

# **Unite for Trans+ Rights**

## **Mass Lobby MPs**

**June 25<sup>th</sup>, 1-4pm, Westminster**

### **Background Briefing**

The Equalities and Human Rights Commission (EHRC) has produced a draft Code of Practice to the Equality Act that - if implemented - will have a devastating impact on the day to day lives of trans+ people in the UK, excluding them from settings ranging from specialist support services to gym changing rooms and toilets.

We need parliamentarians to step up and speak out NOW to prevent this draft guidance becoming law.

The goal of the Unite for Trans Rights mass lobby is to show the depth and breadth of support for protecting trans+ rights in the UK, educate our lawmakers, and call on them to take concrete steps to prevent trans+ people's lives being made less free and less safe.

A mass lobby is when a group of people contact their MP or contact members of the House of Lords and arrange to meet them in parliament on the same day and at the same time. It's a great way of making it clear to parliamentarians that their constituents (or in the case of the House of Lords, UK residents) are passionate about an issue, and is an effective way of encouraging them to take action.

Remember to talk about your own experiences, thoughts and feelings, and the experiences, thoughts, and feelings of the people you know. You are speaking to your MP as a constituent, and it is personal stories like yours – not technical legal analysis - that is most likely to make them take action.

### **Key Points at a glance:**

The EHRC's Draft Code of Practice:

- Will introduce a UK wide 'bathroom ban' excluding trans+ people from toilets and changing rooms, and exposing both trans+ and cis people to distressing invasions of privacy
- Will force vital services and much needed community groups to exclude trans+ people
- Will expose businesses, services and community groups to a high risk of complaints and litigation, whatever they choose to do.

We want MPs to take the following actions NOW:

Contact Equalities Minister Bridget Philipson, and PM Keir Starmer and ask them to promise that:

- No new Code of Practice to the Equality Act will be laid before Parliament without a process in place for full parliamentary scrutiny.
- The government will not support changes to the Equality Act or its Code of Practice that reduce or limit the rights and protections afforded to trans people or reduce trans+ people's access to vital services and facilities.

Tell them that we want them to:

- Ask parliamentary questions focused on protecting trans+ people's rights and defending trans+ people's abilities to live safe and dignified lives.
- Speak up in debates in defence of trans+ people's rights.
- Meet regularly with trans+ constituents to understand the lived experience of the community.

## **What is the Equality Act?**

The Equality Act 2010 is the most important anti-discrimination law we have in the UK. It outlaws discrimination based on 'protected characteristics': age, disability, 'gender reassignment' (being trans+), marriage / civil partnership, pregnancy and maternity, race, religion or belief, and sex. It protects us from discrimination in work, and from discrimination in public and private services as well as 'associations' (any group with more than 25 members).

The Code of Practice to the Equality Act is a statutory code of practice (a type of law) that sets out how the Act should be implemented. Responsibility for drafting the Code of Practice for the Equality Act belongs to the Equality and Human Rights Commission.

## ***For Women Scotland v Scottish Ministers***

On 16<sup>th</sup> April this year the Supreme Court issued a judgement in *For Women Scotland v Scottish Ministers*.

This case was originally about representation on public boards in Scotland, specifically whether trans+ women should be considered women in the context of the Gender Representation on Public Boards (Scotland) Act. This is an act that has the goal of ensuring that 50% of all non-executive seats on Scottish public boards are held by women.

To decide the case, the question the Supreme Court was asked to consider was whether the protected characteristic of 'sex' in the Equality Act means only sex assigned at birth, or whether it also includes sex as recognised by a Gender Recognition Certificate.

The Supreme Court held that for the purposes of the Equality Act, 'sex,' and the terms 'man' and 'woman' means only sex assigned at birth.

The full implications of the judgement are not clear. For example, former Supreme Court Justice Lord Sumption has publicly stated that the judgment is 'widely misunderstood' and that there is 'no obligation to exclude'.

For an overview of the case see this article by Jess O'Thompson here: <https://www.prospectmagazine.co.uk/ideas/identity/equality/69803/supreme-court-judgment-sex-trans-rights>

For critical legal analysis of the Supreme Court judgment see this article by Crash Wigley here: <https://www.translegalproject.org/post/for-women-scotland-a-legal-critique>

### **The EHRC 'Interim Update' and public statements from EHRC leadership**

In the wake of the Supreme Court judgement being issued, the EHRC rapidly published an 'Interim Update' on April 25<sup>th</sup>. This 'update' extended the scope of the Supreme Court ruling to explicitly cover day to day settings such as toilets and changing rooms.

