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SUBMISSION TO WORKSAFEBC

Proposed Amendments
to Part 20



BC BUILDING TRADES

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Proposed amendments to Part 20 of the Occupational Health and Safety Regulation, relating to washroom facilities on construction sites.

January 2024

AUTHORITY

This submission is respectfully submitted on behalf of the 20 local craft construction unions that represent more than 40,000 highly skilled unionized construction workers in B.C.



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The BC Building Trades provides coordination and support to affiliated construction unions.

By working together, organized construction workers achieve a powerful voice in government, in bargaining, and in their communities.

The BC Building Trades appreciates the opportunity to provide our recommendations on the proposed amendments to Part 20 of the Occupational Health and Safety Regulation relating to washroom facilities on construction sites.

The BC Building Trades is the umbrella organization for the 20 local unions that work in British Columbia's building, construction and maintenance sectors. We represent more than 40,000 highly skilled unionized construction workers in this province.

Building Trades unions have been calling for improved washroom facilities in construction for decades. During the COVID-19 pandemic, our calls became more urgent, and the Council made several submissions to WorkSafeBC.

Over the past three years, we have seen efforts to improve sanitation. Unfortunately, these actions have not resulted in significant changes on construction sites. It is clear that regulatory changes, such as those now proposed, are needed to require meaningful and lasting change.

In consulting with the contractor community, we have been pleased to find support for these changes. In the feedback we have received, one issue has been consistent and clear: the new standard must clearly outline the minimum requirement for the provision of flush toilet facilities and their maintenance.

In a competitive industry where bids are sometimes lost by fractions of a percentage, contractors need clear detail on what is required. For this reason, we are recommending the most essential components of the facilities be outlined through regulation and not through guidelines.

Most critical is the definition of flush toilets which has been left unclear and open to interpretation in the proposed regulations. We also strongly oppose the continued allowance of 'porta-potties' in the draft regulations, where plumbed or non-plumbed facilities are "not practicable." The word 'practicable' in the current regulation has been consistently abused by contractors in providing sub-standard toilet facilities.

More than 200,000 workers put on a hard hat and go to work in the construction industry everyday. They work incredibly hard in difficult conditions to build and maintain the infrastructure British Columbians rely upon. They deserve clean, well-lit, temperature-controlled and maintained flush washroom facilities with handwashing stations. We have included some of their testimonials in this submission to highlight the urgent need for change in our industry.

It is critical that we get these regulations right and raise the standards for construction workers.

Sincerely,



BRYNN BOURKE
Executive Director
BC Building Trades

RESPONSE TO WORKSAFEBC PROPOSED OHS REGULATION AMENDMENTS FOR WASHROOM FACILITIES ON CONSTRUCTION SITES

I. The proposed definition of “non-plumbed washroom facility” can be interpreted as including ‘porta-potties’ which can have a flapper valve and a foot or hand pump without a water flushing component. An appropriate definition that clearly explains the requirement for flushing washroom facilities and which clearly excludes porta-potties needs to be included in the OHS Regulation. For example, the regulation should describe a unit in which waste is transported through approved piping to a separate waste storage tank and uses a single action flushing mechanisms capable of delivering 0.5 litres or more of water/chemical solution for waste removal and transport to storage tanks.

II. Proposed section 20.3.2(3) provides the option of supplying “porta-potties” where plumbed or non-plumbed facilities are “not practicable.” This provides a clear loophole in the regulations and undermines the intention of the changes being made. The industry has been universally abusing the ambiguity of “practicability” to avoid supplying plumbed washrooms under the current regulations. Much clearer language is needed on the requirement to supply flush toilets (plumbed and non-plumbed) to ensure that the intention of the amendments is implemented in practice.

