

Banned from Bathrooms: Los Angeles Taxi Drivers and the Denial of Restroom Access

Foreword

The mission of the Los Angeles Taxi Workers Alliance (LATWA) is to fight for the dignity, respect, and rights of taxi workers and to transform Los Angeles' taxi industry from a system of "sweatshops on wheels" into a 21st century green taxi industry that provides living wage jobs for racially diverse immigrant workers and protects the environment. Founded in July 2005 by a multiracial group of taxi workers and their allies, LATWA seeks to achieve systemic change through grassroots organizing, policy advocacy, research, litigation, and public education and mobilization.

LATWA was formed with the intention of becoming a workers' led organization. Now with a board composed exclusively of current and former taxi workers, LATWA is staffed by a coordinator who drove a Yellow Cab for 17 years after coming to the United States from Ethiopia. LATWA incorporated in the spring of 2008 and, while awaiting tax exempt status, is under the fiscal sponsorship of South Asian Network (SAN).

Some of the primary goals of LATWA include industry reform and drastic improvement of working conditions for thousands of taxi workers. Since July 2005, LATWA's achievements include the following: won lawsuit filed against LATWA by seven taxi companies designed to harass and intimidate drivers; eliminated city necktie requirement that posed safety risk; achieved clean drinking water and sanitary bathrooms in the airport holding lot and assurance of worker protections to be incorporated in city concession contract.

Acknowledgements

This report was written and researched by Brenda Pérez and Cathy Dang through their participation in the Occupational Health Internship Program (OHIP) in the summer of 2008. This internship program is meant to help medical, nursing, public health, and other students learn more about the field of occupational safety and health from those with the most at stake: working people. OHIP is designed to link the skills and interests of students with the needs of workers to eliminate workplace hazards. It is a national program housed within the Association of Occupational and Environmental Clinics, with training centers in the San Francisco Bay Area, Los Angeles and New York.

Through our eight-week internship, we received much support from many people. Our team learned a tremendous amount and we are grateful for all the assistance we received. We want to acknowledge those organizations that contributed to our project: OHIP, UCLA-LOSH and LATWA's Health and Safety Committee. We would especially like to thank the taxi drivers who allowed us to learn about their job and the daily struggles they face.

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Introduction and Project Background

Summary

This project sought to identify drivers' health and safety concerns related to working conditions. LATWA's Health and Safety Committee, composed of drivers and advocates, identified a range of health related problems for the project. Of the occupational health and safety problems proposed by drivers, the issue of lack of restroom access resonated with all.

Drivers felt this issue is not only a health problem but also an issue of human dignity and rights, as some establishments like hotels and restaurants in the Los Angeles area deny drivers access to their restroom facilities. Not only are drivers denied access to the restroom by private establishments which they serve, but they are also intimidated by the policies of the City of Los Angeles (City), that impose unreasonable restrictions on this elemental and biological right.

Through interviews and participation in a discussion group with drivers organized by LATWA's Health Committee, we sought to learn more about driver's access to restrooms and other health and safety concerns. We found that drivers suffer from working in unfair, unsafe, and unhealthy conditions. Three common themes emerged from the interviews and discussion sessions: the denial of use of restrooms, uniforms lead to drivers being targeted, and governmental agencies fail to protect drivers from violations.

The treatment of taxi drivers by various agencies, hotel management, and security is dehumanizing and violates fundamental human dignity. Drivers are placed at predictable risk of serious health and safety hazards even though these dangerous conditions can be prevented. Low wages and a competitive work environment mean that drivers often have to "hold it in," while certain City policies make restroom access more difficult.

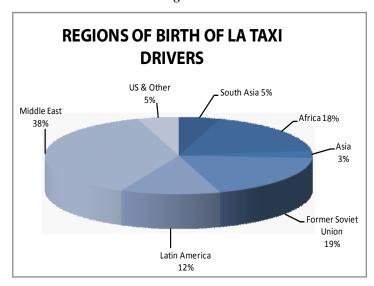
Public regulatory bodies can change these conditions by transforming the industry structure and fares. City agencies have the responsibility to intervene in these issues by ensuring decent wages, working conditions and changing policies that make drivers a target at hotels and other businesses.

