



OXFAM REPORT

NO RELIEF

DENIAL OF BATHROOM BREAKS IN THE POULTRY INDUSTRY



OXFAM
America

ACKNOWLEDGEMENTS

Oxfam America consulted numerous experts and advocates about the realities of life for poultry processing workers in the US today. We are grateful for their knowledge, commitment, and willingness to share their expertise.

The following were particularly generous with their time:

Debbie Berkowitz

Celeste Monforton

Jaclyn Sokol

Staff at Greater Minnesota Worker Center

Staff at Northwest Arkansas Workers' Justice Center

Staff at Western North Carolina Workers' Center

Staff at Southern Poverty Law Center

Staff and members of United Food and Commercial Workers

OXFAM AMERICA'S CAMPAIGN FOR POULTRY WORKER JUSTICE

This report is part of Oxfam's continuing campaign to advocate for improved conditions for US poultry workers.

The campaign launched in October 2015, with publication of our comprehensive report, *Lives on the Line: The Human Cost of Cheap Chicken*. That report exposed the central challenges facing the roughly 250,000 poultry workers in the US: poor compensation, high rates of injury and illness, and a climate of fear.

Oxfam's campaign brings together consumer mobilization, research and communications, federal policy advocacy, shareholder activism, and corporate engagement to improve conditions in the industry.

METHODOLOGY

This paper is based on research conducted by Oxfam America and partner organizations from 2013 to 2016. The research entailed literature and primary document review and interviews to provide an empirical description of the status of US poultry workers.

Oxfam America staff traveled throughout the country to conduct dozens of semi-structured interviews with current and former workers, worker advocates, attorneys, medical experts, analysts, and others. In addition, partner organizations conducted interviews specifically around the issue of breaks with dozens of current and former workers, and several experts in the field reviewed the report and offered feedback.

Oxfam America reached out to all the companies named in this report to share the findings of our research and engage them in dialogue about solutions. Tyson Foods and Perdue were the only companies that replied; their responses are included in the report.

NO RELIEF

AS POULTRY WORKERS ARE ROUTINELY DENIED ADEQUATE BATHROOM BREAKS, THEY FACE DANGERS TO THEIR HEALTH AND BLOWS TO THEIR DIGNITY

While the poultry industry today enjoys record profits and pumps out billions of chickens, the reality of life inside the processing plant remains grim and dangerous. Workers earn low wages, suffer elevated rates of injury and illness, toil in difficult conditions, and have little voice in the workplace.

Despite all that, though, workers say the thing that offends their dignity most is simple: lack of adequate bathroom breaks, and the suffering that entails, especially for women.

Routinely, poultry workers say, they are denied breaks to use the bathroom. Supervisors mock their needs and ignore their requests; they threaten punishment or firing. Workers wait inordinately long times (an hour or more), then race to accomplish the task within a certain timeframe (e.g., ten minutes) or risk discipline.

Workers struggle to cope with this denial of a basic human need. They urinate and defecate while standing on the line; they wear diapers to work; they restrict intake of liquids and fluids to dangerous degrees; they endure pain and discomfort while they worry about their health and job security. And it's not just their dignity that suffers: they are in danger of serious health problems.

Workers urinate and defecate while standing on the line; they wear diapers to work; they restrict intake of liquids and fluids to dangerous degrees; they endure pain and discomfort while they worry about their health and job security. And they are in danger of serious health problems.

The situation strikes women particularly hard. They face biological realities such as menstruation, pregnancy, and higher vulnerability to infections; and they struggle to maintain their dignity and privacy when requesting breaks.

Supervisors deny requests to use the bathroom because they are under pressure to maintain the speed of the processing line, and to keep up production. Once a poultry plant roars to a start at the beginning of the day, it doesn't stop until all the chickens are processed. Workers are reduced to pieces of the machine, little more than the body parts that hang, cut, trim, and load—rapidly and relentlessly.

By its nature, it is demanding and exhausting work. But it does not have to be dehumanizing, and it does not have to rob people of their dignity and health.

Virginia, a Tyson worker in Arkansas, says simply, "They don't give you a break."*

*Most workers requested the use of pseudonyms out of fear of retribution. Where possible, details about their plant, job, and location have been included.

The denial of bathroom breaks strikes women particularly hard. They face biological realities such as menstruation, pregnancy, and higher vulnerability to infections; and they struggle to maintain their dignity and privacy when requesting adequate time to use the restroom.

IT'S TIME TO GIVE WORKERS A BREAK

As the poultry industry has grown bigger, and faster, it has also grown more profitable. It has the capacity, and the responsibility, to recognize the human needs and dignity of the people working the lines.

It would be relatively simple to take measures to provide adequate bathroom breaks. The companies could start by making sure there are sufficient “floaters” ready to stand in for workers when they need to use the restroom. It would bring enormous benefits: to health and safety, to food safety, to workers’ dignity, and to the companies’ financial and legal risks and reputation.

Denial of regular access to the bathroom is a clear violation of US workplace safety law, and may also violate US anti-discrimination laws, including the Americans with Disabilities Act and civil rights laws outlawing gender and sex discrimination.¹ The harm that results from this denial can be especially acute for women—pregnant women, in particular—and workers with disabilities.

