

# Lesbian, gay, bi, trans and non-binary inclusion

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These resources are designed to support our regulatory requirements in relation to LGBTQ+ inclusion.

In using the acronym LGBTQ+ (lesbian, gay, bi, trans and non-binary, questioning and others) we are not seeking to exclude any groups and recognise that each community has different experiences.

## *The case for LGBTQ+ inclusion*

LGBTQ+ lawyers who are not 'out' in the workplace are more likely to leave their job and many are still not comfortable with bringing their full selves to work. Many lesbian, gay, bi, trans and non-binary people experience bullying and harassment in the workplace.

Read more about the experiences of the LGBTQ+ community within the legal profession:

- The Law Society's Pride in the Law report 2021  
[<https://www.lawsociety.org.uk/topics/research/pride-in-the-law-experiences-of-the-lgbt-community-within-the-legal-profession>]
- InterLaw Diversity Forum LGBT+ Factsheet 2021 [[https://5aa06e50-1b3c-4843-b70a-a841ab933579.usrfiles.com/ugd/5aa06e\\_b8150387ca1243418743b2b75f675414.pdf](https://5aa06e50-1b3c-4843-b70a-a841ab933579.usrfiles.com/ugd/5aa06e_b8150387ca1243418743b2b75f675414.pdf)]

## *Monitoring for sex, gender identity and sexual orientation*

All law firms are required to collect, report and publish workforce diversity data [<https://www.sra.org.uk/solicitors/resources2/equality-diversity/your-data/>] (Standard 1.5 of the Code of Conduct for Firms [<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/>]) including for sex, gender identity and sexual orientation.

In 2023:

- Sex - 53% of lawyers are women and 45% are men.
- Gender identity - 0.5% of lawyers confirmed that their gender identity was different to their sex registered at birth.
- Sexual Orientation - 2.6% of lawyers identified as lesbian or gay, 1.4% as bisexual and 89.2% as heterosexual.

Find out more on our Law Firm Diversity Data Tool

[<https://www.sra.org.uk/solicitors/resources2/equality-diversity/law-firm-diversity-tool/>].

## *Taking steps towards an LGBTQ+ inclusive workplace*

Alongside The Law Society [<https://www.lawsociety.org.uk/>] and Stonewall [<https://www.stonewall.org.uk/>], we supported a scheme where small and medium-sized law firms were given the opportunity of mentoring from law firms identified as top performers in the Stonewall Workplace Equality Index [<https://www.stonewall.org.uk/uk-workplace-equality-index>]. Learn how some of the mentee firms benefited from this innovative scheme:

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## *EMG Solicitors – empowered to deliver change*

### *Background*

Since taking part in the LGBT mentoring scheme, EMG Solicitors has been through a significant period of growth. This includes opening several new offices and now employing 120 colleagues across the North of England. EMG works hard to make sure it supports, listens and develops colleagues. It promotes openness and conversation among teams.

The firm was keen to sign up to the mentoring scheme and develop its approach to LGBT+ inclusivity. It was mentored by Bryan Cave Leighton Paisner (BCLP).

The scheme helped EMG develop a safe, friendly and inclusive workplace culture where everyone can be themselves. It found the support and regular contact offered by BCLP instrumental in driving through this change.

### *What did the firm do?*

- Won full support from senior leaders and directors to be part of the mentoring scheme.
- Set up an 'Empowerment, Diversity and Inclusion Team'.
- Carried out a firm-wide questionnaire on equality, diversity and inclusion.
- Redrafted client documentation to make sure it was inclusive.
- Delivered a presentation to all staff on inclusivity which covered several areas but had a specific focus on LGBT+. This was well received and helped to make sure that inclusivity is recognised as one of their core values.
- Supported LGBT+ inclusivity on social media, including showcasing their activities during Pride month.
- Sponsored Pride Radio at two Pride events with staff members contributing to broadcasts.

### *Where is the firm now?*

- EMG makes sure that supporting diversity and inclusion is no longer an 'initiative' or 'scheme'. This is fundamental to how it engages with colleagues, clients and the community as a whole.
- Since joining the scheme it has employed a Head of People & Culture whose focus is to help embed and promote their five core values: cooperation, courage, excellence, integrity and kindness.
- EMG values have been developed through input from all colleagues. And the concepts of diversity and inclusion feature throughout the values and underpinning behaviours.



- Raises funds for local LGBT+ charities and other community initiatives through EMG community fund [<https://emgsolicitors.com/the-emg-way/community-fund/>] .

'At EMG we fully appreciate and actively ensure that our clients and colleagues are always treated with the utmost respect and dignity. However, as with everything, there is always room for improvement.

'I hope that the more we develop our understanding, the better we will be as a firm at supporting those colleagues and clients from the LGBT community.'