Background

Taxi drivers are a crucial part of the transportation system of the city of Los Angeles. The approximately 4,000 licensed Los Angeles taxi drivers work hard to provide safe and high-quality service to both residents and visitors of the City. Although drivers provide a public service that facilitates the mobility of others, most taxi cab drivers face very poor working conditions, which are dictated by franchises negotiated between the City and taxi companies. Drivers are subject to a variety of mandates and restrictions, ranging from when and where they can pick up passengers to the color of the clothes they wear.

The average Los Angeles taxi driver is a 47-year-old male with one or more children living at home and has been driving a cab for 9.5 years (Blasi and Leavitt, 2006). Drivers are predominantly immigrants (87%) and come from at least 47 different countries, with the Middle East, the former Soviet Union and Africa as the most common areas of origin (Blasi and Leavitt, 2006).

Figure 1



Most drivers are skilled in trades or in business or professional occupations in their home country and originally viewed cab driving as a transitional occupation. However, due to low wages and long work hours, drivers are unable to save enough money or take time off to make a career change (Blasi and Leavitt, 2006).

Taxicab drivers work as either lease drivers or owner-operators and are considered independent contractors, without a defined employer. While many believe that this status gives drivers the liberty to have a flexible leisurely work schedule and hours, steep permit leasing fees mean that drivers must often work long hours over many days just to recover the fee and begin making a profit. This view that drivers are well-off small businessmen and women is false, as their low earnings and lack of benefits leave many entrenched in a subcontracting relationship that makes it difficult for drivers to make ends meet.

Taxicab drivers' status as independent contractors rather than employees also has consequences in terms of a loss of organizing and collective bargaining rights. As independent contractors, drivers are not covered under the National Labor Relations Act, which means that they are not guaranteed any minimum wage and cannot collect overtime pay. They do not have legal options when owners attempt to block organizing activities or engage in unfair labor practices such as the termination of leasing agreements (Fine, 2006). This makes it difficult for drivers to negotiate with owners for lower lease caps and other benefits (Klee, Kwon and Hydari, 2008). Because of their independent contractor status, drivers are not covered by

Cal-OSHA health and safety requirements and have no specific employer with whom to negotiate health and safety conditions.

Health and Safety of Drivers

A 2006 UCLA study, "Driving Poor: Taxi Drivers and the Regulation of the Taxi Industry in Los Angeles," identified work-related health problems which range from long hours of work to harassment, violence and the poor ergonomic design of taxi cabs. In addition, drivers experience disproportionate stress levels and exposure to air pollutants (Ueda et al, 1992). The table below notes the most widely reported health problems in the 2006 "Driving Poor" study. Also identified as a major concern

approximately \$8 an hour including tips (please note the figure is from 2006, current earnings may be less due to the weak economy). Therefore, in spite of working 72-84 hours a week, taxi drivers earn far less than the City's own "living wage."

Drivers in Los Angeles uniformly lack access to health care due to a lack of health insurance (61%) and inability to schedule time for appointments. Of the nine taxi companies authorized to operate within the city of Los Angeles none provide health insurance to drivers and only one-third of drivers are able to obtain health insurance for themselves through spouses or other sources (Blasi and Leavitt, 2006). While many fleets in other cities in the United States provide workers compensation coverage for drivers, Los Angeles taxi

Table 1
Work Related Health Problems

Health Problem	Drivers Reporting
Back pain severe enough to interfere with daily activities	49%
Leg problems, including swollen legs and left leg limp	40%
Shoulder pain severe enough to interfere with daily activities	30%
Eye problems	34%
High blood pressure	24%
Serious weight gain or obesity	21%