Workers across the industry face these problems, but the four largest poultry companies—Tyson Foods, Pilgrim’s, Perdue, and Sanderson Farms—together employ over 100,000 poultry processing workers and control almost 60 percent of the market. They can and should implement changes that will improve conditions for poultry workers across the country, including granting adequate bathroom breaks.

Marta, who works at a Pilgrim’s plant in Texas, sends a message to the company: “We’re human beings who feel, and hurt, and we work the best we can. But it’s not enough for them. They demand more and more... They demand more than you can do.”

KEEPING THE MACHINE RUNNING

A poultry plant is a complicated industrial operation, with many moving parts that need to keep going for the whole enterprise to run smoothly. If one part stops, the whole line slows down.

Bathroom breaks for line workers pose challenges. When a worker needs to use the restroom, they ask the supervisor; the supervisor needs to find someone to fill that spot to keep the line running.

Ideally, there are enough replacement workers (line assistants or floaters) who are available to step into any spot on the line. If a plant is adequately staffed and running smoothly, workers know they can ask to use the restroom, and they will get a break within a reasonable time. Moreover, they know they can take enough time: to travel to and from the restroom (poultry plants are large and bathrooms may be far away; floors are slippery with water, blood, fat), to remove and put back on the layers of protective gear (e.g., gloves and smocks), and to accomplish the task.

In the course of hundreds of interviews, only a handful of workers reported that their bathroom needs are respected. These exceptions are primarily in plants that have unions, which offer important protections, inform workers of their rights, and ensure they have a voice on the job. Unionized workers report that they feel comfortable leaving or stopping the line when their requests are denied for too long. Roughly a third of the poultry workforce is unionized, leaving most workers without these crucial protections.

The vast majority of workers report a lack of adequate bathroom breaks.

In one survey of 266 workers in Alabama conducted by the Southern Poverty Law Center, nearly 80 percent said they are not allowed to take bathroom breaks when needed.² A recent survey in Minnesota revealed that 86 percent of workers interviewed said they get fewer than two bathroom breaks in a week.³ The problem is so large, and of such vital importance to workers, that poultry workers at the Case Farms plant in Morganton, NC recently launched a campaign with Western North Carolina Workers’ Center solely around the issue, demanding the company provide them with bathroom breaks when needed.

WORKING IN FEAR: HARASSMENT AND PUNISHMENT ON THE LINE

Since workers need to ask their supervisor for permission to leave the line, this relationship carries a great deal of weight, and potential for abuse. Supervisors are the people who have the most interaction with, and power over, workers on the line. Workers say that supervisors are usually provided little training in management and are under intense pressure to keep up with production or meet daily quotas.

Many workers interviewed by Oxfam and partner organizations report that supervisors treat them with profound disrespect. They yell at the workers, or make fun of them; issue warnings or disciplinary points; or threaten firing or deportation. Many workers talk about racial and gender discrimination and harassment. All these characteristics are exacerbated when the worker needs to ask permission to go to the bathroom, and the supervisor is feeling the heat to keep the line moving.

Workers report that supervisors often yell at them when they ask to leave the line. Jose, who worked at a Pilgrim's plant in Alabama, says the supervisors regularly threatened people: "Go to the bathroom, and from there, go to Human Resources." He witnessed many women crying about not getting to go to the bathroom, even if they were menstruating.

Supervisors sometimes taunt the line workers for their need to use the restroom at all; they tell them to drink and eat less. Fern, who works at a Tyson plant in Arkansas says, "Our supervisor always makes fun of us. He says we eat too much so we go to the bathroom a lot." Other workers at Tyson echo the statement; Betty notes, "That's what they say to us. Don't drink and eat a lot—if you do, you will end up in the bathroom five times a day."

In a lawsuit against a poultry company in Mississippi, women workers say that their supervisor "charged them money for such things as using the bathroom."¹²

WHAT DOES THE LAW REQUIRE OF EMPLOYERS?

OSHA has a "sanitation standard" (29 CFR 1910.141(c)(1)(i)), which "requires employers to provide their employees with toilet facilities." In a legally binding memo in 1998, OSHA clarified that "this standard requires employers to make toilet facilities available so that employees can use them when they need to do so."⁴ The agency stated clearly that "the sanitation standard is intended to ensure that employers provide employees with sanitary and available toilet facilities, so that employees will not suffer the adverse health effects that can result if toilets are not available when employees need them."⁵ The list of adverse effects includes urinary tract infections and bowel and bladder problems.

OSHA has consistently interpreted this standard to require that "employers allow employees prompt access to sanitary facilities. Restrictions on access must be reasonable and may not cause extended delays."⁶

The memo further explains, "A number of employers have instituted signal or relief worker systems for employees working on assembly lines or in other jobs where any employee's absence, even for the brief time it takes to go to the bathroom, would be disruptive. Under these systems, an employee who needs to use the bathroom gives some sort of a signal so that another employee may provide relief while the first employee is away from the work station. **As long as there are sufficient relief workers to assure that employees need not wait an unreasonably long time to use the bathroom, OSHA believes that these systems comply with the standard.**"⁷ [emphasis added]

Research into the poultry industry indicates that plants rarely employ enough "relief workers" (also known as floaters or line assistants), and that thousands of workers struggle to deal with this every day: they hold it too long, restrict liquid intake, urinate on themselves, or wear diapers.

