



Allison Bailey v Stonewall and others

Discrimination for gender-critical beliefs ruled unlawful

Jurisdiction: Employment Tribunal

Sector: Legal

Cause of action: Belief discrimination, Victimisation

Legal representation: Peter Daly of Doyle Clayton (solicitor). Ben Cooper KC (counsel)

Decisions: Ms A Bailey v Stonewall Equality Ltd and others: 2202172/2020 (Employment Tribunal), Allison Bailey v Stonewall Equality Ltd & Others: [2024] EAT 119 (Employment Appeal Tribunal)

Summary of events

Allison Bailey was a criminal defence barrister at Garden Court Chambers (GCC) holding gender-critical beliefs, including the view that sex is immutable.

In 2018, Bailey objected to GCC becoming a Stonewall Diversity Champion, arguing that Stonewall's stance on gender self-identification undermines the rights of women and same-sex attracted individuals. She alleged that after raising these concerns, her work allocation decreased, resulting in a fall in income during 2019.

In 2019, she posted a number of tweets relating to these concerns, including criticism of an employee recently hired by Stonewall, who she claimed "ran workshops with the sole aim of coaching heterosexual men identifying as lesbians on how they can coerce young lesbians into having sex with them". Her tweets led to an anonymous complaint to GCC and concerns being raised internally by Michelle Brewer, a senior member of chambers.

In October 2019, Bailey was involved in setting up LGB Alliance, an organisation providing sex-realist advice and support. She tweeted about this, saying: "Gender extremism is about to meet its match." The tweet provoked online abuse and comments directed at GCC, which led to internal and external complaints alleging that Bailey's views were transphobic and breached GCC's equality and diversity policies, including one from Kirrin Medcalf, Stonewall's head of trans inclusion.

GCC publicly announced that it would investigate and ultimately instructed Bailey to remove two tweets about Stonewall, citing potential breaches of the Bar Standards Board's guidelines. Bailey refused, claiming that GCC had been unfairly influenced by Stonewall. She argued that GCC's response was disproportionate, discriminatory and motivated by hostility towards her gender-critical beliefs. She also alleged that GCC had created a hostile work environment, where she was isolated and unsupported due to her beliefs. She felt ostracised by colleagues who disagreed with her views and pointed to public and private criticism as evidence of hostility.

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. This information was compiled from public sources, last updated 11th December 2024.

In January 2020, Bailey submitted a subject access request to GCC to obtain documents related to the complaints and investigation. She alleged that GCC delayed its response to this, which she viewed as a further act of victimisation.

In the summer of 2020, Bailey began legal action against GCC and Stonewall, alleging discrimination, victimisation and indirect discrimination. She believed that organisations such as Stonewall were unfairly suppressing dissenting views and exerting undue influence in workplaces.

Outcome and next steps

The Employment Tribunal held that Bailey's gender-critical beliefs were protected, and this extended to her belief that Stonewall's campaign promoting gender self-identity was detrimental to women and lesbians. The public announcement of an investigation was found to be direct discrimination by GCC because of Bailey's gender-critical beliefs. GCC acted in haste, and without proper consideration:

"Faced with a Twitter storm on gender self-identity, they picked sides. The Heads chose to prefer the view that the claimant was in the wrong and that her tweets should be investigated, because there was a lot of opposition to the views expressed in them." [paragraph 315]

The investigation itself was similarly flawed, and the outcome influenced by those opposed to Bailey's beliefs.

Although Bailey was unable to establish that her drop in income was influenced by her beliefs, she was awarded £22,000 plus interest in compensation for injury to feelings, discrimination and victimisation. Unusually, the injury to feelings award included £2,000 aggravated damages, reflecting GCC's failure to support Bailey when she reported death threats, and the continued hostility from those in chambers opposed to her beliefs.

The tribunal dismissed the claim against Stonewall, concluding that its actions constituted a protest rather than an inducement of GCC's discriminatory actions. Bailey appealed this, arguing that its involvement unduly influenced GCC and constituted an inducement to discrimination, but lost. In December 2024, she was granted permission to take her case to the Court of Appeal, which will consider whether Stonewall's influence on GCC's handling of Bailey's tweets and the subsequent investigation constituted sufficient grounds for liability.