



## Workplace Health and Safety: Bathroom Access

### At a glance:

- Access to bathrooms is necessary for a safe and stable work environment for all working people. OSHA mandates that every employee must have access to a bathroom that corresponds with their gender identity.
- Bathroom access is a constant worry for transgender and other people who don't strictly adhere to societal gender norms: According to the 2015 NCTE US Transgender Survey, 59% of transgender people avoided using a public restroom because they were afraid of confrontations.
- Likewise, union contracts must 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.
- Attacks on transgender and non-binary people has become the norm. From bills regulating bathroom use to legislation criminalizing the treatment of transgender kids, the culture wars are intensely focused on gender identity and expression.

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Unlike many of their cisgender (non-transgender) counterparts, transgender and non-binary (those whose gender identity is a spectrum, not just male or female) people must worry about where they are going to use the restroom daily. 59% of respondents to the National Center for Transgender Equality's 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 because they avoided 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."<sup>1</sup>

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.**

### What can labor unions do?

Labor unions have played an important role in protecting and advancing civil and human rights. Bathroom bills like NC HB2 are attacks on the fundamental freedoms and rights that labor unions and their allies have

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<sup>1</sup> A Guide to Restroom Access for Transgender Workers: <https://www.osha.gov/sites/default/files/publications/OSHA3795.pdf>

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 on 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 anti-transgender legislation 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 anti-transgender 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.

**Scan this code for an electronic version of this document or visit:**

<https://pride-at.work/bathroom-access>

