



# RESTROOM ACCESS

A GUIDE FOR LOCAL UNIONS

Amalgamated Transit Union

AFL-CIO / CLC

[www.atu.org](http://www.atu.org)



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## **BUILDING POWER FOR BATHROOM ACCESS CAMPAIGN**

Local Unions can demand that employers establish policies, practices, and procedures for restroom access. Some Local Unions have negotiated contract language establishing the right to timely restroom access for operators, without retaliation.

If you think this is an important issue affecting your members, you can:

1. Distribute the attached survey to your members to start documenting where problems are occurring. Or use the longer online survey with SurveyMonkey by contacting the [officeofthepresident@atu.org](mailto:officeofthepresident@atu.org). A print copy is attached.
2. Check what current policies and procedures apply. Is there a general policy on restrooms already? Is there health and safety language in the contract you can use? How does the policy match the practice? Sample contract language is attached. Also see the comfort station evaluation form.
3. Let your members know they can support the campaign by asking for access and reporting problems, such as, discipline and obvious or silent pressure to keep working work when a restroom is needed.
4. Make your case to your employer in a meeting. You can use this factsheet to illustrate what the problem is, what your rights are and what you want.
5. Finally, demand strong contract language while bargaining to protect your bathroom access.



# RESTROOM ACCESS

## A GUIDE FOR LOCAL UNIONS

ATU is working to win restroom access for transit workers across the US and Canada. We believe the ability to use a restroom when necessary should be considered a basic human right. As part of this ongoing campaign, we are conducting surveys to find out how operators are affected and what Local Unions are doing to protect their members, meeting with government agencies such as OSHA and reaching out to the public, the media, and elected officials to tell our story and gain support.

### THE PROBLEM

Most people take access to a restroom in the workplace for granted, but bus and train operators often complete long runs without reasonable access to toilet facilities. For years operators have avoided drinking water during the workday, relieved themselves into bottles or on the street, and even wet themselves. The problem is especially hard on pregnant and older operators, those with bladder or bowel conditions, and for people taking diuretic medication.

Even when restrooms are available, many factors can still affect an operator's access. Schedule pressures may mean that operators do not have time to access, use, and return from a restroom. Procedures for leaving and securing the bus may be vague or unrealistic, or the restrooms may be unsanitary or unsafe. Concern about embarrassment or negative passenger reaction can also discourage operators from going to the restroom. Some operators have been disciplined for taking "unauthorized breaks" to use the restroom. In 2004, a member of ATU Local 757 was crushed by her own bus as she ran to the restroom at the end of her route.

The fact is, the discomfort and stress of "holding it in" makes it more difficult to operate a vehicle safely and effectively. Operators report being distracted and driving faster when under this kind of pressure. One laboratory study found that not responding to an extreme urge to urinate affected attention and thinking as much as staying awake for 24 hours or having a blood alcohol level (BAC) of 0.05%. For comparison, a commercial driver would be disqualified at a BAC of 0.04%.

#### You have the right to:

- Rapid access to restrooms when needed, on all routes and all shifts
- Safe access to clean, fully equipped facilities along routes and at end of routes with locations identified and updated
- Adequate time to access, use, and return from restrooms
- No retaliation, discipline, or threats for going to the restroom
- Restroom use time built into scheduling
- Clear policies on restroom access along the route, including how to notify dispatch, safe methods for leaving and securing the bus, communicating with passengers and discharging passengers

## KNOW YOUR RIGHTS - UNITED STATES

The OSHA Sanitation Standard (*29 CFR 1910.141*) requires that employers provide access to an adequate number of sanitary and fully equipped toilet facilities in places of employment. Employers of mobile crews (such as bus operators) are exempt from the requirement *if* employees can leave their work locations (buses) “immediately” for a “nearby” toilet. OSHA says that “restrictions on access must be reasonable, and may not cause extended delays.”

OSHA can issue a citation or a fine if your employer refuses to provide access to clean, safe restrooms when you request it. It might do so even if there is an acceptable written policy, if the employer fails to live up to it or allows supervisors to discipline workers who do need restrooms. Federal OSHA has cited bus agencies for restroom violations at depots, such as too few toilets and restrooms without hot water, soap, towels or heat. A few state OSHAs have enforced the standard for operators on the road. But they will not issue citations if workers are not asking for access and being denied it. It is up to the operators and the Local Union to make the demands and make the case.

If you are not covered by OSHA enforcement, you should cite the standard and demand that it be your agency/municipal standard.

When deciding whether to issue a citation for “unreasonable” restrictions on access to restrooms, OSHA says it will look at:

- The nature of the restriction
- The length of time that employees are required to delay restroom use
- The employer’s explanation for the restriction
- Whether the restrictions are general policy or arise only in particular circumstances or with particular supervisors
- Whether the employer policy recognizes individual medical needs
- Whether employees have reported adverse health effects
- The frequency with which employees are denied permission to use the facilities

### CAUTION

Filing a successful complaint with OSHA takes careful preparation, and should be done in coordination with the International Union. Send an email to [officeofthepresident@atu.org](mailto:officeofthepresident@atu.org) if you are thinking of taking this step.

The federal Occupational Safety and Health Act sets legal requirements for all US private sector workplaces, and for public sector workplaces in about half the states. Where OSHA does not apply, public sector workers may have some coverage from your state department of labor or health. If you are not covered by OSHA enforcement, you should cite the standard and demand that it be your agency/municipal standard.

## KNOW YOUR RIGHTS - CANADA

Across Canada and Quebec, most provinces have health and safety laws or regulations about the number of toilets required and how they're to be kept clean, etc. Ontario and Manitoba rely on the provincial building code. Either way, the rules almost always apply to stationary workplaces, ignoring the needs of those whose job takes them on the road or away from buildings.

British Columbia does require employers to “make such other reasonable arrangements to accommodate workers as the circumstances allow,” if regular or portable washrooms aren't possible. Its guideline to the regulation says “the needs of workers must be reasonably accommodated” including the opportunity to “access alternative facilities.” Manitoba's definition of a workplace includes transit vehicles and says that “An employer must not place unreasonable restrictions on a worker's use of or access to toilet facilities at a workplace.” Alberta, Nova Scotia and Newfoundland and Labrador also define a workplace to include vehicles (e.g., buses) but don't have specific provisions about bathroom access. Whether or not transit vehicles are regulated as workplaces that must provide bathroom access depends upon the jurisdiction.

