



# ATU

North America's Transit Union

**MOVING THE U.S.  
& CANADA SAFELY**

## **RESTROOM ACCESS**

### ***A FACTSHEET FOR LOCAL UNIONS***

ATU and TWU are working together to win restroom access for transit workers across the US and Canada. We believe the ability to use a restroom when necessary should be considered a basic human right. As part of this campaign, our unions formed a joint committee that is:

- conducting surveys to find out how operators are affected and what Local Unions are doing to protect their members,
- meeting with government agencies such as OSHA, and
- reaching out to the public, the media, and elected officials to tell our story and gain support.

### **THE PROBLEM**

Most people take access to a restroom in the workplace for granted, but bus and train operators often complete long runs without reasonable access to toilet facilities. For years operators have avoided drinking water during the workday, relieved themselves into bottles or on the street, and even wet themselves. The problem is especially hard on pregnant and older operators, those with medical conditions of the bladder or bowels, and for people taking diuretic medication.

Even when restrooms are available, many factors can still affect an operator's access. Schedule pressures may mean that operators do not have time to access, use, and return from a restroom. Procedures for leaving and securing the bus may be vague or unrealistic, or the restrooms may be unsanitary or unsafe. Concern about embarrassment or negative passenger

reaction can also discourage operators from going to the restroom. Some operators have been disciplined for taking "unauthorized breaks" to use the restroom. In 2004, a member of ATU Local 757 was crushed by her own bus as she ran to the restroom at the end of her route.

The fact is the discomfort and stress of "holding it in" make it more difficult to operate a vehicle safely and effectively. Operators report being distracted and driving faster when under this kind of pressure. One laboratory study found that not responding to an extreme urge to urinate affected attention and thinking. The effect was equal to that of staying awake for 24 hours or having a blood alcohol level (BAC) of 0.05%. For comparison, a commercial driver would be disqualified at a BAC of 0.04%.

### ***Transit operators have a right to:***

- **Rapid access to restrooms when needed, on all routes and all shifts**
- **Safe access to clean, fully equipped facilities along routes and at end of routes with locations identified and updated**
- **Adequate time to access, use, and return from restrooms**
- **No retaliation, discipline, or threats for going to the restroom**
- **Restroom use time built into scheduling**
- **Clear policies on restroom access along the route, including how to notify dispatch, safe methods for leaving and securing the bus, communicating with passengers and discharging passengers.**

## **ENFORCING OUR RIGHTS**

The OSHA Sanitation Standard (29 CFR 1910.141) requires that employers provide access to an adequate number of sanitary and fully equipped toilet facilities in places of employment. Employers of mobile crews (such as bus operators) are exempt from the requirement *if* employees can leave their work locations (buses) “immediately” for a “nearby” toilet. OSHA says that “restrictions on access must be reasonable, and may not cause extended delays.”

OSHA can issue a citation or a fine if your

employer refuses to provide access to clean, safe restrooms when you request it. It might do so even if there is an acceptable written policy, if the employer fails to live up to it or allows supervisors to discipline workers who do need restrooms. Federal OSHA has cited bus agencies for restroom violations at depots, such as too few toilets and restrooms without hot water, soap, towels or heat. A few state OSHAs have enforced the standard for operators on the road. But they will not issue citations if workers are not asking for access and being denied it. It is up to the operators and the Local Union to make the demands and make the case.

When deciding whether to issue a citation for “unreasonable” restrictions on access to restrooms, OSHA says it will look at:

- The nature of the restriction
- The length of time that employees are required to delay restroom use
- The employer’s explanation for the restriction
- Whether the restrictions are general policy or arise only in particular circumstances or with particular supervisors
- Whether the employer policy recognizes individual medical needs
- Whether employees have reported adverse health effects
- The frequency with which employees are denied permission to use the toilet facilities.<sup>1</sup>





## LOCAL UNION MEMBER BATHROOM ACCESS SURVEY

Local Union \_\_\_\_\_ Your Name \_\_\_\_\_

Are there rest rooms on your route?     Yes         Somewhat off the route         None

Can you use restrooms when you need to?     Yes         No         It varies.

What is the longest time in minutes you have had to wait to use a restroom? \_\_\_\_\_ min

What is the route and time of day where you have problems? \_\_\_\_\_

Please describe problems you have. Do you have to wait until the end of the trip? Is there a call-in process? What do you have to do to cope or adapt?

What stops you from using bathrooms while en route? (specific examples of problems - this could relate to supervision, location, facilities, schedule, passengers.)

