

**Submission  
No 55**

## **INQUIRY INTO PUBLIC TOILETS**

**Organisation:** Trans Justice Project and Sydney Bi plus Network

**Date Received:** 29 November 2024

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## **NSW Legislative Council Inquiry into Public Toilets**

This submission was prepared by Dr Rory Gillard (they/them), Amber Loomis (they/them), and Jacqui Damrow (they/she) of the Sydney Bi+ Network, in collaboration with Jackie Turner (she/her) and volunteers from the Trans Justice Project.

### **Acknowledgement of Country**

Sydney Bi+ Network and the Trans Justice Project acknowledge that we organise, campaign, and connect on stolen Aboriginal lands. We pay our respect to Elders past and present and especially want to acknowledge First Nations LGBTQIA+ people, including Brotherboys and Sistergirls, who continue to lead the way in making change for LGBTQIA+ communities. Australia always was, and always will be, Aboriginal land.

### **About Sydney Bi+ Network**

Sydney Bi+ Network (SBN) is a volunteer-run, grassroots organisation dedicated to improving the wellbeing of bi+ people. The work of the Network spans three primary areas- namely, community building, education and advocacy. While our activities are primarily based across Gadigal, Wangal, Cammeraygal, Bidjigal, Dharug, and Dharawal lands, bi+ people across the state engage with our activities, ideas, and actions. Of relevance to the subject matter of this inquiry, trans and gender diverse Network members prepared this collaborative submission.

The term 'bi+' in the Network title is an umbrella term used to describe people who are attracted to more than one gender, in any way, to any degree. Bi+ can include (but is not limited to) bisexual, pansexual, omnisexual, polysexual, biromantic, panromantic, queer, fluid, gay, lesbian, and questioning.

### **About the Trans Justice Project**

The Trans Justice Project is a national, trans-led organisation whose mission is to push back against anti-trans rhetoric and organising, and build a powerful movement working for freedom, justice and equality for all trans and gender diverse people. We are working together with loved ones and allies to bring about a future where all trans

people are safe, celebrated, and free.

## **Response to the Terms of Reference**

Thank you for the opportunity to submit to the public toilets inquiry in NSW. We have set out our responses to (a), (b) and (d) of the Terms of Reference below.

### **(a) the provision, design, accessibility and inclusivity of public toilets across New South Wales, including toilets provided in public places and toilets provided for the use of members of the public in private premises accessed by the public**

#### Inclusivity concerns for trans and gender diverse communities

Trans and gender diverse communities<sup>1</sup> face inclusivity concerns when it comes to accessing public toilets in NSW. These include toilets in parks, sports ovals, shopping centres, and at train stations. Often, such venues have a male toilet, a female toilet and a single-stall toilet for people with accessibility requirements. The issue with this arrangement is that these toilets do not accommodate non-binary people<sup>2</sup> who do not have accessibility requirements. Given this situation, some non-binary people access (if they are able) the accessibility bathroom, as it is not gendered. Alternatively, they may be forced to use male or female bathrooms that do not align with their gender. Expecting non-binary people who do not have accessibility requirements to use the accessibility bathroom, which is often the case, puts them into the uncomfortable and unacceptable position of taking up the space of people with accessibility requirements.<sup>3,4,5</sup>

#### *The impacts of bathrooms not being inclusive of trans and gender diverse communities*

There are various deleterious consequences of public toilets not being inclusive of trans and gender diverse communities. In the large-scale survey on LGBTQIA+ young people's health in Australia called *Writing Themselves in 4*, **seven-tenths (71.7%) of young trans and gender diverse people reported difficulty accessing bathrooms**

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<sup>1</sup> Trans and gender diverse people are people whose gender differs to what was assigned to them at birth.

<sup>2</sup> The term non-binary refers to people who are not exclusively either male or female.

