Don’t Get Caught Out

A Summary of Gender Critical Belief Discrimination Employment Tribunal Judgments

About the Authors:

Ruth Birchall is currently a Researcher in a National Domestic Abuse organisation. She holds advanced qualifications in Natural Sciences, Maths Education and Social Policy and has a background in education and public care consultancy.

Jo Phoenix is Professor of Criminology at University of Reading. She has extensive experience of research in the fields of sex, gender and justice as well as youth justice. She is also a claimant and won her employment tribunal against The Open University for harassment, discrimination, constructive dismissal, post employment harassment and post employment victimisation based on her gender critical belief.

With special thanks to HB who sorted out the typos, references, added her thoughts and contributed her skills and knowledge to this report.

This report forms the first in a series of Occasional Papers in the Employment and Justice Series, School of Law, University of Reading.

Table of Contents

Executive Summary

This report analyses recent secular gender critical belief discrimination employment tribunal judgments. The key messages of this report are:

There have been many successful outcomes in the Employment Tribunal. Whereas the average percentage for successful belief discrimination claims is around 3%, the percentage for successful 'secular' (i.e. non-religious) gender critical is nearly 80%. This is unprecedented.

Taken together the judgments provide evidence that employers are failing to ***equally*** protect gender affirmative and gender critical beliefs. They are also failing to understand that a dominant gender affirmative workplace culture can foster an environment where people with gender critical beliefs are ***unlawfully*** harassed or discriminated against. This is in direct contrast to the obligation placed on employers to create workplace cultures that ***tolerate*** a diversity of beliefs. They demonstrate that in many workplaces across different sectors hostility towards expression of gender critical beliefs has been ***normalised.*** This is a workplace culture in which accusations of transphobia and derogatory name calling are tolerated by management and there is a widespread practice of managers taking complaints of transphobia at face value, not investigating them to establish if they are substantive or vexatious. Managers and leaders may express fear or concerns in dealing with a vocal contingent complaining about the expression of gender critical beliefs.

The judgments provide further evidence of how a widespread gender affirmative workplace culture in which gender affirmative staff make their biases and prejudices against gender critical beliefs and belief holders widely known, in which senior leaders express their prejudices against gender critical belief holders and in which employers and service providers fail to stop or address overt and extreme examples of prejudice and intolerance towards gender critical beliefs and belief holders.

These judgments make for damning reading about the failure of employers to protect gender critical staff.

1. Introduction

1.1 Aim and argument

The aim of this report is to provide a description of some of the common themes emerging from recent employment tribunal judgments concerning harassment and discrimination on the basis of secular gender critical belief. 'Secular' gender critical belief is a term we have adopted in order to distinguish these beliefs from other religious beliefs about biological sex (see for instance *Higgs v Farmors School*). We address in section 5.2 why we are calling these 'secular' gender critical beliefs.

Each case we examined is about an individual's experience of conflict and distress in their workplace. It is easy to think that what we are witnessing in these cases is a 'conflict of beliefs'. After all, it is commonly thought that gender critical (GC) beliefs and gender affirmative (GA) beliefs (we describe these in section 4.1) are not reconcilable.

We think this is an incorrect description of what has been happening. *These employment tribunals provide evidence of the irrational intolerance and prejudice of gender affirmative employees and organisations towards gender critical belief holders. It is this prejudice that then drives unlawful conduct. This is not a result of anything inherent in either set of belief. Rather it is related to a workplace culture that permits the expression of intolerance, irrational fear and prejudice.*

If our analysis about is correct, our argument is that addressing GC belief discrimination requires far more than simply adding GC beliefs to the list of those beliefs that are protected (as type of 'add-on' approach).

It requires tackling the type of dominant GA workplace culture which supports prejudicial and intolerant views of GC belief holders. The analysis that follows demonstrates that the problem occurring in workplaces is not the existence GC belief or GC belief holders *per se.* The problem is intolerance and employees, sometimes managers, prepared to act on that intolerance.

The solution then is significantly changing a workplace culture that support the view that GC belief is anti-trans, and has instituted working practices that function to exclude or problematise GC belief and GC belief holders.

1.2 The six failures that led to harassment and discrimination

The judgments provide evidence of the existence of a dominant and at times prejudicial gender affirmative workplace culture across a range of public, private, third sector organisations and professions: think tanks, barristers' chambers, universities, publishing companies, social work and psychotherapy regulators, Local Authorities, third sector organisations, literary consulting firms and political parties.