OSHA recently investigated a poultry plant in Delaware and found "serious" violations.⁸ "The employer failed to make lavatories available as employees were not granted permission to use them and/or were not replaced at their lines."⁹

Sadly, most workers report that it is hardly unusual to wait a long time, or to be denied a bathroom break. OSHA recently launched targeted inspection programs in the poultry industry, and will be investigating whether these violations exist in other plants.

Unfortunately, OSHA only goes into a handful of poultry plants every year. The agency has enough personnel to inspect just 1 percent of all workplaces in the US each year; it would take 114 years to inspect each workplace once.¹⁰

Denial of regular access to the restroom may also violate US anti-discrimination laws, including the Americans with Disabilities Act and civil rights laws outlawing gender and sex discrimination.¹¹ The harm that results from this denial can be especially acute for women—pregnant women, in particular—and workers with disabilities.

Rosario, who works at Case Farms in North Carolina says, “I’m afraid of my supervisor. Each time I complain, she’s given me harder work. So I just stay quiet. If I go to human resources to complain, everything goes worse for me.” Carmen, a former poultry worker at that plant says, “I was always afraid to leave the line because I was afraid they’d fire me; since I didn’t have the proper papers, I tried to keep to myself.”

Few exceptions are made for special circumstances, such as medical conditions. Margaret, who works for Tyson in Arkansas, notes, “One of the ladies who works with me was pregnant, and she was crying and walking out because our line lead didn’t let her go to the bathroom.”

In some plants, supervisors give disciplinary points if the worker takes too long in the bathroom, or if the worker steps away in desperation. Manuel, a worker at a Tyson plant in Texas, reports that he’s been written up more than once for leaving to go to the restroom after waiting 40 minutes.

Several workers interviewed for this report say that they have to stick to a time limit when they go, and that the supervisor requires them to sign out with the time of departure. Selina, a Perdue worker at a plant in Delaware says, “If you ask to go to the bathroom, they ask you so many questions.”

ACCIDENTS ON THE LINE

What would be shocking in most workplaces happens far too often in poultry plants: Workers relieving themselves while standing at their work station. Many workers are too intimidated, or conscientious, simply to leave the line while it’s running. If they are forced to wait too long after asking for a break, they may be compelled to urinate where they are standing, or while running to the restroom.

Too many workers tell stories about urinating on themselves, or witnessing coworkers urinating on themselves. It is not only embarrassing and degrading, it’s extremely uncomfortable to feel the warm urine in a frigid environment, and to have wet clothing in temperatures hovering around 40 degrees. Then, workers are uncertain what to do; if they report what’s happened, they may risk being penalized.

Hanson, a worker at a Tyson plant in Arkansas, had the uncomfortable experience of seeing his own mother urinate on herself at work; she now wears diapers to work to avoid it happening again. Fern, a Tyson worker in Arkansas, said she had to wait so long that she had to urinate at her work station; she believes others had the same experience, but most are too humiliated to share the experience.

In interviews across the country, workers report seeing coworkers urinating on the line: from Tyson plants in Texas, North Carolina, and Arkansas to Pilgrim’s plants in Texas and Alabama, to a Case Farms plant in North Carolina.

What would be shocking in most workplaces happens far too often in poultry plants: Workers relieving themselves while standing at their work station. Many workers are too intimidated, and conscientious, simply to leave the line while it’s running. If they are forced to wait too long after asking for a break, they may be compelled to urinate where they are standing, or while running to the restroom.

Robert, who works at a Simmons plant in Arkansas says, “I’ve seen people pee on the line—and sometimes when they’re running to get to the bathroom, women pee on themselves.” He once saw a man running toward the bathroom who both peed and defecated on himself. “I don’t know any more about it than the shame of that man who went to the bathroom like that... He told his supervisor and they sent him home.”

Maria, who works at a Perdue plant in the Delmarva region, says she once waited so long that she defecated in her pants before she got a break. Dolly, who works at a Pilgrim’s plant in Texas, reports that a man defecated on himself in the plant.

COMPELLED TO WEAR DIAPERS

Although they are reluctant to talk about it, workers from across the country report that they and their coworkers have made the uncomfortable decision to wear adult diapers to work. Not only do the diapers absorb accidents, they provide a degree of protection from the danger of asking permission to leave the line. Many workers are afraid of being mocked, punished, or fired.

Betty, who works at a Tyson plant in Arkansas, says that on her own line, two people regularly wear diapers. One woman does so, Betty says, “because she can’t go to the bathroom when she needs to because they don’t let her.” Marta, from a Pilgrim’s plant in Texas, also reports that people in her plant wear diapers to work.

Dolores, who worked at a Simmons plant in Arkansas, said she was denied permission to use the bathroom “many, many times.” Her supervisor mocked workers’ requests. She reports that he said, “I told you... that you shouldn’t drink so much water and eat so much food so that you don’t need to ask to use the bathroom.” She began wearing a sanitary napkin, but since it would fill up with urine too quickly, she resorted to diapers: “I had to wear Pampers. I and many, many others had to wear Pampers.” She said she felt like she had “no worth, no right to ask questions or to speak up.”

