



Melançon Marceau
Grenier Cohen s.e.n.c.
Avocates et avocats

CONFIDENTIAL

M^e Guillaume Grenier
ggrenier@mmgc.quebec
Direct line: 514 525-3414 (ext. 325)

Montréal, February 3, 2025

Sibel Ataogul
Sylvain Beauchamp
Marie-Jo Bouchard
Pierre Brun
Michael Cohen
Anne Julie Couture
Guilherme da Silva
Sébastien Denoncourt
Élisabeth Diguier
Johanne Drolet
Clarisse Émond-Larochelle
Lian Francis
Michel Gilbert
Guillaume Grenier
Pierre Grenier
Josée Lavallée
Denis Lavoie
Laurence Martin
Claude G. Melançon
Élyse Milette
François-Xavier Nadeau
Alexandre B. Romano
Sylvain Seney
Farhad Shayegh
Marie-Claude St-Amant
Julien Thibault

By email
gm@ssmu.ca

Ms. Maya Marcus-Sells
General Manager
Students' Society of McGill University
3600 McTavish Street
Suite 1200
Montréal, Québec H3A 0G3

Re: Legal opinion on the conformity of gender-neutral washrooms to applicable regulations and building codes

Our file : 5656-000

Ms. Marcus-Sells,

You have asked us to provide our opinion on the conformity to applicable regulations and building codes of a proposal to increase the number of gender-neutral washrooms at the University Centre building used by SSMU.

The proposal at issue seeks to transform the washrooms that exist in the University Centre building so that only one washroom for women and one washroom for men remain, and that the other washrooms would be designated as gender-neutral washrooms.

The University Centre building is owned by McGill University and leased to SSMU. The information provided to us is that there is currently in the building:

- In the basement: 1 multi-stall washroom for women; 1 multi-stall washroom for men
- On the 1st floor: 1 multi-stall washroom for women; 1 multi-stall washroom for men
- On the 2nd floor: 1 multi-stall washroom for women; 1 single-door gender-neutral washroom
- On the 3rd floor: 1 multi-stall washroom for women; 1 multi-stall washroom for men
- On the 4th floor: 2 single-stall gender neutral washrooms

Montréal
1717, boul. René-Lévesque Est
Bureau 300
H2L 4T3
T 514 525-3414
F 514 525-2803

Québec
871, Grande Allée Ouest
Bureau 200
G1S 1C1
T 418 640-1773
F 418-640-0474

mmgc.quebec

In our view, the following instruments are relevant to the question at issue here:

- *Regulation respecting occupational health and safety*, CQLR, c. S-2.1, r. 13
- *Code de construction*, c. B-1.1, r. 2, incorporating the *Code national du bâtiment – Canada 2015* (s. 1.01 of the *Code de construction*), with some changes (s. 1.09 of the *Code de construction*).

We have also examined the *Canada Occupational Health and Safety Regulations*, SOR/86-304, for additional context and comparison, although those regulations have no application here, as SSMU is not a federally regulated employer¹.

We have not identified any relevant regulation of the city of Montréal or of the borough of Ville-Marie on the topic at issue.

The *Regulation respecting occupational health and safety* “applies to all establishments²”. An “establishment” encompasses “all the installations and equipment grouped on one site and organized under the authority of one person or of related persons in view of producing or distributing goods or services, except a construction site³”.

The purpose of the *Regulation* is to establish standards pertaining to a variety of aspects, including “sanitary facilities”, “to ensure the quality of the work environment, to safeguard the health of workers and to ensure their safety and physical well-being⁴.”

The *Regulation* sets out obligations for SSMU on account of its status of employer, as provided under section 4 of the Regulation, which states that “[t]he employer shall comply with the standards set hereunder [...]”.

Despite its focus on the protection of workers and its imposition of obligations on employers, the standards set out in the *Regulation* take into account uses of establishments that go beyond the employment of workers, as evinced in

¹ The *Canada Occupational Health and Safety Regulations* employs a formula that is not dissimilar to the one relied upon in the *Regulation respecting occupational health and safety* or the *Code*: “[...] the employer shall provide in that room a number of toilets determined according to the maximum number of employees of each sex who are normally employed at any one time at the work place as follows [...]” (s. 9.12(2)). In 2024, however, a new provision was added to clarify that gender-neutral washrooms are permitted: “A toilet that is required to be provided by the employer under section 9.12 may be provided in an all-gender toilet room.” (s. 9.131)

² *Regulation respecting occupational health and safety* [**ROHS**], CQLR, c. S-2.1, r. 13, s. 2.