We conclude from our reading of the judgments and other related documents that there are six ways that workplaces, political parties and other organisations failed.

- They ***prioritise*** the expression of gender affirmative belief ***over*** the expression of gender critical belief.
- They fail to take rigorous and ***active*** steps to protect those who hold GC beliefs from unlawful discrimination and harassment;
- They fail to ***equally*** protect people who hold gender affirmative beliefs, no belief and gender critical beliefs;
- They fail to ***educate*** staff that GC beliefs holder are protected from unlawful discrimination and harassment; and that the expression of them is not inherently harmful, degrading or contrary to the Equality Act 2010;
- They fail to ***challenge*** the culture of raising complaints against GC staff for expressing lawful GC beliefs;
- They fail to ***stop*** a dominant or 'extreme' gender affirmative culture taking hold within their organisation.

1.3 Three Introductory Notes

First, not all judgments are equal. One of the core principles of our legal system is called 'the doctrine of binding precedents'. This means that decisions made in 'higher courts' are binding and must be followed in lower courts in similar cases (see here for a structure of the UK's courts and tribunal system). Law made in this way is known as "case law". Employment tribunals (ETs) are part of our judicial system even though they are not commonly known as 'courts'.

Second, judgments in Employment Tribunals do not establish binding precedents. Other courts may sometimes find them persuasive, but are not bound by them. However, judgments in the Employment Appeal Tribunal (EAT) are binding precedent and employment tribunal panels must follow how the law is interpreted by the EAT.

Third, belief harassment or discrimination is the same as harassment or discrimination on the grounds of other protected characteristics [age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sex and sexual orientation - see the Equality Act 2010].

But belief discrimination is also a little different. Belief is not a simple objectively known characteristic. Someone's age can be easily established, as can their pregnancy, marital status or sex. Belief is something core to the individual, something deeply personal and not always outwardly expressed.

2. Employment Tribunal Cases

The tables presented here are our best attempt to list all the secular gender critical cases that have come to public attention since (and including) Forstater Employment Appeals Tribunal (EAT) established that 'gender critical' or 'sex realist' beliefs meet criterion 5 of the Grainger test (that such beliefs are worthy of respect in a democratic society and are compatible with the human rights of others). We explain the Grainger test later in Section 4).

Table 1: Secular GC Belief Harassment and Discrimination Cases Heard in Employment and Employment Appeal Tribunal (2021 to present)

Name	Date	Summary
Forstater v CGD Europe and Others Employment Appeal Tribunal	10 June 2021	'Gender critical beliefs' meet the Grainger test and become 'protected beliefs'
Forstater v CGD Europe and Others	6 July 2022	Direct discrimination and victimisation by all respondents upheld
"Maria" v Oxfam	22 July 2022	Oxfam admitted GC beliefs were protected and apologised for mistakes in disciplinary process, issuing a final warning and distress caused
Bailey v Stonewall and Garden Court Chambers	27 July 2022	Direct discrimination by First respondent (Stonewall) dismissed (NB: Bailey later appealed) Direct discrimination and victimisation by Second respondent upheld

Name	Date	Summary
Fahmy v Arts Council England	11 July 2023	Harassment by Arts Council England upheld
Ruth v Cornerstones Literary Consultancy	8 August 2023	Admission of Discrimination
Esses v UK Council for Psychotherapy	11 Dec 2023	Admission that GC beliefs are protected and that discrimination against therapists and counsellors on the basis of GC beliefs is unlawful, including on training courses
Meade v Westminster Council and Social Work England	4 Jan 2024	Harassment by Westminster City Council and Social Work England upheld
Phoenix – Open University	22 Jan 2024	Harassment, Discrimination, Constructive Unfair Dismissal, Wrongful Dismissal, Post-Employment Harassment, Post-Employment, Victimisation upheld
Adams v Edinburgh Rape Crisis Centre	14 May 2024	Direct Discrimination, Unfair Constructive Dismissal upheld
Esses v Metanoia	13 Aug 2024	Admission of Harassment and Wrongful Dismissal
Pitt v Cambridge County Council	29 July 2024	Admission of Harassment
Pike v The Open University	26 Aug 2024	The Open University admits harassment and publicly apologises to Pike.
Ongoing Appeal		
Bailey v Stonewall Equality Ltd & Others Employment Appeal Tribunal	24 July 2024	Claim that Stonewall caused or induced discrimination was not upheld by EAT and is being appealed
McBride v Scottish Ministers	30 Aug 2024	Initial Claim for Harassment, Direct Discrimination, Victimisation was unsuccessful and is being appealed
Settled by Agreement		
Boardman v BIMM Ltd	20 Sept 2023	No admission of liability but recognition of stress and upset in run up to termination of claimant's employment
Favaro v City University	31 July 2024	No admission of liability but Favaro regained access to research data
Unsuccessful Claims		

