INQUIRY INTO PUBLIC TOILETS

Organisation:	The Matilda Centre for Research in Mental Health and Substance Use, Faculty of Medicine and Health, The University of Sydney
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The Matilda Centre Submission to the Portfolio Committee No. 8 – Customer Service Inquiry into and Report on Public Toilets.

Prepared by

Miss Sasha Bailey, MPH

Professor Nicola Newton, PhD

Professor Cath Chapman, PhD

Associate Professor Lexine Stapinski, PhD

Professor Tim Slade, PhD

Associate Professor Emma Barrett, PhD

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About The Matilda Centre for Research in Mental Health and Substance Use

Based on unceded Gadigal lands of The University of Sydney's Darlington campus, The Matilda Centre for Research in Mental Health and Substance Use is a multidisciplinary research centre committed to improving the health and wellbeing of people affected by mental and substance use disorders.

Established in 2018, The Matilda Centre for Research in Mental Health and Substance Use brings together world-leading researchers, clinicians, people with lived experience and community to share skills, synergise data, harness new technologies and trial innovative programs to prevent and treat mental and substance use disorders, the current leading global cause of burden and disease in young people.

We recognise that the burden of mental and substance use disorders is not equally distributed and we strive to undertake research supporting underserved communities who bear greater burden of mental and substance use disorders.

We have an active multi-disciplinary program of public health research dedicated to understanding and improving the health and wellbeing of gender and sexuality diverse people, who have been consistently shown to experience higher rates of poor mental health and substance use compared with their cisgender, heterosexual peers. These health inequities are largely driven by chronic and pervasive exposure to gender and sexuality-based discrimination.



Introduction

The Matilda Centre for Research in Mental Health and Substance Use welcomes the opportunity to provide a considered response to the *Portfolio Committee No. 8 – Customer Service Inquiry into and report on public toilets*¹. The Matida Centre for Research in Mental Health and Substance Use also welcomes the opportunity to give evidence at a hearing.

The Matilda Centre for Research in Mental Health and Substance Use supports <u>26 recommendations for actions in 3 key areas</u> to the Inquiry:

Recommendation 1: Ensure adequate provision of all gender/gender-neutral toilets

Recommendation 2: Ensure all gender/gender-neutral toilets are consistently and equitably provided across all public settings, particularly schools and other educational settings, sport and recreational facilities, and workplaces.

Recommendation 3: Provide change management plans and high-quality training and education resources to support implementation of all gender/gender-neutral toilets.

Background

Trans and gender diverse people are people with a gender different to the one recorded for them at birth and can include binary gender identities such as trans men and trans woman, and non-binary gender identities such as non-binary people and gender diverse people.¹ Hereafter, trans and gender diverse people (binary and non-binary) are respectfully referred to using the inclusive umbrella term, 'trans'.¹ It is estimated that trans people make up approximately between $1.4\%^2$ to $3.3\%^3$ of the Australian general population. Based on the estimated resident population of Australia at 31^{st} March 2024, these estimate suggest that there may be over 895,000 trans Australians.⁴

Trans people face a range of issues relating to toilet access, such as:

- feeling uncomfortable, unsafe, or anxious accessing toilets⁵⁻¹⁰,
- feeling forced to use a gendered toilet that is not aligned with their gender identity^{6,7},
- feeling forced to access an unused wheelchair accessible toilet⁷,
- avoiding using the toilets altogether^{5, 6, 8},
- limiting how much they eat or drink to avoid having to go to the toilet^{5, 7},
- being denied access to a toilet^{5, 6},
- being verbally harassed,^{5, 6, 8} physically attacked,^{5, 6, 8, 9} or sexually assaulted^{6, 9, 11} for seeking to access the toilets, and
- developing a urinary tract infection, kidney infection or other kidney related problem from extended periods of urine retention.^{5-7, 12}

¹ 'Public toilets', in accordance with the Terms of Reference underpinning the present Inquiry, are explicitly defined as 'toilets provided in public places', 'toilets provided for the use of members of the public in private premises accessed by the public', 'public toilets in both public and private premises,' and 'any other related matters.' Webber (2024)'s 'Australian Local Government Public Toilet Discourses: Points of Conflict Between Rights, Risks and Responsibilities' provides an excellent definition of public toilets. Webber (2024) notes public toilets typically contain an enclosed and lockable cubicle or stall that provides a private space with a pedestal seated toilet, squat toilet plate, or urinal with handwashing facilities. Other features of public toilets include but are not limited to bins for menstrual or continence products, potable water, mirrors, shelving or hook, and hand drying equipment (Webber, 2024). There are numerous functions of public toilets, including but not limited to allowing for urination, defecation, managing menstruation, access to drinking water, cleaning bodies and clothing, and checking physical appearance (Webber, 2024).