That leaves many ATU members with the “due diligence” argument. Health and safety laws in Canada and Quebec all require employers to look after their employees' health and safety; the wording varies and some define health in a broad way, too. Usually the requirement is described as a “general duty” in the health and safety act.

Many jurisdictions say employers must do this and provide “facilities” where “reasonably practicable.” The term has a specific legal meaning. The Saskatchewan Occupational Health and Safety Act uses that definition. It means something is possible to do (given current knowledge, technology, etc.) unless the employer shows “there is a gross disproportion between the benefit of the duty and the cost, in time, trouble and money of the measures.”

Costs include time and trouble, not just money, and it's not an even balancing of arranging bathroom access versus doing nothing. There must be a big difference between inaction and action before it is not reasonably practicable to arrange bathroom access. And since most jurisdictions require employers have a health and safety programme, bathrooms for everyone should be in the topics it covers.

Excerpts from specific provincial codes are listed in the appendix to this document, found at: [atucomm.org](http://atucomm.org)

Dorothy Wigmore, MS  
Occupational Health Specialist  
Winnipeg, Manitoba

## BUILDING POWER FOR BATHROOM ACCESS CAMPAIGN

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### Restroom Contract Language

#### Local 192 – AC Transit: Oakland, CA

##### SANITARY FACILITIES TO BE FURNISHED BY THE DISTRICT

49.01 Suitable sanitary facilities shall be provided and employees shall have an opportunity afforded for use of same. These facilities shall be kept in a clean and sanitary condition. Bulletins shall be posted by the District giving the locations of such facilities. Notice of any change of facilities shall be made promptly, and the Union will be notified before such change is made,

49.02 The parties recognize that Operators' health, well being, and stress levels will be positively impacted through improving inconsistent availability of clean restrooms. The parties acknowledge increasing the availability of clean sanitary facilities will improve the working environment for operators. Paddles will show the location of the restrooms at the ends of each line.

49.03 Operators will be given time needed for restroom breaks as long as they alert the Operations Control Center.

49.04 Employees are encouraged to immediately report any problems they encounter with unclean restroom facilities directly to central dispatch or on the form provided by the District so that attention can be given to finding a solution to the problem as soon as possible. Upon receipt of a report from an operator, the District shall make a good faith effort to have the restroom owner clean the restroom. If the restroom remains unclean for 48 hours after notification the District shall make its best good faith effort to find an alternative restroom in the vicinity as soon as possible.

49.05 The District will inspect all designated restrooms on each line no less than once every two (2) weeks. An inspection form will be completed for each restroom and turned in to the appropriate District representative. In the event that a restroom is determined to be unsanitary or unusable the District shall make a good faith effort to have the restroom owner clean the restroom. If the restroom remains unclean for 48 hours after notification the District shall make its best good faith effort to find an alternative restroom in the vicinity as soon as possible. A monthly report regarding restroom complaints filed by employees shall be posted monthly and a copy sent to the Union and the Drivers' Committee.



## Local 265 – Santa Clara VTA: San Jose, CA

### Sanitary Facilities

- a) VTA Facilities Suitable sanitary facilities shall be provided by VTA and employees will be afforded an opportunity to use such facilities. These facilities shall be kept in a clean and sanitary condition by VTA. All offices and booths of miscellaneous employees shall be kept in a clean and sanitary condition by VTA.

- b) Sanitary Facilities on Lines

VTA shall arrange for sanitary facilities on each line. VTA recognizes the importance of arranging restrooms as close to the end of the line as practicable. VTA shall post lists on a quarterly basis giving the locations of such facilities. The posting of the updated lists shall be done at each sign-up.

The Union may make written request and VTA shall then meet within ten (10) working days or as otherwise agreed to discuss problems encountered with VTA arrangement for sanitary facilities on each line to include the issue of no available facilities on certain lines. If the issue involves the fact that there are no available facilities on certain lines, the parties shall be required to attempt to resolve the problem, by diligent efforts. No operator shall be disciplined for delay of schedule if the delay results directly from the employee's use of designated sanitary facilities and the location of such facilities precludes their utilization without a delay of schedule.

## Local 587 – King County Metro: Seattle, WA

### SECTION 5 - RESTROOMS AND FIRST AID FACILITIES

A. On Routes: METRO will arrange for access to adequate restrooms to be used by Employees on all routes and shall take all reasonable steps to ensure each restroom's sanitary condition. Any other restroom on an Employee's route may be used in an emergency situation. METRO shall arrange for and designate restroom facilities as near as possible to each terminal of each route. METRO will identify potential restrooms for new routes and meet with the UNION to review the routes prior to forwarding them for King County Council approval. Employees shall have sufficient time to use the restroom. If Employees have concerns about the adequacy of restroom facilities along a route, or concerns about schedules that they believe have insufficient time at the end of the line to use a restroom, then Employees should submit a request for action through the Comfort Station Coordinator and the Schedule Maker.

B. At METRO's facilities: METRO will provide adequate sanitary and toilet facilities, a first aid area and required equipment at all permanent work sites.

C. Issues regarding restrooms shall be placed as a permanent agenda item at all Joint Safety and Health Committee meetings. The Committee shall review all requests submitted to the Comfort Station Coordinator and action steps taken in response.

## Local 741 – London Transit Commission: London, ON

202.01 The commission shall endeavor to arrange proper lavatory accommodation on the respective bus lines for Operators on duty.

202.02 The Commission shall post an updated listing of lavatory accommodations every three months; the Commission and Union shall meet quarterly to review the listings and ensure the facilities meet minimum standards, with recommendations to the Director of Transportation & Planning. Further, the Commission shall endeavour to post an updated listing of lavatory accommodations, as appropriate, when there are service changes that impact the location of lavatory accommodations.

## Local 1001 – Regional Transportation District: Denver, CO

All regular runs with more than one (1) round trip shall have a scheduled recovery time equal to at least ten percent (10%) of the round trip running time for each round trip for purposes of schedule adherence and use of toilet facilities or the actual time needed to perform required duties plus a respite of five (5) minutes plus walking time to a restroom on each end where practicable. Where not practicable, the respite will be ten (10) minutes plus walking time to a restroom at the opposite terminal.