Name	Date	Summary
Orwin v East Riding Council	28 June 2024	Discrimination Unfair Dismissal
Lister v New College Swindon	27 March 2024	Discrimination Unfair Dismissal
Philip v Working Partners and HarperCollins Employment Appeal Tribunal	15 April 2024	Philip appealed against the decision to dismiss her claim against Working Partners and HarperCollins on the grounds that it was out of time
Dismissed at Preliminary Hearing stage		
Philip v Working Partners and HarperCollins	30 June 2023	Discrimination Wrongful termination

Table 2: Other notable cases not heard in Employment Tribunal

Name	Date	Outcome	Court
Bird v Liberal Democrat Party	27 July 24	Discrimination on GC belief claim upheld	County Court
Shahrir Ali v Green Party	09 Feb 24	Discrimination on GC belief claim upheld	County Court
Alcock v GirlGuiding	19 April 2022	Harassment and Discrimination (admission of liability)	County Court
Mermaids v Charity Commission and LGB Alliance	09 Feb 24	Mermaids appealed the decision to award LGB Alliance charity status	First Tier Tribunal (General Regulatory Division)

3. How unusual is this string of successful outcomes for gender critical belief holders?

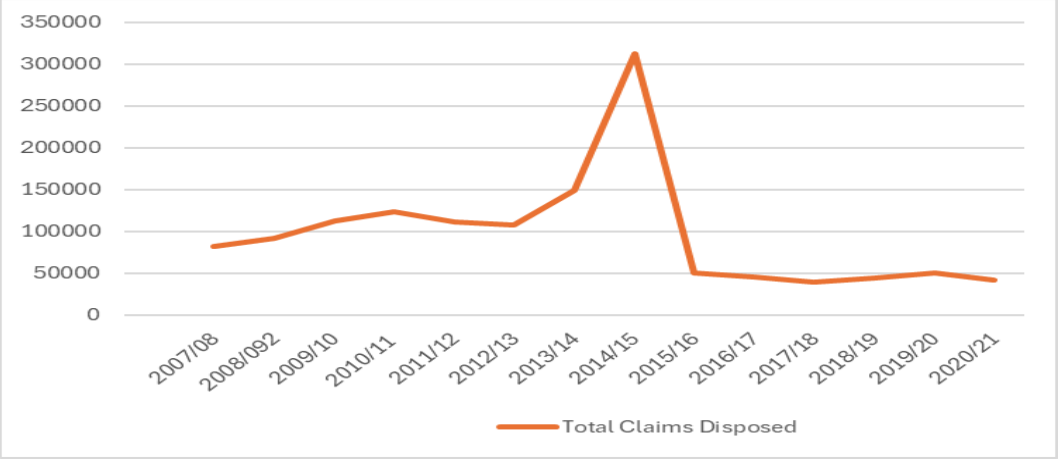
As Table 1 above shows, since the Forstater EAT ruled that gender critical beliefs are 'protected beliefs' as per the Equality Act 2010, there has been an unprecedented run of positive outcomes for claimants.

Fourteen cases have resulted in either a settlement or a successful outcome in the ET. Two cases are still making their way through the appeals system, 3 cases concluded unsuccessfully and 1 claim was dismissed at preliminary hearing stage.

3.1 Disposals

Employment tribunals dispose of a significant number of claims each year, as Figure 1 below shows.

