HSE

Health and Safety Executive

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By email: [redacted]

Our Ref: CE-289-24

Sarah Albon
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14 March 2025

Dear Maya Forstater,

Thank you for your letter on 21 February 2025 raising this subject with me as Chief Executive of the Health and Safety Executive (HSE).

The Workplace (Health, Safety and Welfare) Regulations 1992 cover a wide range of basic health, safety and welfare issues and apply to most workplaces. Employers and building owners have to provide facilities suitable for any worker, which includes workers with disabilities.

These Regulations require welfare facilities including toilets which are suitable and sufficient. Suitable and sufficient means they are kept clean and orderly and well ventilated along with separate facilities for men and women, or a separate room with a lockable door to be used by one person at a time.

These Regulations are supported by an Approved Code of Practice and guidance; our guidance makes it clear that suitable facilities must be provided in workplaces.

HSE's enforcement action is proportionate, targeted, consistent, transparent and accountable. The Enforcement Management Model (EMM) is applied to ensure it is consistent and proportionate, outlined in the Enforcement Policy Statement (EPS).

For legislation that requires an employer to provide an item or facility for their workers, HSE would consider not just whether it is actually present, but also whether an employer takes steps to ensure that it is used as they intend. For provision of men's and women's toilet facilities for workers, we would consider the availability of separate facilities and whether or not the employer is following a clear policy and decision-making process as to their use.

Employers also have a duty under the Equality Act 2010. It is the role of the Equality and Human Rights Commission (EHRC) as the responsible enforcing authority for

this legislation, to judge whether or not the employers interpretation and application is correct and to take action if required.

I trust this has clarified HSE's position and that the matters within our remit are addressed; any remaining matters under the Equality Act 2010 are for the EHRC.

Yours sincerely,

Sarah Albon

Chief Executive