SUFFERING LONG WAITS

Poultry workers understand the imperative to wait for someone to stand in their spot in order not to interrupt production. But the vast majority of workers say they regularly wait for an unreasonable amount of time. Some say they wait an hour or more; others say they are never released, and have to relieve themselves where they stand or leave the line without permission.

Maria, from a Perdue plant in the Delmarva region, reports that it usually takes 20 to 60 minutes to get permission to leave the line and go to the bathroom. Hanson, a Tyson worker in Arkansas, says he regularly has to “ask again and again and again.” Hank, who works at a Tyson plant in Kentucky, says that workers regularly wait 15 minutes or more, and the company threatens discipline if workers leave the line without permission. However, since there is a union in his plant, workers understand they can stop the line and leave if the wait is too long and the need becomes urgent.

Jose, who worked at a Pilgrim’s plant in Alabama, says the only time they were allowed to go to the bathroom was during lunch break. Hundreds of workers were released at the same time; they had 30 minutes to undress from work gear, eat, and use the bathroom, and get back into work gear. Mostly, they just waited and suffered.

Jean, a Tyson worker in Virginia, reports that “Sometimes you wait an hour or an hour and a half before you can go.”

“Women have to tell male supervisors why they have to go to the bathroom and only have a few minutes to go and return. The supervisors are not considering the time it takes to walk to the restroom, remove your gear, put your gear back on and return to the line in those few minutes.”

RACING AGAINST THE CLOCK: INADEQUATE BREAK TIME

When workers do eventually get the chance to leave the line, they are seldom given enough time to accomplish the task comfortably. In their landmark report, *Unsafe at These Speeds*, the Southern Poverty Law Center notes: “Workers have reported policies limiting bathroom breaks to five minutes... Workers described stripping off their gear while running to the restroom, an embarrassing but necessary action to meet the strict five-minute time limit. This race to the bathroom is also dangerous because processing plant floors can be slippery with fat, blood, water, and other liquids.”¹³

Many workers report men and women running to the bathroom, sometimes losing control of their bladder on the way.

At a Tyson plant in Texas, Edward reports that you have to sign a paper when you leave to go to the bathroom, and you’re expected to be back on the line within ten minutes. If you’re late, you may be given a disciplinary point. Jean, from a Tyson plant in Virginia, says, “You go to the bathroom one minute late, they have you disciplined. The supervisor will have you sign a discipline paper. They have taken me [to the office] several times. If I’m late one minute.”

Erma, who worked at a Sanderson plant in Mississippi, notes that “Women have to tell male supervisors why they have to go to the bathroom and only have a few minutes to go and return. The supervisors are not considering the time it takes to walk to the restroom, remove your gear, put your gear back on and return to the line in those few minutes.”

At a Tyson plant in Indiana, the second half of the night shift is a solid block of five hours (9pm to 2am). There are no scheduled breaks; workers are given only five minutes to go to the bathroom upon request—hardly enough time for all the steps required to leave the line and use the restroom.

Maria, from a Perdue plant in the Delmarva region, says that a bathroom break is limited to ten minutes: it takes two minutes each way (if walking very quickly); one minute to doff protective gear, one minute to don the gear, and two minutes on return to disinfect; which leaves only about one minute to do what’s necessary in the bathroom.

Even during scheduled breaks, workers may not have enough time to use the bathroom. A report from the Public Justice Center notes, “Often, a large group of workers are scheduled to take a bathroom break at the same time, which creates long lines. As described by a nurse and former poultry worker from Virginia: ‘Only ten minutes are allowed to remove all of their equipment, go to the bathroom... [and] put their equipment back on. Over 100 workers are sent on break at the same time so the lines for the restroom are very long.’”¹⁴

COPING STRATEGIES: LIMITING INTAKE OF FOOD AND DRINK

When the simple act of going to the bathroom means long waits, short breaks, and abuse from supervisors, many workers take a preemptive strike: they stop drinking and eating very much. Not only is this uncomfortable, it has serious potential impacts on the health and welfare of the worker. Many say they become dangerously dehydrated; some develop problems with their kidneys, prostate, or bladder. (See the next sections for more on health effects.)

Workers from across the country report dramatically cutting down on water and food, even though they are standing and doing physical labor for hours at a time. Margaret, who works at a Tyson plant in Arkansas says, “We talk about this all the time... We joke and say that we need to eat less and drink less because our line lead tells us to—if we do, we won’t have to use the bathroom all the time.”

Pedro, who worked for Tyson in North Carolina, reports that his health suffered from the long stretches (four to six hours) without a bathroom break, and he developed a problem with his prostate. He eventually stopped drinking much water and became so dehydrated that his potassium levels dropped and he had terrible leg cramps. He notes that many people do not get breaks in time; “there’s a lot of people peeing on themselves because they would not let them use the bathrooms.”

Jean, from a Tyson plant in Virginia, says that even though she’s diabetic, “I don’t drink any water so I won’t have to go.”

HEALTH AND SANITATION FOR WOMEN

MONTHLY CYCLES: When menstruating, women need to visit the bathroom more often, and need more time. Unfortunately, many women are uncomfortable expressing this to male supervisors; and they report that they often do not get any sympathy.