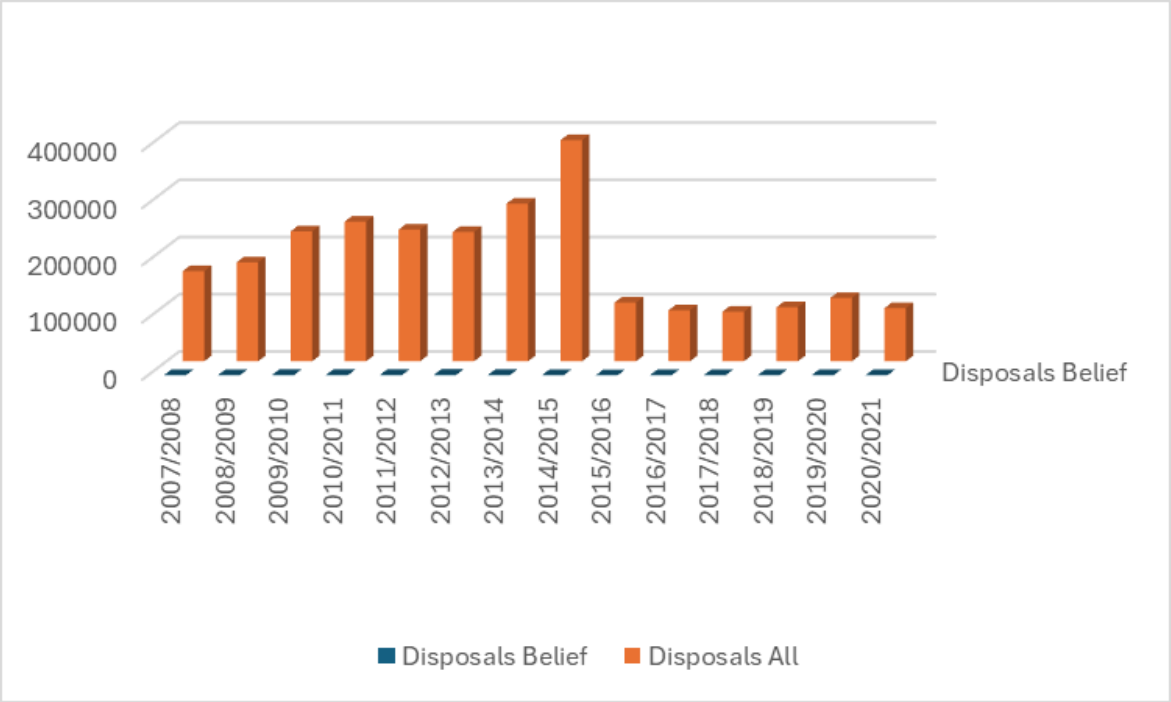
Figure 1: Total disposals in the Employment Tribunal 2007-2021



(Source: Ministry of Justice, *Tribunal Statistics Quarterly,* 2023)

Belief discrimination claims make up less than 2% of all claims disposed by ET. (See Figure 2).

Figure 2: All disposals and all belief discrimination disposals in Employment Tribunal 2007-2021

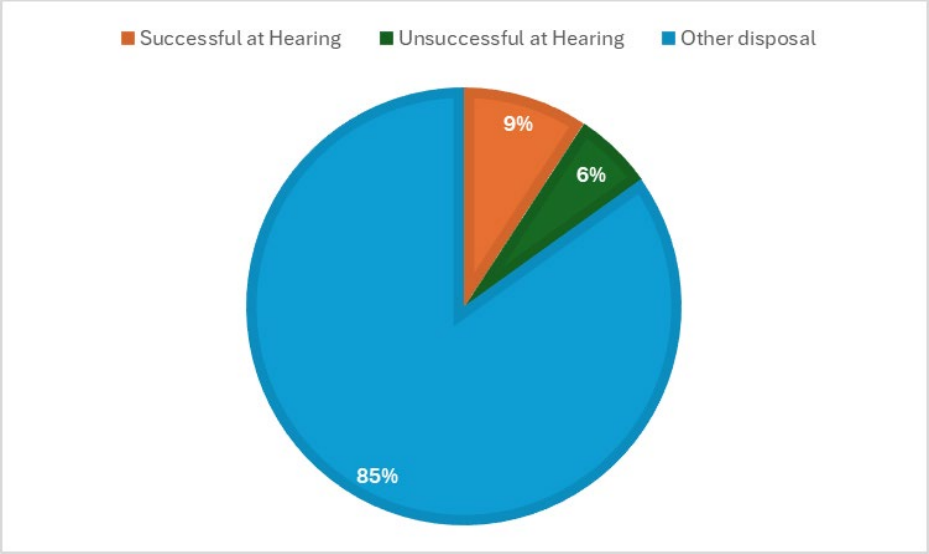


(Source: Ministry of Justice, *Tribunal Statistics Quarterly,* 2023)

3.1 Outcomes

Between 50 and 60% of *all* ET claims between 2007-2021 were either settled via Acas or withdrawn. The percentage of *all* ET claims that were successful was around 9-12% (see Figure 3 below).