<sup>3</sup> Office of the Advocate for Children and Young People 2022, *The voices of LGBTQIA+ young people in NSW*, Office of the Advocate for Children and Young People, Strawberry Hills, viewed 28 November 2024, <https://www.acyp.nsw.gov.au/lgbtqiareport>, p. 19

<sup>4</sup> ACON 2021, *Bathrooms*, TransHub, viewed 27 October 2024, <https://www.transhub.org.au/allies/bathrooms>

<sup>5</sup> Equal Opportunity Commission and Curtin University 2022, *Changing rooms for gender diversity: an issues paper regarding gender identity discrimination in public facilities*, Western Australian Government, viewed 29 October 2024, <https://www.wa.gov.au/system/files/2023-02/Changing%20rooms%20for%20gender%20diversity%20issues%20paper%2002.23.pdf>, p. 9.

**in the last 12 months.**<sup>6</sup>

Common concerns associated with non- inclusive bathrooms for trans and gender diverse communities include:

- Urinary tract infections and kidney problems related to holding their bladder when no safe and inclusive bathroom options exist.<sup>7,8,9,10,11</sup>
- Limiting how much they eat and drink to avoid having to use a restroom<sup>12</sup> and dehydration.<sup>13,14</sup>
- Stress, shame and fear associated with using a bathroom that does not align with a non-binary person's identity.
- Trans and gender diverse people experiencing discrimination, unwanted attention,<sup>15</sup> fearing violence<sup>16</sup> and experiencing violence<sup>17</sup> when using bathrooms,<sup>18,19</sup> which can precipitate exhausting hypervigilance.<sup>20</sup>

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<sup>6</sup> Hill AO, Lyons A, Jones J, McGowan I, Carman M, Parsons M, Power J, Bourne A 2021, *Writing Themselves In 4: The health and wellbeing of LGBTQA+ young people in Australia. National report*, monograph series number 124, Australian Research Centre in Sex, Health and Society, La Trobe University, Melbourne, viewed 29 October 2024, <https://www.latrobe.edu.au/arcshs/work/writing-themselves-in-4>, p.131.

<sup>7</sup>Ibid, pp.130-131.

<sup>8</sup> Herman, J 2013, 'Gendered restrooms and minority stress: the public regulation of gender and its impact on transgender people's lives', *Journal of Public Management & Social Policy*, vol. 19, no.1, pp. 65-80.

<sup>9</sup> Townley, C and Marjadi, B 2024, 'Good GP care for transgender children: the parents' perspectives', *International Journal of Transgender Health*, viewed 28 November 2024, <https://doi.org/10.1080/26895269.2024.2361073>, p. 6.

<sup>10</sup> James, SE, Herman, JL, Rankin, S, Keisling, M, Mottet, L, and Anafi, M 2016, *The Report of the 2015 U.S. Transgender Survey*, National Center for Transgender Equality, Washington, viewed 29 November 2024, <http://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>, p. 229

<sup>11</sup> Parents for Trans Youth Equity 2024, *Inquiry into public toilets: submission number 40*, Parliament of NSW, viewed 29 November 2024, <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3071#tab-submissions>, p. 2.

<sup>12</sup> Hill, Lyons, Jones, McGowan, Carman, Parsons, Power and Bourne, *Writing Themselves In 4*, pp.130-131.

<sup>13</sup> Herman, 'Gendered restrooms and minority stress', pp. 65-80.

<sup>14</sup> Townley and Marjadi, 'Good GP care for transgender children', p. 6.

<sup>15</sup> Strauss, P, Cook, A, Winter, S, Watson, V, Wright Toussaint, D and Lin, A 2017, *Trans Pathways: the mental health experiences and care pathways of trans young people. Summary of results*, Telethon Kids Institute, Perth, Australia, viewed 29 October 2024, <https://www.thekids.org.au/globalassets/media/documents/brain--behaviour/trans-pathways-report.pdf>, p. 60.

<sup>16</sup> Equal Opportunity Commission and Curtin University, *Changing rooms for gender diversity*, p. 7.

