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# Portable workplace toilets in construction factsheet

This factsheet provides information to ensure you are meeting your legislated duty to adequately provide and maintain portable toilets, when included in workplace facilities.

SafeWork NSW has identified significant concerns across a number of construction workplaces relating to unclean, poorly maintained and potentially hazardous portable toilets.

## On this page:

- Know your duties as a Person Conducting a Business or Undertaking (PCBU)
- Selecting a type of toilet for your workplace
- Ratio of toilets per number / type of workforce
- Placement of portable toilets
- Know what to expect when a SafeWork Inspector attends
- Foreseeable hazards associated with toilets
- Requirements for toilets
- Further information

## Know your duties as a Person Conducting a Business or Undertaking (PCBU)

A 'person conducting a business or undertaking' (PCBU) is a broad term used throughout work health and safety legislation to describe all forms of modern working arrangements, which we commonly refer to as businesses. In the construction industry sector, PCBUs include principal contractors.

PCBUs have a legislated duty under Clause 41 of the WHS Regulation 2017 (the Regulation) to provide workplace facilities, including toilets, that are in good working order, clean, safe and accessible.

Like all plant and equipment provided in a workplace, toilets must be safe to use when operated in the way they were designed to be used.

PCBUs must consult with workers (and/or their HSRs) about the type of toilets used at the workplace. If it is not reasonably practicable to provide portable toilets (e.g.: work is being done inside a shopping centre), you must consult with centre management (or other businesses) to obtain documented agreement that workers can use their toilet facilities.

Consultation must consider factors like workers living with a disability, as well as the workforce's sex and gender identification/orientation. If tendered portable toilets are onsite before workers are mobilised, consultation must then occur regarding the suitability of the onsite toilets and changes made as necessary.

PCBUs must also have systems of work in place so that workers and others are comfortable to enter and use the site facilities, including toilets, such as ensuring:

- portable toilet/s are checked regularly when workers are onsite to make sure they are clean and working as expected, with the water tank topped up, having sufficient supplies available and the waste bin regularly emptied. At some workplaces, it may be required frequently throughout each day to ensure they are suitable for use.
- portable toilet/s are regularly serviced, cleaned and maintained by the hire company in accordance with the hire agreement.
- workers are provided with information, instruction and training so they understand:
  - everyone has a personal responsibility to clean up after themselves when using workplace facilities, including toilets, and
  - how to immediately report problems (e.g.: blockages, overflow, restocking needed, etc).

## **Selecting a type of toilet for your workplace**

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A portable toilet that is plumbed into a sewerage system and connected to running water is always considered best practice. If this isn't practical, you must consult with your workers about the most suitable type of portable toilet for your workplace.

Where toilets cannot be connected to a sewerage system, they should be self-contained and have water or chemical flushing, as well as handpumps connected to clean water for handwashing.

Open closet, pan type closets or straight drop toilets, which are not fitted with a functioning flapper valve or trap, may present a significant splash risk that could expose a user to human waste or toilet chemicals that are situated immediately below the seat level.

## **Ratio of toilets per number / type of workforce**

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One unisex toilet may be provided in workplaces with both male and female workers where:

- the total number of people who normally work at the workplace is 10 or fewer, and
- there are two or fewer workers of one gender.

For other construction workplaces, separate toilets should be provided using the following ratios:



<b>Workers</b>	<b>Closet pan(s)</b>	<b>Urinals</b>
Males	1 per 15 males (or fraction of)	1 per 20 males (or fraction of) Note: A urinal is not required for fewer than 10 workers. If a slab urinal is provided, each 600 mm shall be regarded as one urinal.
Females	1 per 10 females (or fraction of)	N/A

See NSW Code of Practice – Construction work, p80 - 81 and Table 6.

## Placement of portable toilets

PCBUs must ensure the portable toilet/s:

- are located in the workplace, or immediately adjacent to the workplace, so far as is reasonably practicable
- are placed on flat, level and stable ground, and allow for privacy (including away from busy public roads and pedestrian footpaths)
- appropriately secured so they cannot fall or be knocked over
- have clear access and egress in all weather conditions so that users are not put at risk when entering and exiting, eg:
  - avoid the need for users to step up or down to access/egress (or provide handrail)
  - ensure the door does not open into a trafficable area used by vehicles, plant and/or pedestrians
  - has a designated walkway (where necessary), and
- are clearly signposted.

## Know what to expect when a SafeWork Inspector attends

A SafeWork NSW Inspector who visits your workplace will always look at the workplace facilities, including the toilets. If the toilets are not plumbed, the Inspector will seek evidence of:

- why it is not reasonably practicable to plumb the portable toilet into a sewerage system and connect it to running water
- how you consulted with your workers about the provision of alternative types of toilets
- how you arrived at a decision on the type chosen, and
- how you ensure the toilets are maintained so they do not create possible health and/or psychosocial risks for workers using them, i.e. are in good working order, clean, safe and accessible.

**Failure to provide adequate facilities, including toilets, at a workplace may mean that the workplace cannot operate until a suitable alternative is implemented.**

## **Foreseeable hazards associated with workplace toilets**

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SafeWork NSW considers the following hazards relating to the use of portable toilets to be foreseeable and they must be managed according to Part 3.1 of the Regulation:

- splash exposure to human waste, biological materials or potentially hazardous chemicals that could lead to infection or illness, particularly in straight drop toilets
- psychosocial hazards and/or harm to worker health resulting from workers avoiding using the toilets while at work due to concern or stress arising from:
  - visible human waste materials
  - waste odours, or
  - using toilet facilities that are unclean and/or poorly maintained that could lead to infection or illness
- specific toilet-use needs based on workers living with a disability, as well as the workforce's sex or gender identification / orientation
- inadequate access to toilet facilities
- slip, trip or fall hazards
- ergonomic functionality and space
- access for people living with a disability
- habitation by insects, spiders, snakes or other pests
- excessive heating of the cubicle due to location
- ventilation that allows for fresh air to reduce airborne pathogen concentrations, minimise toilet gas build-up, displace odours and reduce heat in the occupant space.

## **Requirements for toilets**

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All toilets used in NSW workplaces should be designed to be:

- fitted with a hinged seat and lid
- provided with lighting and good ventilation
- fitted with a hinged door capable of locking from the inside on each cubicle
- designed to allow emergency access and egress.

The toilets must also be:

- clearly signposted
- positioned to ensure privacy for users, and
- separated from other rooms by an airlock and a separate entrance that is clearly marked, where applicable.

Toilets should be supplied with:

- toilet paper
- hand washing facilities, i.e. soap / handwash (hand sanitiser is *not* a replacement) and hand drying
- rubbish bins, and
- hygienic means to dispose of sanitary items (where applicable).

## Further information

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NSW Code of Practice – Managing the work environment and facilities

NSW Code of Practice – Construction work

NSW Code of Practice – Managing psychosocial hazards at work

NSW Code of Practice – Work health & safety consultation, cooperation and coordination

Facilities at work - SafeWork NSW

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<https://www.safework.nsw.gov.au/resource-library/construction/portable-workplace-toilets-in-construction-factsheet>

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