

OSHA's Sanitation Standard as It Applies to Access to Toilet Facilities

The Occupational Safety and Health Administration (OSHA) Sanitation Standard (29 CFR 1910.141(c)(1)(i)) requires employers to provide their employees with toilet facilities. This standard is enforced by the New York State Department of Labor Public Employees Safety and Health Bureau (NYS DOL PESH) for public employees.

Employers must provide the appropriate number of toilet facilities as per this standard. In addition to the actual standard, OSHA issued an interpretation of the standard on April 6, 1998. PESH must also apply OSHA's interpretation. According to OSHA:

Timely Access is the Goal of the Sanitation Standard

- The sanitation standard is intended to ensure that employers provide employees with sanitary and available toilet facilities so that employees will not suffer the adverse health effects that can result if toilets are not available when employees need them.
- The language and structure of the standard reflect OSHA's intent that employees be able to use toilet facilities promptly.
- Timely access is the goal of the standard.
- Employers must make toilet facilities available so that employees can use them when they need to do so.
- The employer may not impose unreasonable restrictions on employee use of the facilities.

Individuals vary in their need to use toilet facilities

- OSHA does not specify a time limit for access because individuals vary significantly in the frequency with which they need to use toilet facilities.
- Pregnant women, women with stress incontinence, and men with prostatic hypertrophy need to urinate more frequently.
- Increased frequency of voiding may also be caused by various medications, environmental factors such as cold, and by high fluid intake.
- Diet, medication use and medical conditions may also affect the need to use the facilities frequency.

OSHA/PESH Citation Policy

- OSHA will evaluate employee complaints of restrictions on toilet facility use on a case-by-case basis to determine whether the restrictions are reasonable.
- Careful consideration must be given to the nature of the restriction, including the length of time that employees are required to delay bathroom use and the employer's explanation for the restriction.
- The investigation should examine whether 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, and the frequency with which employees are denied permission to use the toilet facilities.