

Does your employee-only restroom policy violate code?

Issue: Many states require organizations to allow public access to their restrooms.

Risk: You, like many employers, may be unaware of this code. One complaint can trigger a fine and create a PR mess.

Action: Check your state and local code (using the ARA Web site below) to see if you're in compliance.



If your organization sets an "employee only" restroom-use policy, you unknowingly could be violating a state code that requires public access.

Many states require employers in certain structures to allow public restroom use. And some states are tightening those codes. Noncompliance is a misdemeanor that can result in a fine.

Denying restroom access can also hurt your image.

Example: After a Rochester, N.H., thrift store denied a woman access to its bathroom, she uncontrollably relieved herself in the store. Police investigating the incident found that state codes required all business buildings built since the early 1980s to provide public restroom access. Local media ran with the story.

Some states allow municipalities to adapt their own rules. *Example:* New York state requires all structures intended for public use to provide access to restrooms. But New York City adapts the code to an establishment's use. *Example:* A coffee shop may need to comply but a clothing store would not.

If you're required to allow customer access to restrooms, you face additional risks. You may be liable for injuries resulting from crimes that people commit in your restrooms. Plus, customer restroom use drives up your costs, including paper products, water and employee cleaning time.

Bottom line: Keep your restroom closed to the public if you legally can. Plumbing codes govern restroom-use policy. Check your state and local codes. You'll find a state-by-state description of bathroom codes at the American Restroom Association (ARA) Web site, www.americanrestroom.org/code.

If you must provide public access to your company's restroom, make sure it meets ADA requirements. To learn more, go to www.usdoj.gov/crt/ada/business.htm.