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.

www.hazards.org/toiletbreaks

HAZARDS FACTSHEET 81

Give us a break!

NO "PLEASE, SIR" ◆ NO SPYING ◆ NO NO GO ◆ NO CRAP ◆ UNIONS STAND UP FOR TOILET BREAKS

PIN THIS UP AT WORK

Britain's bad bosses don't think you should be allowed to choose when you go to the loo. They don't trust you behind closed doors, so they spy on the washrooms. And they work you so hard there is no time for breaks.

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 Ex-Lax sponsored research found 1 in 4 are put off by the condition of bathrooms.

For many others though, it's not a case of "won't go". 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

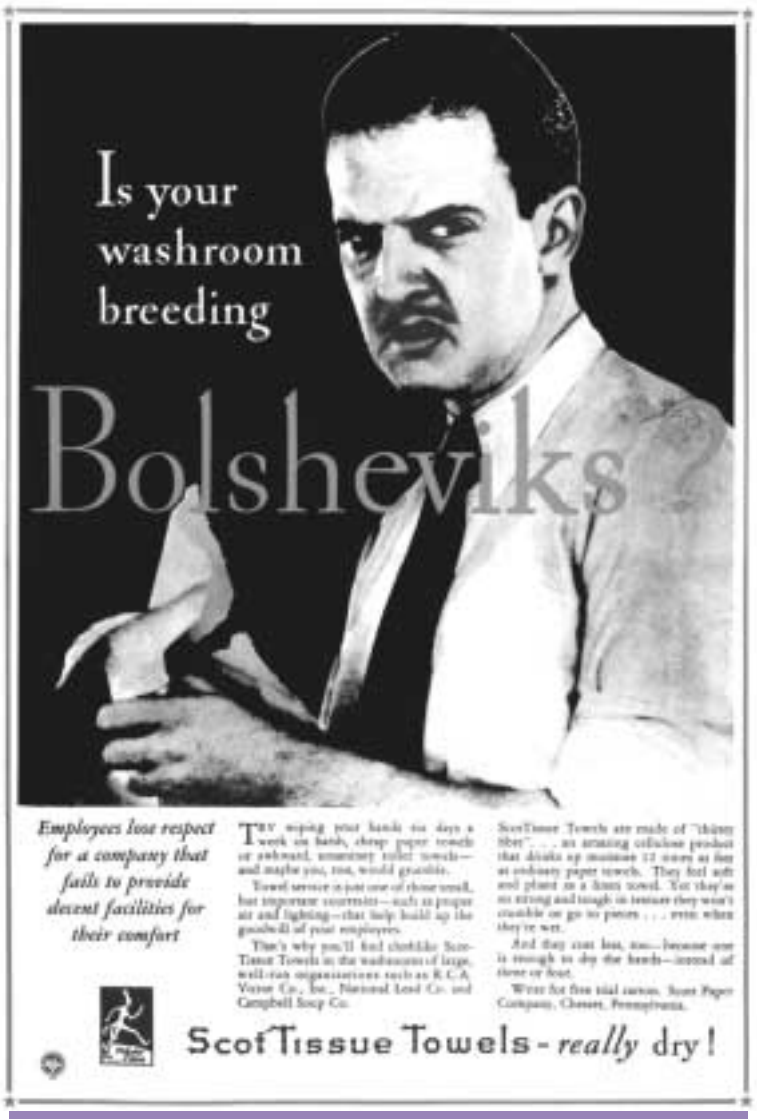
The union TGWU objected when mean bosses at Brown Brothers meat factory in Scotland issued their 200 staff with smart cards that deduct their pay when they are away from the factory floor.

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 c**p'," he said.

Bovis was fined £5,000 for its dirty habits. On a £15 million contract, it wanted 80 workers on 12-hour shifts to share just four toilets, described in court by an HSE inspector as "totally inadequate" and "only suitable for 10 men working a 40-hour week."

Dave Smith, a safety rep with construction union UCATT, was fired by Tarmac off-shoot Schal for making a stink about "pigsty" toilets (below). Not his conclusion, but the views of all 150 workers on the site, who signed a petition condemning the loos.

Steel union ISTC reports managers at Albion Pressed Metals had nine inches cut off the bottom of loo doors so they could catch workers smoking. Other employers use video surveillance in workplace bathrooms as an anti-drugs measure.



graphic: Genuine depression era advertisement. Northland Poster Collective, www.northlandposter.com

REVO-LOO-TION: US employers in the 1920s knew bad bathrooms bred trouble at work.

A study by Canadian auto union CAW of the "big four" motor manufacturers, GM, Ford, Chrysler and CAMI, concluded: "Across all four companies, workers found it difficult to find a relief worker so that they could go to the washroom" (*Hazards* 64).