³ *Act respecting occupational health and safety*, CQLR, c. S-2.1, s. 1.

⁴ *ROHS*, *supra* note 1, s. 3.

Schedule IX of the *Regulation*, which sets out standards relating to “sanitary facilities”.

Section 161 of the *Regulation* states the following:

161. Sanitary facilities: All establishments shall have installed one or more washrooms that are separate from the other rooms in the establishment.

The quantity of washrooms, toilets, urinals, sinks, showers and other facilities shall comply in number with the standards provided in Schedule IX.

We attach Schedule IX to this opinion. Schedule IX establishes the number of “W.C.” (for “water closet”; “cabinets d’aisance par salle de toilette”, is used in the French version) for various types of occupancies, based on the number of men and women for each category.

We understand that the University Centre would be classified in the “Reception rooms, meeting halls... (holding a liquor permit)” category. For this category, the Schedule IX table states that there must be one “W.C.” (“cabinet d’aisance”) for every 30 male customers and one for every 30 female customers.

We will come back to the interpretation of Schedule IX in a moment, after having looked at the *Code de construction* and *National Building Code of Canada*. We do note, however, a particularity of Schedule IX which strengthens in our view the interpretation we will propose of these instruments. There are specific notes regarding sex segregation of the “W.C.”, but only in two specific cases: restaurants where customers eat outside (note “t”) and service stations and gas bars (note “v”). The notes for these categories and cases state the following:

(t) Under 26 customers, 1 W.C. and 1 lavatory will be enough for both customer and employee use. From 26 to 50 customers, 2 W.C. and 2 lavatories will be enough for both customers and employees, but in two separate washrooms. Where customers eat outside, separate washrooms for both genders with access from the outside are required.

[...]

(v) Separate rooms for both genders with access to the outside are compulsory.

[Emphasis added.]

The fact that this specific requirement for sex or gender segregation (Schedule IX appears to use the two terms interchangeably) appears, *but only in these two very specific cases*, should be interpreted in our view as a strong indication that there is absolutely no such segregation requirement in all other cases.

We turn now to the *Code de construction* and the *National Building Code of Canada*.

The *National Building Code of Canada* is a set of standards that “has been developed by the Canadian Commission on Building and Fire Codes (CCBFC) as an objective-based national model code that can be adopted by provincial and territorial governments⁵.” It only has legal effect insofar as it is enacted through provincial regulations⁶.

The latest version of the *National Building Code of Canada* is the 2020 edition. A new version is published every 5 years; a 2025 edition should thus be published at some point this year.

However, the version of the *National Building Code of Canada* that has been incorporated in the current version of the provincial *Code de construction* is actually the 2015 version, with the addition of amendments published in 2018:

1.01. Dans le présent chapitre, à moins que le contexte n'indique un sens différent, on entend par «code» le «Code national du bâtiment – Canada 2015» (CNRC 56190F), publié par la Commission canadienne des codes du bâtiment et de prévention des incendies du Conseil national de recherches du Canada, incluant les révisions et les erratas de septembre 2018 publiés par cet organisme.

Le code est incorporé par renvoi dans le présent chapitre sous réserve des modifications prévues à l'article 1.09.⁷

[Emphasis added.]

Here are excerpts from section 3.7.2.2 of Division B of the *National Building Code of Canada – 2015*⁸:

⁵ *National Building Code of Canada 2020*, vol. 1, Preface, p. v.

⁶ On this subject, see: Conseil québécois LGBT, *Inclusion LGBTQ+ dans l'environnement bâti*, 2024 [“Conseil québécois LGBT”], p. 13, which rightly points out that the subject matter at issue is of provincial jurisdiction under the *Constitution Act, 1867*.

⁷ Note that the *Code de construction* is in French only.

⁸ Note that it is the French version of the *National Building Code of Canada – 2015* which is incorporated into the *Code de construction*; we will however quote the English version here. Note also that section 1.09 of the *Code de construction* does contain a number of amendments to (the French version of) the 2015 *National*

3.7.2.2 Water Closets

1) Except as permitted by Sentence (4), water closets shall be provided for each sex assuming that the occupant load is equally divided between males and females, unless the proportion of each sex expected in the building can be determined with reasonable accuracy. (See Note A-3.7.2.2.(1).)