<sup>17</sup> Herman, 'Gendered restrooms and minority stress', pp. 65-80.

<sup>18</sup> James, Herman, Rankin, Keisling, Mottet, and Anafi, *The Report of the 2015 U.S. Transgender Survey*, pp. 226-228.

<sup>19</sup> McGuire, JK, Anderson, SO and 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*, vol. 34, iss.1. pp. 52-56.

<sup>20</sup> Ibid, pp.48, 52, 56.

- Trans and gender diverse people deliberately avoiding public life as they know they will not have the basic amenities they need in public spaces.<sup>21,22</sup>
- No disposal bins being provided in men's bathrooms for hygiene products, which fails to acknowledge that some men with trans experiences, in addition to some non-binary people who use men's bathrooms, still menstruate and need bins to dispose of their sanitary products.<sup>23</sup>
- No access to menstrual products in public bathrooms. Menstruation can heighten gender dysphoria and cause discomfort for trans and gender diverse people who menstruate.<sup>24</sup> A lack of free menstrual products can precipitate additional anxiety for trans and gender diverse communities.

The negative impacts of gendered bathroom environments on trans and gender diverse people in Australia are clear in qualitative studies from government and universities.

Extracts of people's lived experiences from such studies are provided below:

- 'At a club I was refused access to either the male or female bathroom. I was told I "wasn't male enough" and I didn't look like my ID photo. I had to leave and go somewhere else...but not before having a full blown panic attack and almost killing myself [Male, 20]'<sup>25,26</sup>
- '(There) is a constant low-level fear that someone will clock me as trans, and then start acting in a hostile manner (verbally or physically) for using the "wrong" bathroom no matter how I am presenting at the time'<sup>27</sup>
- 'I had to use the staff bathrooms because it would make people uncomfortable if we used certain gendered bathrooms' (a young person describing a NSW school environment).<sup>28</sup>
- 'Yeah, we have a unisex bathroom, but now it's locked and you have to get a key... and no one knows how to like do that. There's only one person I know who has a key to it' (a young person describing a NSW school environment).<sup>29</sup>

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<sup>21</sup> Ibid.

<sup>22</sup> Jones and Slater 2020, 'The toilet debate: stalling trans possibilities and defending "women's protected spaces"', *The Sociological Review Monographs*, vol. 68, iss. 4, p. 844.

<sup>23</sup> The movement in Australia called 'Bins4Blokes' is a campaign calling for disposal bins in stalls in men's bathrooms. This campaign specifically recognises the need for bins to dispose of incontinence products.

<sup>24</sup> ACON 2021, *Menstruation*, TransHub, viewed 30 October 2024, <https://www.transhub.org.au/menstruation>

<sup>25</sup> Strauss, Cook, Winter, Watson, Wright Toussaint and Lin, *Trans Pathways*, p. 60.

<sup>26</sup> **The mentioned link between suicidality and a lack of safe bathroom access for trans people is not isolated and is reported in peer-reviewed research-** refer to Herman 2013, 'Gendered restrooms and minority stress', pp. 65-80 and Seelman, K 2016, 'Transgender adults' access to college bathrooms and housing and the relationship to suicidality', *Journal of Homosexuality*, vol. 63, no. 10, p. 1378.

<sup>27</sup> Equal Opportunity Commission and Curtin University, *Changing rooms for gender diversity*, p. 7.

<sup>28</sup> Office of the Advocate for Children and Young People, *The voices of LGBTQIA+ young people*, p. 78.

<sup>29</sup> Ibid, p. 79.

