

Best Practices: Restroom Access

As municipal and state legislators continue to introduce transphobic legislation that seeks to criminalize using the restroom that corresponds to one's gender identity, many companies find themselves responding to community and media inquiries about their own restroom policies.

OSHA has developed a guide to restroom access for transgender workers¹, which clarifies sanitation standards and sets guidelines for restroom access. Primarily, OSHA maintains that all employees should have access to restrooms that correspond to their gender identity. Out & Equal recommends that corporations extend OSHA's guidelines for employee restroom access to customers as well.

Best practices include:

- Ensuring that everyone can use the restroom that matches their gender identity
- Providing single-occupancy gender neutral (unisex) facilities for:
 - Transitioning employees and/or customers who wish to use them
 - Other constituencies, including: parents with small children, aides for those with disabilities and adults with aging parents
- Providing multiple-occupant, gender-neutral facilities with lockable single occupant stalls

Do NOT:

- Ask for documentation of gender identity in order to access restrooms
- Restrict transgender or gender-non-confirming individuals to segregated facilities. It is never appropriate to ask transgender employees or clients to use a segregated facility-- if someone is uncomfortable sharing a gender-neutral restroom, direct that person to an alternate facility instead.

Ideally, restroom inclusivity is considered at the planning and building stages. When possible, installing single-stall restrooms will enhance privacy and minimize tension.

However, it is also possible to retrofit existing restrooms to enhance privacy. Businesses can:

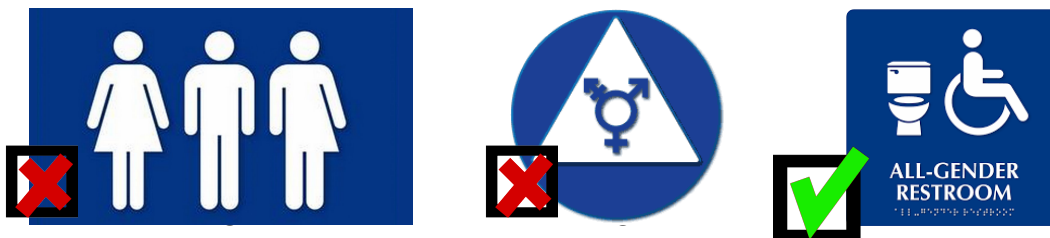
- Replace shorter stall doors with doors extending from floor to ceiling, or
- Install flaps to cover gaps between the stall wall and the door itself, or
- Extend privacy dividers at urinals

¹ For further guidelines on transgender inclusion in the workplace, consult Out & Equal's *Workplace Gender Identity and Transition Guidelines*.

Educate your staff, especially front-facing employees, about the company's restroom policies, as well as diversity and inclusion goals. Out & Equal provides multiple training opportunities and is available to conduct a customized on-site or virtual educational training. Ensure that staff are trained to respond to customers/clients who "suspect" someone doesn't belong in the restroom or are uncomfortable with inclusive restrooms.

Forward-facing employees: If a customer has a complaint about another customer in your workplace, it's always important to ask if either party was involved in any harassment. If so, refer to your company policy on how harassment cases are mediated. If there wasn't harassment involved, it's important to explain to the customer that your company's diversity and inclusion policy protects the rights of people to use the restroom that matches their gender identity. And of course, you can direct them to your workplace's single stall or family restroom, if applicable, or kindly ask them to wait until that person leaves the restroom if they are uncomfortable.

On Signage: Both the Americans with Disabilities Act (ADA), and individual states have specific requirements for how public restroom signage should appear. Consult your local guidelines to determine specific requirements. For gender-neutral/all-gender/unisex restroom signage, consider inclusive imagery. While the adult pictogram depicting a half-female, half-male figure appears in many gender-neutral signs (fig. 1), this pictogram is confusing and offensive as it implies either a third gender at best, or a half-and-half hybrid at worst. Other well-intentioned signs, like those using a gender-neutral symbol (fig. 2) can also be confusing. Instead, Out & Equal recommends using other ADA-compliant signage that doesn't reinforce gender binaries, such as an image of a toilet in lieu of gendered pictograms (fig. 3).



Additional Resources:

Out & Equal, Understanding Gender and Restroom Accommodations, an interactive online training, <https://www.youtube.com/watch?v=iG0vM36H4Dg>. For more information visit www.outandequal.org/university or contact partnerships@outandequal.org.