



# Update on the Status of Labour Program Regulatory Initiatives

**Liana LaBrecque**  
Policy Analyst, Labour Program

September 2023

# The Provision of Menstrual Products in Workplaces



# Background



Require federally regulated employers to provide menstrual products, including clean and hygienic tampons and menstrual pads, in each toilet room regardless of their marked gender.



Ensure that a covered container for the disposal of menstrual products is provided in each toilet compartment.



# Initiative Key Highlights



## Flexibility

The regulations **provide flexibility** for employers to choose specific products and the manner in which they are safely dispensed, based on their individual workplaces.

---



## All washrooms

This initiative is inclusive of all workers who menstruate including cisgender women, non-binary individuals, transgender men, and intersex individuals. The regulations extend the requirement to **all toilets**, regardless of gender.

---



## Privacy

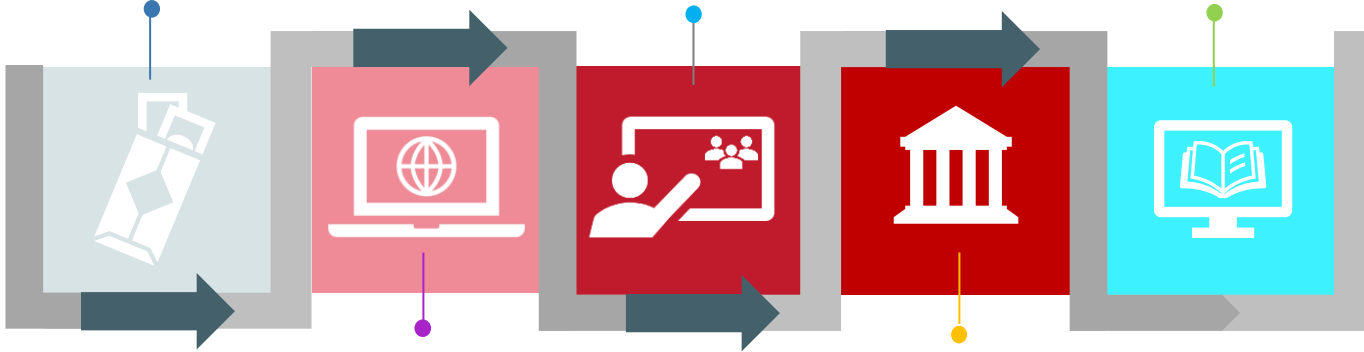
Given the range of workplaces falling under federal jurisdiction, the regulations allow employers to provide menstrual products in another location when it is not feasible to provide them in a toilet room, as long as the location is accessible by employees at all times and offers a **reasonable amount of privacy**.



# Timeline

The Provision of Menstrual Product initiative and the Sanitation Modernization initiatives became two packages

April 2022



*Canada Gazette, Part I*  
(CGI) Pre-publication  
October 15, 2022

CGI Comment  
Period Closed  
November 13, 2022

*Canada Gazette, Part II*  
(CGII) Publication  
May 10, 2023

The Regulations come into  
force on

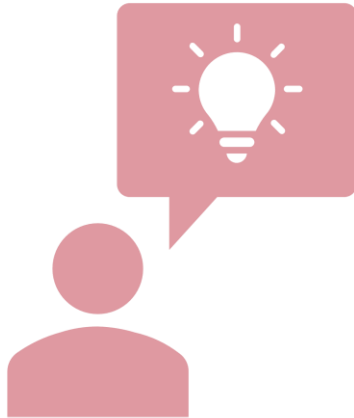
**December 15, 2023**



# Sanitation Modernization Initiative



# Background



- Washrooms are a basic necessity and our provisions concerning washrooms should be modernized to reflect the current landscape of the gender diversity and respect employees' gender identity.
- There is an opportunity to improve the health, safety and fairness of workplace restrooms in federal workplaces.
- Consultation with federally regulated stakeholders for the Menstrual Product initiative was in April, 2022 and this became a separate regulatory initiative thereafter.



# Sanitation Modernization Initiative



## Intent

- To **increase** inclusivity and reduce discrimination against an individual based on their sex, social gender or gender identity.
- To **support** the Government of Canada's commitments to inclusivity and gender equity.



## Objectives

- To **reduce** physical and psychological health risks.
- To **increase** inclusivity and reduce discrimination against an individual based on their sex, social gender or gender identity.
- To **support** the Government of Canada's commitments to inclusivity and gender equity.

## Amendments to Sanitation Provisions



Canada Occupational Health and Safety Regulations (COHSR)



Maritime Occupational Health and Safety Regulations (MOHSR)



Oil and Gas Occupational Safety and Health Regulations (OGOSHR)



On Board Trains Occupational Health and Safety Regulations (OTOHSR)



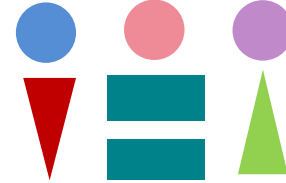
# Initiative Key Highlights



## Access to All-Gender Toilet Rooms

The proposed regulations will:

- **Allow** employers to count all-gender toilet rooms towards their total toilet count requirement if they choose to provide them in workplaces.
- **Encourage** employers to add all-gender toilet rooms to promote inclusion at workplaces.
- **Provide** employees with safe access to bathrooms based on their choice of individual gender identity.



## Language Modernization

Understanding the diversified workforce of federally regulated sectors, the proposed regulations will remove masculine pronouns when referring to an employer or employee to ensure employees' are **respected and acknowledged**.



