

Sanitary Conditions for Construction Workers

State law requires employers in the construction industry to meet additional requirements for workers who menstruate or express milk and who perform construction activities.

Employers must provide workers performing construction activities who menstruate the following:

- Access to an adequate portable toilet or restrooms, accessible on the worksite, or access to a permanent structure with a restroom/bathroom. Requirements include:
 - Minimum size bathroom-equivalent to a standard sized portable chemical toilet;
 - Internal latch (lock) to prevent inadvertent entry; and
 - Adequate time to accommodate for multiple layers of clothing while using the bathroom.
- Adequate and convenient supply of menstrual hygiene products at no cost to workers:
 - Products must be located in all gender-neutral bathrooms and bathrooms designated for workers who menstruate; or
 - Provided in kits for each worker who need such products.

Employers must provide reasonable accommodations for workers performing construction activities to express milk after the child's birth each time such worker has the need to express milk, to include:

- Flexible scheduling, including breaks;
- Private dedicated space, other than a bathroom, lockable (if possible), and free from intrusion;
- Convenient hygienic refrigeration on the worksite for the storage of milk; and
- Convenient water source in a private location near the location where milk is expressed for the worker to clean and wash hands and milk expression equipment.

Multiemployer worksites:

Each employer is responsible for providing facilities for their own workers.

Employer Size:

These requirements, or suitable alternatives, apply regardless of the employer size (number of workers).

Questions:

Reach out to your local Department of Labor & Industries service location: 1-800-4BE-SAFE
www.lni.wa.gov.

To review the requirements in full:

[WAC 296-155-140](#)
[RCW 49.17.530](#)

Do all employers have to meet these requirements?

All employers in the construction industry are required to meet these requirements, regardless of the number of workers.

Does the bathroom have to be in a building?

No, a minimum size bathroom, which may be a chemical toilet, must be accessible on the work site, or an employer may provide access to a permanent structure with a bathroom.

Does the bathroom have to have a lock?

Yes, the structure, or bathroom in an accessible building, must have an internal latch or lock to prevent entry.

Does an employer have to supply a specific type, size, or brand of menstrual products?

No, the requirement is to maintain a supply of menstrual hygiene products, at no cost.

What products are safe to use?

Employers must ensure the menstrual hygiene products are stored appropriately and not exposed to water, dirt, or chemicals on the job site. Items that appear to be wet or soiled must be removed and discarded. Employers may store such products in a first aid kit, zipper pouch, or small plastic tote box with lid.

How do employers establish a dedicated space to express milk and a place to store expressed milk?

Upon receipt of an accommodation request from the worker, the employer is required to provide a dedicated space to express milk. Employers and workers should collaborate to identify a dedicated space for expressing milk, method of refrigeration, and to develop a flexible work schedule to include longer breaks to allow enough time for expressing milk, and cleaning the milk expression equipment. The accommodation request does not need to be in writing, though it is an encouraged best practice.

Does an employer have to provide or have a dedicated “space” available for expressing milk?

No, upon receipt of an accommodation request from the worker, an employer has many options to meet the requirements, but the space provided cannot be a bathroom. Employers and workers should collaborate to identify a dedicated space for expressing milk. Examples of a dedicated space include, but are not limited to: a room; an altered portable chemical toilet (toilet and urinal have been removed); a “pop-up tent” used indoors or outdoors; an employer may provide window shades for the worker to use in a vehicle as the dedicated space for expressing milk; or other agreed upon alternative. This is a non-exhaustive list.

Does an employer have to purchase a new refrigerator to store the expressed milk?

No, an employer is not required to purchase a new refrigerator. Employers must provide hygienic means of refrigeration. An employer may designate an “area” in the job site refrigerator; or may purchase a smaller refrigerator, or smaller AC/DC refrigerator; or an employer may provide the worker with a cooler and cold packs. All of these options meet the requirements of the law. Alternatively, a worker may use a personal cooler, as milk expression equipment often comes with a cooler bag adequate to maintain the appropriate temperature. See CDC handout titled “Preparation of breast milk” for guidelines on the storage of expressed milk.

If there are multiple contractors on the job site, who is responsible to provide a bathroom and/or dedicated space for expressing milk?

Each employer is responsible for providing or ensuring there are facilities for their own workers.

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