2) If a single universal washroom is provided in accordance with the requirements of Section 3.8., the total number of persons in the building used to determine the number of water closets to be provided, is permitted to be reduced by 10 before applying Sentence (6), (7), (8), (12), (13) or (14).

3) Except as permitted by Sentence (2), if only one universal washroom is provided in accordance with Section 3.8., the water closet in this room shall not be taken into consideration in determining the number of water closets required by this Article, unless a single water closet is permitted in accordance with Sentence (4).

4) Both sexes are permitted to be served by a single water closet if the occupant load in an occupancy referred to in Sentence (6), (10), (12), (13), (14) or (16) is not more than 10.

5) Urinals are permitted to be substituted for two thirds of the number of water closets required by this Article for males, except that if only 2 water closets are required for males, one urinal is permitted to be substituted for one of the water closets.

6) Except as permitted by Sentences (4), (7) and (8), the number of water closets required for assembly occupancies shall conform to Table 3.7.2.2.-A.

Building Code of Canada (amendments to paras. 3, 4 and 16; abrogation of para. 15; addition of para. 17). See https://www.legisquebec.gouv.qc.ca/fr/ressource/rc/B-1.1R2_FR_021_004.pdf?langCont=fr&cible=0F10FE0C56230D24665FA01866840E DC

That said, we believe that these changes do not fundamentally change the question of interpretation at issue here.

Table 3.7.2.2.-A
Water Closets for an Assembly Occupancy
 Forming Part of Sentence 3.7.2.2.(6)

Number of Persons of Each Sex	Minimum Number of Water Closets	
	Male	Female
1 - 25	1	1
26 - 50	1	2
51 - 75	2	3
76 - 100	2	4
101 - 125	3	5
126 - 150	3	6
151 - 175	4	7
176 - 200	4	8
201 - 250	5	9
251 - 300	5	10
301 - 350	6	11
351 - 400	6	12
Over 400	7, plus 1 for each additional increment of 200 males in excess of 400	13, plus 1 for each additional increment of 100 females in excess of 400

[...]

These rules are quite ambiguous with respect to the existence – or not – of requirements of a minimum number of segregated water closets.

In a guide the organization published on LGBTQ+ inclusive practices in buildings (“l’environnement bâti”), the Conseil québécois LGBT writes that the *Code de construction* can complicate the implementation of inclusive spaces but does not make them impossible; they go on, however, to state that implementing individual water closets in a gender-neutral washroom open to all would require a derogation from the Régie du bâtiment du Québec⁹. They do add elsewhere that some provisions of the *Code* could be found to be inoperative or invalid because of their discriminatory nature or effect, if a court challenge were to be filed¹⁰.

We note indeed that since 2016, the Quebec *Charter of Human Rights and Freedoms*¹¹ prohibits discrimination based on gender identity or expression¹². If the provisions of the *Regulation respecting occupational health and safety* and of the *Code de construction* (through its incorporation of the *National Building Code of Canada*) on the minimum number of water-closets were to be interpreted as mandating sex or gender segregation and prohibiting gender-neutral washrooms, there could very well be a case that these provisions violate the *Charter* and are thus inoperative to the extent of the violation¹³.

⁹ Conseil québécois LGBT, *supra* note 5, p. 9. See also p. 12.

¹⁰ *Ibid.*, p. 12.

¹¹ CQLR, c. C-12.

¹² *Id.*, s. 10.

¹³ *Id.*, s. 52.

The right to equality protected by the *Charter* could also be mobilized in the *interpretation* of these provisions. Here, the argument would be that any ambiguity in the provisions should be resolved in favour of an interpretation that can be harmonized with the right to equality protected by the *Charter*, that is, in this case, an interpretation of these provisions that allows for gender-neutral washrooms.

We note that the city of Gatineau has stated that the requirements of the *Code de construction* are not an impediment to the implementation of “universal” washrooms and lockers, a word they take to encompass “neutral, non-gendered, unisex or mixed” (our translation) washrooms¹⁴.

The deciding factor for us, however, is found in “Proposed Change 1750” to the *National Building Code of Canada – 2020*. The Proposed Change seeks to clarify, by amending only the *explanatory note* attached to section 3.7.2.2, that the *National Building Code*, even as it stands today, does not require any segregation of washroom and is entirely compatible with gender-neutral bathrooms. We will quote liberally from the Proposed Change, as it is particularly enlightening for the purposes of this opinion:

Problem

The NBC requires that a certain minimum number of water closets be provided in buildings based on occupancy type and the expected proportion of males and females in the occupant loads. However, the wording of the requirements could be misinterpreted to mean that separate washrooms for males and females must be provided. Several Code enquiries have sought clarification on how “gender-neutral” washrooms are considered in the NBC and if they are allowed since enforcement issues have also been raised.