The 'Interim Update' has no legal force, but it states that trans+ women should not be allowed to use women's toilets and changing rooms and that trans+ men should not be allowed to use men's toilets and changing rooms. It says that '*in some circumstances the law also allows trans+ people to be excluded from all gendered toilets and changing rooms,*' while noting that '*trans people should not be put in a position where there are no facilities for them to use*'.

This aligns with public statements by the EHRC Chair and Commissioners in the wake of the Supreme Court Judgement. For example, just days after the ruling, the Chair, Baroness Falkner said on the Today Programme that the EHRC would 'pursue' the NHS to ensure it changed its policies on single sex healthcare. More recently, Commissioner Akua Reindorf, speaking at a public event, stated that trans+ people will '*have to accept a period of correction*', saying '*the correction of self-ID policies and practices will inevitably feel like a loss of rights for trans people*'.

## Consultation on the Draft Code of Practice

On the 20<sup>th</sup> of May, the EHRC opened a consultation on proposed changes to the Code of Practice to the Equality Act. This consultation runs until the 30<sup>th</sup> of June (except for responses that are submitted in Welsh).

The consultation documents are long, complex and have been written in a way that makes it very difficult for respondents to challenge the reasoning that underpins the proposed changes.

The proposed changes are profound.

***Under the draft code of practice, no single sex service or association could operate on a trans+ inclusive basis.*** This would apply to everything from a women's hiking group or men's meditation class to a domestic abuse service or a hospital ward. Trans+ exclusion would become the legally mandated norm, and access to vital services will be decimated.

Prior to the Supreme Court judgment, single sex services and associations could operate on a trans+ inclusive basis or could choose to exclude trans+ people where this could be justified as a 'proportionate means of achieving a legitimate aim'.

***Under the draft code of practice, no single sex toilets or facilities could operate on a trans+ inclusive basis.*** This is a national bathroom ban. It means that trans+ people could be left without any toilets or facilities that they can use, unless the building they are in happens to have unisex toilets or changing rooms. Studies from the US have shown that bathroom bans significantly increase risk of harm to trans+ people.

***Under the draft code of practice, it is proposed that services and associations question people about their sex,*** including asking them to provide birth certificates, or other (unspecified) evidence of their sex assigned at birth. This means that both trans+ and cis people are likely to experience intrusive and distressing interactions in their day to day lives, potentially in violation of their right to privacy.

You can learn more about the consultation and how to respond from TransActual here:

<https://transactual.org.uk/equality-act-campaign/responding-to-the-ehrc-consultation/>

**What happens next?**

Once the consultation closes on the 30<sup>th</sup> of June the EHRC will analyse responses, make any changes they feel are necessary and then submit the new Code of Practice for review by the Government. The Government will review the legality of the guidance, and assuming it considers the guidance lawful, will publish it in Parliament (called being 'laid'). Once laid, there is no requirement to scrutinise or debate the Code of Practice, and without intervention it will simply pass into law after a specified period of time.

This process may move quickly. Baroness Falkner, Chair of EHRC recently told the Women and Equalities Select Committee that the EHRC intended to pass the draft Code of Practice to the Government for review by summer recess, which begins on the 22<sup>nd</sup> of July.

### **What are we asking MPs to do?**

We want MPs to take the following actions NOW:

Contact Equalities Minister Bridget Philipson, and PM Keir Starmer and ask them to promise that:

- No new Code of Practice to the Equality Act will be laid before Parliament without a process in place for full parliamentary scrutiny
- The government will not support changes to the Equality Act or its Code of Practice that reduce or limit the rights and protections afforded to trans people or reduce trans+ people's access to vital services and facilities.

And we want them to:

- Ask parliamentary questions focused on protecting trans+ people's rights and defending trans+ people's ability to live safe and dignified lives.
- Speak up in debates in defence of trans+ people's rights.
- Meet regularly with trans+ constituents to understand the lived experience of the community.

### **Q&A**

## **The EHRC is 'just' implementing the Supreme Court judgement**

The judgement is complex, and the practical implications of the judgement are not yet clear.