In their recent report, *Wages and Working Conditions in Arkansas Poultry Plants*, the Northwest Arkansas Workers’ Justice Center quotes a number of women reporting on challenges they face in getting adequate access to the bathroom.

“I hope I don’t have problems with my baby. I have only a month to go. I’ve had an infection in my urinary tract. It’s been much more difficult being pregnant.”

Rebecca notes, “The supervisor gets mad at us because we take longer, but we are women, and our needs are greater than those of men. They don’t consider that we have more gear to remove, or the fact that the bathrooms are too far away; just walking towards them our time is up. When we have our [menstrual] cycle, we need to go more often to the bathroom, but they don’t let us, they don’t like it.”¹⁵

In the same report, Laura reiterated this by stating, “As women, we take a little longer to assess our needs and feel clean. Instead of letting us use the bathroom, they threaten us, humiliate us to the point of filing claims with human resources to discharge us.”¹⁶

PREGNANCY: Some workers and advocates report that pregnant women are not permitted to use the bathroom when they need to, even as the months wear on and their bodies change significantly.¹⁷

Both the volume of urine and the frequency of needing relief progressively increase throughout pregnancy. Beginning in the sixth week of pregnancy, hormonal changes cause a woman’s blood to flow more quickly through her kidneys, causing her bladder to fill more frequently and increasing the need for bathroom breaks. As pregnancy progresses, the amount of blood in the body increases, which increases the amount of fluid passing through the kidneys, which results in more urine.¹⁸ By the last trimester, the growing uterus puts pressure on the bladder, making it more difficult to delay bathroom breaks.

Some workers say that pregnant women resort to wearing diapers on the line more often than coworkers.¹⁹ Sandra, a former poultry worker interviewed by the Southern Poverty Law Center, noted that when she was pregnant, she was given only the two standard breaks scheduled for all employees.²⁰

María, who works at the Case plant in North Carolina says, “I’m eight months pregnant, and they’re still treating me the same. I keep doing the same work, with the same effort. I try not to drink too much water, so I don’t have to go. When I ask permission, I have to wait 15 minutes, half an hour, sometimes more... I hope I don’t have problems with my baby. I have only a month to go. I’ve had an infection in my urinary tract. It’s been much more difficult being pregnant.” Lupe, at the same plant, reports that many pregnant women have dealt with such infections.

Amy, a worker in Arkansas, told the Northwest Arkansas Workers’ Justice Center that “when I was pregnant, I had to constantly go to the bathroom, and a male supervisor told me ‘why don’t women hold it like I have to hold it all day?’ I felt there was a factor of discrimination taking place.”²¹

COMPANIES' POLICIES AND RESPONSES

COMPANY POLICIES

The only company that has a publicly stated policy on breaks is Tyson Foods, the country's largest poultry producer. The company states that workers are able to use the bathroom whenever they need to; the "Team Member Bill of Rights" specifies that employees receive "adequate room for meal and rest breaks" and "reasonable time for necessary restroom breaks during shift production time."²² But evidence points to the reality that those policies are not being followed at the plant level: Oxfam interviewed workers from Tyson plants across half a dozen states, and partner organizations conducted surveys of scores of workers, and most workers reported problems with adequate breaks.

None of the other top poultry companies—Pilgrim's, Sanderson Farms, and Perdue—has any publicly stated policy on bathroom or rest breaks for workers. Perdue did refute workers' accounts in an editorial in 2016, stating, "The allegation that associates are denied bathroom breaks is simply not believable,"²³ but Perdue has no public policy granting its workers the right to use the restroom.

COMPANY RESPONSES

Oxfam America reached out to all companies named in this report to share the findings of our research and engage them in dialogue. Tyson Foods and Perdue were the only companies that replied; their responses are verbatim.

TYSON FOODS

"We care about our Team Members, so we find these claims troubling. However, since Oxfam America has declined to share the real names and locations of those making the allegations, it's difficult for us to address them or gauge their validity. We can tell you we're committed to treating each other with respect and this includes giving workers time off the production line when they need it. Restroom breaks are not restricted to scheduled work breaks and can be taken at any time. Our production supervisors are instructed to allow Team Members to leave the production line if they need to use the restroom. Not permitting them to do so is simply not tolerated.

"We offer numerous ways for our Team Members to be heard if they don't believe they're being treated fairly. In addition to their supervisor, they can talk to someone in human resources, plant management or one of our chaplains. They can also anonymously contact the Tyson Help Line or Tyson Web Line, which are managed by the company's Ethics and Compliance office and are available 24 hours a day in multiple languages.

"As reported in our new sustainability report, a third-party company is already involved in assessing working conditions in our plants. In 2015, we hired an outside auditing firm that evaluates plant performance in such areas as worker treatment, worker voice, compensation and safety. The auditor typically spends several days at a plant reviewing employment records and interviewing dozens of randomly selected workers. The audit results, which reflect how a plant is performing and where it needs improvement, are shared with plant and corporate management and may also be provided to customers."

PERDUE

"The health and welfare of our associates is paramount and we take these types of allegations very seriously. The anecdotes reported are not consistent with Perdue's policies and practices. Unfortunately, we do not have enough information to investigate the validity of these complaints.

