

Provision of toilet facilities in the workplace

10 February 2022



Position

We recommend the provision of toilets where “*each convenience is in a separate room the door of which is capable of being secured from inside*”, as described in the [Workplace and Welfare Regulations 1992, Regulation 20\(2c\)](#).

We encourage all organisations to provide facilities that are suitable for everyone, and which always ensure individual privacy and safety.

This can be best achieved by installing single-occupancy unisex toilets with due regard for accessibility and disability requirements as set out in building regulations [Approved Document M](#).

Single-occupancy unisex toilets are already found in many public places such as in small shops and cafes, on trains and planes.

Who benefits?

Provision of single-occupancy unisex toilets benefits everyone, and particularly those who may not find it appropriate to use communal men’s or women’s toilets, such as people with additional privacy requirements for religious or health reasons, as well as non-binary and intersex people.

Legal and regulatory background

The [Equality Act \(2010\)](#) prevents discrimination against nine protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). The Equality Act also contains the [Public Sector Equality Duty](#) that requires public authorities to:

[149(3)] “(a)remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b)take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c)encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.”

The employment tribunal decision on [Taylor v Jaguar Land Rover 2018](#) ruled that a non-binary person has the characteristic of gender reassignment and is protected from discrimination by the Equality Act.

The requirement to provide toilets and related washing facilities in the workplace is set out in Regulations 20 and 21 of [The Workplace \(Health, Safety and Welfare\) Regulations \(1992\)](#).

The Health and Safety Executive have interpreted the Regulations in their [Approved Code of Practice and Guidance \(2013\)](#) (ACOP).

Provision of toilet facilities in the workplace

10 February 2022



In terms of general provision, ACOP 21(188) states '*Sufficient toilet and washing facilities should be provided to allow **everyone** at work to use them without unreasonable delay*'.

Regulation 20(2c) allows for the provision of '*separate rooms containing conveniences for men and women*' (i.e. rooms with multiple cubicles and communal washing facilities) but this does not provide for everyone, nor meet the needs of privacy for those that require it.

However, Regulation 20(2c) also allows for toilets where '*each convenience is in a separate room the door of which is capable of being secured from inside*' (i.e. self-contained unisex toilets).

ACOP 21(197) specifies the minimum number of toilets required based on the total number of people in the workplace, and where segregated toilets are provided ACOP 21(199) specifies only the numbers for men. This prioritises the provision of toilets for men over women, non-binary and intersex people. This is readily resolved by providing self-contained unisex toilets*.

*It also significantly increases the number of toilets available to everyone; for example, providing segregated facilities at a rate of 10 toilets in a communal room for men and another 10 for women would mean most staff only have access to 10 toilets and no provision is made for people who find these inappropriate, whereas providing 20 self-contained unisex toilets would mean that every person has access to 20 toilets. This greatly increases the ability of everyone to be able to use a toilet 'without reasonable delay' and creates parity of access for women.

Refurbishment of existing facilities

In premises where segregated communal facilities are already provided, we would encourage organisations to redevelop them as self-contained unisex toilets with due regard for ACOP and for meeting or exceeding accessibility requirements as set out in [Document M](#).

For signage of unisex toilets, we recommend simply using the word 'Toilet' and a symbol or image of a toilet, and with additional accessibility signage where appropriate.

Where redevelopment is not immediately possible, we would encourage a review of cubicle design at the specific premises to ensure privacy and safety for all users. We would also encourage all organisations to ensure that all staff are aware of the [Public Sector Equality Duty](#), and that there has never been any legal restriction on who may enter any given toilet in the UK, but that protection from discrimination, harassment (including stalking), abuse, violence and sexual offences (from voyeurism to rape) are already covered by UK law.

References

The Workplace (Health, Safety and Welfare) Regulations (1992)
<https://www.legislation.gov.uk/ukxi/1992/3004/contents/made>

Workplace health, safety and welfare. Workplace (Health, Safety and Welfare) Regulations 1992. Approved Code of Practice and Guidance (2013)
<https://www.hse.gov.uk/pubns/priced/l24.pdf>

HSE guidance on number of toilets required in the workplace

Provision of toilet facilities in the workplace

10 February 2022



<https://www.hse.gov.uk/pubns/indg293.pdf>

Access to and use of buildings: Approved Document M

<https://www.gov.uk/government/publications/access-to-and-use-of-buildings-approved-document-m>

Volume 2 – buildings other than dwellings

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/990362/Approved_Document_M_vol_2.pdf

Amendments to the Approved Documents - Volume 2 - buildings other than dwellings

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/901882/200717_AD_M_July2020_amend.pdf

Equality Act (2010)

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

Public Sector Equality Duty (within the Equality Act 2010)

<https://www.legislation.gov.uk/ukpga/2010/15/section/149>

Taylor v Jaguar Land Rover Ltd 1304471 (2018)

<https://www.gov.uk/employment-tribunal-decisions/ms-r-taylor-v-jaguar-land-rover-ltd-1304471-2018>