While washrooms have historically been separated according to gender, it is becoming more common to have non-gender-specific washroom spaces.

This proposed change to explanatory Note A-3.7.2.2.(1) clarifies that the NBC only requires that a minimum number of water closets be made available to the building’s occupants. [...]

Justification

The NBC requires a minimum number of water closets in buildings, but does not require that washrooms be separated

¹⁴ Ville de Gatineau, Service des loisirs, des sports et du développement des communautés, *Mise en place de toilettes et vestiaires universels*, presentation at the Comité plénier – séance publique, 2021/06/01, p. 16.

according to gender. This proposed change to explanatory Note A-3.7.2.2.(1) clarifies this point, with a view to helping designers to create acceptable washroom spaces and authorities having jurisdiction to approve their designs. [...]

PROPOSED CHANGE

[...]

Although the NBC contains no implied or explicit requirements for the provision of separate gender-identified washrooms, traditional industry practice has been to provide separate washrooms. The Code only requires that certain total numbers of water closets and urinals be provided based on the expected number and demographics of building occupants. Features such as full-height partitions for the privacy of washroom users and lockable stall doors for their safety should be considered in the design of the space. Where washrooms are required to be accessible, Section 3.8. applies.

Impact analysis

This proposed change clarifies the Code's intent through an explanatory note and is only advisory in nature. [...]

Enforcement implications

This proposed change clarifies that the existing requirements do not require washrooms to be separated according to gender. Sentence 3.7.2.2.(1) can continue to be enforced by the infrastructure currently available to enforce the Code.

Who is affected

Designers and authorities having jurisdiction will have clearer understanding that the Codes do not require that washrooms be gender-specific.

[Emphasis added.]

In our view, this Proposed Change is an extremely persuasive source in support of the idea that the implementation of gender-neutral bathrooms is in no way prohibited by the Code (be it the *National Building Code of Canada* or its incorporation in Quebec through the *Code de construction*) and that the Code does not actually mandate a specific number of washrooms segregated on the basis of sex or gender.

While the Proposed Change has not been yet adopted, it does not need to be to produce effects. The mere fact that the Canadian Commission on Building

and Fire Codes has retained the Proposed Change – we note that Proposed Change 1750 is still on the books and that its most recent status is “Proceed as proposed”¹⁵ – and the fact that it relies on the existing language of the Code means that the Code as it stands now is to be interpreted in the manner indicated above.

In our view, the logic of the interpretation outlined in Proposed Change 1750 applies in the same way to schedule IX of the *Regulation respecting occupational health and safety*. We also emphasize again that the provision requiring separate washrooms for members of each gender only appear for some very specific cases (restaurants where people eat outside and service stations and gas bars), such that it can be said that there is no *general* rule to that effect.

We thus conclude that the designation of gender-neutral washrooms as contemplated in the proposal at issue is likely not in contravention of applicable regulations, namely the *Regulation respecting occupational health and safety* and the *Code de construction*.

If further comfort were to be sought, the appropriate procedure to be followed with the Régie du bâtiment would appear to be a request under section 128 of the *Building Act*¹⁶, which states that “the Board may allow the application of measures different from those prescribed by a code or regulation made under this Act, according to conditions it sets, where the provisions of the code or regulation are shown not to be reasonably applicable”.

A standard form would have to be filed to this effect. Here, the appropriate form appears to be the form bearing the title “Plomberie – Demande de mesures équivalentes ou différentes”¹⁷.

We remain available to assist you or answer any further questions you may have on these issues.

Yours very truly,

MELANÇON MARCEAU GRENIER COHEN s.e.n.c.



Guillaume Grenier

¹⁵ National Research Council, Proposed Changes tracking database, https://codes.nrc-cnrc.gc.ca/en/certifications-evaluations-standards/codes-canada/codes-development-process/proposed_changes.html

¹⁶ CQLR, c. B-1.1.

