

Workplace facilities factsheet

Overview

Employers have a responsibility to provide suitable toilet and washing facilities. Ideally, wherever space allows these should be separate for women and men. Unisex (fully enclosed) facilities can also be provided. Providing separate-sex toilets, washing and changing facilities goes beyond offering physical infrastructure to ensuring that employees use the spaces as intended.

The Equality Act 2010 does not permit individuals to use opposite-sex facilities on the basis of “gender reassignment”. **This has been widely misrepresented.**

Employers that do not communicate and enforce clear policies about separate-sex facilities are likely to be in breach of both workplace health and safety regulations, and the Equality Act.

Legislation

Health and Safety at Work Act 1974

Under the Health and Safety at Work Act 1974, employers throughout the UK must provide a working environment that is:

“So far as is reasonably practicable, safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work.”

The Workplace (Health, Safety and Welfare) Regulations 1992

The Workplace (Health, Safety and Welfare) Regulations 1992 provides detailed regulations for employers in Great Britain.

Toilets

Regulation 20 says that:

“Suitable and sufficient sanitary conveniences shall be provided at readily accessible places.”

It also requires that:

“Separate rooms containing conveniences are provided for men and women except where and so far as each convenience is in a separate room the door of which is capable of being secured from inside.”

Showers

Showers may be required if there is a need to wash more than just hands, forearms and face:

“Suitable and sufficient washing facilities, including showers if required by the nature of the work or for health reasons, shall be provided at readily accessible places.”

If showers are required, Regulation 21 says:

“Washing facilities shall not be suitable unless—[...] separate facilities are provided for men and women, except where and so far as they are provided in a room the door of which is capable of being secured from inside and the facilities in each such room are intended to be used by only one person at a time.”

Changing facilities

Facilities for changing clothing are covered by Regulation 24, which requires that:

“Suitable and sufficient facilities shall be provided for any person at work in the workplace to change clothing in all cases where—

- (a) the person has to wear special clothing for the purpose of work; and
- (b) the person can not, for reasons of health or propriety, be expected to change in another room.

It then states that:

“The facilities mentioned in that paragraph shall not be suitable unless they include separate facilities for, or separate use of facilities by, men and women where necessary for reasons of propriety.”

Health and Safety Executive code of practice

The code of practice *Welfare at work guidance for employers on welfare provisions* produced by the Health and Safety Executive (HSE) on workplace health and safety sets out further guidance. It says that "adequate" means that you have to provide enough **toilets** and **washbasins** for those expected to use them, and:

“Where possible, separate facilities for men and women, failing that, rooms with lockable doors.”

For **changing**, it says:

“Separate use of changing facilities should be available to men and women.”

There are similar regulations for Northern Ireland in the *Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993*.

The Health and Safety Executive is the regulator that oversees the 1992 Workplace Regulations. In response to a letter from Sex Matters in February 2025, the chief executive of the HSE wrote:

“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."

Building regulations

Toilet provisions are also supported by building regulations:

- [Building Regulations 2010](#) in England and Wales
- [Building \(Scotland\) Regulations 2004](#)
- [The Construction \(Design and Management\) Regulations \(Northern Ireland\) 2016](#).

All of these regulations require that **toilets** are provided separately for men and women, unless they are in fully enclosed lockable rooms.

In England since October 2024, [Schedule 1](#) of the building regulations has included a requirement T1 for new builds and refurbishments which says toilets **must be single-sex toilets wherever space allows**, with "universal" (fully enclosed) toilets only as a potential addition.

[Approved document T](#) provides more detailed guidance on the design and layout of the different types of toilet and requires that toilets have clear and appropriate signage.

Equality Act 2010

The [Equality Act 2010](#) makes it unlawful for employers to discriminate against or harass employees based on the protected characteristic of sex or "gender reassignment" (being trans). Providing male and female toilets, showers or changing rooms does not fall under the definition of sex discrimination, since it is not treating men or women less favourably; and it is clearly lawful to provide separate facilities, as this is a statutory requirement. (Northern Ireland has similar laws on sex discrimination and gender-reassignment discrimination, and the Supreme Court's judgment in relation to the Equality Act in Great Britain will be persuasive.)