## **(b) state, national and international best practice for the provision and maintenance of public toilets**

### All gender bathrooms: best practice for trans and gender diverse inclusivity in Australia

#### *For multi-stall bathrooms*

Creating all gender<sup>30</sup> bathroom options does not need to entail the construction of new bathrooms or waiting until facilities are renovated. One best practice option, which is suggested by TransHub, a trans and gender diverse health equity arm of the organisation ACON, is to simply make the male and female multi-stall bathrooms 'all gender' bathrooms, and replace current signage with sample signage provided on its 'Bathrooms' webpage.<sup>31</sup> Notably, all gender bathrooms must have sanitary bins for patrons to use. The preference for all gender bathrooms by trans and gender diverse communities is clear in a study on gendered discrimination in public facilities by Curtin University and the Equal Opportunity Commission in Western Australia (WA). Here, **97% of trans and gender diverse people indicated they would rather use all gender bathrooms than gendered restrooms.**<sup>32</sup> The study explained, 'many trans people stated all gender facilities would provide a more comfortable option for them when transitioning gender and don't present feminine or masculine enough'.<sup>33</sup> The benefit of all gender bathrooms was also relayed through the story of a mother of a trans son in the study:

My (now adult) child is transgender and came out at age 13. Toilets became a massive issue- female toilets were wrong and told the world he was female; male toilets felt unsafe because he was transitioning and couldn't start hormones until 16. The best thing his new high school did was bring in [an] all gender toilet block. He said it was popular with all kinds of kids. Even cisgen [cisgender]<sup>34</sup> boys feel unsafe in male toilets at school during adolescence (cisgender woman, aged 45 to 54).<sup>35</sup>

Where there is strong preference for a women's multi-stall toilet option in specific locations, a secondary option is to change the men's multi-stall bathroom into an 'all gender' bathroom, and to keep the women's multi-stall bathroom as is. This suggestion

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<sup>30</sup> We do not employ the term 'unisex' here as unisex refers to two genders- male and female- and thus excludes non-binary people.

<sup>31</sup> ACON 2021, *Bathrooms*, TransHub, viewed 27 October 2024, <https://www.transhub.org.au/allies/bathrooms>

<sup>32</sup> Office of the Advocate for Children and Young People, *The voices of LGBTQIA+ young people*, p.5.

<sup>33</sup> *Ibid*, p. 6.

<sup>34</sup> The term 'cisgender' refers to a person whose current gender aligns with the gender they were assigned at birth.

<sup>35</sup> Equal Opportunity Commission and Curtin University, *Changing rooms for gender diversity*, p. 8.

was made by Sally Goldner of Transgender Victoria in 2021.<sup>36</sup> It is important to note that if this system is put in place, women's bathrooms need to be inclusive spaces for all women. We say this recognising that trans women, gender non-conforming and masc presenting women regularly face harassment and gender policing in women's bathrooms.<sup>37,38,39,40,41</sup> One contributor to this submission, a trans woman, was denied the right to use a women's toilet at a venue in Sydney, NSW, and was directed by staff to use a unisex accessible toilet by staff instead. This was both invalidating of her womanhood and illegal, given trans people have the right to use the bathroom that aligns with their gender under the *Anti-Discrimination Act 1977* (NSW).<sup>42</sup> If men's bathrooms are turned into all gender bathrooms to facilitate an all gender bathroom option, and women's bathrooms are left as is, women should not be expected to perform their gender in a specific way to access women's bathrooms. Police and venue staff should also be aware that it can be illegal to deny trans people, and people who are perceived to be trans, the right to access the bathroom that aligns with their gender under state anti-discrimination legislation.<sup>43</sup>

Ultimately, creating all gender bathroom options is not just beneficial for the safety and wellbeing of people in trans and gender diverse communities.<sup>44</sup> It is also beneficial for parents and carers who might have a different gender to their child or the person they are caring for, whom they need to accompany to public restrooms.

