

I have a few employees who take frequent and long restroom breaks. I am not aware of any illness/disability that may require this behavior. How have other employers addressed this?

Make sure the toilet seats are cold

We have addressed the issue with the employee. If the employee claims an ADA issue, we require the employee to submit a doctor's note to prove the ADA. The key is to communicate the expectation of the issue to the employee and then go from there.

Can Them! (Pun intended!)

We have no policy governing bathroom breaks. There are absolutely illnesses or disabilities that require this behavior and ADA accommodations should be considered if that's the case. If it's not the case, it is a performance issue.

It is certainly possible that employees may misuse the time it takes for (bathroom) breaks, therefore affecting productivity. Since there likely isn't an official policy on the time allowed for such things, and the fact that you think more than one employee is partaking, you may consider sending an all-employee email stating that it has been brought to your attention of the potential problem.

This may stop others from following in their footsteps and those directly involved from going-to-pot 😊.

We had that problem and after a little investigating, found multiple employees were taking breaks together and using the rest room as a gathering place for conversing. So we did a payroll stuffer telling employees that restroom breaks were to be as quick as possible and not a time for socializing. Luckily, our problems were solved.

Oh, but there are illnesses/disabilities that may require this behavior! To name a few: interstitial cystitis, hypertension (some drugs include diuretics), irritable bowel syndrome, age-related incontinence, etc.

If the employee is not meeting their goals or appears to be unable to meet the essential functions of their job, I would suggest HR meet with that employee to (1) make the employee aware that the behavior has been observed, (2) outline the goals not being met, and (3) informing the employee that the behavior may result in positive counseling up to and including separation of employment if it is not corrected.

During that conversation, if the employee brings up a medical condition, that is the point where you want to start the ADA interactive process. Remember, the ADA Amendments Act expanded Major Life Activities to include bodily functions so that practically anyone can qualify.

The Major life activities include, but are not limited to:

Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and

*The operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, **genitourinary, bowel, bladder**, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.*

A good website to look at that is very helpful in explaining things in a language we can all understand is:

<https://askjan.org/bulletins/adaaa1.htm#D8>

Good Luck!

The only reason (I know) that may be brought up is IBS. Irritable Bowel Syndrome. If this exists, then it can be discussed. We have experienced the normal cause of this is the use of their cell phones. We had one person doing such and confronted him with expectations of restroom breaks. Not having any reason for the long breaks, we wrote him up. He decided to quit after he was written up twice, so we did not have to address any further.

The only things I could think of are Crohn's disease or IBS. We do not have a specific policy on long restroom breaks but if we notice a trend we sit down and talk with that person.

We as HR Managers or our Line Supervisors are often labeled as the safety cop, attendance cop, or vacation cop I don't believe that we would relish the thought of being the bathroom cop. The basic question is how long is too long in the bathroom?

This is an extremely delicate subject for a few reasons so I would advise a 360 degree objective look at the bathroom situation itself:

1. How many stalls are available?
2. What is the proximity to the work area?
3. Did you move the work into an area that does not have a bathroom or enough stalls?
4. Do you allow reading material/cell phones in the bathrooms?
5. Are lunch periods staggered?
6. What is your written break policy? Is it enforced consistently? Our policy "does not permit miscellaneous breaks, other than designated lunch periods, without supervisory approval."

Once this objective review is completed and remedial action to resolve issues that employers can readily fix which is a precursor to the employee conversation that needs to occur. If you take the time to eliminate employee complaints then some of the employee's grievances can be reduced/eliminated.

