

**Submission
No 32**

INQUIRY INTO PUBLIC TOILETS

Organisation: ACON
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ACON SUBMISSION TO THE PORTFOLIO COMMITTEE NO. 8 – CUSTOMER SERVICE INQUIRY INTO PUBLIC TOILETS

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About ACON

ACON is NSW's leading health organisation specialising in community health, inclusion and HIV responses for people of diverse sexualities and genders. Established in 1985, ACON works to create opportunities for people in our communities to live their healthiest lives.

We are a fiercely proud community organisation, unique in our connection to our community and in our role as an authentic and respected voice.

Members of Australia's sexuality and gender diverse communities experience health disparities when compared to health and wellbeing outcomes experienced by the general population.

We recognise that members of our communities share their sexual and gender identity with other intersecting identities and experiences, and we work to ensure that this is reflected in our work. These can include people who are Aboriginal and Torres Strait Islander; people from culturally, linguistically and ethnically diverse migrant and refugee backgrounds; people who use drugs; mature aged people; young adults; and people with disability.

Contact

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Chief Executive Officer

ACON acknowledges the Traditional Owners of the lands on which we work. We pay respect to Aboriginal Elders past and present.

Introduction

ACON welcomes the opportunity to provide a considered response to the Portfolio Committee No. 8 – Customer Service inquiry into and report on public toilets.

ACON makes the following recommendations to the Inquiry:

1. That the design and maintenance of public toilets should promote public safety.
2. That public toilets incorporate all gender bathrooms to maximise access for people across NSW

ACON is NSW's leading health organisation specialising in community health, inclusion and HIV responses for people of diverse sexualities and genders. We provide a range of services to trans and gender diverse people and have been building a rapidly growing suite of programs to improve their health and wellbeing.

ACON is aware that there can be public safety risks associated with public toilets. We are aware that there have been attacks against LBGTO people and others while using public toilets. These risks can be mitigated through adequate lighting and maintenance.

ACON is also aware that trans and gender diverse people report significant barriers when public toilets only offer gender segregated facilities, with 6 in 10 trans people in the US reporting bathroom avoidance in public.¹ This can contribute to significant levels of anxiety and distress around the everyday necessity of using the bathroom because of the threats, real or perceived, to their safety from other bathroom users.^{2,3}

This level of distress is easily managed by including all gender toilets as part of inclusive design. All gender toilets provide trans and gender diverse with a simple, safe option.

Our work with Australian workplaces suggests that gender neutral bathrooms provide the most effective way to ensure all people have access to safe toileting facilities. It is highly likely this evidence will translate to other settings.

All gender bathrooms are one aspect of inclusive design

ACON's view is that all gender facilities can be easily incorporated into the design of public toilets. Single toilets operate as all gender facilities, often also built to meet the needs of people with disability. Larger toilet blocks can be designed to provide a mix of designated gender, all gender, ambulant and disability accessible bathrooms to meet the needs of all users.

ACON works closely with LGBTQ+ networks representing a multitude of industry sectors seeking to advance LGBTQ+ inclusion in the workforce. One of these is the LGBTQ+ building, construction and management industry group, InterBuild, who have published a fact sheet about inclusive all gender facilities in buildings, provided as an appendix to this submission.

This fact sheet has been made widely available to our Pride in Diversity program members as one critical component of their duty of care to their trans and gender diverse employees, where the availability of all gender facilities is made a priority in supporting their wellbeing. This fact sheet may be a valuable component of a best practice guide for the provision of public toilets in NSW.

Designing for better inclusivity brings benefits for everyone involved. Including all gender bathrooms is simply one part of expanding options for the community as a positive step towards ensuring that public facilities are welcoming, comfortable, and accessible for all members of the public.⁴

All gender toileting options are widely supported

ACON's Pride in Diversity program is Australia's only not-for-profit membership-based workplace LGBTQ+ inclusion program. The program's mission is to support member organisations to implement best practice standards in LGBTQ+ workplace inclusion. These best practices help them attract and retain talent by showing they are an employer that values and supports diversity and inclusion.

The program has over 500 member organisations, including nine out of ten of Australia's largest employers. Member organisations are well represented on the ASX 200, employing or contracting over four million people, and representing 30% of the entire Australian workforce.

Through this program, ACON conducts an annual survey of member organisation employees. In 2024, over 42,000 respondents completed the Australian Workplace Equality Index (AWEI) Employee Survey (Survey). Respondents represented some 169 organisations across all sectors, and from a broad range of industries.

The AWEI Survey asks participants about their comfort with having all gender facilities in the workplace, as part of a mix of gendered, non-gendered, and accessible bathrooms. Additionally, trans and gender diverse respondents are asked about their freedom to use their bathroom of choice.

The survey continues to record strong support for the availability of all gender bathrooms in the workplace, with 78% of respondents agreeing, or strongly agreeing, that they were comfortable with all gender facilities as part of the mix of sanitary facilities.

However, only 46% of trans and gender diverse respondents agreed, or strongly agreed, that they have the freedom to use a toilet of their choice, and only 38% of trans and gender diverse respondents agreed, or strongly agreed, that all gender toilets were available.

The survey data continues to show a clear link between freedom to use toilets of choice, availability of all gender bathrooms, and workplace wellbeing, with respondents who agree to both questions having significantly better wellbeing scores.

References

¹ Lerner, J. E. (2021). Having to "hold it": Factors that influence the avoidance of using public bathrooms among transgender people. *Health & Social Work, 46*(4), 260-267.

² McGuire, J. K., Okrey Anderson, S., & Michaels, C. (2022). "I don't think you belong in here:" The impact of gender segregated bathrooms on the safety, health, and equality of transgender people. *Journal of Gay & Lesbian Social Services, 34*(1), 40-62.

³ Lerner, 2021

⁴ McGuire, J. K., Okrey Anderson, S., & Michaels, C. (2021). "I don't think you belong in here:" The impact of gender segregated bathrooms on the safety, health, and equality of transgender people. *Journal of Gay & Lesbian Social Services, 34*(1), 40-62.