

TOILETS MATTER

A short guide to law and good practice





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This guide is for any organisation that provides toilets for customers, visitors, staff or students, whether your business is a café, restaurant or pub, music or arts venue, school, college or university, office, factory, hospital, shopping centre, sports venue, park, museum, train station or airport.



You need to comply with the law, and you want to make staff, customers and visitors feel safe and comfortable.

This guide is to help you think through your choices, identify risks of discrimination and harassment, and provide clarity to users.

Our advice is based on the law, and on good practice –

- The Equality Act 2010
- Recent guidance from the Equality and Human Rights Commission
- Document M of the UK Building Regulations
- British Standard 6465 parts 1–4

It also draws on research that Sex Matters did in 2022, when more than 6,000 people told us why [single-sex spaces matter to them](#).

We've left out some of the technical details; you may want to [refer to the original documents](#).

What are the options?

Design choices for new toilets

For a new building or refurbishment, the number of toilets will depend on the size of the building, and may be set by regulations.

Most comfortable



Least comfortable

Separate-sex toilets

A single enclosed room or a room containing rows of cubicles and a shared area for washing and drying hands. Those for men and boys often also have urinals.



Unisex toilet

A self-contained, fully enclosed, lockable room with a washbasin and dryer inside. Usually opens directly into an open public area.



Hybrid

A room with separate sets of fully enclosed cubicles for each sex within a shared area for washing and drying hands.



Gender neutral / Mixed sex

A room where men and women use the same toilet cubicles and the same facilities for washing and drying their hands.



Many organisations, such as schools, workplaces and licensed venues, and new and renovated buildings are covered by laws or regulations which require that separate-sex toilets are provided unless toilets are in a fully enclosed room with floor-to-ceiling walls and doors.

The British Standard BS 6465-4:2010 for public toilets says: "Many men and women seek privacy, and many women and children feel safer when using single-sex facilities." It recommends that "separate facilities for men and for women should be provided in preference to unisex facilities, wherever possible".

Single-sex toilets



Some people want to get rid of “ladies” and “gents” toilets and replace them with “gender-neutral” facilities, or let everyone choose which toilet they want to use based on “gender” instead of sex. But most people prefer separate toilets for men and women.

A **YouGov poll** on 27th January 2022^[1] showed that **87%** of people wanted separate toilets for men and women.

- 52% of people wanted separate toilets for men and women
- 35% of people wanted separate toilets for men and women and a unisex toilet as well
- only 7% wanted to just have mixed-sex or “gender neutral” toilets.

45% of people say they feel uncomfortable using a gender-neutral toilet in a public place.

In July 2022, the Department for Levelling Up, Housing and Communities announced that changes will be made to building regulations and guidance to say that all new public buildings should have separate male and female toilets.

^[1] <https://yougov.co.uk/topics/philosophy/trackers/how-comfortable-brits-feel-using-gender-neutral-toilets-in-public-spaces>

Unisex toilets



A unisex toilet is a lockable fully enclosed room with washing facilities included (that is, with no gaps above or below the doors).

This is a good option for some people, for example:

- a disabled person with a carer of the opposite sex (if the toilet is accessible)
- someone who does not wish to use single-sex toilets (for example because of gender-identity issues)
- a parent with a young child of the opposite sex.

Building regulations say that if there is only space for one toilet in a building, it should be a unisex, wheelchair-accessible one. This toilet caters for everyone, regardless of sex, gender identity or disability. Ideally unisex toilets should be fully enclosed with walls not partitions, should have a washbasin inside and should not open into an enclosed waiting area.

Accessible toilets



Nearly **one in five** people in the UK have some form of disability. Accessible toilets are designed to meet the needs of people with a range of physical disabilities, including wheelchair users and others who need extra space for themselves or for a carer. Some disabled people may be with an opposite-sex carer and need unisex facilities, but most people prefer single-sex facilities.

Under the Equality Act, all organisations have a duty to provide accessible goods and services. New buildings and refurbishments must include single-sex wheelchair-accessible cubicles in toilets with four or more cubicles, as well as a standard unisex accessible toilet.