#### *For single-stall bathrooms*

Where bathrooms are enclosed in single rooms, we recommend making all such bathrooms all gender. Sample signage for such bathrooms can be accessed via the TransHub webpage.<sup>45</sup>

Gendering individual stall bathrooms is illogical, creates unnecessary queues for people

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<sup>36</sup> Booker, C 2021, 'All-gender bathrooms proposed for Victorian workplaces and footy ovals', *The Age*, 23 April, viewed 29 October 2024, <https://www.theage.com.au/national/victoria/all-gender-bathrooms-proposed-for-victorian-workplaces-and-footy-ovals-20210420-p57ksw.html>

<sup>37</sup> Senghor, Y 2022, 'I'm a butch woman & feel unsafe in women's toilets because of transphobes', *Refinery29*, 4 July, viewed 10 November 2024, <https://www.refinery29.com/en-au/bathroom-transphobia-butch-women>

<sup>38</sup> Jones and Slater, 'The toilet debate', p. 834–851.

<sup>39</sup> Thorn, R 2016, 'Why toilets are a battleground for transgender rights', *BBC News*, 8 June, viewed 11 November, <https://www.bbc.com/news/uk-england-36395646>

<sup>40</sup> Herman, 'Gendered restrooms and minority stress', pp. 65-80.

<sup>41</sup> Davis, HF 2018, 'Why the "transgender" bathroom controversy should make us rethink sex-segregated public bathrooms', *Politics, Groups and Identities*, vol. 6, no. 2, pp. 199-216.

<sup>42</sup> ACON, 'Bathrooms'.

<sup>43</sup> *Ibid.*

<sup>44</sup> McGuire, Anderson and Michaels, "I don't think you belong in here", p. 40.

<sup>45</sup> ACON 2021, *Bathrooms*, TransHub, viewed 27 October 2024, <https://www.transhub.org.au/allies/bathrooms>

to access toilets and can also fail to accommodate non-binary people by providing no all gender bathroom option. The unnecessary gendering of individual stall bathrooms is evident at several train and metro stations in NSW, including the new Gadigal Metro Station (which opened in 2024) and St James Station in Sydney, NSW.

#### *Public and staff education about the shift to all gender bathrooms*

There will be some locales where all gender bathrooms may not have been the norm previously, and the shift to such bathrooms necessitates that staff, for instance at train stations and shopping centres, should have the capacity to respond to inquiries about why the transition to all gender bathrooms has come about. Staff may acquire this knowledge in a range of ways- for instance, through education at a staff meeting, and by being directed to the 'Bathrooms' webpage on the TransHub website.<sup>46</sup> Education may also be part of broader, tailored trans and gender diverse inclusivity training for staff by a trans-specific or LGBTQ+ training provider.

The public may be educated about why the shift to all gender bathrooms has come about through additional means. For instance, this education may occur through signage in toilets. Public education may also occur through council websites. For instance, the Inner West Council in Sydney provides a 'Question and Answer' section on the webpage about its public toilet strategy, explaining its move to gender neutral bathrooms to the public.<sup>47</sup>

#### Promoting cleanliness in bathrooms

If desired, inclusion of printed material on the interior door of single or multi-stall bathrooms, encouraging patrons to leave the bathroom as they found it, may be used as an opportunity to promote public health, cleanliness, and respect for shared spaces.

#### Providing free menstrual products in bathrooms

Providing access to free menstrual products is best practice for the health of people who menstruate and a fundamental international human right.<sup>48</sup> Best practice involves legislating the right and providing products via a dispenser in public toilets.

Some people who menstruate may forget to bring menstrual products with them or may not have the funds to buy these basic items, particularly considering the current cost of

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<sup>46</sup> Ibid.

<sup>47</sup> Inner West, 'Parks with public toilets', Inner West, viewed 31 October 2024, <https://www.innerwest.nsw.gov.au/explore/parks-sport-and-recreation/parks-and-playgrounds/parks-by-facility/parks-with-public-toilets#:~:text=Inner%20West%20Council%20is%20committed,or%20level%20of%20physical%20mobility>.

