

Journey is a network of LGBTQ+ people and allies working across the transport sector, spanning rail, road, aviation, buses and maritime, and representing both frontline and managerial staff. We exist to provide an independent voice for LGBTQ+ people in transport, to share learning and best practice, and to promote a safe, inclusive and respectful industry for all.

We are writing to you to ask that you reflect the concerns and experiences of LGBTQ+ transport workers and service users in your parliamentary, policy and public engagement on the future of equality legislation.

Over recent months, we have surveyed our members on their views regarding the revised Equality and Human Rights Commission (EHRC) Code of Practice for Services, Public Functions and Associations. The Code has now completed the statutory parliamentary scrutiny process and is awaiting commencement as statutory guidance.

Our members expressed significant concerns, both personally and professionally, about the likely consequences of the Code's interpretation of the law. Many of the issues raised have already been acknowledged within the Government's Equality Impact Assessment. We have therefore focused this letter on concerns that are particularly relevant to the transport sector and its workforce.

We recognise that reasonable people may hold different views on the policy questions underpinning the Code. However, we are deeply concerned that its practical effect risks reinforcing assumptions that transgender people, particularly trans women, pose a threat in single-sex spaces, or that the rights of transgender people and cisgender women are inherently in conflict. We do not believe those assumptions are supported by evidence. Transgender people already experience disproportionately high levels of discrimination, harassment and violence, making their safety and ability to participate fully in public life a matter of significant concern.

We believe this represents a critical moment for the future treatment of LGBTQ+ people, and particularly transgender people, within public life. We therefore ask you to support legislative action that provides greater clarity within the Equality Act 2010 regarding the issues considered by the Supreme Court and ensures that protection on the grounds of gender reassignment remains meaningful and effective in practice.

Negative impact on transgender people's access to public services

Our members raised significant concerns about the impact that the revised Code may have on transgender people's ability to access public services safely and confidently, including the transport network.

Many respondents felt that transgender passengers would be less likely to travel, particularly during evenings and at night, if they feared being challenged, harassed or excluded from

facilities because of their appearance. Others expressed concern that the practical implementation of the Code could lead to an increase in disputes between passengers regarding the use of toilets and other facilities.

This would primarily affect transgender passengers, but could also affect many other people whose appearance does not conform to societal expectations of sex or gender, including lesbian, gay and bisexual people and others who may be perceived as gender non-conforming.

One member told us:

"I just want to be able to use the bathroom like anyone else. I don't want to feel scared any time I'm not home, wondering if it is even possible, let alone safe, for me to use facilities I need to use to live."

Transport presents particular challenges because it is a public, operational environment where facilities are often limited, journeys are time-critical, and many interactions take place late at night or in isolated locations. Transport workers and passengers cannot always easily access alternative facilities or seek support if disputes arise.

Negative impact on transport employees

Our members also expressed concern about the impact that the revised Code could have on the transport workforce itself.

Frontline staff are responsible for keeping services moving safely and efficiently. Many respondents were concerned that implementing guidance relating to single-sex spaces could place staff in difficult situations, increasing the likelihood of confrontation and abuse from members of the public.

Staff consistently told us that they do not believe determining or policing the sex or gender presentation of passengers should form part of their role. They expressed significant discomfort at the prospect of being expected to intervene in situations involving access to toilets or other facilities.

Transgender employees highlighted the disproportionate effect the Code could have on them personally. Many transport workers already work long shifts, often involving limited access to facilities. In locations where gender-neutral facilities are unavailable, employees may feel unsafe, excluded or distressed when using facilities that do not align with the gender in which they live and work.

Respondents also highlighted concerns that requiring transgender employees to use particular facilities, including directing them specifically towards gender-neutral or accessible toilets, could effectively disclose their transgender status to colleagues and members of the public. This could expose individuals to harassment, discrimination and unwanted intrusion into their private lives.

Two members summarised these concerns particularly clearly:

"The revised Code, which requires organisations to treat 'sex' as sex assigned at birth, would have a profound and negative impact on my daily life. As a frontline worker, I often rely on public facilities while travelling between stations or during breaks. Being told, or expected, to use men's toilets would put me at real risk of harassment, confrontation or violence. I have lived as a woman for many years, and entering a men's space would be unsafe and humiliating."

"Transport workplaces include depots, mess rooms, engineering sites and operational hubs where staff must feel safe and respected. Current best practice supported by unions, industry bodies and many employers enables trans and non-binary staff to access facilities that align with their gender identity without incident. Any move away from that approach risks confusion, conflict and unnecessary distress while placing managers in an impossible position."

Consequential impact on disabled passengers

Our members were also concerned about the consequential impact on disabled passengers and employees.

Where accessible toilets are treated as the only practical alternative available to transgender and non-binary people, additional pressure may be placed on facilities already relied upon by disabled people. Accessible toilets are not spare capacity; they are essential facilities for many disabled passengers and workers.

Across parts of the transport network, there are already significant challenges regarding the availability, accessibility and reliability of accessible facilities. Increasing demand for those facilities risks creating additional barriers for disabled people while failing to address the underlying need for inclusive provision.

Summary

Our members expressed consistent concerns that the revised Code could have significant negative consequences for the safe, efficient and inclusive operation of the transport network, negative impacts on the transport workforce, and on people using the transport network.

Many also expressed concern that changes of such significance have progressed through the statutory process without a substantive parliamentary debate focused on their practical impact on LGBTQ+ people, transport workers, disabled passengers and service providers. This has contributed to a perception that the concerns of affected communities have not been fully heard or scrutinised.

The Journey network therefore wishes to register its significant concern regarding the revised Code and to ask that you support measures that provide greater legal clarity and protection for transgender people within the Equality Act 2010.

We would welcome the opportunity to discuss these issues further and to share the experiences of LGBTQ+ transport workers and service users directly.

Yours sincerely,

Journey - LGBTQ+ in Transport