Figure 3: Percentage disposals for all employment tribunal disposals 2007-2021, averaged

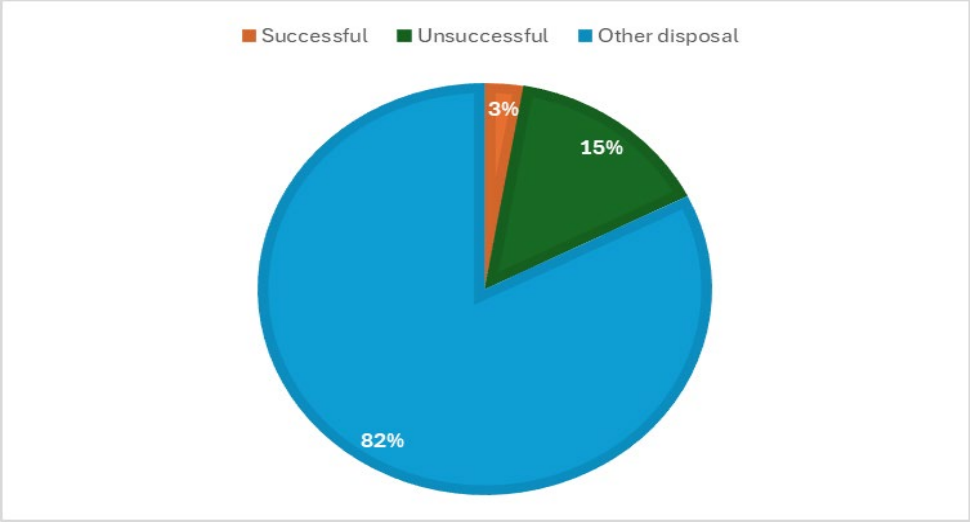


(Source: Ministry of Justice, *Tribunal Statistics Quarterly,* 2023)

Where belief discrimination is concerned, however, the success rate once a case goes to full hearing is ***much lower*** than the average. For the most part, only 3% of claims on belief discrimination have been successful. Belief discrimination claims also have a higher than expected unsuccessful outcome (see Figure 4 below).

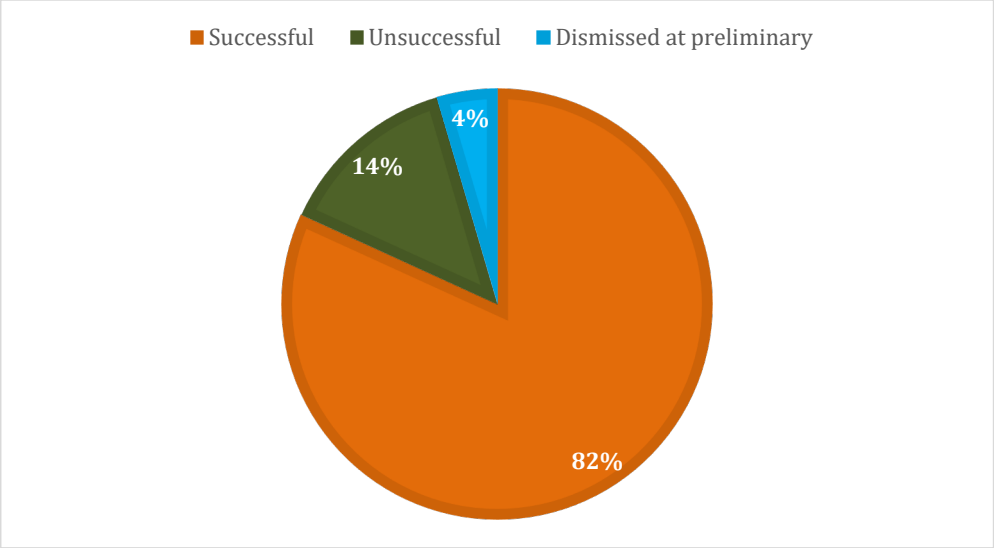
The outcomes of recent secular gender critical belief discrimination claims is ***unprecedented and contrary to the expected trend for belief discrimination***. Excluding the pending appeal claims and the claim dismissed at preliminary hearing, ***83% of gender critical belief claims result in a successful outcome for the claimant*** (as opposed to 3% for belief discrimination in general). If we include the County Court cases and other outcomes, 82% of GC cases have a successful outcome (see Figure 5 below).