SECTION 16 - Toilet Facilities. In accordance with RTD's Commitment to our Employees[1], adequate restroom facilities will be provided by the Employer consistent with the Employer's practice of providing sanitary facilities. Restroom facilities will be provided at RTD Transit Centers and Park-n-Rides where bus recoveries are scheduled, as part of new projects and future expansion of existing Park-n-Rides. The Employer will meet with Union representatives to review the adequacy of such facilities at the run board committee meeting scheduled approximately two weeks after implementation of each run board and otherwise as required.

## Local 1005 – Metro Transit: Minneapolis, MN

Section 38. Proper toilet facilities will be designated at or near the end of each route. In the event an operator must go off-route to use a designated toilet facility, they may do so. The employee will be required to contact the TCC via bus radio prior to leaving the assigned route and advising the TCC of the change. If the TCC does not answer by the time the employee arrives at the necessary rest stop, the employee shall call them back upon return to the bus. This does not authorize the employee to go off-route for personal errands and fast food stops. This exception is meant to be for emergency restroom use when there are no facilities available on the designated route.

## Local 1605 – County Connection: Concord, CA

Sanitary Facilities to be Furnished by the Agency

37.01 The Agency will arrange and provide for secure suitable sanitary facilities, and employees will be provided an opportunity for use of same, and will work with the provider of such facilities so that such facilities are kept in a clean and sanitary condition.

The Agency shall check on these facilities periodically to see if they are maintained in a clean and sanitary condition. An updated facilities list shall be posted by the Agency bi-annually prior to the Winter and Summer bids giving the location of such facilities.

If an operator reports that adequate facilities do not exist, the Agency will assign a Supervisor to locate adequate alternative facilities in the area.

## Local 1742 – KVRTA: Charleston, WV

Drivers will be permitted to leave their bus and use restroom facilities on their runs.



# ATU BATHROOM ACCESS CAMPAIGN SURVEY

This survey will take approximately 10 minutes to complete.  
All personal and contact information will be kept confidential.

Note: In this survey, “bathroom” means a clean, secure facility with one or more flushable toilets, sinks with hot and cold running water, soap, and provision to dry hands.

## Questions about bathroom access:

1. Are there clean, accessible, well equipped, and secure bathrooms at the *turnarounds/ends of your route(s)*?
  - a. Clean?            Yes / No
  - b. Accessible?      Yes / No
  - c. Well equipped?    Yes / No
  - d. Secure?            Yes / No
2. Are there clean, accessible, well-equipped, and secure bathrooms *along your route(s)*?
  - a. Clean?            Yes / No
  - b. Accessible?      Yes / No
  - c. Well equipped?    Yes / No
  - d. Secure?            Yes / No
3. How long is your *typical* trip, in minutes? \_\_\_\_\_  
How long is your *longest* trip, in minutes? \_\_\_\_\_
4. Is there enough time built into route schedules to allow for bathroom access? Yes / No
5. What is the *longest* time in minutes that you have to wait to use a bathroom? \_\_\_\_\_
6. What is the *typical* time in minutes that you have to wait to use a bathroom? \_\_\_\_\_
7. Have you developed a health problem or had a pre-existing medical condition get worse due to lack of bathroom access? Yes / No
8. Do you have a medical condition that results in more frequent need for access to toilet facilities? Yes / No
9. Do you know what your employer’s official policy is with regard to bathroom access? Yes / No

- 10. Has your employer ever denied a request that you made to use a bathroom? Yes / No
- 11. Have you ever been warned, disciplined, or retaliated against for using or requesting to use a bathroom? Yes / No
- 12. What do you do for relief if you do not have effective access to a bathroom while operating the bus?  
*Check all that apply.*
  - Use a tree or bush
  - Use a cup or bottle
  - Use a plastic bag
  - Use an adult diaper
  - Use a sanitary napkin
  - None of the above
  - Prefer not to answer
  - Other *(please specify)* \_\_\_\_\_
- 13. How do you cope with lack of bathroom access while driving? *Check all that apply.*
  - Try to "hold it in"
  - Bring sanitary wipes
  - Avoid drinking or eating
  - Other *(please specify)* \_\_\_\_\_
- 14. Have you ever accidentally relieved (soiled) yourself on the job? Yes / No / Prefer not to answer

**Questions about you:**

- A. My ATU Local is # \_\_\_\_\_, located in \_\_\_\_\_ (city, state)
- B. My employer is \_\_\_\_\_. My current route number is \_\_\_\_\_.
- C. My gender is:  Male  Female  Other
- D. The shift that I work most often is:
  - Early morning
  - Mid-day
  - Evening
  - Night
  - Split shift
  - Other
- E. I have or had the following medical conditions *(check all that apply, information will remain confidential)*:
  - Urinary tract infection (UTI)
  - Bladder infection
  - Constipation
  - Kidney stone
  - Kidney infection
  - Fibroid tumor
  - Diabetes
  - Hemorrhoid
  - None of the above
  - Prefer not to answer
  - Other *(please specify)* \_\_\_\_\_
- F. Is there anything else you want to tell us about access or lack of access to bathrooms? Use this space:  
\_\_\_\_\_  
\_\_\_\_\_
- G. *This final item is optional. However, your participation will support the union's efforts to win rapid access to bathrooms on an as-needed basis for all bus operators.*

I am willing to talk with the union more about these issues. Please contact me. *(All personal information is confidential)*