# Where We Are Now



The initiative became a standalone regulatory package, removed from the Menstrual Product initiative in April 2022.



Stakeholders were sent a survey in February 2023.



Consultations with stakeholders and regulatory preparation continue.



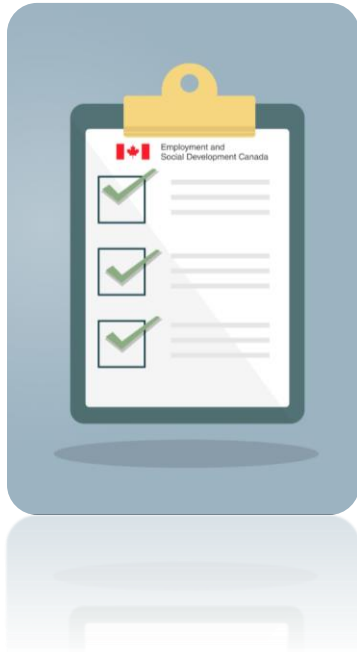
Pre-publication in Part I of the *Canada Gazette* is anticipated for **2024**.



# Hazardous Substances Provisions



# Issues



This regulatory proposal addresses the following issues:

- References to obsolete versions of standards;
- Lack of requirements regarding exposure to engineered nanomaterials or thermal stress;
- Lack of a specified maximum exposure limit to non-solar ultraviolet radiation;
- An elevated occupational exposure limit for radon that is not aligned with Health Canada guidelines;
- No prescribed approach for hazardous substances without established maximum exposure limits;
- Lack of clarity in some regulatory provisions;
- Inconsistent requirements for records of hazardous substances.

# Objectives



**Protect** the health and safety of employees in relation to hazardous substances by modernizing the relevant sections in the OHS regulations.



**Update** references, clarify language, update requirements regarding radon, set new requirements for thermal stress, nanomaterials and ultraviolet radiation and to harmonize provisions and other OHS regulations under the Code.



**Amend** the Administrative Monetary Penalties (Canada Labour Code) Regulations (AMPs Regulations) to ensure the changes are enforceable.



# Benefits of Proposed Amendments



OHS regulations would be **clearer** and more **consistent**



**Up-to-date**, ambulatory standards



**Extending** the timekeeping period for air sampling reports to 30 years



**Inclusion** of requirements for radon, thermal stress and nanomaterials



Added **layer of protection** for workers when it comes to hazardous substances



Pre-publication in Part I of the Canada Gazette is anticipated for the fall of 2023 and more information on this initiative can be found on [Labour Program's Forward Regulatory Plan](#).



# **Levels of Sound & Personal Protective Equipment**



# Levels of Sound - Issues



The current provisions within COHSR, AOHSR, OTOHSR, MOHSR, and OGOHSR contain outdated exposure limits that do not provide enough protection to workers from exposure to excessive workplace noise and hearing loss.



These limits are out of sync with noise exposure limits in most provinces and territories.

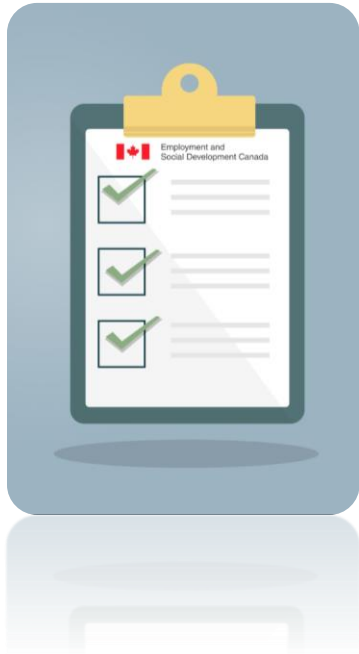


The five sets of regulations have outdated references to technical standards.





# PPE - Issues



- The provisions within COHSR, AOHSR, OTOHSR, MOHSR, and OGOHSR are inconsistent and not harmonized;
  - The definition of an "oxygen deficient atmosphere" is different in OTOHSR and OGOHSR compared to COHSR, AOHSR, and MOHSR;
  - The fall protection provisions in MOHSR and OGOHSR have not been updated to match the changes made to COHSR in 2019; and,
  - Outdated references are made to technical standards within AOHSR, OTOHSR, MOHSR, and OGOHSR.

# Proposed Changes



**Reduce** maximum noise exposure levels to harmonize with provincial and territorial limits.



**Provide** a more detailed schedule for length of time of exposure to noise levels.



**Require** employers implement a Hearing Loss Prevention Program.



**Amend** references to outdated standards.



**Harmonize** fall protection provisions across COHSR, MOHSR, and OGOHSR.



# Objectives



---

Reduce the risk  
of hearing  
impairment.



---

Clarify employer  
obligations and  
harmonize  
provisions.



---

Possible savings in  
disability payments, decline  
in work absenteeism, and  
workplace productivity  
gains.



# Where We are Now



Stakeholders will have the opportunity to comment on the proposal when they are pre-published in Part I of the *Canada Gazette* in Winter 2024.

Pre-publication in Part I of the Canada Gazette is anticipated for the winter of 2024 and more information on this initiative can be found on [Labour Program's Forward Regulatory Plan](#).



# Updates on Other Labour Program Initiatives



## **Psychological Health and Safety**

This initiative will introduce regulatory amendments to the Hazard Prevention Program (HPP) to make psychological health and safety a component of OHS. The LP has developed a Policy Intent Document (PID) and will continue to conduct research to inform the policy intent on this initiative.