In relation to services, Schedule 3 paragraphs 26–28 permit single-sex and separate-sex services (services that exclude persons of the opposite sex).

In the case of [For Women Scotland v Scottish Ministers](#) the Supreme Court held that where a service is lawfully provided as single-sex, that refers to biological sex.

"The legislation recognised and accommodated the reasonable expectations of people that in situations where there was physical contact between people, or where people would be undressing together or living in the same premises, or using sanitary facilities together, considerations of privacy and decency required that separate facilities be permitted for men and women." (paragraph 52)

Policies allowing men (including those who identify as transwomen) into women's facilities can also result in claims of sex-based harassment.

The Supreme Court confirmed that having the protected characteristic of "gender reassignment" (which broadly relates to being transgender) does not change a person's sex, even if the person

has a gender-recognition certificate (or a passport or other ID) showing the opposite sex. There is no potential for a transgender person to claim unlawful discrimination because they are not permitted to use toilets, showers or changing rooms for the opposite sex, as long as adequate facilities are provided for them.

The Equality and Human Rights Commission issued an interim update to its code of practice for service providers in April 2025 which made clear that:

- Trans women (biological men) should not be permitted to use the women's facilities and trans men (biological women) should not be permitted to use the men's facilities.
- In some circumstances the law also allows trans women (biological men) to be excluded from men's facilities, and trans men (biological woman) to be excluded from the women's facilities.
- Trans people should not be put in a position where there are no facilities for them to use.

The [EHRC Statutory Code for Employers](#) (2011) gives an example of good practice:

"A worker will soon be undergoing gender reassignment treatment and the employer has accepted that they want to continue working throughout the transition process. To avoid unresolved questions about which toilet facilities the worker should use, their uniform and communications with other members of staff, the employer should arrange to discuss the situation sympathetically with the worker. The discussion could cover setting a date for using different facilities and uniform; the timescale of the treatment; any impact this may have on the worker's job and adjustments that could be made; and how the worker would like to address the issue of their transition with colleagues."

Providing different facilities for a transgender employee is lawful. Suitable facilities for transgender people are likely to be fully enclosed rooms, which are typically already provided in larger workplaces in addition to separate-sex facilities.

Public opinion

YouGov polling found that 89% of people prefer single-sex toilets to be provided and only 5% prefer to have only mixed-sex or "gender neutral" toilets. YouGov (2025). [Support for separate toilets for men and women, and gender neutral toilets in public spaces.](#)

YouGov polling found that around 50% of people feel uncomfortable using a "gender-neutral" toilet in a public space. YouGov (2025). [How comfortable Brits feel using gender neutral toilets in public spaces.](#)

Legal liability

Unlawful policies can be challenged, and employees are protected by law from suffering a detriment if they raise health and safety concerns.

Providing inadequate toilets for women or men is not only a health and safety breach; it can also be sex discrimination. In the case of *Earl Shilton Town Council v Miller*, the Employment Appeal Tribunal ruled that providing inadequate toilet facilities for women – particularly requiring them to use men’s toilets, and therefore risk encountering men using urinals and have no access to the lack of sanitary bins – constituted direct sex discrimination. This is because the facilities were less favourable for women compared to men, and this less favourable treatment was based on sex.

In the case of *Eleanor Frances v Department of Culture, Media and Sport and Department for Science, Innovation and Technology*, an unlawful policy led to discrimination and victimisation of the civil servant who raised concerns about it. The policy adopted across the civil service had said:

“It is assumed that the individual knows which facilities are the best match for their gender identity and expression. Some transgender, non-binary and intersex individuals may feel most comfortable using gender neutral facilities where present, but this is a matter of personal choice.”

It also suggested that if staff objected to the presence of a male person in female facilities they could be disciplined for failing to support the gender identity of their colleague. Civil servant Eleanor Frances complained about this unlawful policy in 2022 and was told that if she objected to showering, changing or using the toilet with a male colleague, she could use alternative unisex accessible facilities; she suffered discrimination and victimisation. In December 2024, DCMS and DSIT settled her employment tribunal claim for £116,749 and committed to revising their transgender inclusion policies in compliance with the Equality Act.