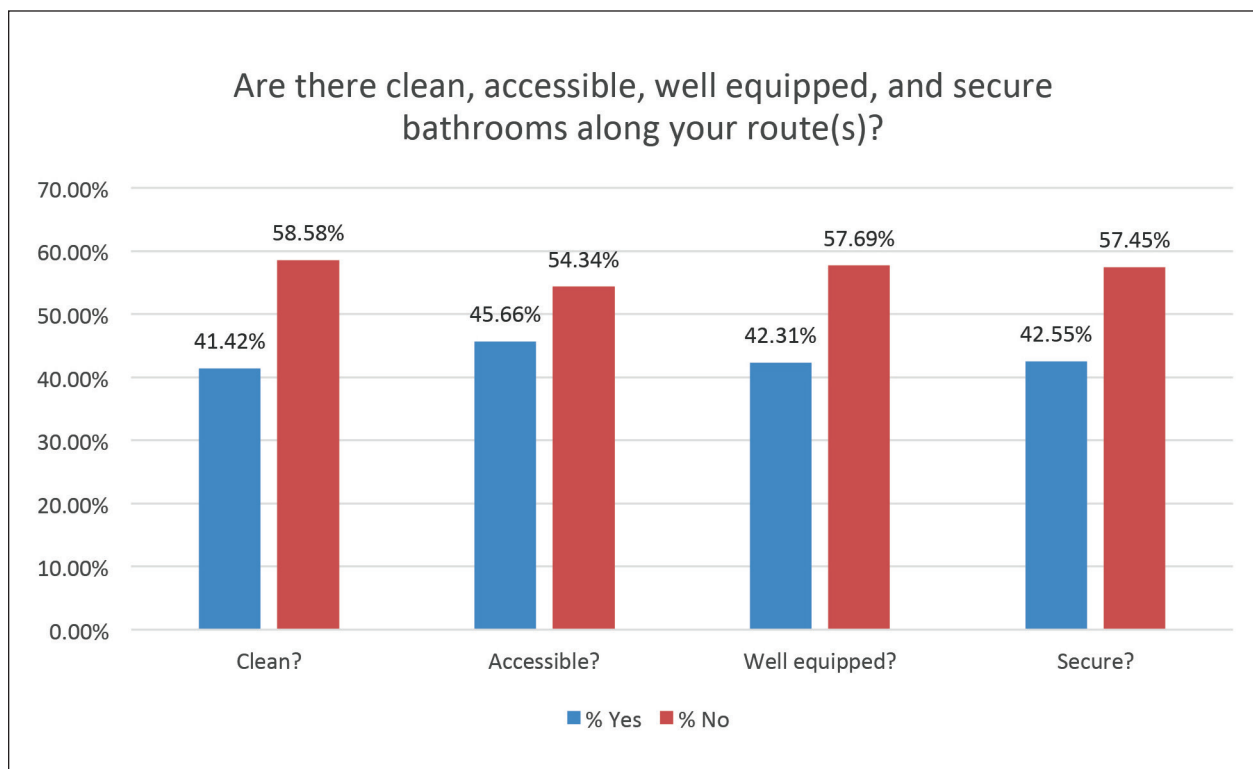
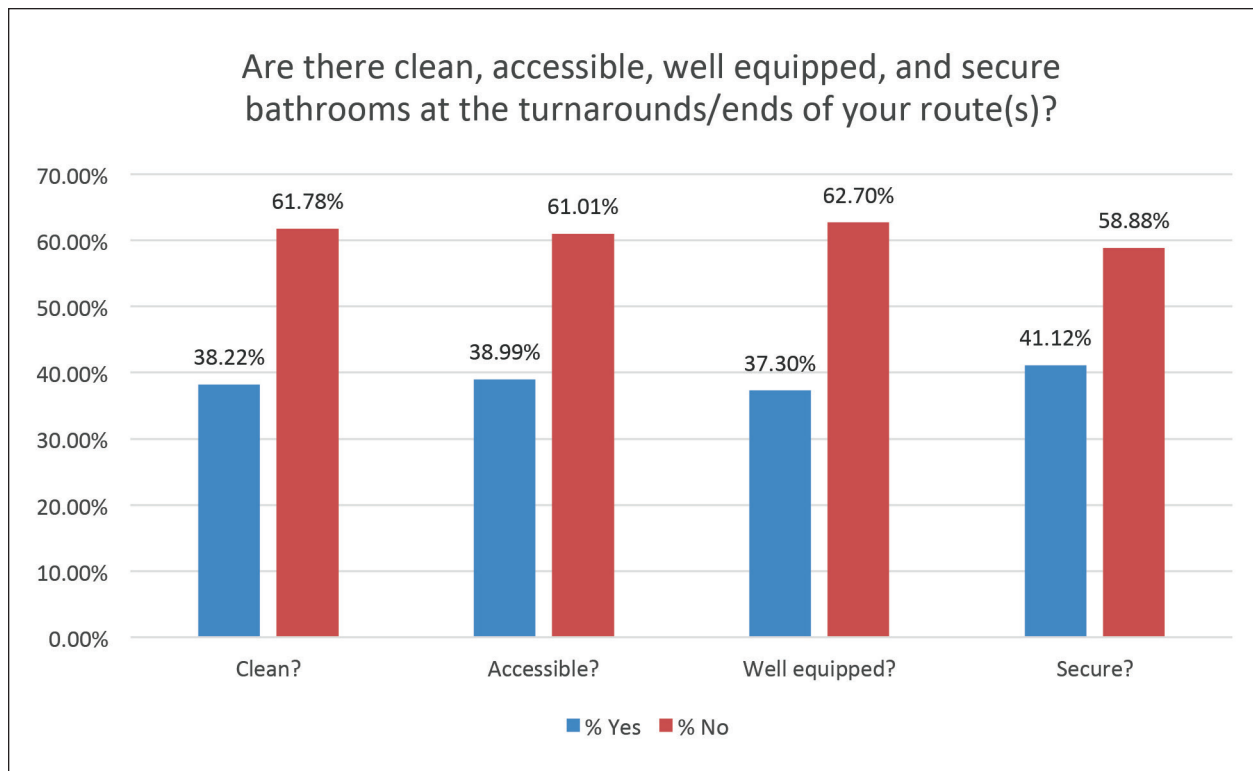
NAME \_\_\_\_\_

CELL PHONE # (     ) \_\_\_\_\_ EMAIL ADDRESS \_\_\_\_\_

**THANK YOU!**

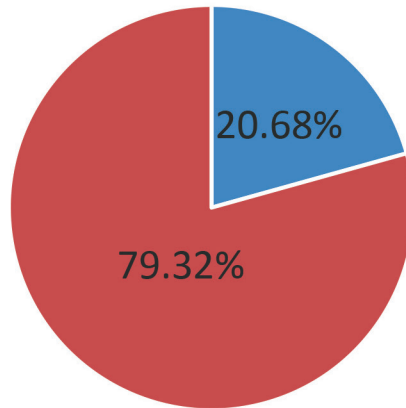
## ATU Bathroom Access Survey – Preliminary Results

The following results were taken from a bathroom access survey conducted with over 400 bus operators. We believe the issues identified by this group of respondents are familiar to transit operators across the US and Canada.