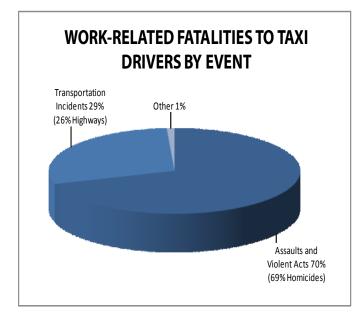
in Driving Poor and follow-up meetings with drivers are the long hours of work and their repercussions which include an ability to eat regularly, exercise, and see family. The average driver works 12 to 14 hours a day, (and sometimes even more when it is the driver's "airport day" because access to the airport is restricted), 6 days a week, for

companies do not, leaving drivers responsible for paying their own medical bills if they are injured while driving, which increases their vulnerability.

Taxi stands are mostly located in the sun, have no access to water, and offer little or no seating areas. These poor conditions are not only uncomfortable for the drivers, who can spend many hours waiting at a taxi stand, including at hotels, for a trip, but also for passengers who complain that the cab is too hot or uncomfortable. To protect the health and safety of both drivers and the general public these conditions must be addressed.

Violence plays an extreme role in the lives of taxi drivers. Of the drivers surveyed in 2006 by Blasi and Leavitt, one in three reported being subjected to hostile comments or racial slurs and one in four reported having experienced physical attacks. These figures echo previous national studies that estimated taxi drivers have up to 15 times the average exposure to occupational violence (U.S Department of Justice, 2005; U.S. Department of Labor, 2000). International studies place taxi-driving as one of the highest risk jobs (Chappell & Di Martino, 1998; Mayhew, 2000). In the United States, the Occupational Safety and Health Administration (OSHA) has found that taxi drivers experience a higher incidence of violence than police officers (2000).

Figure 2



Scope of Project

This project sought to identify drivers' health and safety concerns related to working conditions. It used a participatory research model which involves organizational representatives, community members and researchers as equal partners throughout the research process. This framework helped shape the entire scope of this project, from the initial structure of the methods to the data collection.

LATWA's Health and Safety Committee, composed of drivers and advocates, identified a range of health related problems for the project. This ranged from ergonomic concerns to access to health care. Of the occupational health and safety problems proposed by drivers, the issue of lack of restroom access resonated with all. Drivers felt this issue is not only a health problem but also an issue of human dignity and rights, as some establishments like hotels and restaurants in the Los Angeles area deny drivers access to their restroom facilities.

"Some hotel doormen suggest that drivers hide their badges when entering the hotel to use the restroom. Makes me feel embarrassed. Some doormen keep their eyes shut when drivers enter the hotels, but management gets angry."

-- Driver, Checker Cab

Not only are drivers denied access to the restroom by private establishments which they serve, but they are also intimidated by City policies that impose unreasonable restrictions on this elemental and biological right. Drivers usually do not take bathroom breaks for fear of losing a fare or for leaving the car unattended in "red zones" (refer to Rule 740, which states that "A driver in a taxicab zone shall not leave the taxicab unattended except to assist a passenger").

Lack of Restroom Access and its Health Implications

Medical studies show the importance of regular urination. In an Amalgamated Transit Union survey of 900 transit drivers, a third said they have had health problems related to waiting too long to use the bathroom, and a third said they have at times been forced to stop for emergency breaks in the bushes. Two-thirds said they have been distracted while driving by their need for a restroom (Graves, 2004). "Holding it in" can become a safety hazard to the public because a driver who is forced to delay defecation or retain urine is more likely to make driving mistakes.

"I prefer to stay at hotel stands because I like to have easy access to the restroom. When they do let me use the restroom, I am only allowed to use the restroom in the garage, which only has a urinal and no toilet."

-- Driver, Checker Cab

Having a full bladder for hours predisposes many to bladder infections and kidney stones (Linder and Nygaard, 1998; Linder, 2003). Urinary infections, kidney and bladder stones, and other causes of chronic bladder irritation have been linked with bladder cancer. Adverse health effects that may result from voluntary urinary retention

include increased frequency of urinary tract infections (UTIs), which can lead to more serious infections and, in rare situations, renal damage (Nielsen and Waite, 2004).