Disabled people should be able to find and use suitable toilets as easily as non-disabled people. In some places accessible toilets are kept locked (with a radar key or code system) because of the risk of misuse. However, this tends to reduce access.



The law does not require accessible toilets (whether unisex or within single-sex washrooms) to be for the exclusive use of people with disabilities, but you should ensure there is adequate provision overall. Remember that not all disabilities are visible.

Best practice

When thinking about the toilet facilities you provide, start by assessing user needs – for the overall number of toilets, and for nappy-changing tables, unisex toilets, accessible toilets and “changing places” toilets. Make sure your signage is clear. Then share your policy with staff and customers.

1 Provide separate-sex toilets

If you only have one toilet in an area it will be unisex, but if you have more space and greater demand it is good practice to provide men’s and women’s toilets.

Men and women have different needs, and people of both sexes prefer single-sex privacy.

Women and girls need more toilets: they take longer to use them (because they have to take more clothes off) and they have more need for them because of physical needs that men don’t have: changing pads and tampons during periods, needing to pee more often when pregnant, and having to deal with endometriosis, miscarriages, urinary incontinence and menopausal flooding.

Urinals for men take up less space and reduce queues – and other toilets stay cleaner.

2 Offer a unisex option

If you have separate-sex toilets, it’s a good idea to have a unisex toilet as well. In the first place this should be an accessible unisex toilet.

You may need to offer more unisex options, depending on demand.

Having unisex-only provision (particularly with shared washbasins) can make users feel unsafe and uncomfortable, particularly in situations with higher risk of embarrassment or misbehaviour such as groups including teenagers, a mixture of adults and children, people who have been consuming alcohol, facilities that are used late at night, or facilities that are open-access to the public.

Best practice

3

Use clear signs

Everyone should be able to find the toilets meant for them.

Make sure your signs are clear for everyone: children, older people, those with lower levels of literacy, anyone who is partially sighted or who doesn't speak English.

Clear is better than quirky. The best signs use standard words and pictures.

If toilets for different groups are not located near each other, make sure there are clear directions to the other options.






Best practice

Graphics

Pictograms showing a figure in trousers for 'men' and a figure in a skirt for 'women' are an international standard (registered by the International Standards Organisation ISO) that everyone understands.

These represent the two sexes – not what clothes people might wear or their “gender identity”.

For clarity, use these graphics with commonly used words.

Pictogram	Common words	What people expect to find
	Female Woman Ladies Girls	A toilet and washing area only used by women and girls
	Male Men Gents Boys	A toilet and washing area only used by men and boys
	Unisex	A fully enclosed room for a single user with handwashing and drying facilities inside.

Best practice

4 Avoid conflict

A clear written policy for staff and customers will show that you have considered everyone's needs and help prevent confusion.

Most people see the signs and use the appropriate facilities. If they try to use opposite-sex facilities, this can make other people feel uncomfortable or unsafe and can lead to conflict.

Provide staff training on your policy and let them know that they are legally entitled to enforce clear rules which exclude people from facilities for the opposite sex.

Providing a link to or printed copy of the [EHRC's guidance on separate-sex services](#) may also be useful.



Thinking about users

What do women say?

“ Myself and my daughter have been victims of sexual assault. Both of us know the value of having private, safe spaces away from men. ”

Woman, 45–54, England

“ I’m a woman in my late twenties. I am exhausted already by constant unwanted sexual harassment and advances by males in all and any public spaces. Being able to walk into a space and know there will only be other women in there, I can breathe out and get on with what I need to do – be it have a shower, change my clothes or do my female business – in peace and privacy. ”

Woman, 25–34, England

“ I was sexually assaulted by a man at a club in my late teens, my place to run was a women’s bathroom – please don’t take them away. ”

Woman, 25–34, England

“ Toilets that are gender “neutral” i.e. unisex, are generally filthy. ”

Woman, 54–64, England

Thinking about users

What do men say?