III. Assessment for the Number and Gender of Washrooms

1. Regulatory provisions are needed to ensure that the following are part of the employer’s assessment for the number and gender regarding provision of washroom facilities.
 - a) The employer must determine, before work commences at the workplace, the number of washrooms that will be needed by assessing the number of employees expected to be working at the workplace and the composition of the workforce.
 - b) The employer must provide the required number of washrooms reasonably in advance of the expected attendance of the workers.
 - c) If 25 or more workers are to occupy the site, flushing washroom facilities must be provided to accommodate both male and female employees on the first day of construction.
 - d) One additional flushing washroom facility must be provided for each additional 25 employees at the workplace.
2. OHS Guidelines are needed to ensure:
 - a) Separate male and female washroom facilities are to be provided where the workforce includes men and women in accordance with OHS Guideline G4.85(1)-1.
 - b) If the exact make-up of the workforce is unknown, washroom facilities must accommodate both male and female employees.

IV. Design and Location of Washrooms

1. Regulatory provisions are needed to ensure that the following are part of the design and location of washrooms.

Washrooms facilities must:

- a) be fitted with a hinged door capable of locking from the inside of each closet.
 - b) be placed on stable, flat ground to ensure effective operation and stability.
 - c) have a floor constructed of, or covered with, a durable impervious material and situated at least 75 millimeters above the surrounding ground and not less than 900 mm from the projected outline of the water closet.
 - d) be accessible by a clear path suitable for all weather conditions no more than 60 meters (200 feet) away from the work area.
 - e) have hooks for hanging outerwear/PPE/etc.
 - f) be maintained at a comfortable level of temperature within a range of 20 to 30 degrees C.
 - g) be equipped with natural and artificial lighting, offering better conditions for use and effective cleaning and disinfection.
 - h) be ventilated to ensure an adequate supply of fresh air.
 - i) the height of every room shall be sufficient. No obstruction from lights or ceiling.
2. OHS Guidelines are needed to ensure washrooms are:
 - a) fitted with a hinged toilet seat and lid and use elongated and open front type (public use).
 - b) have a toilet paper holder and an adequate supply of toilet paper.
 - c) include a covered disposal receptacle for waste, including for sanitary products.
 - d) Install water closets with minimum 17" off finished floor to seat (430 mm).

V. Design and Location of Washroom Hand Washing Facilities

Regulatory provisions are needed to ensure that the following are part of design and location of washroom hand washing facilities.

1. Hand washing facilities provided with washroom facilities must:
 - a) be contained in or adjacent to washroom facilities.
 - b) be separate from troughs or sinks used in work processes.
 - c) be counter-top or wall hung wash basins.
 - d) include running hot and cold-water outlets or temperature mixing outlets.
 - e) have soap or other cleansing products.
 - f) have hygienic hand drying facilities (for example, disposable paper towels or air dryers for hand drying).
 - g) have covered waste containers for the disposal of paper towels etc.
 - h) minimum of one (1) wash basin in a room containing one or two water closets or urinals and at minimum one (1) additional basin for each additional two (2) water closets or urinals.

2. OHS Guidelines are needed to ensure that mirrors are provided and located near hand washing facilities.

VI. Design and Location of Washrooms / Cleaning and Maintenance

1. Regulatory provisions are needed to ensure the following are part of design and location of washrooms cleaning and maintenance.
 - a) employers must ensure that washroom facilities are properly maintained, serviced and hygienically cleaned on a regular basis and in accordance with the manufacturer's requirements.
 - b) inspections must be conducted twice a day to ensure washroom units are clean and have adequate supplies.
 - c) washrooms must be cleaned daily.
 - d) assessments of the wastewater and sewage water tanks must be conducted regularly and serviced according to manufacturer's instructions.
 - e) assessment of the need to refurbish washroom units with fresh water must be conducted daily.
 - f) a process must be established to document, report and address inadequate conditions e.g., a cleaning schedule including inspection times posted in a common area accessible to workers and near the washrooms.
2. OHS Guidelines are needed to ensure that on-site cleaning and servicing includes:
 - a) checking condition of pumps and components.
 - b) repairing any defects.
 - c) pumping, rinsing and maintaining sewage storage tanks.
 - d) adding deodoriser and treatment chemicals to the sewage storage tank.
 - e) refilling the holding tank with water.
 - f) replenishing soap or other hand disinfectant.
 - g) replacing toilet paper.
 - h) cleaning and disinfecting the internal compartment, including fittings such as pump and door handles, the floor, seat and bowl.