"Doormen have asked me to leave before.
At the [westside hotel] they tell me to go to the garage, but there is a key code and the management refuses to give the code to the drivers. I therefore have no restroom access. When I do have access to the restroom, most of the time there is no toilet and only a urinal. I feel embarrassed to ask to use the lobby restroom because management will ask why I can't use the garage restroom."

-- Driver, Yellow Cab

The method that some drivers use to approach this problem, "holding it in," can be dangerous. As pressure in the bladder rises with increasing volumes of urine, either incontinence occurs or the urine begins backing up into the urethras, the tubes that deliver urine to the bladder. This condition ultimately causes kidney damage, and in some extreme cases death. In other instances, the persistent bladder dilation decreases the blood flow to the bladder wall, which, in turn, decreases a person's resistance to infection (Linder and Nygaard, 1998).

Medical evidence also shows that health problems, including constipation, abdominal pain, diverticulitis, and hemorrhoids, can result if individuals delay defecation (National Institutes of Health, 1995). Physicians believe that to "delay having a movement of the bowels absorbs a large amount of toxins...which reduces muscular efficiency to a very marked degree [because] fatigue is often dependent upon the absorption of toxins from the intestinal tract" (Linder and Nygaard, 1998).

Objectives

The objectives of the project included three elements:

- 1. Learn from the drivers themselves about the health and safety conditions they experience, specifically their lack of restroom access.
- Document the nature, extent, and implications of this lack of restroom access for drivers as a worker population.
- 3. Communicate our findings back to drivers and raise awareness of health and safety issues among drivers.

Methodology

To learn more about driver's access to restrooms and other health and safety concerns, we conducted interviews and participated in a discussion group with drivers organized by LATWA's Health Committee.

Discussion Group—12 drivers

One of the main objectives of this project was to speak to drivers about the health and safety conditions they experience, specifically their experiences and consequences of lack of restroom access. We participated in a LATWA Health and Safety Committee discussion group, which aimed at:

• Developing a collective awareness that

- health problems may be related to taxi drivers' job.
- Identifying and prioritizing the causes of these problems.
- Discussing the changes that taxi drivers would like to see most and next steps that should be taken to address the problems and issues identified.

Drivers participated in a body mapping activity—participants identified where in their bodies they felt physical pain using basic diagrams of the body. Drivers then summarized these problems and identified their two biggest concerns followed by changes that could be made to improve these conditions.

Interviews—53 drivers

We interviewed 53 drivers. At the suggestion of driver-members of LATWA's Health and Safety Committee, the following sites were visited. These sites were recommended for visits because of their variation in location, location type, and were among the locations where drivers have been denied access to restrooms:

- LAX Hotels: Westin Hotel, Marriott Hotel, Best Western Hotel, Sheraton Gateway
 - --From 12pm-4pm
- West Los Angeles: W Hotel, Hotel Angeleno, Luxe Hotel Sunset Boulevard
 - --From 9am-12pm
- Downtown Los Angeles: Greyhound Bus Station, Union Station, 7th and Figueroa Taxi Cab Stand, Mellon Bank Taxi Cab Stand, Marriott Hotel, Omni Hotel, Sheraton Hotel, Biltmore Hotel,



During the discussion group, the majority of drivers identified the lack of access to the restroom as a cause of physical pain. Four of the twelve drivers identified the lack of restroom access as one of their major concerns.

Hilton Checker

- --From 9am-4pm
- Hollywood: Renaissance Hotel, Roosevelt Hotel, Various taxi stands throughout.
 - --From 11pm-2am
- Beverly Center
 - --From 4:30pm-5:45pm
- West Hollywood: Sunset Strip
 --From 11pm-2am

We offered each informant a brief introduction about our project and asked three open-ended questions:

• If you need to use the restroom, what do you do?