<sup>48</sup> World Health Organisation 2024, 'Menstrual health is a fundamental human right', United Nations General Assembly, Resolution 64/292 The human right to water and sanitation, viewed 30 October 2024, <https://www.who.int/europe/news/item/15-08-2024-menstrual-health-is-a-fundamental-human-right>



living crisis. Australia's largest study on periods to date, the *Bloody Big Survey 2024* conducted by Share the Dignity, found that 64% of menstruators in Australia (and 63% of menstruators in NSW) struggled to afford menstrual products because of their cost.<sup>49</sup>

Providing access to free menstrual products:

- Reduces stress and anxiety for trans and gender-diverse people who menstruate by providing access to products when they may already feel gender dysphoria, stress, and fear using public toilets. Further, some trans and gender-diverse people may not have access to menstrual products. For example, the *Bloody Big Survey 2024* reported **83% of gender diverse respondents found it difficult to buy period products**- significantly higher than the national average of 64%.<sup>50</sup>
- Reduces 'period poverty' by ensuring diverse communities, people from lower-socio economic backgrounds, and people experiencing homelessness, have access to menstrual products.<sup>51</sup> This provides such communities with dignity and prevents the potentially negative health consequences of changing/replacing unhygienic products or wearing menstrual products for longer periods when menstruating.<sup>52</sup>

Best practice involves ensuring that the provision of free menstrual products is in state legislation so it becomes a legal right. This is supported by the following domestic and international jurisdictions:

- The Australian Capital Territory<sup>53</sup> is the first Australian jurisdiction to provide free access to period products through legislation, via the *Period Products and Facilities (Access) Act 2023* (ACT). Period products will be provided in 'suitable places' including public schools and public libraries. Notably, ACT reported the lowest rate of period poverty at 60%.<sup>54</sup>
- Scotland was the first jurisdiction in the world to provide free access to period products through legislation via the *Period Products (Free Provision) (Scotland)*

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<sup>49</sup> Connory, J, 2024, *Bloody Big Survey*, Share the Dignity, viewed 28 November 2024, <https://www.sharethedignity.org.au/end-period-poverty/bloody-big-survey-2024>, pp. 24-25.

The study also found the price of period products has increased over time in Australia.

<sup>50</sup> Ibid p. 7.

<sup>51</sup> The *Big Bloody Survey 2024* found higher rates of period poverty for Indigenous communities, people with disabilities, people experiencing homelessness, and people who experience domestic and family violence- refer to footnote 49, pp. 31,34-35, 38-41.

<sup>52</sup> Lunette n.d., 'Period power: homelessness and periods in Australia', *lunette*, web log post, viewed 31 October 2024, <https://lunette.com.au/blogs/news/periods-and-homelessness-in-australia?srsId=AfmBOoq6Tsg038a6SnhVxGV8VNRSVpsa59OUuFzoQIzHk3y7puoz4ZL1>

<sup>53</sup> ACT Government 2024, 'Free period products for Canberrans', *ACT Government*, web log post, 1 February, viewed 31 October 2024, <https://www.act.gov.au/our-canberra/latest-news/2024/february/free-period-products-for-canberrans>

<sup>54</sup> Connory, *Bloody Big Survey*, p. 25.

Act 2021, requiring education providers and local authorities to ensure that period products are accessible.

- Best practice also includes providing free menstrual products via a dispenser with clear signage and single-use products. For example, Share the Dignity already provides menstrual products via their 'Dignity Vending Machines' across Australia.<sup>55</sup> Other examples include the Inner West Council in NSW<sup>56</sup> and Belgium in Europe.<sup>57</sup>

### Best practice for building new bathrooms

Best practice for building new bathrooms includes constructing full-height doors that open onto a directly visible area.<sup>58</sup> This design makes for safer and more accessible facilities, which balance privacy (through full-height doors) and safety (via moving away from toilets that open into narrow corridors, say, that are shielded from public view).