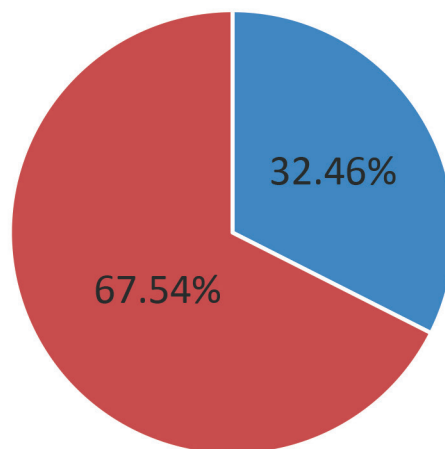
## ATU Bathroom Access Survey – Preliminary Results *(continued)*

Is there enough time built into route schedules to allow for bathroom access?



■ Yes ■ No

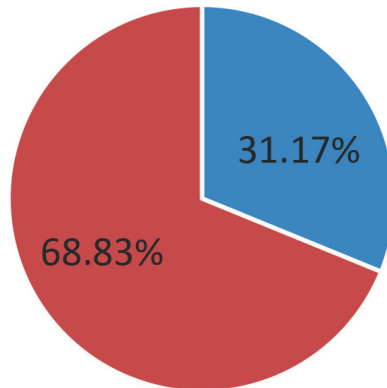
Have you developed a health problem or had a pre-existing condition get worse due to lack of bathroom access?



■ Yes ■ No

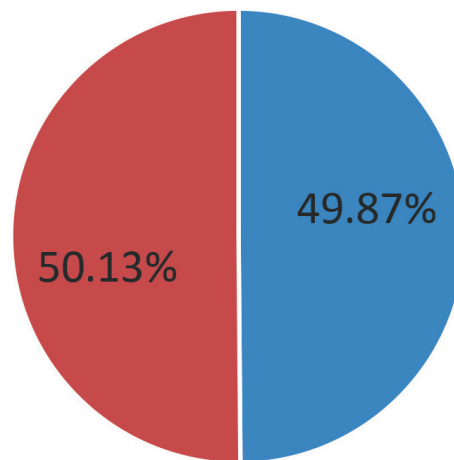
## ATU Bathroom Access Survey – Preliminary Results *(continued)*

Do you have a medical condition that results in more frequent need for access to toilet facilities?



■ Yes ■ No

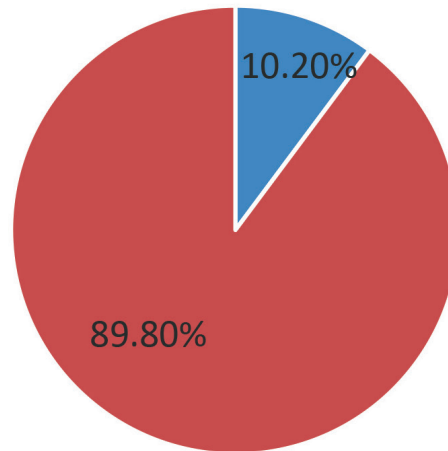
Do you know what your employer's official policy is with regard to bathroom access?



■ Yes ■ No

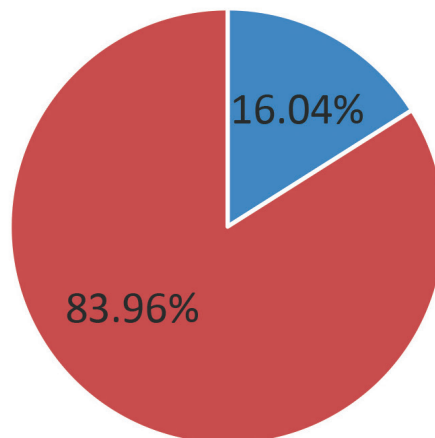
## ATU Bathroom Access Survey – Preliminary Results *(continued)*

Has your employer ever denied a request that you made to use the bathroom?