A considerable number of quantitative surveys and qualitative inquiry studies internationally suggest that **lack of safe and inclusive access to toilets** is associated with increased risk of poor mental health and wellbeing, including:

- Increased risk of attempting suicide¹²⁻¹⁶ and seriously contemplating suicide^{12, 15-17}
- Increased feelings of depression,^{10, 12, 15, 16, 18, 19} anxiety,^{9, 10, 15, 16, 19, 20} and psychological distress^{17, 19, 21}
- Increased risk of sexual assault^{9, 22, 23}
- Increased risk of posttraumatic stress¹⁶
- Increased risk of self-harm¹⁶ and substance use¹⁰
- Reduced quality of life²⁰
- Lower levels of self-esteem²⁴ and resilience²⁰
- Lower work productivity²⁵ and academic achievement²⁴

The listed impacts associated with inequity in bathroom access add to the long-standing existing inequities in poor mental health affecting trans people in Australia.^{5, 26-32}

Recommendations

Recommendation 1: Ensure adequate provision of all gender/gender-neutral toilets

All gender/gender-neutral toilet facilities that are gender neutral provide all people, including trans people, with safe and inclusive access to toilet facilities.

Best practice recommendations drawn from state, national, and international policy? (primarily Canada, United States, and United Kingdom) are detailed below:

1.1 Designate all single stall restrooms and showers as all gender/gender-neutral through simple but explicit signage on each single facility.³³ Gender-neutral signage should be use-based diagrams that explain what amenities are available within the toilet facility enabling users to make an informed decision about whether the toilet facility provides what they need.³⁴

Figure 1. Example of correct use-based gender neutral bathroom signage as shown in Harwood-Jones, Airton & Martin (2023)'s 'Reimagined and redesigned: recommendations for gender-neutal washrooms and changerooms on campus'



Correct (Use-Based) Bathroom Signage for Gender-Neutral Washrooms

Note: Sourced from Entro (2016, p. 7), these designs for gender-neutral washroom signage focus on the usage of space rather than the identity of the user.



1.2 Remove and avoid all identity-based bathroom signage and icons.³⁴

Figure 2. Example of incorrect identity-based bathroom signage as shown in Harwood-Jones, Airton & Martin (2023)'s 'Reimagined and redesigned: recommendations for gender-neutal washrooms and changerooms on campus'

Figure 1

Incorrect (Identity-Based) Bathroom Signage for Gender-Neutral Washrooms



Note: Sourced from Entro (2016, p. 4) signage standards, these identity-based designs for gender-neutral washroom signage are to be avoided.

1.3 Add explicit signage to segregated bathrooms that state that all people are welcome to use the toilet facility that best aligns with their gender identity, or 'trans people welcome.'^{33, 35}

Figure 3. Example of explicit gender-affirming signage derived from Washington State Human Resources Rainbow Alliance Inclusion Network Best Practices Subcommittee's 'Inclusive Bathroom Signage Recommendation'



1.4 Monitor for misuse (e.g., vaping, loitering) or graffiti of gender/gender-neutral toilet facilities. Implement zero-tolerance policy for facility misuse and immediately remove any graffiti or other vandalism affecting toilet facilities.^{36,37}



1.5 Consistently provide toilets, sanitary bins, hand basins, soap, mirrors, hand dryers, lockable doors, bag hooks, and clear signage across all toilet facilities.^{35, 38}

- **1.6** Do not implicitly assign connotations of a particular gender to any objects within toilet facilities. For example, menstrual products and related materials as feminine to reflect that not all people who menstruate are women and not all women menstruate.^{34, 37}
- 1.7 Use temporary signage to help educate users about newly designated all-gender toilets.³⁴
- **1.8** Include signage near building entrances to help users identify which types of toilet facilities are available and how to find them.³⁴ Users should be informed of options instead of being directed.³⁹
- *1.9* Ensure key messages are communicated in languages most common in the local area.³⁴
- **1.10** Use signage to help clarify and reinforce appropriate use of shared space e.g., no smoking, clothing required areas.^{34, 37}
- *1.11* Plan for all public toilets to become all gender/gender-neutral through provision of private changing stalls and private showers, shared locker space, and spaces for entry to recreational facilities that do not pass through changerooms at all.³⁴
- **1.12** Provide an adequate number of all gender toilet facilities to increase efficient use of space and reduce wait times, subsequently preventing feelings of vulnerability or exposure.^{34, 37}
- *1.13* Include all gender/gender-neutral toilet facilities in all new construction.³³ In cases of remodels, conversion to all gender toilet facilities is recommended.³³

Recommendation 2: Ensure all gender/gender-neutral toilets are consistently and equitably provided across all public settings, particularly schools and other educational settings, sport and recreational settings, and workplaces

2.1 All gender/gender-neutral toilets (as specified in Recommendation 1) must be *consistently* provided across *all* public toilet facilities. All gender/gender-neutral toilets should be provided alongside single gender options (actively inclusive of trans people) at a minimum.