## *MSB Solicitors - leading from the top*

### *Background*

MSB is a law firm with more than 200 people. The firm is committed to eliminating discrimination and promoting equality and diversity. It sees diversity and inclusion as integral to everything it does.

As part of this commitment MSB joined the LGBT+ mentoring scheme as a way of doing more. It welcomed the chance to show the legal profession what could be achieved when law firms work together. It was mentored by DWF LLP.

### *What did the firm do?*

- MSB's managing partner Emma Carey took personal charge of the relationship with DWF LLP and made sure the whole firm was committed to making the mentoring scheme work.
- Clear objectives were set at the beginning of the relationship and progress against these were regularly reviewed.
- DWF LLP shared resources and guided MSB on how it could be adapted for a smaller workforce. It was helpful to bounce ideas off with DWF with its experience of which activities and initiatives might bring about a wider impact.
- The firm made sure there was an LGBT+ representative on its diversity and inclusion group.
- Both firms marched together at Manchester Pride with colleagues networking with one another.
- Adapted its approach to recruitment to attract diverse applicants.
- Collaborated on community engagement with the Navajo Merseyside & Cheshire LGBT Charter Mark, Liverpool Pride and visiting students in all three Liverpool universities.

### *Where is the firm now?*

- Set up an Environmental, Social and Governance committee. Its sub-groups are responsible for engaging the wider workforce on different issues so that all areas of EDI are taken seriously at the firm. These include:
  - health and wellbeing.
  - LGBT
  - race
  - sex



- social mobility
- the environment
- Continues marching with DWF and other organisations for Liverpool Pride. It has delivered a 'pre-Pride' event with speakers who have highlighted the importance of LGBT+ inclusion in the profession and shared lived experiences.
- Invites trainers such as Diversity Matters to deliver LGBTQ+ inclusion training. It plans to invite clients to future training sessions to share the firm's values and to promote inclusion to other organisations.
- Still involved with Navajo where Emma Carey is an assessor. In fact, around 20 staff from across the firm are involved at board level in other charities and LGBTQ+ services including, CMagic – a trans healthcare provider.

'Often it is the big firms which are seen to be doing things in the area of equality, diversity and inclusion. In fact, all the work, initiatives and policies can be implemented in small and medium firms too - this does work and it must.

'We quickly developed a good rapport with DWF. This meant the experience had a positive impact, was extremely useful and acted as a catalyst to advance equality, diversity and inclusion at the firm more widely.'

## *Trans and non-binary equality and inclusion*

Given the particular challenges that trans and non-binary people can face in the workplace it is important to instil an inclusive culture, support all your staff to be themselves at work and provide a fair and inclusive service to all your clients.

As well as meeting your regulatory obligations you must comply with the law, which is developing in this area. People who identify as trans, non-binary and gender fluid are protected by the Equality Act 2010, coming within the protected characteristic of 'gender reassignment' as defined by the Act (Taylor v Jaguar Land Rover Ltd (case 13044471/2018 (30 November 2020, unreported) ET

[[https://assets.publishing.service.gov.uk/media/5fc8d559d3bf7f7f5c134ad3/Ms\\_R\\_Taylor\\_v\\_Jaguar\\_Land\\_Rover\\_Limited\\_-\\_1304471.2018\\_-\\_Reasons.pdf](https://assets.publishing.service.gov.uk/media/5fc8d559d3bf7f7f5c134ad3/Ms_R_Taylor_v_Jaguar_Land_Rover_Limited_-_1304471.2018_-_Reasons.pdf)] ).

As with the application of all rights, there sometimes needs to be a balance, as confirmed in the case of Forstater v CGD Europe & Ors [2021] UKEAT/0105/20/JOJ

[[https://assets.publishing.service.gov.uk/media/60c1cce1d3bf7f4bd9814e39/Maya\\_Forstater\\_v\\_CGD\\_Europe\\_and\\_others\\_UKEAT0105\\_20\\_JOJ.pdf](https://assets.publishing.service.gov.uk/media/60c1cce1d3bf7f4bd9814e39/Maya_Forstater_v_CGD_Europe_and_others_UKEAT0105_20_JOJ.pdf)] , which found that the rights of those who hold gender critical beliefs are also protected by the Act.

The Employment Appeal Tribunal in this case emphasised that this does not affect the rights of trans, non-binary and gender fluid people who are protected by the Act against discrimination and harassment. This includes against being 'misgendered', and employers and service providers should continue to provide a safe environment for them.

To support law firms in this area we have updated our Good practice guide to creating a trans and non-binary inclusive workplace [<https://www.sra.org.uk/solicitors/resources/diversity-toolkit/lesbian-gay-bisexual-transgender-inclusion/good-practice-for-law-firms-on-creating-a-trans-inclusive-workplace/>] . Also see our other resources information below for links to useful advice

and guidance from the Law Society, the Equality and Human Rights Commission (EHRC), Acas and others.

