

Sarah Albon, Chief Executive
Health and Safety Executive
Redgrave Court
Bootle, L20 7HS

13th May 2025

Dear Ms Albon,

Thank you for your letter dated 14th March. We have published it on [our website, together with guidance for workers](#), including on how to refer employers to the HSE if they fail to provide adequate toilets for men and women.

The Supreme Court has made clear that “man” and “woman” take their ordinary meaning in law when it comes to separate-sex services. **It is not lawful to put a “female” sign on women’s toilets, showers and changing facilities, and then have a policy of allowing in men who identify as “transwomen” (and vice versa for men’s toilets and women who identify as “transmen”).** Yet many employers continue to tell their staff to flout these rules.

We hope you will take communication and enforcement action to prevent employers continuing to ignore and misrepresent these regulations with impunity.

Your comment to us that the legislation not only requires physical facilities **but also clear policies and to ensure facilities are used as intended** is helpful, but this point is not widely understood. It needs to be communicated widely and supported by enforcement where necessary.

We recognise that HSE takes a risk-based approach, and that failure to provide single-sex spaces does not risk life and limb. But it leads to discrimination and harassment against women, in very large numbers. Employers cannot be permitted to continue doing this. Regulations on separate-sex facilities must be taken as seriously as other health and safety obligations.

You may have seen the story over the weekend of [Karen Dansen](#), one of the Darlington Nurses. She is suing her NHS employer for discrimination and harassment for letting a male colleague use the female changing room. His presence retraumatised her following her childhood sexual abuse. Allowing employers to become confused by the rules on single-sex facilities and to view those rules as negotiable leads to real harms such as this, as well as to potential legal liabilities. No woman should have to disclose harrowing details of the crimes she has suffered just to make the case for her legal right to a safe workplace being respected.

We call again for you to put a statement on your website explaining that single-sex facilities at work require single-sex policies, based on the definition clarified by the Supreme Court.

Yours sincerely



Maya Forstater, CEO

Sex Matters is a human-rights charity promoting clarity about sex in law, policy and language
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