



What We Heard

Proposal on the Provision of Menstrual Products in Federally Regulated Workplaces

What We Heard: Proposal on the Provision of Menstrual Products in Federally Regulated Workplaces

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Table of Contents

Background	2
Who we heard from	2
What we heard – An overview	3
What we heard – By topic	4
Products	4
Impact on the environment	4
Health concerns	4
Location	5
Gender neutrality and equity	5
Cost	6
Workplace initiatives	6
Feedback quotes	7

Background

In May 2019, the Labour Program published a Notice of Intent in the *Canada Gazette*, Part I. This notice outlined a proposal to require employers to provide free menstrual products in their workplaces. The proposal referred to regulations under Part II of the *Canada Labour Code* (the Code) relating to occupational health and safety.

For a period of 60 days, stakeholders and members of the public had the opportunity to:

- provide input on the proposal
- respond to a series of six questions developed to receive feedback on targeted areas of concern

These questions aimed to collect specific information on issues including:

- workplace and location restrictions
- financial and cost implications
- types of menstrual products
- the location in which employers should provide or store products

Who we heard from

In response to the Notice of Intent, the Labour Program received 42 submissions, during the consultation period. The 42 submissions included:

- 13 submissions from organizations
- 29 submissions from individual Canadians

Find a list of the 13 organizations that provided feedback below:

- **Labour organizations**
 - Canadian Labour Congress
 - Professional Institute of the Public Service of Canada
 - Canadian Union of Public Employees
 - Canada's Building Trades Unions
 - International Longshore & Warehouse Union Canada (ILWU)
- **Employer group**
 - Federally Regulated Employers – Transportation and Communications
- **Federally regulated employer**
 - Corporation Pilots Saint-Laurent Central

What We Heard

Proposal on the Provision of Menstrual Products in Federally Regulated Workplaces

- **Provincially regulated employers**

- Unilever Canada
- Bebby Canada
- Mme L’Ovary Inc.
- Alyssa’s Period
- Sego Resources

- **Non-profit organization**

- The Period Purse

What we heard – An overview

Participants were generally supportive of amending regulations under Part II of the Code to require employers to provide free menstrual products in the workplace. Out of the 42 respondents:

- 57% were supportive of the proposal
- 41% were against the proposal
- 2% were neutral

The 13 employers and organizations listed above, mostly favoured the proposal, to require employers to provide free menstrual products in the workplace. However, many participants raised further questions for consideration. As well, individuals who submitted feedback were more critical of the proposal.

Out of the 29 submissions from individuals, the results demonstrated the following:

- 38% were supportive of the proposal
- 59% were against the proposal
- 3% were neutral

What we heard – By topic

This section provides an overview of the types of responses and common themes received by the Labour Program in response to the Notice of Intent. Input received from this consultation period will help to inform next steps.

Products

Feedback indicates that if the Labour Program considers the proposal further, employers will need to provide pads and tampons in the workplace. Participants gave examples of products that employers could supply, such as:

- tampons with regular absorbency
- reusable products
- products without plastic applicators to minimize packaging

Impact on the environment

Over 24% of the commenters expressed concern about the environmental impact of menstrual products. Participants indicated that the Labour Program should consider innovative and environmentally friendly products. In addition, multiple commenters were concerned that limited choices would deter employees from choosing more environmentally friendly options. It should be noted that four provincially regulated companies promoted their environmentally friendly products in their submissions.