We have also produced a number of videos showing what law firms are doing to promote trans and non-binary inclusion and why we need to get this right.

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### *Why law firms need to talk about gender identity (Lui Asquith)*

#### *Lui Asquith, gender queer solicitor*

I believe that a law firm that is resistant about talking about gender identity and trans inclusion is a firm missing out on highly talented people. Having such initiatives will also encourage diversity into the profession.

Allowing for acceptance and diversity brings with it positive wellbeing and mental health, which inevitably leads to a better productivity rate and more business. Trans and gender variant people are significantly more likely to suffer with anxiety and/or depression and law firms can reduce the risk of this by simply being open and willing to learn.

One thing firms can do very easily is to provide trans awareness training for their staff. Firms can also fundraise for charities that are working for trans equality and who can provide information to help inform colleagues.

If an employee comes out as trans, a timely, confidential and considered chat with them to explore what the firm can do to make them feel more comfortable is really important.

Here are some further tips:

- Be sure to ask them their preferred pronouns, name, title (they may not want one) and make any change of name simple.
- Make sure colleagues are respectful about the changes being made.
- Ask which information the individual wants to remain confidential and how they want their colleagues to be informed about the information they do want others to know.
- Make any approach trans employee led – everyone experiences coming out in different ways. Take the lead of the trans person and not what the firm thinks is best.

A lot of people show support and solidarity, however unfortunately some still show prejudice and discrimination. I would like to see more solicitors and lawyers stand up and count themselves as allies in the legal profession and come out for trans equality, whatever their identity.

### *New policy and training on trans inclusivity (Eversheds Sutherland)*

#### *Background*

Eversheds Sutherland International is a top 100 ranked employer in the Stonewall Equality Index and has been for eight years. One of its aims is to make sure that all colleagues and partners can bring their true selves to work.

### *What did the firm do?*

- Launched a Transitioning at Work Policy in 2018, with supporting guidelines, FAQs and template Transition Plan.
- Established a working group that included colleagues from HR, recruitment, IT and the Perspective (their LGBT+ employee network) to make sure the policy was implemented successfully.
- Asked Global Butterflies to present a 'Trans 101' webinar to educate colleagues on trans inclusion.
- Adapted the gender marker question in its employee wellbeing surveys to include a trans option and free-text boxes.
- Ran a series of client training courses on gender identity and intersex, aimed at increasing awareness and best-practice approaches in the workplace. This was co-presented with Acas and a:gender with trans, non-binary and intersex speakers.
- Hosted a Dive In Festival event in Leeds, 'Who do you think you are?', with Sophie Cook, trans advocate, as keynote speaker.
- Hosted a Stonewall Trans Allies Seminar.

### *Next steps*

The firm will roll out additional training on their Transitioning at Work policy and guidelines. It is also in the process of designing a new HR software system for employees and aims to include more inclusive gender and title options.

### *What the firm said*

**Lee Ranson**, CEO, said

'On behalf of the firm, I am proud to announce the launch of our new Transitioning at Work policy and guidelines. We are wholly committed to the trans community and I am delighted that we have formalised our approach around supporting our colleagues who wish to transition.'

### *Recognised by Stonewall as a Top 10 employer (Pinsent Masons)*

#### *Background*

Pinsent Masons is committed to making sure the firm is as inclusive as possible and this includes promoting and encouraging trans equality. It has been ranked in the top 10 of Stonewall's Top 100 employers [<https://www.stonewall.org.uk/build-workplace-works-lgbtq-people/uk-workplace-equality-index>] since 2015.

### *What did the firm do?*

- Added a gender identity question to their annual diversity monitoring form. This resulted in some staff answering positively in that they identified with a different gender to that assigned at birth.
- Developed a suite of trans inclusion documentation including a trans equality policy, a manager guide for supporting trans colleagues, trans and gender expression at work guidance, and transitioning at work FAQs.

- Introduced a 'dress for your day' policy which makes specific mention of dressing in line with someone's gender identity and gender expression.
- Implemented gender neutral toilets in offices where it owns the buildings.
- Changed client registration to include Mx as an option alongside Ms, Miss, Mr, etc.
- Provided training to client services teams as well as suppliers on creating trans inclusive workspaces.
- Ran training sessions for staff on topics such as active allyship specific to trans inclusion.

### *Next steps*

Pinsent Masons is looking to continue developing strong relationships with expert organisations in the regions in which it operates.

### *Inclusivity means everyone can be themselves at work (Gowling WLG)*

#### *Background*

Gowling WLG's approach to inclusion is simple. Its aim is that everyone can simply be themselves in the workplace and maximise their potential without anything getting in the way.

