

Sample Policy for Transgender Use of Restrooms, Locker Rooms, Shower Facilities, and Sleeping Quarters in Fire Stations

NOTE: This is a sample policy that should be customized to meet local needs as long as the customization is non-discriminatory.

April 12, 2016

Background

The City of <Anytown> Fire Department is committed to providing a safe, comfortable, and friendly workplace for all employees. Fire stations are a “home away from home” for fire personnel, and everyone deserves to be treated with respect and dignity, including while involved in such basic human activities as using a restroom, locker room, shower facility, or sleeping quarters. OSHA 1910.141 requires employers to provide employees with toilet facilities and prohibits employers from imposing unreasonable restrictions on employee use of toilet facilities.

Non-Discrimination Personnel Policy

The City of <Anytown> is committed to creating an environment that supports equal employment opportunity and nondiscrimination for all persons, regardless of race, color, religion, gender, age, perceived or actual sexual orientation, gender identity or gender expression, marital status, veteran status, national origin, or disability.

General Policy

A person shall use the restroom, locker room, and shower facility that corresponds to his or her gender identity. To avoid misunderstandings, a transgender person shall inform their supervisor of their gender identity if that person feels there may be any issues with their use of a particular facility.

Just as non-transgender individuals are entitled to use a restroom appropriate to their gender identity without having to provide documentation or respond to invasive requests, transgender individuals shall be allowed to use a gender identity appropriate restroom without being harassed or questioned. Supervisors shall not question the person about their gender identity, but should acknowledge that person’s gender identity and allow use of the preferred restroom, locker room, or shower facility.

Use and Labeling of Restrooms, Locker Rooms, and Shower Facilities

Tennessee Code Annotated (T.C.A.) § 4-24-301 recommends the provision of separate restroom facilities, showers, and locker rooms for men and women. T.C.A. § 4-24-303 recommends that existing facilities that cannot be upgraded to gender-friendly stations be made gender friendly to the greatest extent possible.

Existing buildings may have gender-segregated bathrooms (i.e. bathrooms labeled Men and Women), and the non-transgender and transgender person should use the restroom that corresponds to his or her gender identity.

A building may also have a single restroom, sometimes called a unisex restroom or gender-neutral restroom, for use by anyone. For such restrooms, the City of <Anytown> shall provide a gender-neutral sign on the door that says “Restroom” and locks on the door for privacy. A gender-neutral restroom may be used by anyone.

In buildings with open shower areas (i.e. an open room with multiple shower heads), for privacy, if individual shower stalls and changing areas in locker rooms are not available, dividers or curtains that maintain respect and dignity should be used. If that is not possible, the City of <Anytown> shall install locks on the door to the shower and/or locker room and provide an “occupied” sign to indicate that the room is in use.

Per T.C.A. § 4-24-303(2), no restroom, shower room, or locker room that is designated specifically for male or female may be used at any time by the opposite sex or opposite gender identity person.

Sleeping Quarters

If it is not possible to have individual sleeping quarters, per T.C.A. § 4-24-303(3), privacy for everyone shall be provided by installing individual cubicles in a room or rooms designated for sleeping by providing a curtain or screen blocking the entrance to each individual cubicle. The cubicles shall contain at least a bed, desk, lamp and a sufficient number of lockers to provide each firefighter on a shift with a designated, private area to rest or sleep.