



Give us a (Loo) break!

Better welfare facilities - guidance for union representatives

The need for better welfare facilities

For too long many workers have had to put up with either no toilet facilities, or very poor ones. At the same time we hear a growing number of horror stories of workers having to ask permission to go to the toilet or being docked pay for going. Toilet breaks are not a luxury, but a basic need, and the provision of toilets is a legal requirement. That is why the TUC is calling for:

- The enforcement of the welfare laws covering the provision of toilet and washing facilities for men and women workers.
- A change in the law to give workers a specific right to go the toilet whenever they need and without detriment.

The problem

Many employers believe that loo breaks should happen in a workers' own time. They plan work which takes no account of toilet breaks or develop a work culture where use of the toilet whenever it is required is frowned on. Access to toilet facilities is a growing health problem for workers in a wide range of workplaces and occupations.

For some workers having a toilet break during a work shift hits them in the pocket as it means employers dock their wages for time spent in the toilet. Other workers have to ask to use the toilet or indicate a need to go by raising their hand and wait for permission from a supervisor, who may not be around at the time.

There has also been a reduction in toilet facilities in some sectors. For instance in further and higher education, many employers have removed separate toilet provision for staff and students meaning that teaching and support staff are increasingly being asked to share facilities with students as young as 14 years old.

However for other workers there are no toilet facilities provided or they are closed at certain times, such as at night. Often those facilities that are provided are totally inadequate, with inadequate cleaning, no paper or soap provided or broken locks so there is no privacy.

This is humiliating, takes away a worker's dignity at work and is against the spirit of the health and safety legislation relating to access to toilet and washing facilities.

It's a health issue

Not being able to go when you need to can cause a range of health problems, including digestive and urinary tract problems and kidney infections which can develop into more serious health conditions. Also people on certain medications may need to visit the toilet on a more frequent basis and working in the cold (for example on construction sites or in food cold stores) may also increase the need to use the toilet. Women may need to urinate more frequently when menstruating, when pregnant and during the menopause, while prostate problems in men may

mean they may need to urinate more frequently. Groups like call centre workers being often encouraged to regularly drink water to help reduce voice strain, yet they are often discouraged from using toilets frequently.

Lack of toilet facilities can also have safety implications. For example, driving with a full bladder and working to tight delivery schedules could mean loss of concentration and added stress, which in turn may put the worker, and others, at risk on the road. It is also a public health issue. Personal hygiene plays a major role in preventing the spread of disease and the health of workers, and their families, is being put at risk as a result of employers' unwillingness to comply with basic health and safety law.

What the law says

Under the Health and Safety at Work etc Act 1974 employers must ensure the health, safety and welfare at work of all their employees, and maintain the workplace so that it is safe and without risks to health. They must also provide adequate facilities and arrangements for welfare at work.

In addition the Workplace (Health, Safety and Welfare) Regulations 1992 require employers to

- Provide suitable and sufficient sanitary conveniences and washing facilities at readily accessible places. The Approved Code of Practice states that minimum numbers should be provided depending on the size of the workforce
- Keep them clean, adequately ventilated and lit
- Provide hot and cold or warm water in washing facilities, soap and clean towels or other methods of cleaning or drying
- Provide showers if required
- Provide separate facilities for men and women unless each facility is in a separate room with a lockable door and is for use by only one person at a time

The Education (Schools Premises) Regulations 1999, which apply to primary and secondary schools, require separate washrooms (including sanitary facilities) to be provided for the use of staff and students.

Disability and sex discrimination legislation may apply, depending on the circumstances.

The need for more action and better protection.

The TUC is running a campaign which is calling for action from the Health and Safety Executive and other enforcers to ensure that employers comply with health and safety laws relating to welfare at work, particularly toilet provision and access. In recent years the HSE have taken enforcement action against a number of construction employers for failing to provide basic welfare provision, and this had led to a considerable improvement in the number of sites with toilet facilities.

We want to see basic workplace hygiene standards, including access to clean washing facilities, in every workplace to prevent the risk of other health related problems such as the spreading of germs and bacteria, which in turn could increase sickness absence among the workforce. We also want those without a fixed indoor workplace to have access to welfare facilities.

There is also a need for a specific legal right to use toilets in the employer's time without a deduction in pay, and without any harassment.

The TUC wants to see recognition that a worker's right to use the toilet is a human right!

Welfare provision and toilet breaks – what a union representative can do

Union representatives can use the existing law to ensure that everyone has a right to proper access to toilet and welfare facilities. They can:

- Ensure that toilet and washing facilities are included in any inspections.
- Survey members to find out if they are satisfied with the washing and toilet provisions.
- Encourage members to report all problems about workplace welfare facilities including hygiene, access and breaks.
- If members report that they have to ask for permission to go to the toilet then seek to negotiate a toilet breaks policy to ensure that workers' health is not put at risk.
- Ensure that your agreements provide for paid rest breaks, paid toilet breaks, provision of welfare facilities and easy access to them.
- If the employer refuses to provide the minimum requirements speak to your union about making a complaint to the enforcing authority.

It is an issue for everyone.

Everyone has an equal right to protection from harm at work. The TUC Gender and Occupational Safety and Health Working Group (G&OSH) has produced a Gender and Occupational Safety and Health “gender sensitivity” checklist to help union safety reps and others to check whether their workplace health and safety policies and practices are gender sensitive. This includes welfare provision. The Checklist can be found, with advice on how to use it, on the G&OSH pages on the TUC website. www.tuc.org.uk

Health and safety information about welfare facilities requirements is at <http://www.hse.gov.uk/pubns/indg293.pdf>