

# BRIEFING: Business impacts of the new Code of Practice

How the EHRC's draft Code of Practice will impact **you** and your business.

Trans+  
Solidarity  
Alliance



## What's happening?

The EHRC is currently drafting a new Code of Practice under the Equality Act 2010. If this Code of Practice becomes law, it could have a **significant negative impact** on the day to day running of your business.




This Code of Practice will have an impact on **all businesses** with gendered spaces or services, such as changing or toilet facilities. Draft guidance mandates businesses to exclude trans people from these spaces, regardless of whether those businesses **want** to operate on an inclusive basis.

### Impacts on your business:

- If your business provides male and female toilets, you would have to **adopt a policy** which excludes trans women from using the female toilets, and trans men from the male toilets.
- You will be **required to provide** a third space (such as toilets and changing rooms) for trans people to use, or **risk** potentially facing **discrimination claims** on failure to do so .
- You and your staff will have to navigate **unpleasant disputes** about who is using which facilities.
- Your staff will need to **ask for birth certificates** and be able to verify correct facility usage.
- You will need to implement processes and train staff to ensure your business is not **liable for claims of discrimination**.
- You will need to implement process and train staff to ensure you do not commit a **criminal offence** under the Gender Recognition Act 2004 by wrongfully sharing information about a person's gender history.

### A message from the Safe Space UK

The Safe Space movement has shown that trans inclusion is not only **morally right**, it is a source of strength for businesses and the communities they serve. A Safe Space is more than a social media post or a sticker in a window. It is a **public promise** that everyone will be treated with **dignity, respect and safety**. This commitment builds trust, inspires loyalty, and clearly signals to customers that yours is a place where they can spend their time and money knowing their **values are respected**. Across the UK, we have seen that inclusive businesses become **hubs for connection and community pride**.

 *Rolling back commitments to inclusivity would not only harm trans people, but dismantle the culture of welcome and belonging that helps businesses and communities flourish"*  
**Carys Daniels, Founder of Safe Space Bristol & Safe Space UK**

### What Now?

We believe the Government **should not** be putting businesses in this position. The proposals are impractical, detrimental to most businesses, and poorly thought through. Navigating them will **cost time, money and resources**, and the result will still place businesses and individuals at the risk of making mistakes. **But there is still time to prevent them from becoming law.**

Please **speak to your MP** and explain the impact the EHRC guidance would have on the operation of your business. Please also consider signing the joint letter to the Secretary of State for Business and the Minister for Women and Equalities here: [www.transsolidarityalliance.com/businesses-open-letter](http://www.transsolidarityalliance.com/businesses-open-letter)