

No, But Really – I HAVE to go to the Bathroom!

Usually, excusing yourself to go to the men's room during a meeting is not a major issue. Except when the place where you're attending the meeting has no accessible restrooms for scooters. This happened to me last month, when I was attending a business meeting.

Another person and I went looking for a scooter-accessible restroom. We checked three floors of the building. None of them had a scooter-accessible restroom.

At first, I was really upset. I mean, after all, they had invited me to the meeting. Didn't they think that a person with a scooter might have to use the restroom?

Anger quickly turned to understanding. I realized that they probably didn't have an employee in a wheelchair or scooter working in that building, and therefore thought their bathrooms were totally accessible. As it turned out, I was half right, and so were they.

When I returned home from the meeting, the second thing I did was to research the ADA guidelines on accessible bathrooms. Without getting into specific Titles of the ADA, it seems that there are two types of accessible toilet stalls in the ADAAG guidelines. One is for persons who walk. The other is for persons who use a mobility device, such as a wheelchair or a scooter. The company in question had an accessible walk-in stall, but not an accessible scooter stall.

The reason I tell this story is because it got me to thinking about accessibility. Whose responsibility is it to be sure proper facilities are in place before attending an event or a meeting? This issue has sparked many debates. One blogger, Wheelchair Dancer, wrote about an event she did not attend because the organizers did not consider her bathroom needs (<http://cripwheels.blogspot.com/2009/02/art-of-bathroom-and-disability-events.html>). The event she described was a disability-specific event. In fairness, I was just going to a regular business meeting, and was the only person with a visible disability in attendance.

What's fair? What's reasonable? Should I go hyper-aggressive and file an ADA complaint, or should I try to work with the people involved to make sure it doesn't happen again? In this case, I decided to contact the company that held the meeting, and informed them of their oversight. As a by-product of this incident, I even gained supporters who weren't disabled and who were more upset about the situation than I was. The company assured me that the bathroom issues would be

resolved by the next time I had to attend a meeting in that location. Is that good enough? If I am truly a disability activist, shouldn't I demand immediate remedy, so that not only my circumstance was resolved, but make a stand for the disability community as a whole?

In my experience, I have found that there are two reasons for lack of accessibility. One is an oversight, as described above, where the company was in compliance for walk-in toilet stalls, but not accessible for people who use scooters. The other is when the business in question is either grandfathered in, does not have the resources to make the changes, or in the most extreme cases, doesn't care about accessibility or handicapped patrons. The question is, how do you determine which is which, and how you, as a person with a disability, react to it.

In most cases, I try to be educational instead of confrontational. This approach works most of the time. For example, the Disability Advisory Board of Union County, New Jersey is in the process of updating handicapped parking signs with the proper fine amounts (the fine was increased from \$100 to \$250). So far, two months into this project, none of the disability advisory board members have been rebuffed by business owners. In fact, most business owners have been very accommodating in the best sense of the word. Some, in fact, started to place the replacement decals over current signs before members even left the premises. PWDs (in this case, people without disabilities) don't seem to be the problem. Ignorance is.

In handicapped parking spaces, for example, it is not that the spaces are unsigned, it's that they are often set up incorrectly, with either not enough width to allow a van to drop a ramp, or not enough spaces in a parking lot. When it's brought to people's attention, they are usually at least sympathetic, even if they cannot do anything about the situation since, usually they do not have responsibility for the parking lot in the mall where their business is located.

That still does not solve the problem, though. If parking spaces and bathrooms were handled correctly the first time, we wouldn't have to spend our lives retrofitting everything that should already have been done. Also, there wouldn't be this constant debate in the community about whether to try to educate first, or immediately file an ADA complaint.

Education or confrontation? How do you feel about the question? Please drop me a line at disableddealer@amvans.com and, depending upon your responses, I will address the issue further in my next column (October).