"After an internal review, it does not appear that these associates have taken advantage of Perdue's Open Door Policy or other available options to voice their concerns. As part of our people-first philosophy, associates have the right to be heard by all levels of management to resolve a conflict or misunderstanding through the Open Door Policy. This allows them to speak to any level of management, not just their immediate supervisor. In addition to Peer Review and Management review processes, we offer an anonymous toll-free hotline to report illegal or unethical activity in the workplace. Calls made to this number will be kept confidential, and associates don't have to give their name if they don't want to."

REAL DANGERS FROM “HOLDING IT”: HEALTH RISKS FROM INFREQUENT BREAKS

While denial of bathroom breaks is humiliating to workers (and the accident of urinating on the line is unsanitary and embarrassing), it has an even darker side: it can pose serious health risks. One study of the biological effects of not being able to use the bathroom when necessary reported that the pressure on the bladder and the urethra can cause kidney damage, infection, and even death.²⁴

The biggest risk to workers is of developing urinary tract infections (UTIs). One doctor explains the connection directly between “holding it” and UTIs: “The longer you hold your urine, the bladder can become a breeding ground for bacteria to grow. This bacteria can lead to infections, which can spread to kidneys and cause greater damage to the body.”²⁵

These infections are ten times more common in women than in men.²⁶ The primary symptoms of a bladder infection include burning and pain with urination, frequency and urgency; other symptoms may be incomplete emptying of the bladder, visible blood in the urine and brown or cloudy urine.²⁷ Untreated, a UTI can lead to kidney infection, symptoms of which include chills and fever, back pain, nausea and vomiting, and a feeling of illness.²⁸

When someone is already suffering from a UTI, holding urine in the bladder for a long time may exacerbate the infection as more germs proliferate.²⁹

When asked to name the one thing that she would like company managers and executives to do, Marta, who works at a Pilgrim’s plant in Texas, doesn’t hesitate to answer: “Put themselves in the place of the worker... And stop thinking that we’re machines.”

“The longer you hold your urine, the bladder can become a breeding ground for bacteria to grow. This bacteria can lead to infections, which can spread to kidneys and cause greater damage to the body.”

Pregnant women are particularly at risk of developing UTIs; as the uterus grows, the weight of the fetus can block the drainage of the bladder, causing infection.³⁰ Without proper treatment and effective antibiotics, UTIs can become harmful to the mother and the growing fetus.³¹ Kidney infections can cause low birth weight and early labor.³² E Coli infections are particularly problematic; an E Coli infection can result in miscarriage, preterm birth, low birth weight babies, hypertension, preeclampsia, anemia, and amnionitis.³³

To add to the risk, studies show that poultry workers in many plants may absorb so many antibiotics from handling chicken flesh that they build a resistance to antibiotics, which can make it difficult to treat infections.³⁴

The Western North Carolina Workers’ Center works with hundreds of women poultry workers in the region; many of these women say they have suffered from urinary tract infections.

Virginia, a Tyson worker in Arkansas says, “My kidneys really hurt because not much liquid passes through them, including inflammation in my stomach.” Other problems include abdominal pain, constipation, diverticulitis, and hemorrhoids. Many workers talk about enduring pain and discomfort in their stomach, urinary tract, and kidneys.

CONCLUSIONS AND RECOMMENDATIONS

When poultry workers are not allowed to use the bathroom, they suffer in myriad ways, from health risks to humiliation.

Denial of regular access to the bathroom is a clear violation of US workplace safety law, and may also violate US anti-discrimination laws, including the Americans with Disabilities Act and civil rights laws outlawing gender and sex discrimination.³⁵ The harm that results from this denial can be especially acute for women—pregnant women, in particular—and workers with disabilities.

Despite the arduous conditions and dismissive attitudes that many poultry workers experience, however, most of them manage to hang onto their dignity, and a sense of hope about the possibilities in the workplace.

They want the companies to recognize their humanity, and to take measures to accommodate their very real and very human needs: for bathroom breaks and for respect.

When asked to name the one thing that she would like company managers and executives to do, Marta, who works at a Pilgrim's plant in Texas, doesn't hesitate to answer: "Put yourselves in the place of the worker... And stop thinking that we're machines."

Bill, who works at a Tyson plant in Texas, wants managers to work together with the workers to find solutions to problems. He notes, "We're there every day with each other: we're family."

"We're human beings who feel, and hurt, and we work the best we can. But it's not enough for them. They demand more and more... They demand more than you can do."

RECOMMENDATIONS

Tyson Foods, Pilgrim's, Perdue, and Sanderson Farms together control almost 60 percent of the poultry market and employ over 100,000 poultry workers. As industry leaders, they should lead the way in ensuring that workers have bathroom breaks necessary to stay healthy, safe, and dignified at work.

To accomplish this, companies should:

MAKE CHANGES IN POLICY

- develop specific commitments that workers have access to bathroom breaks whenever they are needed;
- make these policies public, submit policies to monitoring and verification by independent, third-party organizations, and make results of audits public;
- create a system that enables workers to file a grievance about being denied bathroom breaks, and ensure that they do not suffer any retribution for doing so; and
- eliminate or modify the point system, including in relation to bathroom breaks.

