

Briefing for employers:

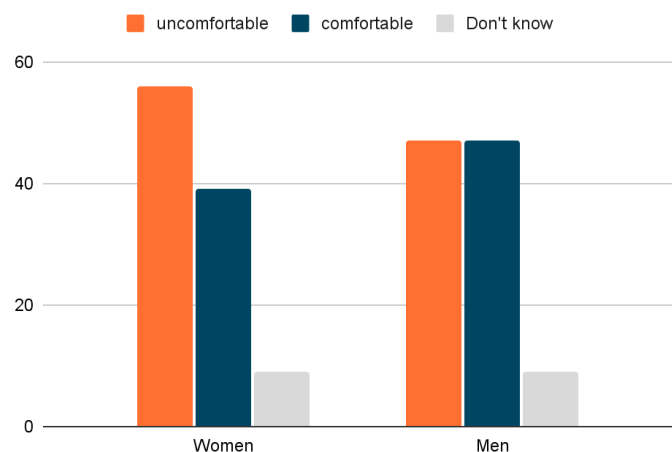
Workplace toilets for women and men

Most people prefer separate-sex toilets.

They provide greater privacy, safety and dignity for women and men. They are also easier to keep clean.

According to a [YouGov poll](#) in January 2025, **91%** of people say that public spaces should include separate toilets for men and women. Only **5%** say facilities should all be gender-neutral. **Women in particular prefer single-sex facilities**, with **56%** saying they feel uncomfortable in gender-neutral toilets.¹

Feelings about using a gender-neutral toilet in a public place



What does the law say?

Workplace regulations in England, Wales, Scotland and Northern Ireland require employers to provide sufficient and adequate toilets. These must be **separate facilities for men and women**, except where they are provided as fully enclosed unisex rooms.

Since October 2024, building regulations in England require that new buildings and refurbishments must include **male and female toilets** wherever space allows.²

The Equality Act 2010 makes it unlawful for employers to discriminate against or harass employees based on a range of protected characteristics including sex (being a man or a woman), gender reassignment (being “transsexual” or transgender). The Government Office for Equality and Opportunity has said that it is a “clear misinterpretation of the law” to suggest that this means people who identify as transgender have a legal right to access single-sex spaces and services provided for the opposite sex.³

¹ YouGov. [How comfortable Brits feel using gender neutral toilets in public spaces](#) (accessed 30th January 2025).

² HM Government (2010). [Toilet Accommodation: Approved document T](#) provides more detailed guidance on the design and layout of the different types of toilet.

³ HM Government (2024). [Response to call for input on single-sex spaces guidance](#).

The best way to provide for everyone is to provide separate-sex facilities and *also* offer a unisex option.

- It is clearly lawful to provide separate-sex facilities as this is a statutory requirement.
- Not providing separate-sex toilets could be indirect discrimination based on sex because the impact on women may be more serious than on men.
- Having the protected characteristic of gender reassignment does not give someone the right to use opposite-sex facilities – even if they have a gender-recognition certificate.⁴
- Allowing people who identify as transgender to use opposite-sex facilities is likely to create an intimidating, hostile, degrading, humiliating or offensive environment for members of that sex. This would be harassment.

Key legal cases

- [Croft v Royal Mail - \[COA2003\]](#): acquiring the status of a transsexual does not carry with it the right to choose which toilets to use.
- [For Women Scotland v the LA & the Scottish Ministers \[CSIH 2023\]](#): the protected characteristic of gender reassignment does not change someone's sex.
- [Earl Shilton Town Council v Mrs Miller \[UKEAT 2023\]](#): inadequate facilities include where a person has to unexpectedly interact with a member of the opposite sex.

Good practice: keep it simple, clear and safe

- ✓ **Do:** provide separate toilets for women and men.
- ✓ **Do:** also provide a unisex option if space allows.
- ✓ **Do:** have clear, simple signs and expect everyone to follow the rules.
- ✓ **Do:** explain to transgender employees that they cannot use opposite-sex facilities.
- ✗ **Do not:** replace all your separate-sex facilities with unisex. **This is not inclusive.**
- ✗ **Do not:** allow trans individuals to use opposite-sex facilities and tell colleagues who feel uncomfortable to use the unisex. **This is likely to be unlawful sex discrimination.**
- ✗ **Do not:** relabel sets of traditional cubicled toilets (with a gap at the top or bottom, or with urinals) as unisex or gender neutral. **This is not sufficient and adequate provision.**
- ✗ **Do not:** only provide single-sex toilets for men (or only for women) and expect the other sex to use the unisex facilities. **This is likely to be unlawful sex discrimination.**

⁴ A minority of people with this characteristic also have a gender-recognition certificate. The Equality and Human Rights Commission says: "You do not need personal information such as a Gender Recognition Certificate to make a decision. You only need to decide if your action is a proportionate means of achieving a legitimate aim."