You are an adult. You go to work, you do your job. You’d think that going to the loo when you needed would be part of the deal. Unfortunately, for many — maybe the majority — of UK workers it is not that simple. Dickensian bathroom break policies, aided by a loo breaks loophole in the law, is putting the health and dignity of Britain’s workers at risk.

A November 2002 poll of more than 1,000 staff found over half (54 per cent) of British workers are too busy to take toilet breaks. The ExLax sponsored research found 1 in 4 are put off by the condition of bathrooms.

For many others though, it’s not a case of “we can’t”. They work in “can’t go” workplaces where management’s lurking Lavatory Lieutenants — in offices, bus depots, hospitals, call centres, telesales, casinos, restaurants, construction sites and factories — decide who goes and when.

Making a stink
The union TGWU objected when mean bosses at Brown Brothers meat factory in Scotland issued their 200 staff with smart cards that deducted their pay when they were away from the factory floor.

One worker said in one week bosses had pinched £5.28, an hour’s wages, from his pay packet just for going to the loo. “The motto among the staff here is: ‘Have a break—have a quick toilet break if you need one. ‘The motto among the staff here is: ‘Have a break—have a quick toilet break if you need one.’”

Bovis was fined £5,000 for its dirty bathrooms last year. The company’s 200-strong workforce were forced to use “dangerous” toilets, according to the Health and Safety Executive. The £15 million contract, it added, was “lost” as a result of the investigative team’s action.

Women in traditionally male industries can face particular problems. A pregnant night shift worker at a Ford factory in Scotland issued their 200 staff with smart cards that deducted their pay when they were away from the factory floor.

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The employment tribunal in Inverness is considering the case of a female factory worker who risked missing deadlines by taking her breaks in the back of a semi-trailer.

A study by Canadian auto union CAM of the “big four” motor manufacturers, GM, Ford, Chrysler and CAMI, concluded: “Across all four companies, women found it difficult to find a relief worker so that they could go to the washroom.”

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The US HSE, OHSA, explains rules are implied in employers’ general duties under the US HSE Act 1974.

The DTI spokesperson said an employer “could not normally” require an employee only to take a toilet break after receiving permission. But added “there are circumstances, perhaps on a production line or furnace environment, where taking a toilet break without permission may put the safety of co-workers at risk.”

Information

Welfare at work: Guidance for employees on welfare provisions, ref. INDG293. This guide provides a summary of the legal requirements on break and welfare facilities, and includes a single copy free from HSE Books or online of the web version.

Workplace health, safety and welfare: A short guide for managing work ref. INDG293. A single copy free from HSE Books or online of the web version.

The Approved Code of Practice (ACoP) on the working time regulations right to time off and rest breaks and on your rights to take a workplace toilet worse than the horror shown at the top? Send a photo to Hazards.

Flushed with success
Union campaigns can get workers the breaks they need. Workers at Bristol United Press used to have to ask permission to use the toilet at work until their union GPMU organised a protest leafleting campaign (Hazards 80).

The union at US bourbon producer Jim Beam won a reversal of a policy limiting bathroom breaks for workers, backed up by disciplinary measures, after a member said he knew of other workplaces where workers have no choice but to use adult diapers.

A 13-day strike by 15,000 Swedish bus drivers won a pay rise and regular scheduled toilet breaks of 6 and 15 minutes, depending on the length of driving time. The cartoon (above), published by the Municipal Employees’ Union during the strike, says: “We believe this is the driver’s seat of the future.”

The loopy loo loophole has gotta go! Under Britain’s crazy workplace welfare laws, every employer has got to provide access to a loo — but they can also stop you from using it! TUC and Hazards believe when you’re gotta go, you’ve gotta go:

- HSE to clarify break requirements to state explicitly that in all but exceptional circumstances workers can choose to go to the loo when they want.
- DTI to amend the law so pissing is not a privilege, but a right on paid time.
- Employers to respect our privacy and right to go without docking our pay.
- Employers’ organisations and government agencies to back our campaign.

We want your stories of loo break liberties to include in a dossier of evidence for ministers. Send your case studies to: Gotta go campaign, Hazards, PO Box 193, Sheffield, S1 4YL, England. Email: editor@hazards.org