Health concerns

Two commenters indicated that the Labour Program should ensure that the products that employers supply, be safe and free of toxins. A proposed solution was to turn toward organic and 100% cotton tampons and pads. This is due to the risk of ovarian and uterine cancers, and toxin exposure, which includes providing tampons and pads that do not contain:

- synthetics
- fragrances
- chemicals
- dyes

Location

The Labour Program received a number of suggestions for where employers should locate the products:

- baskets or shelves with products provided in washrooms
- like toilet paper, employers should store products in washrooms in dispensers (for larger organizations) or baskets (for smaller organizations)
- individual dispensers in every washroom's stall
- through monthly packs that employees could opt in to in order to reduce misuse
- gender-neutral locations not available to the public
- in first aid kits (or have back-up supplies in first aid kits)
- in accessible, discreet and hygienic locations in all washrooms

Some commenters noted that employers should not store and locate the products in common areas, as it would infringe on individual privacy. Instead, commenters suggested for workplaces to store and locate the products in washrooms and change rooms only. Commenters also noted that some workplaces have washrooms that are open to the public. Therefore, they suggested that workplaces make the products available in another gender-neutral, discreet, location for employee access only.

One submission analyzed five possible solutions to provide menstrual products in workplaces. It noted that placing individual dispensers in every washroom stall would come at a significant cost. However, the submission also noted that this would maximize accessibility and minimize the potential for discrimination. On the other hand, placing a dispenser in a common area would guarantee maximum accessibility and maximum cost effectiveness, but created a greater risk for discrimination. It noted that not providing these products in a private manner could be discriminatory towards gender diverse employees. In other words, some employees may be forced to disclose their gender identity in order to access the products provided. This could expose them to potential harassment.

Gender neutrality and equity

Over 26% of the comments highlighted the need for menstrual products to be accessible and available in all washrooms or gender-neutral locations.

Two participants noted that all women's washrooms should have products available. However, the majority restated the importance of safe and equitable access to menstrual products for all employees, which must include the gender diverse community.

What We Heard

Proposal on the Provision of Menstrual Products in Federally Regulated Workplaces

Cost

Out of the 17 commenters against the proposal, 71% raised concerns about the financial implications to the employer. Some believed that providing free menstrual products would lead to theft, misuse and waste, or that only low-income facilities should have free access. Concern that if dispensers were required to hold menstrual products that this would add to the financial implications to employers.

Over 31% of the total submissions indicated that the cost to implement and maintain this initiative would be minimal. Several commenters mentioned that the dignity of employees, as well as their psychological and physical health and safety should come first. In addition, commenters mentioned that the cost for providing menstrual products would be marginal. Some commented that if employers can afford toilet paper, then they could also afford to provide menstrual products. These commenters were not concerned about misuse and waste of the products. This is because they do not believe toilet paper and soap are currently misused in the workplace.

Three participants provided rough estimated costs for dispensers and boxes of menstrual products. The estimates showed how costs to employers would change based on the number of full time and part time employees. Another respondent suggested that employers should be required to subsidize the cost of environmentally friendly products. These participants noted that, while reusable products require a higher initial investment than disposable ones, the cost is substantially less over time.

Workplace initiatives

Participants mentioned/discussed these current initiatives in Canadian workplaces:

- the Canadian Labour Congress provides free menstrual products to its employees
- the Halifax International Airport provides free menstrual products in its public washrooms. It was noted that for flight attendants rushing between flights, getting their period unexpectedly can be a serious stress. The shop that sells menstrual products might be far from their gates (or at small airports, non-existent), and may inflate the price of products
- the Halifax Public Library began providing free menstrual products in all of its washrooms in all of its 14 locations in fall 2019
- Beppy Canada currently offers free menstrual products to its employees, as well as several other businesses in Guelph and the surrounding areas, including Hamilton and Toronto
- many offices in Bentall 5, an office building in downtown Vancouver, provide free menstrual products in the washrooms
- a number of pharmacies in Nova Scotia have begun providing free menstrual products to customers in need

Feedback quotes

- “Gender equality is not about men and women being biologically the same, but is about addressing barriers to equality, and allocating resources to programs and decision-making that takes these barriers into consideration to level the playing field.”
- “Females working for the government are well paid, and the taxpayers should not be burdened with providing their sanitary needs.”
- “Overflow or menstrual cycle starting when you weren’t expecting it is definitely a constant reality.”
- “Menstrual products supplied by employers should be safe and healthy, and meet environmental goals as well.”

What We Heard

Proposal on the Provision of Menstrual Products in Federally Regulated Workplaces