In 2011 its LGBT+ employee network OpenHouse was established and since then the network has worked to raise awareness and education around LGBT+ matters.

#### *What did the firm do?*

- Worked with trans colleagues to create its first trans policy for anyone considering transitioning - letting them know the firm is with them every step of the way.
- Reviewed its diversity and inclusion statement and policies so they were explicit in the inclusion of gender identity and gender reassignment.
- Reviewed recruitment documents and added the prefix 'Mx' as an option when applying for roles at the firm.
- Changed internal systems to include 'non-binary' as a gender option

#### *What the firm said*

**Emma Dennis**, D & I manager at Gowling WLG said:

'We want to be an inclusive workplace. One that not only enables but also encourages and supports all employees to be themselves and thrive regardless of gender, gender identity or sexual orientation.

'If someone wants to transition at work they will be supported every step of the way and we will work with our trans colleagues to ensure we are as trans inclusive as possible.'

### *Inclusive workplaces for trans and non-binary people (Webinar)*

Watch our free webinar, staged on International Non-Binary People's Day 2022, to hear from non-binary barrister, Mx Oscar Davies and our Executive Director, Robert

Loughlin about inclusive workplaces for non-binary and trans people.

### *Watch our videos about trans inclusion*

#### *Why trans inclusion is important*

Jane MALCOIM Executive Director, External and Corporate Affairs

#### *Starting your trans inclusion journey*

Bernard Reed and the late Terry Reed, Trustees Of The Gender Identity Research and Education Society (Gires)

#### *Find out what three firms are doing to promote trans inclusion*

Sophie Breuil and Alex Vowinkel at CMS | Baches Solicitors, Leighton Paisner and Trowers & Hamlin LLP

#### *Practical tips to help promote a trans-positive workplace at your firm*

Rachel Reese, Director, Global Butterflies and Daniel Winterfeldt, Chair of InterLaw Diversity Forum

## *Other resources*

### *Guidance on the law*

- Equality Act codes of practice from the EHRC  
[<https://www.equalityhumanrights.com/equality/equality-act-2010/codes-practice>]
- Gender reassignment discrimination - guidance from the EHRC  
[<https://equalityhumanrights.com/equality/equality-act-2010/your-rights-under-equality-act-2010/gender-reassignment-discrimination>]
- Supporting trans employees in the workplace | Acas [<https://www.acas.org.uk/supporting-trans-employees-in-the-workplace>]

### *Good practice guides*

- Transition and change to gender expression template | The Law Society  
[<https://www.lawsociety.org.uk/en/topics/lgbt-lawyers/transition-and-change-to-gender-expression-template>]
- Law Society's Guide to using pronouns in the workplace  
[<https://www.lawsociety.org.uk/en/topics/hr-and-people-management/using-pronouns-in-the-workplace>]
- Interlaw Diversity Forum - LGBT+ Factsheet [[https://5aa06e50-1b3c-4843-b70a-a841ab933579.usfiles.com/ugd/5aa06e\\_b8150387ca1243418743b2b75f675414.pdf](https://5aa06e50-1b3c-4843-b70a-a841ab933579.usfiles.com/ugd/5aa06e_b8150387ca1243418743b2b75f675414.pdf)]
- Guide to Gender-Neutral Drafting | InterLaw Diversity Forum  
[<https://www.interlawdiversityforum.org/guide-to-gender-neutral-drafting>]
- A guide to trans and non-binary inclusion written by Global Butterflies for Lloyds of London [[https://assets.lloyds.com/media/d14252a4-33f4-494a-8da4-e27267a68d3b/Lloyds\\_trans-and-non-binary\\_guide\\_Final\\_101219.pdf](https://assets.lloyds.com/media/d14252a4-33f4-494a-8da4-e27267a68d3b/Lloyds_trans-and-non-binary_guide_Final_101219.pdf)]
- SRA good practice for law firms on creating a trans inclusive workplace  
[<https://www.sra.org.uk/solicitors/resources/diversity-toolkit/lesbian-gay-bisexual-transgender-inclusion/good-practice-for-law-firms-on-creating-a-trans-inclusive-workplace/>]

### *Research*

- The Law Society: Pride in the law: experiences of the LGBT+ community within the legal profession [<https://www.lawsociety.org.uk/topics/research/pride-in-the-law-experiences-of-the-lgbt-community-within-the-legal-profession>]

### *Guide to terminology*



- Terminology – Gender Identity Research & Education Society (gires.org.uk)  
[<https://www.gires.org.uk/resources/terminology/>]
- Glossary of terms (stonewall.org.uk) [<https://www.stonewall.org.uk/help-advice/faqs-and-glossary/glossary-terms>]