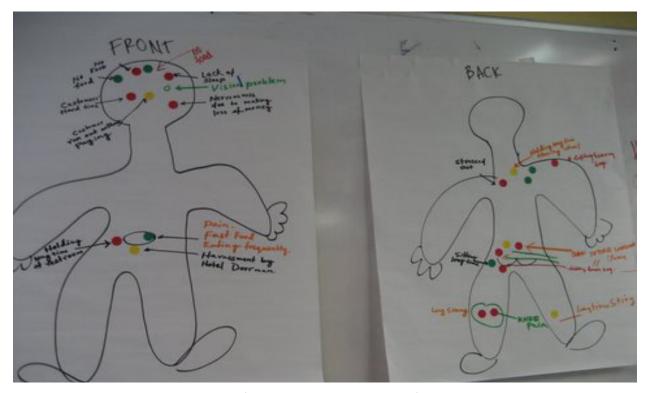
- Have you ever left your cab unattended to use the restroom?
- Have you ever been ticketed or experienced harassment from city agencies (DOT, Parking Enforcement, etc.) because you needed to leave your cab unattended to use the restroom?

These three simple questions often elicited long and passionate responses. The amount of time we spent speaking to drivers ranged from 10 minutes to an hour. The findings from these interviews are summarized in the next section.

Drivers participating in the discussing group.



"The only chance I have to go to the restroom is during dinner. I stop at a convenience store if I needs to use the restroom, but I am forced to purchase something. If you serve a hotel, you should be able to use the restroom because you are working for the hotel." --Driver, Checker Cab



Body maps, identifying where on their body drivers feel physical pain.

7 Findings and Conclusion

Findings

From the interviews and discussion session with taxi drivers, we found that most drivers have a "cognitive map" of the city with friendly places where they can go when they need to access the restroom. Whether it is a hotel, a park, a gas station, convenience store, or even their own home, most drivers say that they are aware of places that permit them to use their facilities. Drivers also mentioned that they usually ask other cab drivers to look out for their cabs when they need to leave to use the restroom.

Some drivers noted that they make a conscious decision to drink fewer liquids. This is very dangerous to the driver's health, as the threat of dehydration can result in serious consequences such as dizziness, nausea and even kidney failure in serious cases. Not only is dehydration a serious danger to the health of drivers, but it can also pose a serious safety hazard, as drivers can become distracted and can lose focus. Caffeinated beverages such as coffee, soda and energy drinks are popular among drivers because they believe that this will cause them to urinate less often. Research shows that caffeinated drinks may

be diuretics and have the opposite effect, in addition to other negative effects these drinks may have on health.

"When working in Hollywood at night, I use the restroom at Spotlight Bar because I know the people who work there. They let me in and I don't have to pay. When I go to Spotlight to use the restroom, I park in the red zone. I've gotten ticketed twice for doing this. Once, I walked out as the police officer was giving me a ticket and I explained to him that I had to use the restroom. The officer said he was just doing his job and had to give me the ticket. Each ticket was \$70.

I can't park my cab in my neighborhood because it is considered a commercial vehicle and commercial vehicles can't park in residential areas. I've gotten tickets for doing this. The first ticket was \$50 and the next one was \$100. I live in North Hollywood and sometimes I have to go home for restroom breaks."

-- Driver, Checker Cab

Three common themes emerged from the interviews discussion sessions: the denial of use of restrooms, uniforms lead to drivers being targeted, and governmental agencies fail to protect drivers from violations. We discuss each of those themes in detail below.

Denial of use of restrooms

Most drivers complained about an overall lack of restroom access around the city and the active prohibitions they face from hotels and other business owners. A driver reported that "90% of hotels do not allow drivers to use the restroom." Most drivers are forced to go to a gas station or convenience store if they need to use the restroom, where they are forced to make a purchase and expend their limited income to gain restroom access.

Drivers feel uncomfortable at hotels because doormen and management give drivers "bad looks" for using their facilities. Drivers, on the other hand, feel that if they are "serving that hotel or that business, [they should] have the right to use the restroom, for [they] are working there too," as a driver interviewed said. Drivers say that their respective taxi companies communicate to them via radio what hotel restrooms they can and cannot use.