MAKE CHANGES IN PRACTICE

- convene a labor-management-expert committee to complete an assessment of the root cause(s) of concerns raised in this and other reports, or in any independent audits and/or worker surveys completed around bathroom breaks and staffing levels;
- make sure staffing levels at each stage of the processing process (from receiving to packaging) are sufficient to provide workers the opportunity for replacement when they need a bathroom break (or in the event of injury, illness, or need for rest);
- conduct reviews of internal practices at each processing plant to determine sufficiency of current staffing levels, and their impact on replacement opportunities at each stage of the processing process;
- implement an ongoing independent monitoring program to assess compliance with company policy and the law;
- carry out an anonymous survey of the workforce about their access to adequate bathroom breaks, and publish a summary of the findings and lessons learned;
- document and communicate results of investigation to employees, along with plans for corrective/preventative measures to be taken in response, including any plans for updated policies;
- provide supervisors with regular management training as well as training on worker rights and the company's non-retaliation policies; and
- maintain neutral stance on union activity by workers; and allow freedom of association for workers, as called for in the United Nations Global Compact³⁶ and Universal Declaration of Human Rights.³⁷

NOTES

- 1 Americans with Disabilities Act of 1990, as amended, <http://www.ada.gov/pubs/adastatute08.htm>.

United States Code, 2009 Edition, Chapter 126, “Equal Opportunity for Individuals with Disabilities,” <https://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/html/USCODE-2009-title42-chap126.htm>.

Title VII of the Civil Rights Act of 1964, <https://www.eeoc.gov/laws/statutes/titlevii.cfm>.
- 2 Tom Fritzsche, *Unsafe at These Speeds: Alabama’s Poultry Industry and Its Disposable Workers (2013)*, www.splcenter.org/sites/default/files/downloads/publication/Unsafe_at_These_Speeds_web.pdf.
- 3 Greater Minnesota Worker Center, *Striving for a Just and Safer Workplace (April 2016)*, <http://www.mygmwc.org/wp-content/uploads/2016/04/Striving-for-a-Just-and-Safer-Workplace-Final-04262016.pdf>.
- 4 OSHA, “Interpretation of 29 CFR 1910.141(c)(1)(i): Toilet Facilities,” https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=22932.
- 5 OSHA, “Interpretation of 29 CFR 1910.141(c)(1)(i): Toilet Facilities.”
- 6 OSHA, “Interpretation of 29 CFR 1910.141(c)(1)(i): Toilet Facilities.”
- 7 OSHA, “Interpretation of 29 CFR 1910.141(c)(1)(i): Toilet Facilities.”
- 8 Citation 1 Item 4 Type of Violation: Serious 29 CFR 1910.141(d)(2)(i).
- 9 OSHA, “Citation and Notification of Penalty,” June 15, 2015, https://www.osha.gov/ooc/citations/Allen-HarimFoodsLLC_1014956_06152015.pdf.
- 10 AFL-CIO, *Death on the Job: The Toll of Neglect*, 24th edition (April 2015), www.aflcio.org/content/download/154671/3868441/DOTJ2015Finalnobug.pdf.
- 11 Americans with Disabilities Act of 1990, as amended, <http://www.ada.gov/pubs/adastatute08.htm>.

United States Code, 2009 Edition, Chapter 126, “Equal Opportunity for Individuals with Disabilities,” <https://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/html/USCODE-2009-title42-chap126.htm>.

Title VII of the Civil Rights Act of 1964, <https://www.eeoc.gov/laws/statutes/titlevii.cfm>
- 12 *Cazorla v. Koch Foods of Mississippi, LLC*, Civil Action No. 3:10cv135-DPJ-FKB, Consolidated with Civil Action No. 3:11cv391-DPJ-FKB. [United States District Court, S.D. Mississippi, Northern Division May 23, 2014].
- 13 Fritzsche, *Unsafe at These Speeds*.
- 14 Public Justice Center, *The Disposable Workforce: A Worker’s Perspective*, <http://www.upc-online.org/workers/Poultrystudy.pdf>.
- 15 The Northwest Arkansas Workers’ Justice Center, *Wages and Working Conditions in Arkansas Poultry Plants (2016)*, <http://nwawjc.org/poultry-report>.
- 16 The Northwest Arkansas Workers’ Justice Center, *Wages and Working Conditions in Arkansas Poultry Plants*.
- 17 Ahmed Ali (lead organizer at the Greater Minnesota Worker Center in St. Cloud, MN), interview with Oxfam America, January 7, 2016.
- 18 Hytten, Frank. “Blood volume changes in normal pregnancy.” *Obstetrical & Gynecological Survey* 41, no. 7 (1986): 426-428.
- 19 Magaly Urdiales (worker advocate at the Western North Carolina Workers Center in Morganton, NC), interview with Oxfam America, December 21, 2015.
- 20 Fritzsche, *Unsafe at These Speeds*.
- 21 The Northwest Arkansas Workers’ Justice Center, *Wages and Working Conditions in Arkansas Poultry Plants*.

