

COMPOSITE 15

TRANS RIGHTS FOLLOWING THE UPDATED EHRC GUIDANCE ON THE EQUALITY ACT 2010

Incorporating:

Emergency Motion 2 - EMERGENCY MOTION ON TRANS RIGHTS FOLLOWING THE UPDATED DRAFT CODE OF PRACTICE FROM EHRC 2026 (Wales & South West Region)

Emergency Motion 4 - UPDATED EHRC GUIDANCE ON THE EQUALITY ACT 2010 – PROTECTION FOR TRANS, NON-BINARY AND GENDER DIVERSE MEMBERS (GMB Scotland)

Emergency Motion 7 - REJECT THE EHRC 21ST MAY 2026 GUIDANCE (London Region)

Composite text:

The GMB, as part of our long-standing policy, believes that trans, non-binary and gender diverse people are entitled to be treated with equal dignity at home, at work and in wider society. These rights are human rights.

On 21 May 2026, the Equality and Human Rights Commission (EHRC) released updated guidance on their draft Code of Practice for Services, Public Functions and Associations, following the April 2025 Supreme Court ruling that, for the purposes of the Equality Act 2010, "sex" means biological sex.

The Minister for Women and Equalities, Bridget Phillipson, has laid the Equality and Human Rights Commission's draft updated Code of Practice for Services, Public Functions and Associations 2026 in Parliament.

Described as "clear and workable guidance", this motion contends that it is neither. The guidance fails to provide definitive answers for employees or employers alike, remaining open to the interpretation of the reader. As guidance rather than legislation, it offers insufficient certainty to those it is intended to protect.

The new guidance is discriminatory, unworkable and effectively excludes trans, non-binary and gender diverse people from swathes of public life including working life. The law must be changed.

Congress notes that on the 2nd June 2026 a motion was placed before Parliament, as the only mechanism through which Parliament can reject the EHRC (Equality and Human Rights Commission) Code of Practice issued on the 21st May 2026.

The motion asks for a debate and Parliamentary scrutiny of the recent guidance to be heard before the 40 day window, after which it becomes statutory guidance.

The Guidance does not give clarity and confidence to workers in those spaces that want to be trans inclusive. Its impact also extends beyond the rights of trans people. The Government own Equality Impact Assessment warns that women who are considered masculine may face greater scrutiny” and that disabled people could face adverse impact.

Congress notes that the recent EHRC guidance/code will exclude trans+ workers from services and facilities that they have long used without issue, putting them at increased risk of harassment and violence and effectively pushing them out of public life.

This means that the policing of Trans+ people will be outsourced to service providers, including business, charities and public bodies- this burden being placed on workers in these sectors to act as “border security” against Trans+ workers in the workplaces that provide services, public functions and Associations.

Congress notes that many frontline workers, managers, or provider of services maybe feeling pressure to implement transphobic policies or practices and they will be concerned about the safety, legality, or ethical implications of decisions. There is a real concern that many workers may find themselves in very challenging positions in their workplaces, causing stress and anxiety.

If the motion, put forward by the MP, asking for a debate and Parliament scrutiny of the code is heard before the 30th June 2026 there is a high possibility that it can be rejected and the Government should withdraw it and instead legislate to clarify and protect trans + people rights privacy and inclusion.

If Parliament does not reject the motion, by 30th June 2026 it becomes statutory guidance.

This Congress thanks the GMB for its continued support of our Trans, Non Binary and Gender Diverse members.

This Congress calls upon the GMB to:

1. Consider working alongside MPs to get behind this call for parliamentary debate/scrutiny before the 30th June 2026.
2. Campaign on Trans+ inclusion in the workplace.
3. Ensure that Reps in the workplace have access to the appropriate updated resources, in light of the EHRC updated guidance, to support Trans+ workers.
4. Lobby the Government to provide legislative clarity on this matter
5. Use its public platform to actively voice the GMB's Trans-inclusive stance
6. Encourage and reiterate that the Equality Act 2010 must continue to afford protection to all, including Trans, Non-Binary and Gender Diverse people.

7. launch a campaign to introduce a process of gender self-declaration in the UK so trans, non-binary and gender diverse people have equal civil rights and justice in the workplace.
8. Continue existing campaigning to recognise the right of our trans, non-binary and gender diverse colleagues within the workplace and wider society to be treated equally and equitably.

MOVING: Wales & South West

SECONDING: GMB Scotland

Speaking in debate:

London Region