Several drivers mentioned that the hotels where the management allows them use their facilities usually "suggest that I hide my badge when I enter the lobby area." Many drivers also said that often times, although they are told to use the garage restrooms, they lack the keys or access codes. Management refuses to tell drivers what the codes are and deny access to the facilities.

A driver spoke to us about an experience when he was given the key to the restroom in the garage. He needed to use a toilet (most garage restrooms only have urinals), and when he asked about using the lobby restrooms, he was told he could not use it, and "drivers could only use the downstairs restrooms."

-- Driver, Beverly Hills Cab

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Ticket received by a driver because he stopped to use the restroom at the taxi holding lot although it was not his "airport day." He was in the area and decided to use the restroom closest to him, leaving his cab in the parking lot adjacent to the holding lot for a few minutes. He tried to explain the situation to the officer who was giving him a ticket, but the officer refused to give him a warning.

Two years ago, at a major downtown hotel, a security guard physically assaulted a driver because he needed to use the restroom. The driver obtained the key to the restroom from the front desk, but when he tried to go into the restroom, security stopped him and said he could not use it and asked the driver how he got the key. The driver told him that he received it from the front desk and the security guard proceeded to tell the driver to give the key to him. The driver told him that he needed to give the key back to the front desk, even if he could not use the restroom. The security guard pushed him against the wall, held him and demanded that he get the key. The guard wouldn't let him leave without retrieving the key, and the driver, after being physically assaulted, gave the security guard the key. The driver called the police, but said they could not do anything about it because hotels are private property. He then told the hotel management, but they did not do anything about the situation.

--Driver, Independent Cab

Uniforms allow for hotel doormen and businesses to label and target drivers

Los Angeles is one of the few places in the U.S. where taxicab drivers are required to wear a uniform. Drivers feel that this requirement only allows for further denial of restroom access. Several drivers said that the uniform requirement immediately allows others to identify them as taxi drivers, and thus be targeted by doormen and business owners. Most drivers feel that if this rule were amended they would be allowed to use more facilities. A driver best put it:

"I am not working in a lawyer's office, why should I have to wear a uniform? White is the worst color for working all day and I have to buy new black pants every 2 weeks because my pants fade and I could get a ticket because my pants are not "black enough." Passengers don't care, as long as I get them where they need to go."

--Driver, United Independent Cab



The DOT and Airport Police fail to protect drivers from these violations

City agencies serve as regulators but fail to ensure access to restroom facilities for drivers who serve the public. Instead these agencies further punish drivers with citations. The City of Los Angeles can change these conditions by establishing policies that address the health and safety conditions of drivers. Taxi companies do not represent the drivers' best interests, and so the City must act to protect them by offering drivers procedural and substantive safeguards and representing drivers in a systematic way.

"I know I can't use the restrooms in the [downtown hotel] or [downtown hotel]; and most drivers are aware which hotels are friendly and which are not. I usually use the restroom at my favorite restaurant. I received a ticket from the airport police before for leaving my cab unattended in LAX. I was the 5th cab at the taxi stand and the restroom was 8-10 feet away. When I came out of the restroom, I saw the airport police giving me a ticket. I told the officer I was in the restroom, but I was still fined. This occurred 9 months ago, I was fined \$90 or given the option of 3-day suspension. I rather pay the fine than have to go to the DOT. 90% of the gas stations I go to don't have bathrooms available. The attendants tell me it is "out of service." "

--Driver, Independent Cab

Experiences like the ones mentioned intimidate drivers—some do not like to use restrooms at hotels for this very reason and are forced to go to convenience stores or gas stations although they are obligated to purchase something. Drivers poor economic conditions are exacerbated and they are penalized economically by



Drawing by Helen Ramsey

the denial of restroom access. They are sometimes ticketed and have to pay hefty fines or are forced to buy items at gas stations and convenience stores in order to gain restroom access. Drivers should have a place were they can take a break and rest, eat and use restroom facilities, even if they do not purchase anything.