■ Yes ■ No

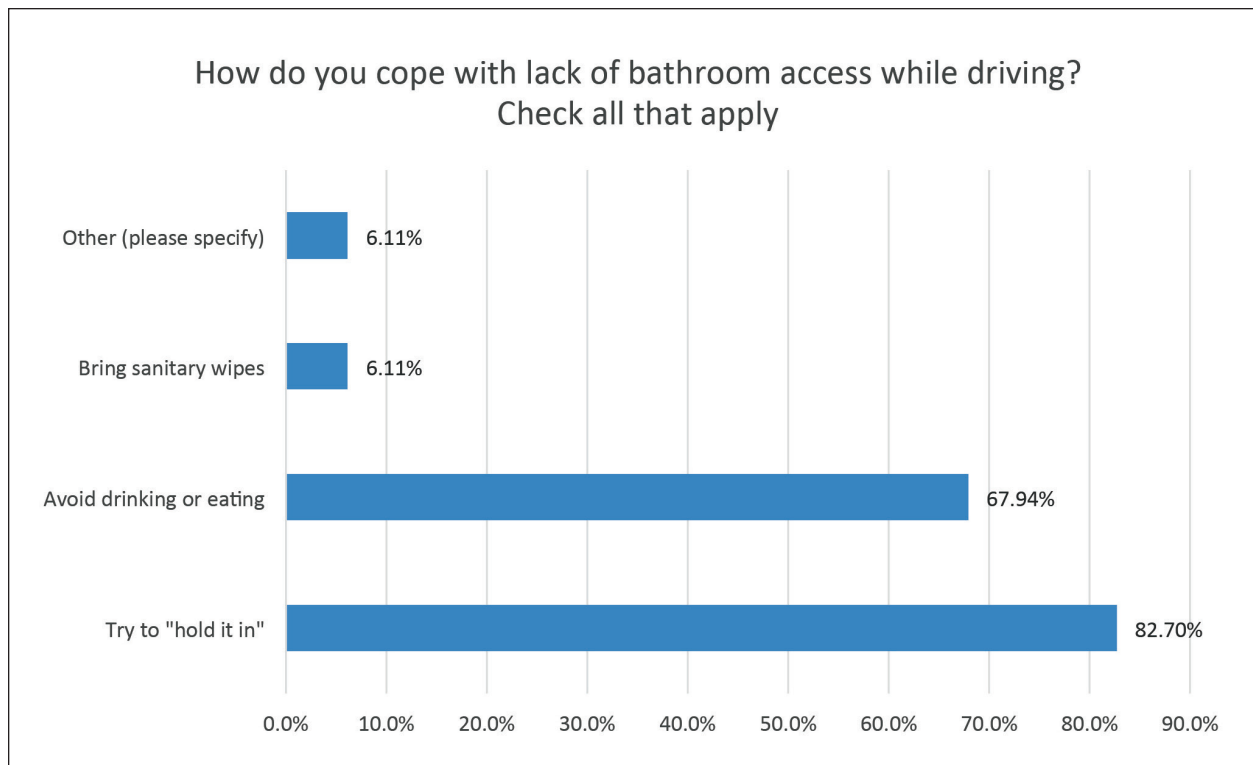
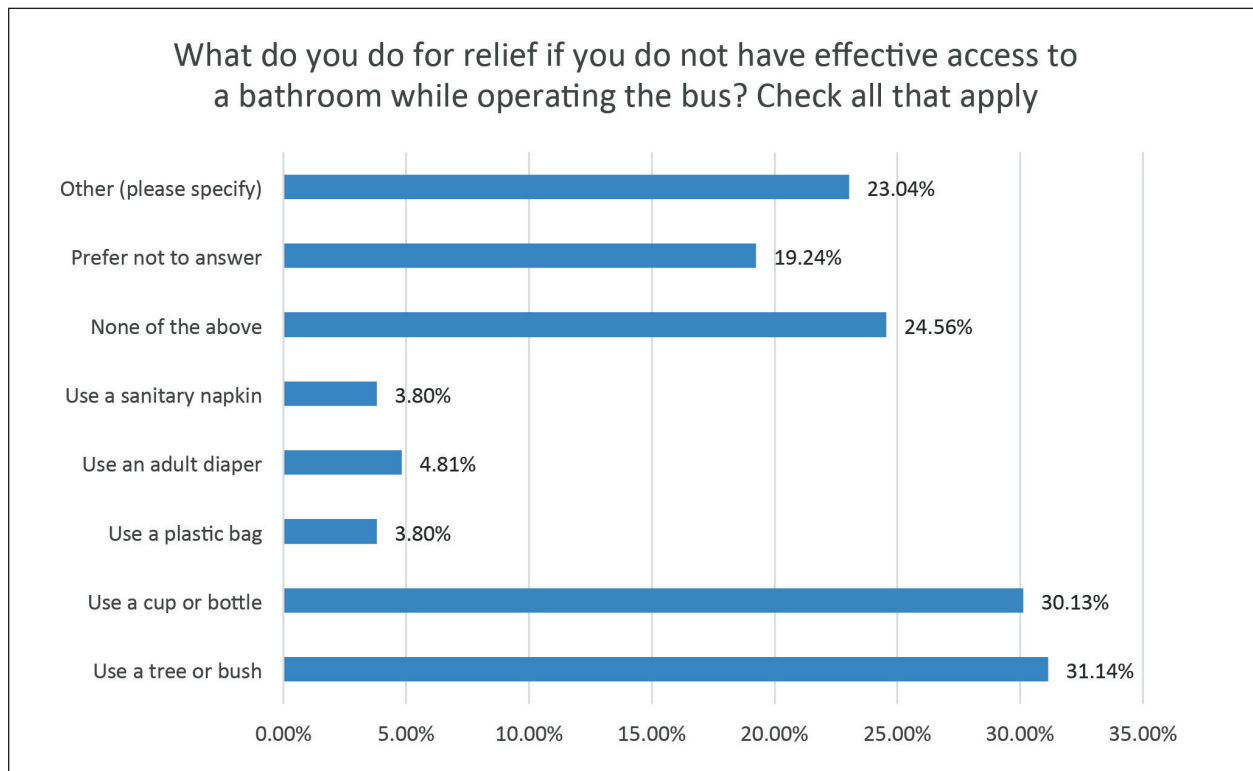
Have you ever been warned, disciplined, or retaliated against for using or requesting to use a bathroom?



■ Yes ■ No

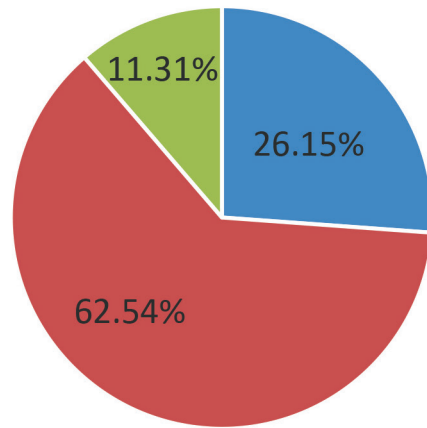


## ATU Bathroom Access Survey – Preliminary Results *(continued)*



## ATU Bathroom Access Survey – Preliminary Results *(continued)*

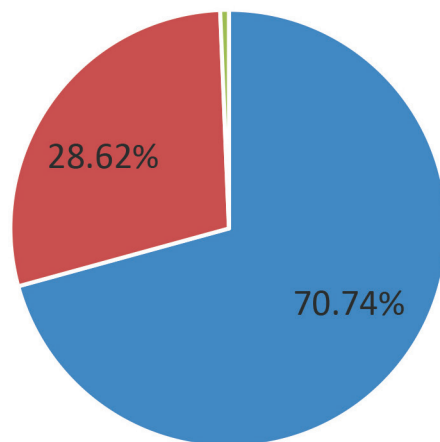
Have you ever relieved (soiled) yourself on the job?