Figure 4: Percentage disposals for all belief discrimination claims 2007-2021, averaged



(Source: Ministry of Justice, *Tribunal Statistics Quarterly,* 2023)

Figure 5: Percentage disposals for secular belief discrimination claims since 2021, including County Court judgments[1]



(Source: Table 1 and 2 above)

[1] We have left out of this calculation the 2 cases pending appeal because there has not yet been a completed outcome.

It is worth noting that Orwin v East Riding Council, Lister v New College and McBride v Scottish Ministers were *litigants in person* meaning they did not have a lawyer to argue their case in court.

If we look at cases heard by County Court, the pattern is even starker. All three claims have resulted in a successful outcome. Likewise, in the First Tier Tribunal (General Regulatory Division) the only case lodged (to date) was that of Mermaids v Charity Commission and LGB Alliance, in which Mermaids (a charity) appealed the decision of the charity commission to award LGB Alliance charity status. This was an unsuccessful claim for Mermaids and so ultimately a successful claim for LGB Alliance and gender critical beliefs, given that much of the case turned on whether LGB Alliance was (or was not) 'transphobic'.

Key Messages

Across a wide variety of sectors, organisations and employers are losing because they have not understood that they ***are*** treating people with gender critical beliefs detrimentally and this ***is*** unlawful harassment and/or discrimination.

Secular gender critical claims of harassment and discrimination are succeeding at an unprecedented rate. ***Whereas only around 3% of belief claims are successful, around 80% of gender critical belief claims are successful.*** This should send a strong message to employers.

4. What are 'gender critical beliefs' and 'gender affirmative beliefs'?

In all of the ET cases listed in Table 1, the claimants held broadly similar views, explained further down.

4.1 Gender Critical Beliefs Cover More Than Just The Immutability of Biological Sex

'Gender critical beliefs' is a phrase used to indicate that the belief holder does not believe people can change sex, that biological sex is different from gender identity and that there are circumstances when a person's sex matters more than gender identity.

In each of the above successful and settled claims, the claimants held broadly similar but not identical beliefs. The tribunal in the Phoenix case described them as follows:

> *"The claimant believes in the immutability and importance of biological sex, which comes from the fact that being female is something the claimant has always believed and is core to who she is."*
>
> *"The claimant believes that biological sex is real, that it is important, that a person cannot change their biological sex and that sex is not to be conflated with gender identity." (para 30)*

The protected belief held by Bailey was wider than this and included her perspective on "the pernicious effect of Stonewall's campaign". It is worth quoting her ET judgment at length:

> "*Applying the Grainger criteria to the beliefs she held, we concluded that her beliefs, not just about gender self-identity, but about the pernicious effect of Stonewall's campaign promoting gender self-identity were genuine. We also found that these amounted to beliefs, not just opinions which might change with further evidence, because at the core of her opposition to Stonewall, frequently stated, was her understanding that their stance on gender theory – transwomen are women – a matter of their belief, underlay and was driving forward the erosion of women's rights, access to single sex spaces and lesbian identity; it also underlay the characterisation of gender critical belief as transphobic and a hate crime, which was leading some to violence against gender critical believers." (para 290)*

4.2 Gender Critical Beliefs are 'WORIADS' and Protects Gender Affirmative Beliefs

Gender Affirmative Beliefs is a phrase used to indicate a belief that human beings can change sex, that sex is mutable and that an individual's gender identity matters more than their biological sex.

For any belief to be a protected belief under the Equality Act 2010, it must meet all 5 'criteria' arising from Grainger plc v Nicholson (2009). These are the belief:

- must be genuinely held;
- must not be an opinion;
- must be a belief as to a weighty and substantial aspect of human life and behaviour;
- must have coherence and cogency; and,
- must be worthy of respect in a democratic society [sometimes abbreviated to WORIADS], not incompatible with human dignity and not conflict with the rights of others.