“ I don't want to stand with my penis in my hand in the same space as women. I don't know any more than they would want to share that space with me. ”

Man, 55–64, England

“ As a man I would not want to put any female in the position of having to share an intimate facility with males mainly for reasons of safety, privacy and peace of mind. ”

Man, 35–44, Scotland

“ Speaking as a man, I miss the urinal. I doubt very much females enjoy sitting on a urine-soaked toilet seat. ”

Man, 45–54, England

“ I had to use a gender-neutral loo at a comedy club a couple of months ago and it felt horrible knowing that I might be inadvertently making a female patron feel worried or nervous or like they had to pretend it was okay. ”

Man, 35–44, England

What about transgender people?

Everyone needs to be able to use the toilet in privacy and without intrusive questioning or uncertainty. This means there need to be clear rules that everyone understands.

Some people identify as “trans” or “transgender”. This is an umbrella term that can include people who cross-dress, take hormones or have surgery. Stonewall found in a survey in 2017 that “almost half of trans people (48 per cent) don’t feel comfortable using public toilets”.^[2]

You cannot have a rule which asks people about genital surgery or whether they have a gender recognition certificate to tell them what toilets to use. The best approach is to have clear signage and offer a unisex option in addition.

This could be because they:

- don’t feel comfortable using facilities for their own sex
- wish to use facilities for the opposite sex but fear they would be challenged
- are not sure which facilities they should use
- do not feel that there are any facilities they can comfortably use.

^[2] https://www.stonewall.org.uk/system/files/lgbt_in_britain_-_trans_report_final.pdf

What about transgender people?

A 2020 survey by Galop in found that nearly two thirds of the transgender respondents said they were “unable to use public toilets due to transphobia”. The most common experience identified as transphobia was “invasive questions”.^[3] The problem here is that what one person experiences as transphobia, another experiences as maintaining boundaries for dignity and privacy.

The best solution to avoid misunderstanding or hostility is to offer clearly signposted toilets for women and men, and a unisex option. Organisations should communicate clear rules, and staff should treat all individuals with dignity and respect by explaining the rules, which are for the benefit of everyone.

If someone has made significant effort to modify their body (such as having surgery or taking hormones) it is likely to be difficult for them to use toilets of the sex to which they belong (as people will ask intrusive questions). But this does not give them the right to use opposite-sex facilities. Providing a unisex option gives everyone privacy.

A male employee identifies as a “trans woman” and does not wish to use the men’s toilets at work. The employer should seek to provide reasonable accommodation, but it would be inappropriate and unlawful to allow this person to use the women’s toilets as this would mean there was no single-sex toilet for female staff.

^[3] <https://galop.org.uk/resource/transphobic-hate-crime-report-2020/>

The problem with mixed-sex toilets

Some organisations are removing separate-sex toilets altogether and replacing them with mixed-sex facilities

Some women feel unsafe or uncomfortable, or cannot even enter, an intimate space shared with men, whether they are strangers, classmates or colleagues: those who have experienced sexual assault (around one in five women); and women from faith communities, such as Muslim women who need to adjust their hijabs.

Some men also have religious reasons for needing a separate-sex spaces.

Voyeurism and indecent exposure by men against women are the two most common sexual crimes. Crime rates are higher in mixed-sex spaces.

“ I often walk out if no women’s toilets are available. ”

Woman, 65 and over, England

“ As a woman of faith it’s important to me to have single sex spaces to use for ritual ablution, fixing clothes etc. ”

Muslim woman, 45–54, England

“ I have been followed into a women’s toilet by a man who went into the cubicle next to me. As I opened my door he stood just inside his cubicle and orgasmed over the floor looking at me. ”

Woman, 35–44 England

FAQ

Doesn't the Equality Act say that you can't treat men and women differently?

It is lawful to provide separate facilities for men and women where they are justified, such as by bodily privacy and different needs. You should treat men and women equally by providing facilities that are equally convenient and suitable for both.

Doesn't a Gender Recognition Certificate say that someone has changed their legal sex?

This does not mean that their biological sex has changed, and for the privacy, dignity and comfort of other users, toilets should be designated according to biological sex.

Doesn't the Equality Act say that trans people must be permitted to use the toilets they choose?