¹⁷ <https://www.rbq.gouv.qc.ca/fileadmin/medias/pdf/Formulaires/francais/demande-mesures-equivalentes-diff-plomberie.pdf>

SCHEDULE IX

(s. 161)

SANITARY FACILITIES

Occupancy	W.C.		Urinals	Lavatories		Tubs or Other		Notes
	men	women		men	women	showers	fixtures	
Arenas								
Players	1/30 players		1/30 players	1/30 players		1/10 players		
Spectators	1/600 men	3/600 women	2/600 men	2/600 men	2/600 women			
Brasseries	1/40 Customers	1/90 Customers	See (a)	1/80 Customers	1/80 Customers			
Physicians, dentists and other health practitioners offices		1			2 See (b)			
Cinemas, theatres, auditoriums, exhibition and convention halls...								
1 to 100 persons	1	1		1	1		one service tub	
101 to 200 persons	2	2		1	1			
201 to 400 persons	3	3	See (e)	2	2			
401 to 750 persons	add 1/600 persons	add 1/600 persons		3	3			
751 or more				add 1/1000 persons	add 1/1000 persons			
Employees: See (d)								

OCCUPATIONAL HEALTH AND SAFETY

Medical clinics	1/floor	1/floor		1/floor	1/floor		
-----------------	---------	---------	--	---------	---------	--	--

Bars (holding a liquor permit)

Customers:	1/25 men	1/30 women	See (e)	1/50 men	1/60 women		
------------	-------------	---------------	---------	-------------	---------------	--	--

Employees:
See (d)

Dormitories, boarding houses for children

1 to 150 persons	1/10 men	1/8 women	1/25 men	1/12 men	1/12 women	See (f) or 1/8 persons	one tub per 50 persons; a sink service tub per 100 persons
151 persons or more	add 1/10 men	add 1/8 women	add 1/50 men	add 1/12 men	add 1/12 women	add 1/20 persons	

Schools

Primary	1/40 boys	1/35 girls	1/30 boys	1/50 boys	1/50 girls	See (g) 1/5 pupils	one service tub 1/floor
Other	1/75 boys	1/75 girls	1/30 boys	1/50 boys	1/50 girls	1/5 pupils	1/floor

Teachers:
See (d)

Office buildings
(See h)

1 to 15 employees of each gender	1	1		1	1		One service sink or tub per floor
16 to 35 employees of each gender	2	2	See (e)	2	2		
36 to 60 employees of each gender	3	3		2	2		
61 to 80 employees of each gender	4	4		3	3		
81 to 90 employees of each gender	5	5		3	3		
91-110 employees of	5	5		4	4		

OCCUPATIONAL HEALTH AND SAFETY

each gender					
111-125	6	6	4	4	
employees of					
each gender					
126 and + 75	add	add	add	add	
employees of	1/50	1/50	1/60	1/60	
each gender	men	women	men	women	

Churches, chapels, places of worship	1/300 men	1/150 women	1/300 men	1/300 men	1/300 women
---	--------------	----------------	--------------	--------------	----------------

Sentry-boxes, shelters, temporary buildings, See (i)	1			1	
--	---	--	--	---	--

Hospitals (hospital centres)					At least one service sink per floor
1) Private room	1		1	1	
2) Communal room 1/8	1/8 patients		1/8 patients	1/20	for the patients first 50
3) Waiting room	1				patients and an additional one per each 50 additional patients or signifi- cant fraction of 50
Employees: See (d)					

Hotel-Motel	See (j)		See (k)		
1) Private room	1/room		1/room	1/room	
2) Room with common bathroom 1 to 4 rooms/floor					
5 to 8 rooms/floor	1/floor		1/floor	1/floor	
9 rooms or more/floor	1/floor add	1/floor add	1/floor add	1/floor add	1/gender add

OCCUPATIONAL HEALTH AND SAFETY

	1/8 rooms	1/8 rooms		1/8 rooms	1/8 rooms	1/8 rooms
Professional care institutes, personal care institutes, beauty salon, hairstylist, barber	1	1		1 1/care unit	1	1 shower See (l)
Apartments 1 to 7 units	1/apartment			1/apartment		1 sink 1 tub per per apartment apartment See (m)
8 units or more	1/apartment			1/apartment		1 tub 1 sink per per apartment appartement See (n)
Stores						
a) Retail (See o)	1			1		See (p)
b) Department Stores, Shopping Centres						
1) Customers	1/300 men	1/300 women	See (e)	1/300 men	1/300 women	See (p)
2) Employees: See (d) (q)						
Rooming house (tourist, furnished, boarding, homes.)	1/10 rooms	1/10 rooms		1/10 rooms	1/10 rooms	2/10 rooms
Pools						See (s)
1) Indoors	1/60 men	1/40 women	1/60 men	1/100 men	1/100 women	1/40 swimmers
2) Outdoors	1/120 men	1/80 women	1/120 men	2/600 men	1/300 women	1/80 1 Foot swimmers Bath
3) Spectators	1/600 men	3/600 women	2/600 men		2/600 women	
Jails, prisons						
1) Inmates:						

