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Lesbian, Gay, Bisexual,
and Transgender Labor and our Allies.

Bathroom access is a workplace health and safety issue for LGBTQ people too

At a glance:

- Bathroom access is a constant worry for transgender and non-binary people: 59% of transgender people avoided using a public restroom in the past year because they were afraid of confrontations.¹
- Access to bathrooms is a condition for a safe and stable work environment. OSHA mandates that every employee must have access to a bathroom that corresponds with their gender identity.
- Likewise, union contracts should have nondiscrimination language that includes “gender identity and expression” as a protected class. Denying someone access to a bathroom is discrimination and our contracts can protect workers with this simple change.
- “Bathroom bills” such as North Carolina’s HB2 are popping up in several states. These bills discriminate against transgender and non-binary people and labor should oppose them strongly. Sometimes, like in North Carolina, these bills seek to preempt local laws, such as nondiscrimination protections and even local wage laws.

Unlike many of their cisgender counterparts, transgender and non-binary people have to worry about where they are going to use the restroom on a daily basis. 59% of respondents to the National Center for Transgender Equality’s 2015 US Transgender Survey avoided using a public restroom in the last year, and nearly one third (32%) limited the amount they ate and drank to do so. Eight percent reported a urinary tract infection, kidney infection, or another kidney-related problem as a result of avoiding the bathroom. These fears are not unfounded: one in ten respondents reported that someone denied them access to a restroom in the past year, while 12% reported being verbally harassed while accessing a restroom.

Bathroom access is an employee health and safety issue. According to the Occupational Health and Safety Administration (OSHA), “Every employee, including transgender employees, should have access to restrooms that correspond to their gender identity.”

Unions have the power, and responsibility, to ensure that transgender and non-binary working people have access to safe bathrooms in their workplace. Even in those states that do not cover bathroom access under law, **a union contract that includes non-discrimination on the basis of gender identity and expression is a legally enforceable method of ensuring that trans and non-binary workers have safe access to bathrooms.**

¹ NCTE, US Transgender Survey, pg.15

Bathroom bills: Legalizing Hate and Cementing Income Inequality

North Carolina's infamous HB2 "Bathroom" bill merged the issues of bathroom access and workplace discrimination. Even though transgender and non-binary people are the public face and have been the direct target of these bills, their effects can extend far greater.

- The bill prohibited cities to expand upon state laws regulating workplace discrimination, use of public accommodations, minimum wage standards, and other business issues. That means that Charlotte could not pass a minimum wage standard that was greater than the state minimum wage.
- It quietly shortened the window for filing claims of discrimination on the basis of race, religion, color, national origin, biological sex, or handicap from three years to one.
- These effects would disproportionately impact African-Americans, women, and immigrants, along with the trans and non-binary individuals that became the public face of the bill.

19 states have considered restricting bathroom access based on biological sex. While each attempt is slightly different, it is clear that **bathroom bills have become the policy of choice for anti-LGBTQ and anti-worker lawmakers**. Organized labor has the power to stand against these bills in state-houses across the country.

What can labor unions do?

Labor unions have always been a vehicle for civil rights. Bathroom bills like NC HB2 are attacks on the fundamental freedoms and rights that labor unions and their allies have won over the past century. In addition to preventing individuals from doing something as mundane and human as using the bathroom, they also prevent cities from raising minimum wages and renegotiate hard-earned protections against racial and gender-based discrimination.

- **A collective bargaining agreement is enforceable in every state.** We can protect our members by ensuring our contracts have strong nondiscrimination language that prohibits discrimination the basis of sexual orientation or gender identity and expression.
- In many communities, labor's voice is powerful. When our leaders speak out publicly about the harm bathroom bills and unsafe access to bathrooms will do to workers, it can have a dramatic impact on the debate around this type of legislation. **We must stand up and speak out for safe and inclusive workplaces.**
- Labor's legislative advocacy is in support of our members' needs. **It is vital that we add opposition to these bathroom bills to our legislative portfolios in every lawmaking body where we have a voice.** Labor has legislative advocates – both paid and volunteer – in every state and there are LGBTQ members of every union.
- **Pride at Work staff is always ready to provide support on this or other LGBTQ-related topics.** – We can help ensure your contract language is inclusive of LGBTQ working people and uses the most up to date language to assure your members they will not be discriminated against when using the restroom. We can also review talking points to help hone your message when talking to the media or lobbying state and local government. Other resources include: trainings for leadership, staff, or rank-and-file members; convention, conference, or meeting speakers and panelists; and much more.