The Equality Act says that people who it refers to as "transsexual" should not be discriminated against in general, for example as employees, students or users of services. This does not equate to a right to use areas that are designated for the opposite sex.

People who identify as transgender are likely to feel uncomfortable using facilities that match their biological sex, and could face invasive questions. Offering a unisex option is a good solution.

Isn't it "transphobia" to exclude someone from toilets they wish to use?

No, this is not transphobia. It is legitimate to provide single-sex facilities, with clear signs and rules. There is no legal right for anyone to use opposite-sex facilities.

FAQ

Doesn't everyone have mixed-sex toilets in their home?

Toilets in your home are fully enclosed rooms, used by one person at time, which are not open to the public. Toilets on planes or trains are also in a controlled environment.

In other settings, where people come and go, most people feel more comfortable with separate-sex facilities.

Gender-neutral toilets are modern and fashionable

You may have been told that gender-neutral toilets are “more inclusive”, but in fact they’re less inclusive, since so many people don’t want to use them.

Properly designed unisex toilets can be lawful, but they are not ideal, as they may increase the risk of indecent exposure and voyeurism, and are uncomfortable and unwelcoming for many.

Turning existing single-sex toilets into “gender neutral” but retaining gaps under walls or doors or visible urinals will not meet legal requirements.

Having misleading signs, and staff who are not sure what your policy is can also create an ambiguous atmosphere and leads to risk of embarrassment, hostility and conflict.

Good v bad practice

Facilities



Separate toilets for men and women plus a unisex option

- ✓ Legal
- ✓ Comfortable
- ✓ Inclusive

- the simplest solution in most large buildings



Single-user unisex toilets in fully enclosed rooms, with washbasins inside, opening onto an open corridor

- ✓ Legal
- ✓ Comfortable
- ✗ Inclusive

- slower to use
- if no urinals, probably dirtier
- disliked
- risk of misuse



Mixed-sex washroom: cubicles with floor-to-ceiling partitions in a mixed-sex area with shared washbasins.

- ? Legal
- ✗ Comfortable
- ✗ Inclusive

- uncomfortable and unsafe for many people
- risk of sexual harassment
- voyeurism and indecent exposure

Good v bad practice

Signs



Clear male and female signs

- ✓ **Legal**
- ✓ **Comfortable**
- ✓ **Inclusive**
Simple signs that everyone can understand.



Signs for urinals and cubicles

- ✗ **Legal**
Does not fulfil requirements for single-sex toilets or unisex toilets. Risk of discrimination.
- ✗ **Comfortable**
Uncomfortable for many. Risk of sexual harassment, voyeurism and indecent exposure.
- ✗ **Inclusive**
Hard to understand.