The Forstater EAT focused on the fifth of the criteria above, because Forstater's first ET judgment deemed that gender critical beliefs were not worthy of respect in a democratic society, were incompatible with human dignity and conflicted with the rights of others. Forstater appealed this finding.

The original ET was concerned with the capacity for those holding gender critical beliefs to 'misgender'. Forstater appealed because this confused the actual belief with a particular manifestation of it. On appeal, Mr Judge Choudhury overturned this first ET decision and held:

> *"A philosophical belief would only be excluded for failing to satisfy Grainger V if it was the kind of belief the expression of which would be akin to Nazism or totalitarianism and thereby liable to be excluded from the protection of rights under Articles 9 and 10 of the European Convention of Human Rights (ECHR) by virtue of Article 17 thereof. The Claimant's gender-critical beliefs, which were widely shared, and which did not seek to destroy the rights of trans persons, clearly did not fall into that category. The Claimant's belief, whilst offensive to some, and notwithstanding its potential to result in the harassment of trans persons in some circumstances, fell within the protection under Article 9(1), ECHR and therefore within s.10, EqA."*

The Forstater EAT protected not just 'gender critical beliefs' but an absence of belief as well as gender 'affirmative' beliefs. The Adams judgment described gender affirmative beliefs in this fashion:

> "*The 3 members of the respondent's Board and the 1 Manager who gave evidence, Mhairi Roscoe, Katie Horsburgh, Miren Sangues and Katy McTernan are all strong believers in gender identity theory.They do not believe that sex is immutable. It is their view that a trans woman is a woman and that biological sex is not relevant. They do not believe that sex is binary but believe that it is possible for an individual to be non binary." (para 174)*

4.3 The Need To Tolerate Opposing Viewpoints

Many judgments noted that ***tolerance of different viewpoints*** necessarily follows from Forstater EAT. In other words, employers and employees ***must*** tolerate gender critical beliefs, gender affirmative beliefs as well as an absence of belief in gender identity or sex.

The Forstater EAT put it this way:

> "*Just as the legal recognition of Civil Partnerships does not negate the right of a person to believe that marriage should only apply to heterosexual couples, becoming the acquired gender "for all purposes" within the meaning of GRA does not negate a person's right to believe, like the Claimant, that as a matter of biology a trans person is still their natal sex. Both beliefs may well be profoundly offensive and even distressing to many others, but they are beliefs that are and must be tolerated in a pluralist society." (para 119)*

The Bailey judgment put it this way:

> "*This tribunal does not have to adjudicate on whether it is correct to say that the difference between men and women is about biology (sex) or social role (gender). The decision of the Employment Appeal Tribunal in Forstater v CGD Europe Ltd (2022) ICR 525 makes that clear. Both the belief that women are defined by sex, and the belief that gender is a matter of self identity,are protected as beliefs. Toleration of difference is an essential characteristic of an open, pluralist society*." *(para 55)*

The Meade judgment summarises Forstater EAT and reiterates it thus:

> *"Whilst it is a belief that might in some circumstances cause offence to transpersons, the potential for offence cannot be a reason to exclude a belief from protection altogether. Whilst such beliefs may well be profoundly offensive, and even distressing to many others, they are beliefs that are, and must be, tolerated in a pluralist society. This is particularly*

the case where a belief, or a major tenet of it, appears to be in accordance with the law of the land." (para 22)

The Adams judgment likewise:

> *"Essentially our view of the law is that the law imposes a duty on both sides to tolerate each other in the workplace. Tolerance means not just accepting views which one may not be terribly bothered about but means accepting that others hold views which may cut to the core of one's being." (para 195)*

Central to all the successful hearings was the conduct and actions of people who held gender affirmative beliefs (and their 'allies') towards those who held gender critical beliefs.

4.4 Dominant Gender Affirmative Workplace Culture

In Phoenix v The Open University, the tribunal accepted that there was "more of a gender affirmative culture" at the Open University and in the department of which Phoenix (an academic) was a member (see para 610 judgment). Ultimately the tribunal found that those harassing Phoenix were also trying to put pressure on the Open University management to discriminate against her on the basis of her GC beliefs.

The Open University failed to protect Phoenix because they feared those who claimed her beliefs as inherently harmful, transphobic or anti-trans. The panel judged that these claims were wrong and contributed to Phoenix's harassment.