Conclusion

Through industry problems ranging from hotel and city policies to low wages and a competitive work environment, taxi cab drivers in Los Angeles are denied their physiologic right to empty their bladders. This right is no less important than a worker's right to have protection from dangerous chemicals or other immediate

hazards. The right to have access to restroom facilities is not just a topic of individual dignity and comfort, but ignoring a full bladder can be dangerous.

Taxi drivers face major health and safety hazards, earn poverty wages, and toil in the most dangerous occupation in North America. These unfair, unsafe, and unhealthy working conditions can develop into painful symptoms that incapacitate drivers, both in and outside of work. Despite these substandard workplace conditions, drivers risk their lives every day and are subject to inferior treatment and are explicitly excluded from many labor protections.

Low wages and a competitive work environment contribute to conditions

where drivers often are forced to "hold it in" because they are denied restroom access and regularly sacrifice breaks in order to increase wages. Because the consequences of low wages are more evident and direct than those related with the lack of restroom access and breaks, it is also probable that many drivers may assign a reasonably low priority to taking rest breaks, even if it is seriously hazardous to their health. Drivers experience devastating physical and mental fatigue; the physiological consequences that they suffer when wages take priority is a profound testament of the absurd state of the taxi industry. The City can intervene by insuring decent wages and working conditions to drivers. Los Angeles City must act to change these poor and unjust policies to be inclusive of taxicab drivers.

The City regulates the taxi industry as a public utility and thus clearly has the authority to play a leadership role in ensuring that drivers have restroom access. Los Angeles City needs to ensure that drivers have safe and healthy working conditions, specifically, access to the very establishments that they serve and that are crucial for the traveling public. In failing to ensure that drivers have restroom access, the City is failing drivers and also its obligation to the public.

Certain City and hotel policies make restroom access more difficult for drivers. The City and hotels can work together to insure that set rules and regulations are in place to prevent discrimination and abuse. City agencies and taxicab companies must work together to enforce policies and respect the legal right of drivers to demand safe and healthy workplaces and fight the conditions that create these conditions.

"At the [westside hotel], they have said that they do not want to see the taxis and so they moved their taxi loading zone from the lobby area to the alley in the back of the hotel. We cannot let people see us, the management thinks we are so dirty that they don't want the customers to see us. I think the city should work with hotels and their administration to come to agreements on issues like restroomseach hotel rule is different and this causes distress to workers."

-- Driver, Yellow Cab

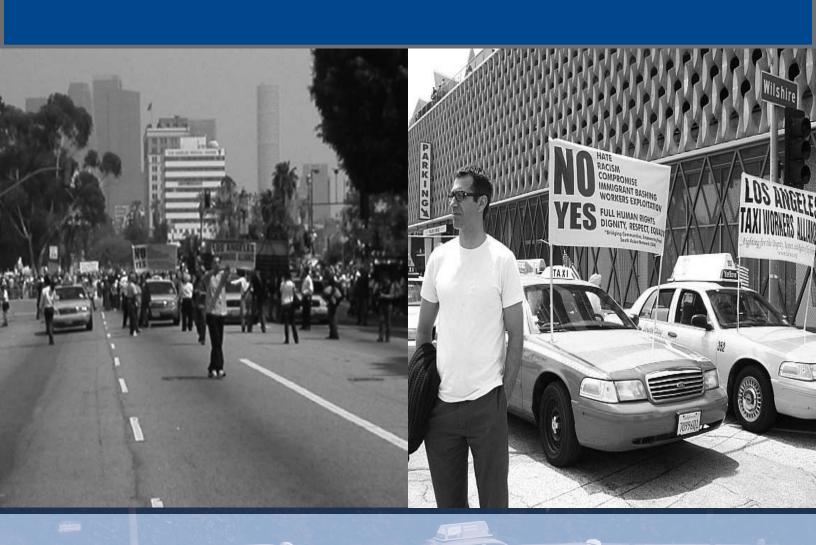




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Los Angeles Taxi Workers Alliance

Fighting for the Dignity, Respect and Rights of Taxi Workers

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