



Trans inclusion guide

The latest ruling: what does this mean, and how can we stay on track in creating truly inclusive workplaces?

What we know so far: On 16 April 2025, the UK Supreme Court ruled in *For Women Scotland Ltd v The Scottish Ministers* that the terms “woman,” “man,” and “sex” in the Equality Act 2010 refer specifically to biological sex assigned at birth, even if someone holds a Gender Recognition Certificate (GRC).

This means that, legally, trans women are not recognised as women and trans men not as men, in situations where the Act applies. This has serious implications for access to single-sex spaces like restrooms, hospital wards, crisis centres, prisons, police strip searches, and sports, where exclusion based on biological sex may now be lawful.

However, the Court also reaffirmed that protections for the trans community under the Equality Act, particularly relating to “gender reassignment” remain in place. **The trans community is still protected from discrimination and harassment.**

While we need to acknowledge, this is a complex and sensitive issue, organisations are encouraged to respond with **care, respect, and a continued commitment to inclusion**. Thoughtful dialogue, inclusive policies, and active learning will remain essential as we navigate the path forward together.

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We acknowledge the recent ruling and the confusion and concerns it has created, not just for you as an HR practitioner, but for your entire organisation and its people. The ruling, as it stands, has raised more questions than it has answered. However, while we wait for further clarity, it's important to remember that you can absolutely continue your efforts to build a fully inclusive workplace for all current and future employees.

To support you through this period, we've put together some practical guidance to help you navigate these uncertainties with confidence and care.

Relevant facts to consider in light of the situation

- The EHRC guidance is non-statutory and does not carry the force of law.
- The trans community is an integral part of the LGBT+ community.
- Transphobia remains transphobia, this has not changed.
- Bullying and harassment in any form remain unacceptable.
- Whether you're aware of it or not, you do have trans employees.
- Your employees also have family members, friends, and loved ones who are trans.
- If you want to attract top, diverse talent, that includes continuing to welcome the trans community.



>> What can you just continue to do?

- Employees can still be held accountable and disciplined for any unwanted behaviour, including all forms of bullying, harassment, or transphobia.
- Continue to embed your people policies, respond appropriately to complaints, investigate incidents thoroughly, and follow established processes.
- Keep creating inclusive spaces and activities and make sure they're explicitly communicated as such.
- Provide ongoing training and raise awareness of inclusion related topics such as bullying, harassment, and respectful workplace behaviours.
- Continue to communicate your commitment to becoming and being a fully inclusive employer, across every part of your organisation.
- As before, prepare with compassion and facts for any sensitive meetings and discussions (and acknowledge this is a challenging time).

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»» What can you do despite the ruling?

- Use this moment to review your bullying and harassment policies. Ensure they clearly outline a zero-tolerance approach, with explicit examples of transphobia, biphobia, ableism, and other forms of discrimination if not already included.
- Re-communicate your policies, code of conduct, and related guidance across multiple channels such as all employee emails, your intranet, or any other platforms you use regularly.
- Actively involve your senior leadership team. Ensure decision makers understand that the trans community absolutely remain protected under equality legislation.
- Encourage leaders to publicly reaffirm their commitment to inclusion for example, during Town Halls or all employee meetings. Clear, transparent communication from the top makes a meaningful impact.
- Reassure employees that your commitment to becoming a fully inclusive workplace remains firm and ongoing. In doing so, you can encourage your line managers to reach out and offer support to any individuals who might be personally impacted by this ruling.
- If you have an LGBT+ or Inclusion & Diversity employee network, proactively engage them to ensure your communications reflect your organisation's values and culture.
- Encourage these networks to echo and reinforce your message of unwavering commitment to inclusion, helping to amplify and embed it throughout the organisation.

»» What can you do because of the ruling?

The one thing you can do following this ruling is to review and where needed **clarify your internal policies and processes** to ensure they align with the updated legal interpretation. **However**, it is important to note that employers are currently **not legally mandated** to revise and update internal policies immediately. Instead, it is **strongly advisable** to review and, where appropriate, clarify the organisational policies to ensure alignment with this legal interpretation.

This includes:

- **Reviewing existing policies:** Assess current policies related to equality, diversity, inclusion, and facilities access to identify any areas that may require clarification.
- **Defining key terms:** Clearly define terms such as "sex," "gender," and other relevant language as they apply within your organisation, referencing the legal context where appropriate.
- As part of this process, we encourage you to provide clear guidance to employees to support understanding and consistency.
- By proactively reviewing and updating your policies, you can navigate the complexities introduced by the ruling, meet your legal obligations, and continue building an inclusive workplace for all your current and future employees.

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>> If in doubt, ask yourself:

- Do we want to continue our journey of becoming a fully inclusive employer?
- Do we want to continue with a zero-tolerance approach to any forms of bullying and harassment?
- Do we want to support our trans colleagues and the wider trans community?
- Do we want to continue to stand by our values?
- Do we want to continue to become a leader in our industry?
- Are we committed to continuing our support for the trans community as much as we are for the rest of the LGB+ community?

During a time when a marginalised community feels even more marginalised, it is important to ensure we continue to lead with integrity and confidence. Use this opportunity to involve your employee networks and leadership team in shaping the next steps.

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It's important to recognise that the full impact of the ruling and how it will affect the lives of trans people, including those with a GRC will only become clear over time as the implications unfold. We encourage you to stay engaged with us and with trans inclusion organisations to keep informed and supported. Ongoing dialogue and collaboration will be key to navigating this evolving landscape with care and confidence.

Navigating the implications of the Supreme Court ruling requires a balanced approach that respects legal obligations while upholding the dignity and rights of trans individuals. Organisations are encouraged to remain committed to inclusivity, seeking guidance and resources to support all employees effectively.

Lead with compassion and empathy and acknowledge that this is a deeply challenging time for your trans employees and the wider trans community.

Ready to build a more inclusive workplace?

From expert led e-learning to tailored workshops and leadership training, our ED&I programmes are designed to create lasting change across your organisation. Let's work together to create a culture where everyone feels respected.

Get in touch at hello@telljane.co.uk if you'd like to discuss your needs or request a brochure.