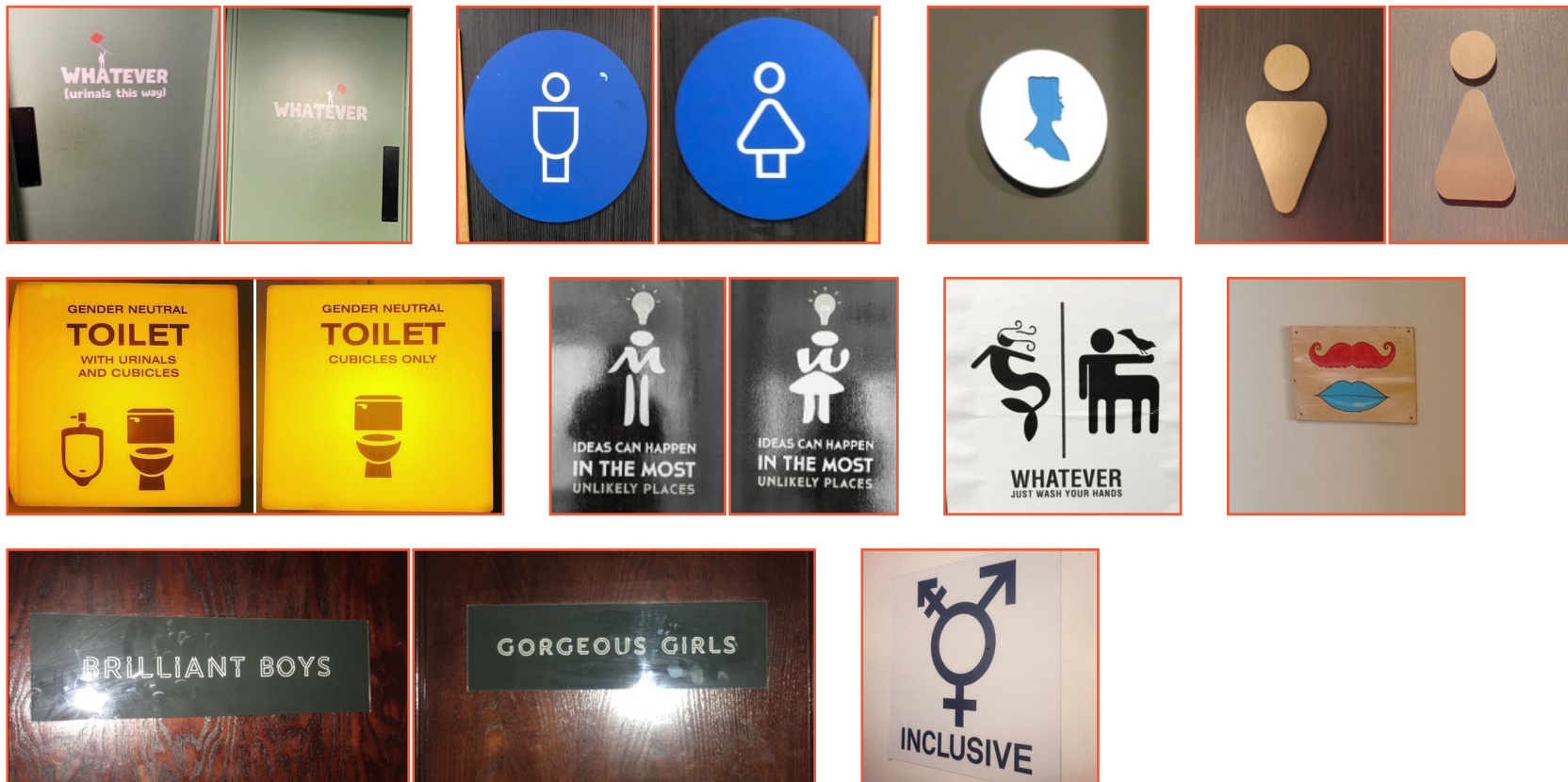
Separate-sex toilets open to both sexes

- ✗ **Legal**
Does not fulfil requirements for single-sex toilets or unisex toilets. Risk of discrimination.
- ✗ **Comfortable**
Uncomfortable for many. Risk of sexual harassment, voyeurism and indecent exposure – and asks users to ignore danger signs.
- ✗ **Inclusive**
Hard to understand.

Good v bad practice

Unclear signs

These signs are not obvious and clear for users. Simple standard pictograms and words would be better



Policies

Best practice is to put details of the location and the type of facilities you have on your website.

At [site] we provide toilet and handwashing facilities for [staff/visitors/customers/members of the public].

Single-sex facilities for men and women are at [location].

Please do not attempt to use the facilities for the opposite sex.

Accompanied children can use either set of facilities.

A unisex toilet is at [location].

There are accessible toilets at [locations]. When using these toilets, please give priority to people whose need is more urgent but be aware that not all disabilities are visible.

A baby-changing table is at [location].

Our toilets are signposted with the words “male” “female” and “unisex” and the standard pictograms.

Our toilets are regularly cleaned and inspected. If staff of the opposite sex enter, they will announce their presence and place a temporary sign outside.

Please follow any directions from our staff about which facilities to use and treat other users politely.

Our aim is to cater for everyone. If you have any questions or concerns, please speak to a member of staff.

*This guidance is produced by Sex Matters.
With thanks to Naomi Cunningham, Susan Cunningham FRSPH
Clara Greed and John Griggs for comments.
Send your feedback to info@sex-matters.org*

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