However, there are other practical factors that need to be addressed prior to the conversation such as:

1. Do they work alone or in a group setting (fulfillment)?
2. Do they produce at least the minimum required in their assigned department?
3. Do their frequent (and lengthy) bathroom breaks affect the departments workflow?
4. Is this an ongoing event, recent event, or infrequent event?
5. Does the employee work overtime every day? Who approves it?
6. Is the employee's Supervisor new? Have they been trained?
7. Is the Supervisor fair AND consistent with their employees? Have they been trained?
8. Does this Supervisor complain about this employee (and only this employee)?
9. Does the employee complain about the Supervisor?
10. Is the employee a talker or do they go to the lunchroom for a snack (what is the company policy on mid-day breaks)?
11. What is your past practice? Years ago, a company's assets were purchased and employees were encouraged to reapply. The local paper ran a story stating that the most senior employee was not offered employment and the new company was vilified. The back story is that for the last fifteen years of employment, the employee spent his entire day in the bathroom.

The facts have been gathered and remedial action has occurred eliminating or decreasing employee excuses and the discussion needs to occur.

If the quality and quantity of the employee's work meets expectations, then there is not a lot of discussion needed except to say that employees are expected to be working when punched in. However, if bathroom breaks are excessive or lengthy you may have the opportunity to go down the expectation path – just keep it on that path.

One cautionary advice – Employers must "reasonably accommodate" employees medical conditions. So just because "I am not aware of any illness/disability that may require this behavior" does not mean a medical issue does not exist it only means that you are unaware.

Here is where the last question arises – Are the Supervisor and employee of a different sex? Often times, an employee may be uncomfortable in discussing certain conditions with the opposite sex (often their own spouses), so please attempt to determine if such an issue exists. However, if the employee is unwilling to disclose – the employer is NOT responsible for mind reading and can't accommodate the employees need.

Great question by this GLGA member. We have THE SAME issue! Short of locking the doors and making them ask for the key we haven't been able to solve this ~~diarrhea~~. Oops, I mean dilemma. ☺

Initially the supervisor will set down with the employee to discuss the issue of frequent breaks. If the employee states that they have a medical issue, then the supervisor refers the employee to me (HR), at which point I request that the employee obtain medical documentation.

Aside from making sure that there's no evidence that they are smoking, chewing, drinking, etc. in there, I'm not sure what you can do. I think I would try to get uncomfortably close when they come out of the bathroom and see if you can smell anything, then check the restroom for any evidence. Issue hasn't really come up here.

We use progressive discipline and we use our same standard as though they are late for work as returning from break late is reporting for work late.

Typically the manager would speak with the employee to let them know they've noticed frequent absences and to find out if there is something preventing him/her from being able to remain at their workstation until break or lunch. Bringing awareness to having observed the absences often will curb the behavior if there isn't a medical reason. If there is, they can speak with HR about any needed accommodation/documentation or the like.

Hope that helps.

Remove papers and mags from area. Review cellphone policy and use in house. Without these activities available, it is medical.

We have seen this from time to time, and just counsel with the employee. In our finishing area, people have 3 breaks during the day to take care of business, and in other areas employees have a bit more flexibility.

We have not had that problem before; however, we have with employees who have had disabilities or an illness.

I think you have to manage this type of issue on an individual basis. There could be a medical reason, such as IBS or colitis, for frequent bathroom breaks. The employee would have to show medical evidence and request some sort of accommodation.

First, I would put out a memo to all employees stating that the company is aware of a few individuals that are abusing the non-scheduled breaks and that if this continues, all employees will be required to sign out and back in to their department for an unscheduled bathroom break. The employees who do not abuse bathroom breaks know who the abusers are, and if all end up being "punished", they will put pressure on the abusers to stop.

Also, in our plant, there are no windows in the bathrooms, so we have installed an automatic light system, which turns on when detecting motion (someone entering the washroom) and has a timer that you can set to turn the lights off (let's say after 3 minutes) so the employee ends up being in the dark if they stay in the bathroom too long. The motion detector light is also good for not transferring germs to other employees, which is an added benefit.

Can you track this on your time keeping system? Otherwise, if they are not punching out of a job, you may be able to address this through productivity (not meeting the budget).

We have this issue, also.