

[Note: you should edit this to fit your individual circumstances]

Dear [business, service, or organisation]

I am **disappointed / concerned / angry / disgusted** to learn of the trans-exclusionary policies you have chosen to adopt following the recent UK Supreme Court ruling and the Equality and Human Rights Commission's (EHRC) "interim update."

[If necessary, link to the relevant policy and / or outline the parts you are particularly concerned about.]

You have indicated that you are doing this to comply with "the law" and / or EHRC "guidance."
[word this bit as appropriate, depending on the organisation's specific position / statement].

However, relying on the EHRC's "interim update" to impose trans-exclusionary policies **risks serious legal liability**, is likely to be **highly disruptive and distressing** to customers / clients / staff whether trans or not, as well as **extremely difficult if not impossible to enforce**.

You should be aware that:

a) The EHRC has admitted that their "interim update"¹ is "**not the law**," and nor is it "**guidance**." The EHRC have stated that it is merely "headlines of our interpretation of the judgment" and "not the definitive word."²

b) The EHRC's interim update has to date been subject to **five separate legal challenges**, including by the Good Law Project.³

c) As part of these legal filings, the EHRC has "abandoned its contention that employers must provide single sex toilets" instead conceding that "In relation to workplaces, requirements are set out in the Workplace (Health, Safety and Welfare) Regulations 1992. These require suitable and sufficient facilities to be provided including toilets and sometimes changing facilities and showers. Toilets, showers and changing facilities may be mixed-sex where they are in a separate room lockable from the inside."^{4 5}

d) The EHRC has admitted that they do not yet know "**where the law rightfully, in practical terms, takes us**." They state that they will "only come to a definitive landing point" once they have completed a full consultation on their new Code of Practice.⁶

e) The EHRC has admitted that asking individuals about their 'sex' **may cause distress**.⁷ According to the Scottish Commission for Human Rights, such practices and policies also risk breaching the non-discrimination and / or privacy rights of all customers / staff, whether trans or not.⁸

f) Such policies will invoke **scrutiny and "policing" of the gender presentations** of all customers / clients, either formally or informally, and either by staff or fellow customers. This significantly **increases the risk of distress, harassment, and abuse to customers**, whether trans or not, while at the same time doing nothing to improve client safety or reduce purported harm.

g) These policies **risk "outing" trans people** to their work colleagues and / or to other clients / customers by forcing them into services which do not align with their gender presentation, or by newly segregating them into some "third space" when they may have been using gender-aligned facilities for years. Additionally, it is unclear what your service plans to do if an individual is unwilling or unable to 'prove' their 'sex,' or if their disclosures are deemed by staff to be 'false.'

h) Workplace toilets are not governed by the Equality Act (to which the Supreme Court judgement applies) but by the Workplace Regulations 1992 (which the Supreme Court judgement does not address).⁹ Therefore, it is difficult to understand the legal basis on which you are making a policy change regarding workplace toilets.

i) In general, such exclusionary policies seriously undermine any pretence of ‘inclusivity’ or ‘acceptance.’ Given the anxiety, distress, and confusion such policies are likely to cause, clients are likely to simply choose to go elsewhere and boycott services with such policies altogether.

I would therefore strongly urge you to urgently review and / or retract the exclusionary and segregationist policies you have imposed, which risk such harm to your [customers / clients / staff].

Instead, I would strongly encourage you to maintain the trans-inclusive policies you previously employed and hold off on any policy changes until the above legal uncertainties are fully resolved.

Thank you in advance for your action and understanding.

Yours sincerely,

[NAME]

References:

¹ <https://www.equalityhumanrights.com/media-centre/interim-update-practical-implications-uk-supreme-court-judgment>

² <https://committees.parliament.uk/oralevidence/16043/html/>; see Q32-Q34

³ <https://goodlawproject.org/were-bringing-a-legal-challenge-to-the-ehrcs-interim-update/>

⁴ <https://goodlawproject.org/ehrc-formally-abandons-single-sex-toilet-stipulation/>

⁵ <https://www.thenational.scot/news/25263841.ehrc-changes-guidance-single-sex-toilets-legal-challenge/>

⁶ <https://committees.parliament.uk/oralevidence/16043/html/>; see Q24

⁷ <https://www.equalityhumanrights.com/equality/equality-act-2010/codes-practice/code-practice-consultation-2025-changes-chapter-2#change22newcontentonaskingaboutsexatbirth>; see section 2.2.1

⁸ <https://www.scottishhumanrights.com/media/3044/positionstatement-policy-sexandgender-11082025.pdf>

⁹ https://goodlawproject.org/wp-content/uploads/2025/05/Letter-to-the-Equality-and-Human-Rights-Commission-16-May-2025_Redacted.pdf see p.17