### **(d) the employment arrangements and conditions of cleaners who clean public toilets in both public and private premises; and**

All workers who clean public toilets should have:

- sufficient time to do the job
- Safe working conditions, including through access to personal protective equipment to protect cleaners from infections like COVID-19
- Fair compensation reflecting the complexity and specificity of the task- the importance of which was emphasised when cleaners in train stations in NSW participated in industrial action with the Rail, Tram and Bus Union NSW in 2022, by refusing to clean up hazardous waste, faeces and graffiti.<sup>59</sup> This refusal was part of a demand for an allowance that compensated cleaners for the specificity of cleaning up these forms of waste.<sup>60</sup> For instance, the allowance covered the

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<sup>55</sup> Share the Dignity 2023, *Dignity Vending Machines*, Share The Dignity, viewed 31 October 2024, <https://www.sharethedignity.org.au/end-period-poverty/dignity-vending-machines>

<sup>56</sup> Inner West Council 2024, 'Inner West Council commits to state-leading roll out of free period products', *Inner West Council*, web log post, viewed 31 October 2024, <https://www.innerwest.nsw.gov.au/about/news/media-releases/2024-media-releases/inner-west-council-commits-to-state-leading-roll-out-of-free-period-products>

<sup>57</sup> Coi, G and Hernandez-Morales, A 2018, 'Cities look to break period poverty taboo', *Politico*, 8 March, viewed 31 October 2024, <https://www.politico.eu/article/europe-cities-period-poverty-free-menstrual-cycle-sanitary-product-vending-machine-belgium/>

<sup>58</sup> Inner West Council 2020, *Inner West Council Public Toilet Strategy*, Inner West, viewed 31 October 2024, [https://hdp-au-prod-app-innerwest-yoursay-files.s3.ap-southeast-2.amazonaws.com/8616/5940/5935/Part\\_1\\_-\\_Intro\\_and\\_Design\\_Guidelines.pdf](https://hdp-au-prod-app-innerwest-yoursay-files.s3.ap-southeast-2.amazonaws.com/8616/5940/5935/Part_1_-_Intro_and_Design_Guidelines.pdf), p. 18.

<sup>59</sup> The Rail, Tram and Bus Union (RTBU) NSW 2022, 'Vomit, faeces, and urine ban on trains and stations', *RTBU Express*, 17 June, viewed 31 October 2024, <https://rtbuexpress.com.au/vomit-faeces-and-urine-ban-on-trains-and-stations-%EF%BF%BC%EF%BF%BC/>

<sup>60</sup> Ibid.

purchase of respirators, to enable staff to safely clean up graffiti in bathrooms.

## **Conclusion**

Sydney Bi+ Network and the Trans Justice Project advocate for inclusive bathroom environments for trans and gender diverse people in NSW. This includes all gender bathroom options being available, including in schools for young people. Gender binary bathrooms (that is, bathrooms separated by gender, and for men and women only), which create fear and harm for many in trans and gender diverse communities were notably not always the norm.<sup>61</sup> This historical fact indicates that change to the status quo is entirely realistic and achievable. As was noted in a study on gendered discrimination in public toilets in WA, authored by Curtin University and the WA Equal Opportunity Commission:

Toilets and bathrooms became gender-segregated by law in the 1880s in the United States. *Previous to this, all gender bathrooms were the norm in most parts of the world.*

The decision to introduce gendered bathroom facilities was not directly in the best interest of women's safety against assault; rather it was to further contribute to the social standing women had in society at the time. Women were considered weaker than men and thus needed to be coddled in the public sphere (italics added).<sup>62</sup>

This historical context highlights the way the gendering of bathrooms was not always the norm, and that the gender binary bathroom system is linked to sexist modes of thought, which are inappropriate and inaccurate.

In addition to advocating for all gender bathroom options in this submission, we highlight the need for people who clean public bathrooms to receive fair pay that compensates them for the specificity of cleaning tasks they perform, safe working conditions, adequate time to perform their job, and protective equipment to enable them to conduct their work safely.

We thank the Committee for the opportunity to make this submission and welcome any further correspondence with the Committee if it is useful.

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<sup>61</sup> Equal Opportunity Commission and Curtin University, *Changing rooms for gender diversity*, p.2.

<sup>62</sup>Ibid.