OCCUPATIONAL HEALTH AND SAFETY

See (c)

2) Employees:

See (d)

Restaurants

1 to 25	1	See (t)	1	See (t)	
Customers					
26 to 50	1 see (t)	1 see (t)	1 see (t)	1 see (t)	
Customers					
51 to 100	1	2	1	1	
Customers					
101 to 150	1	1	1	2	
Customers					
151 to 200	2	3	See (e)		
Customers					
201 to 300	3	3	3	3	
Customers					
301 or more	add	add	add	add	
	1/50	1/50	1/50	1/50	
	men	women	men	women	

Employees:

See (d) and (u)

Reception
rooms, meeting
halls...
(holding a
liquor permit)

See (a)

Customers	1/30	1/30	1/60	1/60	A tub or a service sink
	men	women	men	women	

Funeral Homes	1	1	1	1	A service sink and a floor drain in the embalming room
---------------	---	---	---	---	--

Service stations, gas bars (See v)	1	1	1	1	
---	---	---	---	---	--

Any other
establishment
(plants,
warehouses,

See (w)

workshops,
laundries,
foundries,
etc.)

See (h)				1	1
1 to 10 employees of each gender	1	1		add	add
11 to 25 employees of each gender	2	2	1	1/10 men	1/10 women
26 to 50 employees of each gender	3	3	2		
51 to 75 employees of each gender	4	4	2		
76 to 100 employees of each gender	5	5	3	add 1/15 women	
101 or more of each gender	add 1/50 men	add 1/50 women	add 1/90 men	add 1/15 men	

- (a) 2/3 of men W.C. may be replaced by urinals.
- (b) A sink shall be installed in the examination room in addition to the one in the toilet room.
- (c) According to the requirements of authorities.
- (d) Sanitary accommodations for employees shall be the same as those required for office buildings.
- (e) For men, half the compulsory W.C. may be replaced by urinals.
- (f) In a women's dormitory, a bathtub shall be added in a proportion of 1/30.
- (g) In the gymnasium and according to the largest group that uses it.
- (h) Only one toilet room is required for 10 employees or less of both genders.
- (i) One W.C. and a lavatory shall be installed, except if written permission is given to use an existing washroom within a maximum radius of 30 m.
- (j) Toilet facilities for general use shall be separate from bathrooms and lavatories.
- (k) One lavatory is required for each room not equipped with a private toilet.
- (l) One shower for each similar massage, physiotherapy or health treatment unit.
- (m) One laundry tray per apartment or one connection for an automatic clothes washer).
- (n) One double basin laundry tray or one automatic clothes washer per 10 apartments; one automatic washing machine per 20 apartments.

- (o)* Several stores may use a common washroom provided it is accessible via an indoor passageway.
- (p)* A tub or sink must be installed in a food store. In dog kennels and pet shops, a tub or a service sink and a floor drain must be installed.
- (q)* Fixtures for employees may be situated in the customers' washrooms.
- (r)* In a home for the elderly, tubs must be installed in a proportion of 1 unit per 10 persons.
- (s)* The maximum number of swimmers is determined in a proportion of one swimmer per every 1.4 sq. surface metres in the shallow zone and 2.2 sq surface metres in the deep zone. The floor plan for rooms must be arranged so that swimmers may go through the toilet area to get to the showers.
- (t)* Under 26 customers, 1 W.C. and 1 lavatory will be enough for both customer and employee use. From 26 to 50 customers, 2 W.C. and 2 lavatories will be enough for both customers and employees, but in two separate washrooms. Where customers eat outside, separate washrooms for both genders with access from the outside are required.
- (u)* Toilet facilities are not required for fewer than 5 employees.
- (v)* Separate rooms for both genders with access to the outside are compulsory.
- (w)* A shower is compulsory per 15 employees exposed to excessive heat or to skin contact with corrosive, noxious, irritating or infectious.

O.C. 885-2001, Sch. IX.