Many lawyers and judges, including former Supreme Court justices, have expressed very different interpretations of this case. Rather than reflect and consider carefully, the EHRC has made the choice to rush through changes that will have a devastating impact on trans+ people's ability to live their lives in a safe and dignified way.

## **What about women's right to have safety, privacy, and dignity?**

There is nothing unsafe or undignified about cis and trans+ women sharing spaces and services. Some cis women would prefer not to share spaces and services with trans+ women, others are happy to share spaces and services with trans+ women.

Before *For Women Scotland*, single sex spaces could and did operate on a trans+ exclusionary basis where it was a '*proportionate means of achieving a legitimate aim*'. We should not be excluding anyone in circumstances that are disproportionate or illegitimate.

## **Can't trans+ people just use unisex services / facilities?**

In many cases unisex services and facilities simply do not exist. For example, being excluded from women's domestic abuse services will vastly reduce trans+ women's ability to access services and support that keeps them safe from harm. Many small workplaces, cafes and pubs do not have any unisex facilities, or any accessible facilities.

Where they do exist, it is not right that trans+ people should be forced to use unisex services and facilities, or to use accessible facilities, limiting much needed access for disabled people.

# Unite for Trans Rights Mass Lobby – Step by Step

## **STEP 1: Registering to come**

Please fill out [this link](#) to let us know you are coming. This helps us prepare to support the lobby, and also to get media engagement with our core messages.

## **STEP 2: Contact your MP**

If you don't know who your MP is or you haven't emailed them before, you can find that information here: <https://members.parliament.uk/members/commons>.

Write them an email, asking them to meet with you in Westminster Hall on 25th June between 1pm and 4pm.

Feel free to use your own words, but here is some sample text if you'd like to use it:

*Dear XXXX*

*I am writing as a constituent to request a meeting with you on 25th June between 1-4 in Westminster, as I am taking part in a mass lobby as part of the Unite for Trans Rights campaign.*

If you hear back from your MP with an accept or decline to your meeting please let us know [here](#)

***Remember - DON'T WORRY if you don't have an appointment - you can and should still come on the day and 'green card' your MP. The more of us that show up to talk about this issue, the clearer it will be that something has got to change.***

## What is 'green carding'?

'Green Carding' is a process of making a same day request for your MP to meet with you, by speaking to the Parliamentary staff and filling out a simple form. If your MP or their team are free, they should come down to meet you.

## STEP 3: Preparing to come

### Getting here:

For information about travel to Westminster, see:  
<https://www.parliament.uk/visiting/access/directions/>

If travel costs are a barrier to you taking part, please let us know on the registration form, and if we can offer a travel bursary we will.

Remember - you need to allow at least 30 minutes to get through security, so if you have a meeting time booked, make sure you arrive in good time.

### What you can bring:

The **Houses of Parliament have tight security restrictions on what can come into the building.** There are two things to bear in mind:

1. You will go through airport style security, with similar restrictions in place – though water / drinks are allowed into the Houses of Parliament.
2. There is a ban on political or offensive slogans on clothing – which can include badges. Breaking these rules will mean having materials taken from you, or being refused entry. **You should assume that any LGBTQIA+ rights slogans will be interpreted as 'political' in the context of this mass lobby.** Posters and banners are not allowed, and flags will count as a banner for these purposes.

For full details, visit: <https://www.parliament.uk/visiting/access/security/>

Please note, no chanting is allowed inside Westminster Hall, and people chanting will be at risk of removal and missed meetings with MPs.

## **Accessibility**

The mass lobby will involve coming in through the Cromwell Green entrance and spending time in Westminster Hall, all of which is accessible to people who use wheelchairs and other mobility aids. You can find out more about accessibility in the Houses of Parliament here: <https://www.parliament.uk/accessibility/>.

## **Facilities**

We will be in Westminster Hall for the mass lobby, which has a public cafe where you can buy food and drink. You are also allowed to bring a drink with you through security if you prefer.

Westminster Hall has mens, womens, all gender and accessible toilets. Our understanding is that Houses of Parliament will be operating on the basis that people accessing the mens and womens toilets should do so in a way that aligns with their sex assigned at birth. More information about this will be available [here](#) from 19/06/2025.

We understand that this will be distressing to some. If you'd like support from us on the day, please let a member of the Trans+ Solidarity Team know.

## **STEP 4: Arrival**

Please come to the main Cromwell Green entrance of the Houses of Parliament.