2.2 The provision, design, accessibility and inclusivity of public toilets should be equitable, that is, should prioritise addressing public toilets in settings known to be particularly susceptible to negative experiences and access issues, namely, school and other educational settings, sport and recreational settings, and workplaces.

2.2.1 Equitable prioritisation of providing all gender/gender-neutral toilets in school and other educational settings. Only around one in three (29%) trans young people in Australia feel that they could have safely used the bathrooms that matches their gender identity at their secondary school in the past 12 months.⁵ Nearly four in five (78%) of trans young people in Australia report not feeling they could safely use the changing room that matches their gender identity at their secondary school in the past 12 months.⁵ Nearly four in five (49%) of trans young people in Australia report not feeling safe to use the bathroom that matches their gender



identity at their TAFE or university setting in the past 12 months.⁵ Poor mental health is especially prevalent among trans young people in Australia,^{26, 40} and these inequities in poor mental health widen throughout adolescent development.²⁷ Adolescence is a critical developmental time period for all young Australians³⁰ though is often characterised by negative experiences of school-based bullying, rejection, and discrimination for many trans young Australians.^{5, 40-44}

2.2.2 Equitable prioritisation of providing all gender/gender-neutral toilets in sport and recreational settings. Sport and physical activity confers significant physical and mental health benefits⁴⁵⁻⁴⁸ yet only one in three (33%) trans people in Australia report regularly participating in sport and physical activity compared with an estimated four in five (78%) in the Australian general population.⁴⁹ Over two in five (44%) of trans people in Australia report that inadequate bathroom/changing facilities represent a key barrier to participating in sport and fitness.⁴⁹

2.2.3 Equitable prioritisation of providing all gender/gender-neutral toilets in workplaces. Experiences of unfair treatment and discrimination in workplace settings are commonly reported among trans people in Australia.^{5, 31, 50, 51} Lack of safe access to toilets in workplace settings represents one such experience of unfair treatment and discrimination on the basis of gender identity.⁵²

Recommendation 3: Provide change management plans and high-quality training and education resources to support implementation of all gender/gender-neutral toilets

3.1 Provide change management plans to streamline implementation of gender/genderneutral toilets across sites³³, noting that different settings may require different planning domains specific to context.

3.1.1 School and other education settings should consider change management plans which provide wrap-around support for trans students, including equitable access to toilets. For example, Transcend Australia's 'Student Support Plan – Gender Affirmation'⁵³ which considers which toilet and changing room facilities a trans student would prefer to use, and plans for events taking place outside of school (e.g., swimming) that might require arrangements with the student.

3.1.2 Implement a state/national-wide framework that provides protections for trans young people to safely access toilets. This framework should stipulate minimum expected standards and actions that schools should adhere to for ensuring safe toilet access for trans young people.

3.2 All people accessing and/or involved with the provision and maintenance of public toilets should be provided with training/educational resources regarding transition to all gender/gender-neutral toilets and gender-inclusive signage.^{33, 35}

3.2.1 School staff and leadership, particularly teachers, should be strongly encouraged to regularly undertake training and education opportunities to promote understanding and sensitivity toward gender diversity.

3.2.2 Workplace setting-specific training and education resources to promote understanding and sensitivity toward gender diversity should be offered to staff and managers to support implementation of policies for equitable toilet access, ideally during employment initiation in addition to ongoing professional development activities.



3.2.3 Concerted efforts should be undertaken to provide training and education resources to cleaners who clean public toilets given their common interface with public toilet facilities and the people who access them.

3.3 Consider updating webpages, maps, and other institutional documents to highlight location of all gender/gender-neutral toilets.³⁵

Summary

Lack of equitable access to toilets is a common experience among the estimated 895,000+ trans people in Australian general population. Lack of equitable access to toilets may pose lasting and seriously mental health and quality of life impacts to trans Australians. Highquality, peer-reviewed scientific evidence has repeatedly highlighted that trans people in Australia experience higher rates of poor mental health compared with their cisgender peers in the general population and that inequitable access to toilets significantly increases these risks. Simple changes to public toilet provision, design, accessibility, and inclusivity represent a cost-effective way to equitably improve the mental health of trans people in Australia.

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