■ Yes ■ No ■ Prefer not to answer

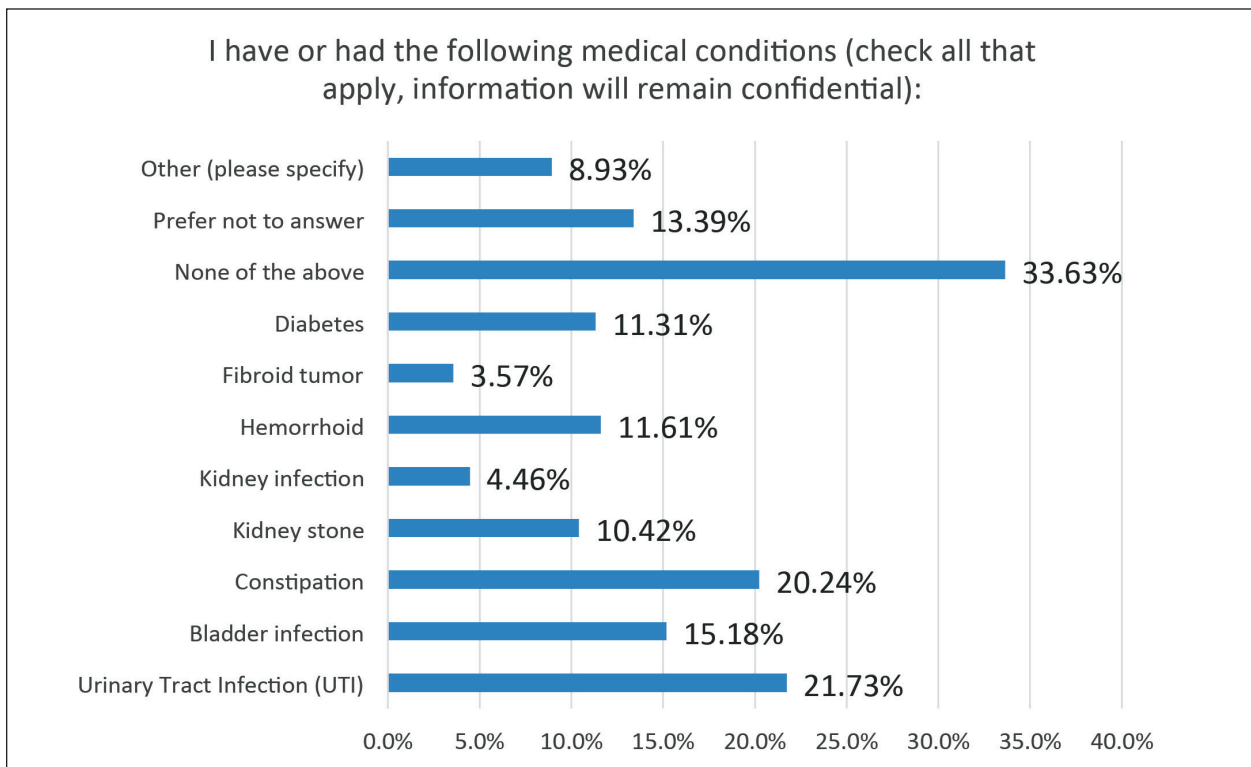
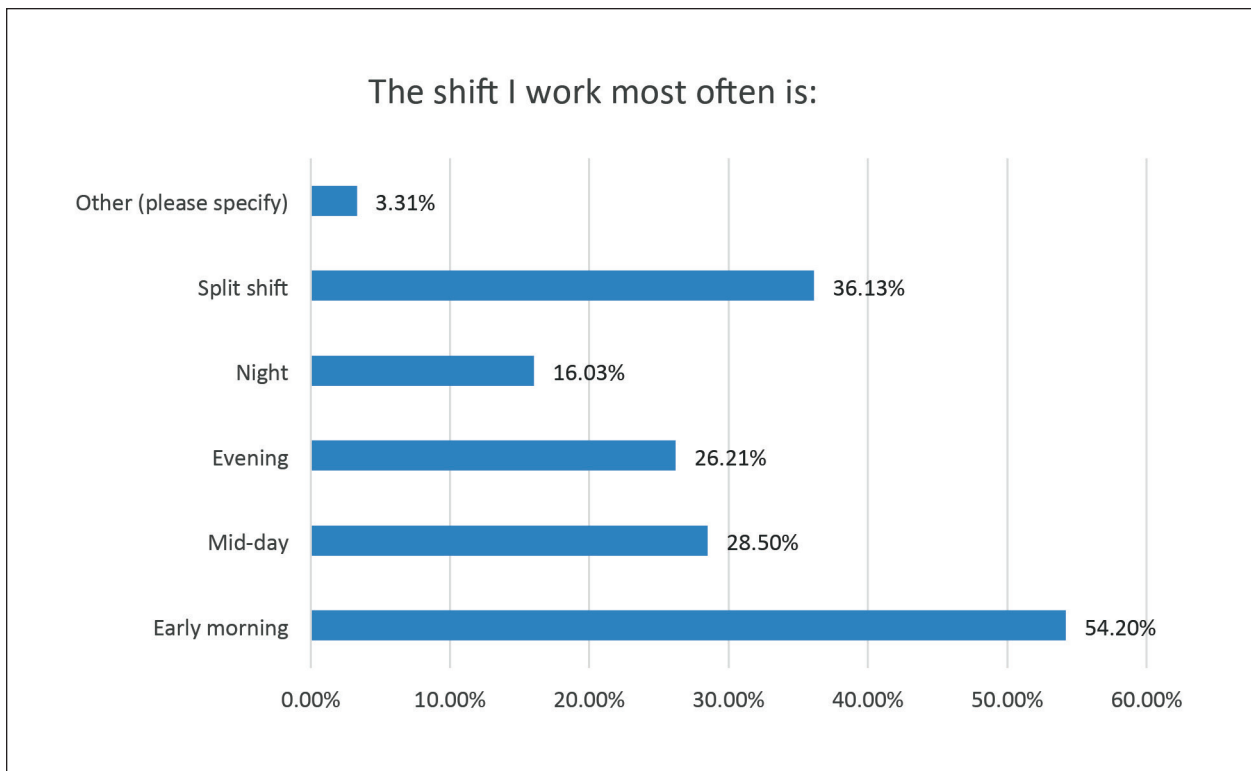
Gender

0.64%



■ Male ■ Female ■ Other

## ATU Bathroom Access Survey Results *(continued)*



# COMFORT STATION EVALUATION

## Document the problem

1. Create a notebook, log or spreadsheet with the following information:
  - a. Route terminal locations and addresses, both inbound and outbound.
  - b. Comfort station locations/addresses for each terminal.
  - c. Existence/Accessibility. Distance from route to bathroom. When is the comfort station open?

