

# Supreme Court Ruling Clarifies Definition of "Man," "Woman," and "Sex" Under Equality Act 2010

(16th April 2025)

On 16th April 2025, the UK Supreme Court delivered a significant ruling in the case of *For Women Scotland Ltd v The Scottish Ministers*, clarifying that under the Equality Act 2010, the terms "man," "woman," and "sex" refer specifically to biological sex.

The case originated from a challenge to Scottish government guidance that included transgender women with Gender Recognition Certificates (GRCs) in the definition of "woman" for public sector equality duties.

The Supreme Court unanimously ruled that:

- The terms "man" and "woman" in the Equality Act 2010 refer to biological sex, not to gender identity or legal gender recognition.
- This interpretation allows for the lawful exclusion of transgender individuals from single-sex spaces and services designated for biological females, such as certain hospital wards, refuges, and sports competitions.
- Despite this clarification, the ruling does not remove protections for transgender individuals, who remain protected under the Equality Act's provisions concerning gender reassignment.

Transgender advocacy groups have expressed concern that this ruling could lead to increased exclusion from spaces and services aligned with their gender identity, potentially affecting their access to appropriate healthcare, support services, and participation in public life. There are fears that this legal interpretation may set a precedent for further limitations on the rights of transgender individuals.

## Guidance for Employers:

Employers should take proactive steps to ensure compliance with the clarified legal definitions while continuing to support all employees:

- **Policy Review:** Stay updated on legal requirements and ensure that workplace policies align with the latest legal interpretations and protections for transgender individuals.
- **Risk Assessments:** Conduct assessments to understand the impact of this ruling on workplace facilities and practices, particularly concerning single-sex spaces.[acuitylaw.com](https://www.acuitylaw.com)
- **Training and Awareness:** Provide training for HR personnel and management to navigate the complexities of the ruling, ensuring respectful and lawful treatment of all employees.
- **Consultation with Employees:** Engage with staff to understand their perspectives and to foster an inclusive workplace environment.
- **Maintain Protections:** Continue to uphold protections against discrimination for transgender employees under the Equality Act's provisions on gender reassignment.

Please see the EHRC Interim Report for further guidance

This ruling underscores the importance of balancing legal definitions with the rights and dignity of all individuals. Employers play a crucial role in fostering inclusive environments that respect both the letter and the spirit of the law.

Further resources:

<https://www.equalityhumanrights.com/media-centre/interim-update-practical-implications-uk-supreme-court-judgment>

<https://www.supremecourt.uk/cases/uksc-2024-0042>