

Court Finds that Employer's Restrictive Restroom Policy May Violate Minnesota Law

by Grant T. Collins - Thursday, March 13, 2014



Minnesota's infamous "[restroom break](#)" statute is rearing its ugly head again. Last month, a federal district judge in Minnesota [refused to dismiss](#) the claims of a former assembly line worker who urinated in a box after her supervisor refused to let her use the restroom. The case reminds us that while employers may reasonably regulate restroom breaks, an overly restrictive restroom policy or practice may violate the law.

Background

Lily Prince claims that in August 2012, she begged her supervisor at Electrolux in St. Cloud, Minnesota, to let her leave her assembly line post so she could use the restroom. After waiting more than 35 minutes, Ms. Prince finally relieved herself in a box near the assembly line, leading to her termination for a "health and safety violation."

Ms. Prince was covered by a collective bargaining agreement ("CBA") that entitled her to two 10-minute breaks during an 8-hour shift: one in the first 4 hours of the shift and one in the second 4 hours of the shift. In addition, Electrolux had previously circulated a memorandum stating that employees who needed to use the restroom during a shift should notify their supervisor who would then relieve the employee for that purpose.

Despite these policies, Ms. Prince alleged that she and her co-workers were effectively denied access to a restroom. She claimed that one co-worker also had urinated in a box and another soiled herself because they were not allowed to use the restroom during their shift.

The union filed a grievance challenging the termination. Ultimately, an arbitrator determined that while Ms. Prince's conduct constituted a "health and safety violation," termination was too harsh a penalty and ordered her back to work. Ms. Prince then filed a lawsuit against the company.

Minnesota OSHA Protects Employee Access to Restrooms

Ms. Prince's lawsuit claimed that the company violated the [Minnesota Occupational Safety Act](#) ("MOSHA") which incorporates many of the federal OSHA standards, including the requirement that employers must provide restroom access to employees as follows: "[T]oilet facilities, in toilet rooms separate for each sex, shall be provided in all places of employment" After the company requested immediate dismissal of this claim, the judge ruled that Ms. Prince adequately alleged that since she was denied the right to use the toilet facilities, those facilities were not 'provided,' to her as required under MOSHA." Therefore, the claim could proceed.

Minnesota's Law Requires "Adequate Time" to Use the Restroom

The lawsuit also alleged violation of the [Minnesota Mandatory Work Break statute](#), Minn. Stat. § 177.253, which provides:

Subdivision 1. Rest breaks. An employer must allow each employee adequate time from work within each four consecutive hours of work to utilize the nearest convenient restroom.

Subdivision 2. Collective bargaining agreement. Nothing in this section prohibits employers and employees from establishing rest breaks different from those provided in the section pursuant to a collective bargaining agreement.

Electrolux also sought immediate dismissal of this claim, arguing that employees had "adequate time" as a matter of law because the CBA mandated a 10-minute break every 4 hours. The judge disagreed, noting that in light of the problems that Ms. Prince and her co-workers experienced, the breaks authorized in the CBA simply did not provide "adequate time" to use the restroom. Therefore, this claim was allowed to move forward as well.

Additional Bathroom Breaks as a Reasonable Accommodation?

This decision did not address whether the company failed to accommodate a health condition that required Ms. Prince to use the restroom frequently. However, other courts have tackled this claim. For example, a California jury in 2009 awarded \$200,000 to an employee whose dry mouth from throat cancer treatment caused her to drink extra water and require extra bathroom breaks. Although her employer had granted the requested accommodation in the past, a new manager failed to do so and the employee ended up soiling herself in front of customers.

Bottom Line

While restroom breaks can be regulated to prevent production disruptions, an employer may not impose unreasonable restrictions on employee use of facilities. Employees claiming such restrictions can file a complaint with MOSHA or federal OSHA, or may file a private lawsuit. Moreover, a discrimination claim might be triggered the failure to allow restroom breaks is deemed to be a failure to accommodate a disability.

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