## What you see

1. Measure/walk the distance to the comfort stations from the route terminals.
  - a. How long does it take? Schedule impacts? Is there a comfort station at each terminal?
2. Cleanliness
  - a. Is the comfort station maintained and stocked? Is there soap and warm running water?
  - b. Usable by operators of all genders.
3. Safety/Convenience
  - a. Easy to access?
  - b. Are there obstacles/deterrents to access (e.g. inclement weather, busy/dangerous intersections, hills/flights of stairs, no lock on the door?)

## What you hear

1. Interview Operators
  - a. Do you have enough time to use the comfort station? How long does it take to get there and back? Does your schedule allow for this? Do you run late? How often? Do you skip bathroom breaks? How often? Do you avoid drinking water (dehydrate yourself) to make up for bad schedules?
2. Safety/Security
  - a. Is it safe to walk to and from the comfort station alone? (e.g. gang territory, drunks/mentally incapacitated, angry passengers)
3. Are there any unlisted comfort stations?
  - a. Get them listed for all operators to see.

## Get the proof

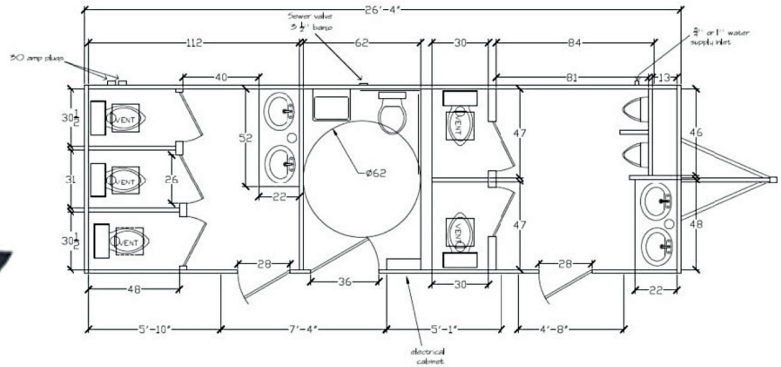
1. Record interviews with drivers both at their terminals and while getting to the comfort station to demonstrate the lack of break time.
  - a. Show video to Council and Metro.
  - b. Create PowerPoint Presentation.
  - c. Make video accessible to public to gain public support.
  - d. Post on Facebook, YouTube and other social media.

## High-End Portable Bathrooms

See the images and links below for examples of high end portable bathrooms. If permanent facilities are not an option, consider presenting these as alternatives.

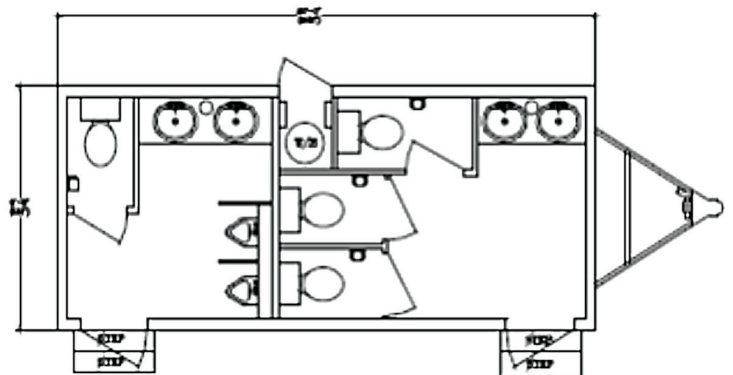
### Portable Restroom Trailers, LLC

<https://www.portablerestroomtrailers.com/trailer-types/luxury-serie/>



### Bobby's Portable Restrooms

[http://bobbyspottys.mydex.com/4BbpcxYDnUU:YWsnR1XJqo2\\_TuRAOFGLEWIsFuUMsEn/http/www.bobbyspottys.com/rentals/trailer-units/prestige-series/](http://bobbyspottys.mydex.com/4BbpcxYDnUU:YWsnR1XJqo2_TuRAOFGLEWIsFuUMsEn/http/www.bobbyspottys.com/rentals/trailer-units/prestige-series/)

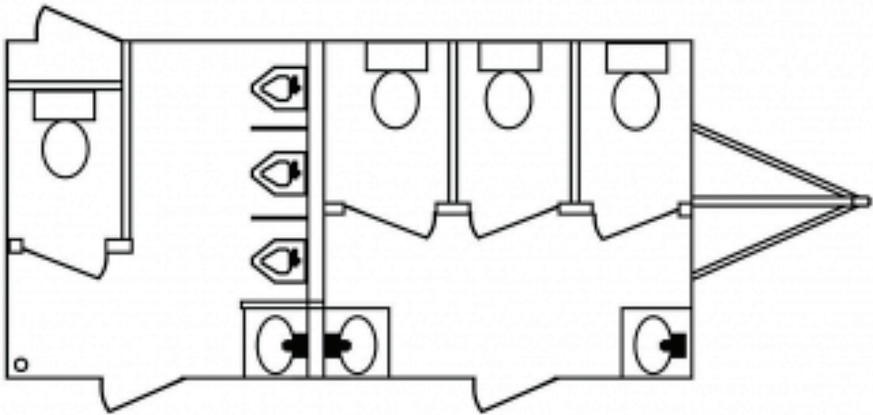


# High-End Portable Bathrooms (continued)



## Blue Ribbon Restroom Trailers

[http://blueribbonrestrooms.com/restroom-trailers/?gclid=EAIaIQobChMIru\\_yvefb1QIVB61pCh2c3gM3EAAYBCAAEgKGcfD](http://blueribbonrestrooms.com/restroom-trailers/?gclid=EAIaIQobChMIru_yvefb1QIVB61pCh2c3gM3EAAYBCAAEgKGcfD)







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