- 22 Tyson Foods, "Team Members' Bill of Rights," March 2005, www.tysonustainability.com/-/media/Corporate/Files/Download/TeamMemberBillofRights0305.ashx?la=en.
- 23 "Perdue Workers Are Treated Well," *The Baltimore Sun*, February 11, 2016, <http://www.baltimoresun.com/news/opinion/readersrespond/bs-ed-perdue-letter-20160211-story.html>.
- 24 Marc Linder and Ingrid Nygaard, *Void Where Prohibited: Rest Breaks and the Right to Urinate on Company Time* (Ithaca, NY: ILR Press, 1998).
- 25 Arti Patel, "Holding Your Pee: Health Risks from Ignoring Nature's Call," *Huffington Post*, February 27, 2012, http://www.huffingtonpost.ca/2012/02/27/holding-your-pee-health-_n_1299435.html.
- 26 University of Maryland Medical Center, "Urinary tract infection in women," <https://umm.edu/health/medical/altmed/condition/urinary-tract-infection-in-women>.
- 27 McKinley Health Center, University of Illinois at Urbana-Champaign. 2008. "Urinary Tract Infections in Women," http://www.mckinley.illinois.edu/handouts/urinary_tract_infections/urinary_tract_infections.htm.
- 28 American Pregnancy Association. 2015. "Urinary Tract Infection During Pregnancy: Symptoms and Prevention," <http://americanpregnancy.org/pregnancy-complications/urinary-tract-infections-during-pregnancy/>.
- 29 Women's Health.gov, 2014. "Urinary Tract Infection Fact Sheet," <http://womenshealth.gov/publications/our-publications/fact-sheet/urinary-tract-infection.html#b>.
- 30 American Pregnancy Association. 2015. "Urinary Tract Infection During Pregnancy: Symptoms and Prevention."
- 31 National Institute of Diabetes and Digestive and Kidney Diseases. 2012. "Urinary Tract Infection in Adults," <http://www.niddk.nih.gov/health-information/health-topics/urologic-disease/urinary-tract-infections-in-adults/Pages/facts.aspx>.
- 32 American Pregnancy Association. 2015. "Urinary Tract Infection During Pregnancy: Symptoms and Prevention."
- 33 Carl F. Marrs, Lixin Zhang, and Betsy Foxman, "Escherichia coli mediated urinary tract infections: Are there distinct uropathogenic E. coli (UPEC) pathotypes?," *FEMS Microbiology Letters* 252, no. 2 (2005): 183-190.
- Daniel F. Sahm, Clyde Thornsberry, David C. Mayfield, Mark E. Jones, and James A. Karlowsky, "Multidrug-Resistant Urinary Tract Isolates of Escherichia coli: Prevalence and Patient Demographics in the United States in 2000," *Antimicrobial Agents and Chemotherapy* 45, no. 5 (2001): 1402-1406.
- 34 Celeste Monforton (lecturer at George Washington University's School of Public Health and Health Services, former OSHA policy analyst, and former special assistant to the Assistant Secretary of Labor), interview with Oxfam, May 8, 2015.
- Johns Hopkins Press Release, "Poultry Workers at Increased Risk of Carrying Antibiotic-Resistant E. coli," Johns Hopkins Bloomberg School of Public Health, December 17, 2007, www.jhsph.edu/news/news-releases/2007/price-poultryworkers.html.
- 35 Americans with Disabilities Act of 1990, as amended, <http://www.ada.gov/pubs/adastatute08.htm>.
- United States Code, 2009 Edition, Chapter 126, "Equal Opportunity for Individuals with Disabilities," <https://www.gpo.gov/fdsys/pkg/USCODE-2009-title42/html/USCODE-2009-title42-chap126.htm>.
- Title VII of the Civil Rights Act of 1964, <https://www.eeoc.gov/laws/statutes/titlevii.cfm>.
- 36 "The Ten Principles of the UN Global Compact," United Nations, <https://www.unglobalcompact.org/what-is-gc/mission/principles>.
- 37 "The Universal Declaration of Human Rights," United Nations, 1948, www.un.org/Overview/rights.html.

COVER: As the poultry industry thrives and grows, workers on the processing line do not share in the bounty. Their hands hang, cut, trim, debone the billions of chickens that end up on plates in kitchens, schools, and restaurants. And those hands often end up bruised, swollen, scarred, and sometimes useless. Roughly 250,000 poultry workers in the US earn low wages of diminishing value, suffer elevated rates of injury and illness, toil long hours in difficult conditions, and have little voice, opportunity or dignity in their labor.

In addition, as this report reveals, poultry workers are routinely denied adequate bathroom breaks. This denial is a violation of the law, endangers the health of the workers, and strikes a blow to the human dignity of people on the line.
John D. Simmons / The Charlotte Observer



HEADQUARTERS
226 CAUSEWAY STREET, 5TH FLOOR
BOSTON, MA 02114-2206
(800) 77-OXFAM

POLICY & ADVOCACY
1101 17TH STREET NW, SUITE 1300
WASHINGTON, DC 20005
(202) 496-1180
info@oxfamamerica.org
oxfamamerica.org

Oxfam America is a global organization working to right the wrongs of poverty, hunger, and injustice. We save lives, develop long-term solutions to poverty, and campaign for social change. As one of 17 members of the international Oxfam confederation, we work with people in more than 90 countries to create lasting solutions.

© 2016 Oxfam America Inc. Oxfam America is a registered trademark of Oxfam America Inc., and the Oxfam logo is a registered trademark of Stichting Oxfam International. 1504045

♻️ Printed on 100 percent postconsumer recycled paper.