VI. Gender Inclusive Workplace

1. Regulatory provisions are needed to ensure that washrooms respect the principles and guidelines of a gender-inclusive, respectful workplace by protecting an individual's privacy.

These provisions should include the following requirements.

- a) washrooms are clearly marked.
- b) washrooms have single or multi-stalls.
- c) stalls are equipped with lockable doors.
- d) stalls have walls and doors designed to ensure privacy (i.e., come to the floor level).
- e) multiple urinals are separated by dividers.

Voices From BC Construction Workers

"I am a woman in the trades, I have worked on multiple different construction sites over the last 13 years. Many of the construction sites I've worked at only provided porta potties and no flushable toilets. I found them to be extremely unsanitary, being a woman means that I have to sit down which is often not an option when there is human excrement all over the seat and floor.

Often times I have to wear coveralls at work, which makes going to the restroom very difficult in a porta pottie, you have to try to hold the coveralls off the floor between your legs while at the same time squatting, balancing and attempting to not touch any surface inside the porta pottie while you do your business.

There's also the issue of cold weather, you are unable to wash your hands or sanitize when it is below 0 degrees as you're then dealing with freezing hands for the rest of the day. I think it is absolutely essential to have flushable toilets, on all work sites, that are regularly cleaned and to have running water to wash your hands with afterwards."

Katrina Harris, Electrician

"They're so bad you don't want to go to work sometimes. I've been at a lot of jobs where the washrooms are so bad that you just have to hold it in. In some cases, we just red-tape some of them off. They're just so gross. You can't be near it, can't go in it. They're like a hazard almost. Being forced to use those porta-potties is degrading and dehumanizing."

-Peter White, Ironworker

"Having flush toilets means there will be running water for me to properly wash my hands. This will greatly facilitate in proper hygiene, not only when it comes to eating but also during my time of the month. Being able to properly clean my hands before and after my bathroom visits, specifically at certain times in the month would be greatly appreciated."

- Kaitlan Potter, Plumber

"They're extremely hot in the summer and extremely cold in the winter. They have poor lighting, and you never quite know where they're going to be on site. They have poor accessibility. Porta-potties make you feel like a second-class citizen. Office workers wouldn't accept these kinds of conditions."

-Matt Baron, Electrician

"We want to get more women in the trades, but the lack of flushing toilets is a big barrier. Some women turn down work if they're on their cycle. Sometimes you hold it in for 11 hours and to do that you have to avoid hydrating. My friends tell me not to hold it in and how bad it is for your health, but there's no option.

I've seen porta-potties so filthy there were maggots in them. I've heard from co-workers that sometimes they have to use the porta-potty with the door open because there's urine all over and the smell is so bad."

-Lindsay Sangster, Insulator

“It is normal for there to be urine on the ground. You can’t touch the walls or the ground. It’s demoralizing. I will often hold it so I don’t have to use the porta-potties. Construction workers should be able to use a clean, nice bathroom, especially with the hard work that we do.

There’s a lot of profit made in the construction industry. How much would it really be to bring in a nice bathroom on some wheels?”

-Crystal Tirado, Painter

“For me, the worst part of using an outhouse as a woman is needing to sit alongside the urinal portion of the structure. You can’t help but feel like every surface is covered in pee and you do not have the option of standing to go to the washroom. If you need to do anything in regard to menstruation there is nowhere to properly wash your hands before or after.

There were many times during my time working on a mine site when I needed a moment to collect myself away from men. The women’s wash trailer was a sanctuary of sorts. It was clean and warm and private. It was a safe space for me and for many other women I know, some of whom I met in those very trailers. It’s not just about a clean place to go pee.”

- Alison Graber, Electrician

“Clean women’s washrooms on site may not seem like a major hurdle to most people, but when you’re a woman or someone who has experience as a woman, things can be a little different. Many people have experienced having nowhere to properly wash their hands prior to playing bathroom Jenga in a washroom with human waste on the ground.”

- Ashley Duncan, Insulator