



Roz Adams v Edinburgh Rape Crisis Centre

Scottish charity apologised and paid £69,000 compensation

Jurisdiction: Employment Tribunal 2024

Sectors: Charity, Women's

Causes of action: Belief discrimination, Constructive dismissal, Harassment

Legal representation: Gunnercooke (solicitors instructing counsel), Naomi Cunningham (counsel)

Decisions: [R D Adams v Edinburgh Rape Crisis Centre: 4102236/2023 and 4103479/2023](#)

Summary of events

Roz Adams was employed as a counselling support worker by Edinburgh Rape Crisis Centre (ERCC). Adams holds “gender-critical” beliefs: that a person’s biological sex is unchangeable and sometimes more relevant than their gender identity. She felt that a service dealing with sexual violence should be honest and clear with its clients – women who had been raped or sexually assaulted – about the sex of its staff. She had no problem with trans-identifying people coming to use the service or working there so long as the service was clear about people’s sex and respected the need for informed consent.

She was concerned to be told by a senior leader that ERCC believed “trans women are women”, and when the centre employed a transgender male in a job designated as being a post requiring a woman.

“The claimant’s view was that in those circumstances it would be inappropriate and simply untruthful to tell a service user that the organisation did not employ men.”

“Her concern was that at the coal face dealing with real life service users who were survivors of sexual assault it was likely that many would subscribe to the claimant’s strongly held belief that whilst trans people ought to be supported, at the end of the day sex is biological, immutable and binary.” [paragraph 201]

She was also concerned at the way that gender issues were dealt with in the organisation. People who wrote in objecting to the appointment of a male CEO were classed as “bigots” and their emails were stored in a folder called “Hate emails”.

When a client wanted to know that she would be seen by a female counsellor, Adams emailed a colleague asking how to refer respectfully to the sex of a “non-binary” support worker. Responding to the forwarded email, the CEO said: “Transphobia exists in our organisation as do other prejudices”, called Adams’ email “humiliating” and told the colleague he would arrange for there to be no further contact between them. Adams was then investigated for “transphobic” views. The disciplinary action led Adams to resign.

Sex Matters is a charitable incorporated organisation number 1207701. Our case briefings are introductions to cases that concern the conflict between sex-based rights and policies and practices based on gender identity. Naomi Cunningham (chair of Sex Matters) was acting as counsel in her personal capacity. This information was compiled from public sources, last updated 14th November 2024.

Findings by the tribunal

The Employment Tribunal found that ERCC unlawfully discriminated against and harassed Adams on the basis of her gender-critical belief. It found that she suffered unfair constructive dismissal (breach of her employment contract sufficiently serious to cause her to resign).

- Her query on how to address legitimate questions about the sex of counsellors was legitimate, and she never received a satisfactory answer.
- It was nonsense to characterise her emails seeking guidance as “humiliating” or “transphobic”.
- The chief executive of the organisation was judged as viewing gender-critical belief as “hateful”, and considered that by holding it Adams was a “bigot” and a “transphobe”.
- The majority of the trustees who dealt with the process were also motivated by their view that those holding gender-critical beliefs must be “transphobic”.
- Adams was investigated because ERCC wanted to make an example of her for her beliefs.
- The investigation was deeply flawed: normal concepts of natural justice were ignored, informed by the view that Adams held views which were inherently hateful.
- The investigation and the way it was carried out had the effect of creating an “intimidating, hostile, degrading, humiliating and offensive environment” for Adams: its only possible purpose was to make clear to the claimant that her beliefs were unacceptable.

The tribunal recognised the human rights of staff with a transgender identity but took the view that this did not require secrecy or obfuscation about their sex when that information was needed:

“Whilst some individuals may be sensitive about having what the respondent’s witnesses termed a person’s ‘gender history’ revealed this is not something which flows axiomatically from the existence of a right to privacy.” [paragraph 237]

“In the vast majority of cases there will be absolutely no controversy whatever in asking someone their biological sex or sex at birth.” [paragraph 238]

Remedy

Edinburgh Rape Crisis Centre was ordered to pay compensation of £68,990 and publish a statement:

- apologising for alleging Adams was transphobic and acknowledging there was no evidence to support that allegation
- acknowledging that its disciplinary decision that Adams had misconducted herself was wrong and that she was motivated by a wish to act in the best interests of service users
- saying that nothing Adams did constituted bullying or harassment and that ERCC accepts the findings that it harassed and discriminated against Adams because of her protected gender-critical beliefs.

Under section 124(3) of the Equality Act, tribunals can also make recommendations for the respondent to take steps to obviate or reduce adverse effect on the complainant.

ERCC was also ordered to publish a statement on its website signposting Beira’s Place, which provides support for female victims of sexual abuse in a women-only environment.

Further reading: see sex-matters.org/case-briefings