TPSGC.SIAccessibleEB-RPSBEAccessible.PWGSC@tpsgc-pwgsc.gc.ca

**GBA+ Analysis**

In the development of this functional direction the GBA+ process was considered in the proposed options. Considerations included potential impacts on diverse groups of women, men and non-binary people, people with mental or physical disabilities as well as many other identity factors such as race, ethnicity, religion, and age. Given that the proposed options do not prohibit any person from using a washroom of their choice, no negative impact is expected from the implementation of the functional direction.

**Implementation**

PSPC manages one of the largest and most diverse portfolios of real estate in the country and is the Government of Canada's real estate expert. This portfolio is made up of a mix of Crown-owned and leased assets. Given the different legislative and code requirements associated with Crown-owned and leased properties this functional direction has been developed to provide to PSPC asset managers, project managers and others with guidance for each asset type to ensure a consistent approach across the portfolio.

*Crown-owned:*

In PSPC-RPS Crown-owned buildings, the requirement and funding to install a universal washroom to satisfy the NBCC and the CSA Standard 2018 is the responsibility of the Custodian (PSPC), as base-building components fall under PSPC’s responsibility. In the event that a tenant may request an All-access Washroom in their space(s), in addition to the base-building washrooms, as a means to foster inclusion, the design and construction costs are to be borne by the tenant.

To support of PSPC’s departmental goals and to show leadership, PSPC-RPS is to implement one or more of the following options in each of its Crown-owned buildings:

1. All existing base building stand-alone Universal washrooms (separated from the female and male washrooms) meeting NBCC and CSA standards are to be designated All-access Washrooms. This will require replacement of the Universal washroom signs with All-access Washroom signs, as prescribed by FIP standards ( <https://gcconnex.gc.ca/file/group/3217851/all#55024196> ). This requirement is to be included in Building Management Plans (BMP), starting in 2021-22.
2. In facilities where there are no existing stand-alone Universal washrooms, the installation of separate All-access Washrooms shall be undertaken to provide inclusivity to all genders, to comply with current legislation. This requirement is to be achieved through the BMP process starting in 2021-22.
3. For any new construction, major rehabilitation or retrofits involving work on existing washrooms; consideration will be given to designing and installing fully accessible multi-stall All-access Washrooms and included as part of both the feasibility and investment analysis reports. All such initiatives must be presented to TSSL-OABE to ensure that current regulations, codes and standards are being met.

*Leases:*

In leased buildings, the male and female washrooms are base building components and fall under the responsibility of landlords. New lease agreements and renewals require the facility to meet the current version of the CSA Standard (2018). If the existing accessible stall in either the male or female washroom does not meet the requirements of the CSA Standard 2018 (and NBCC) under the lease renewal or new lease agreement, the landlord is responsible to provide compliant barrier-free washroom(s). The landlord may do so by updating the existing male/female washrooms or by installing an additional, stand-alone barrier-free 2018 compliant washroom. This additional washroom can be designated as an “All-Access Washroom”.

If a landlord elects to supplement code requirements with All-Access Washroom(s), the cost would be the landlord’s responsibility. In Lease Renewal situations, an installation or modification of washroom(s) may result in a reduction of space available to the tenant due to limited core building area. This would be addressed with the client department and the landlord at the time of the lease negotiation.

In the event that a tenant requests an All-Access Washroom in their space(s), as a means to foster inclusion, and where the accessible washrooms provided as part of the lease are Building code and CSA compliant, the design and construction costs, as well as the cost to return the space to its original state, are to be borne by the tenant.

# Monitoring and Reporting

Upon receiving a request to install an All-access Washroom in any facility please contact the Office of Accessibility in the Built Environment or your Regional Accessibility Coordinators. Following the installation of any All-access Washroom, Regional Accessibility Coordinators will be responsible for ensuring the Office of Accessibility in the Built Environment is notified so that they may keep on record and obtain feedback on the use of these facilities.

To assist in establishing a baseline, the Property and Facility Management Service Line will provide the Office of Accessibility in the Built Environment with a list of PSPC facilities that currently contain All-access Washrooms, including the number present in each facility.

The presence of All-access Washrooms will be confirmed and documented as part of cyclical technical accessibility assessments.

This functional direction will be reviewed and updated on an annual basis to ensure consistency with current legal requirements.

# Enquiries

General enquiries on this document should be directed to the Office of Accessibility in the Built Environment: TPSGC.SIAccessibleEB-RPSBEAccessible.PWGSC@tpsgc-pwgsc.gc.ca