Women in traditionally male industries can face particular problems. A pregnant night shift worker at a Ford plant in Southampton had to be escorted by a security guard across a badly lit car park to the nearest women's toilet so he could unlock it, wait until she'd finished, then escort her back.

You can't hold on

Too few bathroom breaks are more than an affront to dignity, they are a workplace health and safety hazard.

A "compliance memorandum" from the US HSE, OHSA, explains rules are necessary "so that employees will not suffer the adverse health effects that can result if toilets are not available when employees need them...

"Medical studies show the importance of regular urination with women generally needing to void more frequently than men. Adverse health effects that may result from voluntary urinary retention include increased frequency of urinary tract infections (UTIs), which can lead to more serious infections and, in rare situations, renal damage. UTIs during pregnancy have been associated with low birthweight babies, who are at risk for additional health problems compared to normal weight infants.

"Medical evidence also shows that health problems, including constipation, abdominal pain, diverticuli, and haemorrhoids, can result if individuals delay defecation."

Have a break

UK health and safety law does not contain a specific right to go, but this is implied in employers' general duties in the Health and Safety at Work etc Act 1974.

The Workplace (Health, Safety and Welfare) Regulations 1992 require suitable and sufficient, clean and adequately ventilated and lit, readily accessible sanitary conveniences.

And the Approved Code of Practice (ACoP) to these regulations says there should be sufficient facilities "to enable everyone at work to use them without undue delay," for example if breaks are taken at set times or workers finish work together and need to wash or use the loo before leaving.

The ACoP adds: "Facilities need to be provided for pregnant women and nursing mothers if it is 'reasonably practicable' for an employer to do so" (*Hazards* 63). Disability discrimination laws require adequate welfare provision for workers with disabilities.

Construction has its own equivalent regulations, and HSE has issued guidance on toilet and welfare provision at temporary, short-duration construction and railway maintenance sites.

A call centres circular from HSE's local authority unit says "call handlers must also be allowed to go to the toilet and fetch water/drinks when they need to." And other safety laws, including the display screen equipment and working time regulations, give specific rights to rest breaks.

Should I stay or should I go?

The Department of Trade and Industry is responsible for enforcing how many breaks you get and when.

Hazards asked DTI if workers have a right to toilet breaks in paid work time. A spokesperson said: "Not specifically but they are entitled to a 20-minute rest break in any working day that exceeds six hours under the Working Time Regulations."

Asked if an employer can penalise or discipline a worker for taking toilet breaks, DTI responded: "Only with good reason," adding workers should have a right to appeal under disciplinary rules.

Hazards asked if you could lose wages for time spent on a toilet break, to which the answer was: "Technically, yes." DTI added this could be challenged at an employment tribunal.

The DTI spokesperson said an employer could "not normally" require an employee only 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."

Can't go, won't go

In the 2002 Loo Breaks Study, Professor Christine Norton of St Mark's Hospital, London, asked 200 workers if they "had any problems using toilet facilities to pass stools while working." Of these 151, over 75 per cent, answered "yes".

Of these, two-thirds "believed that the type of work they did, the structure of their working day or the activities they were involved in during the day prevented them from taking loo breaks at work."

One in three said management "imposed rules and regulations that led them to defer taking loo breaks" during the working day. Call centre workers and nurses were particularly badly affected.

Christine Norton. *Loo breaks at work! Is there a problem?* EurOhs, vol.2, no.7, pages 26-27, November 2002.

Information

Welfare at work: Guidance for employers on welfare provisions, ref. INDG293. This guide provides a summary of the legal requirements on toilet and washing facilities, and is the most useful single source. Single copies free from HSE Books or online at: www.hse.gov.uk/pubns/indg293.htm

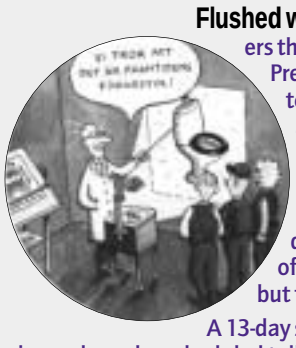
Workplace health, safety and welfare: A short guide for managers, ref. INDG244. Single copies free from HSE books or online at: www.hse.gov.uk/pubns/indg244.pdf

Working time guidance: See the DTI webpage for guidance on the working time regulations right to time off and rest breaks and on your rights to take a bad employer to an employment tribunal. www.dti.gov.uk/er/work_time_regs

LOPPY LOO: Do you know of a workplace toilet worse than the horror shown at the top? Send a photo to *Hazards*.

photo: Mick Holder

Flushed with success Union organisation 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).



UFCW, the union at US bourbon maker Jim Beam, won a reversal of a policy limiting bathroom breaks for workers, backed up by disciplinary measures. The union says it knows 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've gotta go, you've gotta go. We want:

- 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 peeing 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 199, Sheffield, S1 4YL, England. Email: editor@hazards.org