**If you have a meeting booked with your MP or a member of the House of Lords**

Tell the security staff that you have a meeting with your MP, and show them evidence. This can be an email from your MP's office that you show them on your phone. Doing this means they will make sure you get through security on time. You will be directed down the ramp to join the queue.

### **If you do not have a meeting booked with your MP or a member of the House of Lords**

Tell the security staff that you have come to participate in the mass lobby organised by Trans Solidarity Alliance. You will be directed down the ramp to join the queue.

### **STEP 5: Security**

At the bottom of the ramp you will go through an airport style security check.

Key points to note (in addition to the rules on what you can bring into the building):

You will be searched, and the policy of the Houses of Parliament is that you will be searched by a member of staff of the gender you prefer. If you are concerned, you can simply say 'I would like to be searched by XXX'.

A member of the Trans+ Solidarity Alliance team will be there in the security area to support you if needed. All of our team on the day will be wearing high vis with 'Trans+ Solidarity Alliance' printed on it.

You can book support to get through security. For more information on this, please go to this website:

<https://www.parliament.uk/visiting/access/disabled-access/getting-in/>

### **STEP 6 Westminster Hall**

Once you are through security, follow the signs to Westminster Hall, which is a very short walk from the Cromwell Green entrance.

As you come into Westminster Hall you will be greeted by members of the Trans+ Solidarity Alliance team and Parliamentary staff who direct you to the mass lobby meeting point.

### **Checking in**

When you get to the mass lobby meeting point, please come to the check in desk, which will be staffed by Trans+Solidarity Alliance team members and members of parliamentary staff.

**First, please check in with the Trans+ Solidarity Alliance Team** - this helps us track attendance on the day, which is key to securing media coverage and making sure your voices are heard outside of parliament as well as in it. When you check in we will give you a copy of our leaflet to remind you of key points to make.

If you have already booked a meeting with your MP, you can then follow whatever guidance your MP's office has given you in terms of making contact.

**If you don't have a meeting with your MP booked, the parliamentary staff at the check in desk can help you 'green card' your MP.**

If they are available, your MP or a member of their staff should come down to meet you, but if they don't you will be able to leave behind a statement, and green carding is an important way of showing that you are passionate about this issue.

### **While you wait for your MP**

Review the materials we've provided, including the leaflet and the background briefing.

Think about the ways the draft code of practice would impact your lives and the lives of people you care about – these are the stories that MPs and Lords will be most influenced by.

If you'd like to talk through your ideas, we will have experienced volunteers who can give you advice about what works best in persuading and influencing politicians. Just ask a Trans+ Solidarity Alliance team member and we will direct you to the right people.

Here are a few other tips for meeting your MP:

1. Thank them for meeting with you
2. Find out how much time they have to meet; some will be able to talk for longer than others, depending on their schedule and the number of constituents they have to talk to
3. Make sure they have heard the key messages
4. Try and get a photo with them that you can share on social media.

### **If you're feeling distressed**

We understand that this lobby involves people sharing personal thoughts and feelings, and that talking about the impact of the EHRC's guidance on trans+ people's lives can be distressing.

There will be a quiet room in Westminster Hall where you can spend time if you need to, with volunteers to offer support and a listening ear. Just ask any member of the Trans+ Solidarity Alliance team and we can direct you.

### **STEP 7: Check out**

As soon as

- You have met your MP or

- You have been told your MP is not available to meet you

**We'd like you to check out and leave the Houses of Parliament.** Hundreds of trans+ people and allies will be coming to the lobby, and we want as many people as possible to have the opportunity to have their views heard. Leaving in a timely fashion means people can get in to have their say!

Before you leave, please come and speak to the Trans+ Solidarity Alliance Team at the 'check out' desk, to let us know how your meeting went, and then follow the signs to the Cromwell Green exit.

## **STEP 8: Parliament Square / Social media**

If you have time, before you travel home, please go visit the Trans+ Solidarity Alliance team in Parliament Square, opposite the Cromwell Green exit. We will be supporting and encouraging lobbyists to make and share reels and pictures, to make sure our mass lobby is seen and heard outside the walls of Westminster!

If you met your MP we want you to share that, along with how your meeting went. If you weren't able to meet them, we want you to share that too, and let them know what you wanted to say.

Thank you for being part of this mass lobby, and for standing up for trans+ people in the UK.