Do you feel pressured by supervision or by time or productivity issues to postpone restroom use?  
 Yes         No         It varies. Please describe

Have you ever been disciplined for taking restroom breaks?         Yes         No  
If yes, please describe what happened.

Are the restroom facilities clean, safe, with soap, hot water, toilet paper, and towels?  
 Yes         No         It varies. Please describe.

Have you developed a health problem or had an existing condition get worse as a result of not having adequate restroom access?     Yes     No Please describe the medical condition and what happened.

Have you had medical conditions that require more frequent or more rapid access to toilet facilities?  
 Yes         No        Please describe what happened.

What else should we know about? Please write any comments, additional information or suggestions on the back of this sheet. Your response is very important in improving conditions for you and all transit workers. Please return this to \_\_\_\_\_

**You can also fill out this survey online at [tinyurl/UnionRRsurvey](http://tinyurl.com/UnionRRsurvey).**

# Pee-brained experiment among Ig Nobel winners

By The Associated Press

BOSTON — Driving while desperately needing to urinate isn't a crime, but maybe it should be.

Peter Snyder and his colleagues found that having a bladder at its bursting point reduced attention span and the ability to make decisions to the same degree expected with low levels of alcohol intoxication or 24 hours of sleep deprivation. The research earned them the 2011 Ig Nobel prize for medicine.

"When people reach a point when they are in so much pain they just can't stand it anymore, it was like being drunk," said Snyder, a professor of neurology at Brown University in Providence, R.I.

"The ability to hold information was really impaired," he said.

This year's winners of the dubious distinction handed out Thursday at Harvard University for head-scratching scientific discoveries included a team of Japanese scientists who invented a fire alarm that smells like wasabi; a European mayor who solved his city's parking problems with a piece of heavy military equipment; a Norwegian researcher who explored the science behind sighing; and the numerous people throughout history whose mathematical calculations to predict the end of the world have fallen flat.

The 21st annual awards sponsored by the Annals of Improbable Research were handed out by real Nobel laureates, and featured the usual silliness, including a mini-opera about the chemistry in a coffee shop and the ritual launching of paper airplanes.

The point of Snyder's work was to determine the effects of pain on decision making. Working with full bladders is a "low cost, low risk" way of causing pain that can be easily resolved, Vilnius, Lithuania by going to the bathroom.

The research, done with scientists at Australian universities, was also fun. The group even crowned an unofficial withholding champion. Australian researcher David Darby held out for three hours.

Mayor Arturas Zuokas of Vilnius, Lithuania, won the Ig Nobel peace prize for his heavy-handed way of dealing with parking scofflaws. He crushed their cars with a military armoured personnel carrier.

"I just decided that it was time to teach bullies who had no respect for the rights of others a lesson that left an impression," he

said in an email.

In a video posted on YouTube, Zuokas crushes a Mercedes-Benz blocking not just a bicycle lane, but also a pedestrian crossing, in Vilnius' picturesque Old Town.

Zuokas was coy when asked whether the car-crushing was a stunt — the well-dressed owner did not appear to be too angry — but said the plan appears to have worked. The city has returned to what the mayor calls "more standard and boring" means of controlling parking scofflaws: issuing tickets and towing vehicles.

But he warns he has the tank on standby.

The chemistry prize went to Japanese researchers who invented a fire alarm that emits the pungent odour of wasabi, the sinus-clearing green paste served with sushi.

"Wasabi odour is useful as a fire alarm to deaf people who failed to wake up with a conventional mode such as sound, vibration or flashing light," said Makoto Imai, professor of psychiatry at Shiga University of Medical Science.

The key is allyl isothiocyanate, the compound in wasabi that gives out its distinctive smell and can be detected even during sleep.

The team settled on wasabi after trying about 100 odours, including rotten eggs.

Karl Teigen's research, which won him the psychology prize, perhaps best embodies the spirit of the Ig Nobels. His study on why people sigh has no practical applications as far as he can determine. He and his students decided to study sighing simply because they found no one else had.

"People think that others' sighs chiefly express sadness and sorrow, but that their own sighs are more often due to resignation and giving up," said Teigen, a psychology professor at the University of Oslo in Norway. "We studied the giving up aspect experimentally by giving people puzzles that looked simple, but they could not solve. And they sighed. We think they sighed because they had to give up a hypothesis, an idea, a hope, or an attempt — and perhaps be ready for a new one."

Most winners were delighted to take home the prize.

"It certainly caught me off guard," Snyder, the Brown professor said. "But at heart I am a teacher, and I am concerned that scientific literacy in this country is on the decline. The Ig Nobels show that science isn't always dry and technical, and can be fun."