> " *Professor Wilson admitted that potentially there was a culture of fear about drawing attention to the Claimant and her research following the launch of the GCRN regardless of what her research was about. We find that the Respondent felt pressured by the loud voices speaking up for gender identity culture within the OU to publicly appease the students and staff." (para 440)*

The judgment in Adams v ERCC also spoke of a dominant gender affirmative workplace culture (even calling it 'extreme') and how this culture shaped what eventually was found to be unlawful conduct on the part of several employees of ERCC. They state:

> *"The Tribunal's view was that essentially the claimant gradually became aware of the crucial distinction between her generally trans positive but also sex realist philosophical belief and the more extreme gender identity belief which she became [sic] was prevalent in the organisation and indeed held by the respondent's witnesses who gave evidence to the Tribunal and is evident from some of the written documents in this case." (para 200).*

The ‘extreme’ gender identity belief referred to in the above quote was the belief that it was hateful and transphobic to even raise the question of how to respond to a rape crisis service user who wanted to know the sex of the suggested counsellor and that merely holding a belief that sex is relevant in a rape crisis centre makes one a bigot and a transphobe.

The Adams judgment then went on to characterise the investigation and disciplinary process to which she was subjected as a ‘heresy hunt’, ‘Kafka-esque’ and part of an attempt to ‘cleanse’ the organisation of individuals with gender critical beliefs.

The Phoenix and Adams judgments point to the relevance of the wider workplace culture and the power imbalances that occur where there is a dominant gender affirmative culture.

Key messages

These cases show that employers are failing to ***equally*** protect gender affirmative and gender critical beliefs. They are also failing to understand that a dominant gender affirmative workplace culture can foster an environment where people with gender critical beliefs are ***unlawfully*** harassed or discriminated against.

5. “You’re a transphobe”: How are people with gender affirmative beliefs contributing to the harassment of gender critical colleagues?

5.1 The facts of these cases are remarkably similar

It is an all-too-familiar story. Someone with gender critical beliefs ‘manifests’ those beliefs. Others make complaints. Before the gender critical person knows it, they are embroiled in workplace conflict, subject to investigations, targeted for harassment. In too many of these cases, managers’ or employers’ conduct is such that there is a fundamental breach of trust and the claimant leaves.

5.2 Manifesting one’s belief

These claims all begin with the claimant ‘manifesting’ (i.e. expressing) their gender critical belief. Many claimants made comments on social media about whether a man can become a woman just through saying they are, the need for single sex provision in sports or places like refuges, hospitals etc. So, for instance, Ruth tweeted:

> “*I do believe that people should be allowed to wear what they want etc etc… But what blows my mind is the idea that with heavy five o’clock shadow, a perm and lippy and a bag with gold chains = woman.”*

Some, like Meade posted to her private facebook page items of relevance to the wider social and political debate about single sex sports and other protections:

- a link to a petition to the International Olympic Committee that male athletes should not compete in female sports;
- a link to a petition stating that women have a right to maintain their sex-based protections;
- a link to a Mayday cartoon showing two women prisoners with one asking the other “what are you in for?” and the other saying “for saying that Ian Huntley is a man”;

- and, forwarding two posts from FairPlay for Women.

Forstater tweeted

> *"I've got a Q for my male Twitter friends who have pledged not to appear on all male panels – if u were invited on a panel w Pips Bunce – one of FTs top one hundred female champions of women in biz and another guy would u say yes or call the organisers and say sorry I don't do #manels?"*

In the twitter thread that followed, Forstater made the following statements: *"It is not possible to identify into the sex: woman*" and then later:

> *"You think? He is a part time cross dresser who mainly goes by the name of Phillip. I think the FT were wrong to put him on a list of top female executives and wrong for him to accept the award".*

Others, like Maria (a lesbian and survivor of male sexual violence) and Pitts (also a lesbian) raised questions internally. Maria asked her fellow employees why stocking JK Rowling books was transphobic. Forstater, Fahmy, Phoenix and Pike explicitly indicated their support for one or other of the groups set up to lobby for sex-based rights such as Fair Play for Women, Women's Place UK, LGB Alliance whilst at work.

Forstater, Adams, Esses, Phoenix, Pike, Bailey, Adams and Pitts expressed their gender critical beliefs by raising questions about the implications of their employer's (or other organisation's) policies regarding one or more of the following:

- the (mandatory) use of pronouns,
- mixed sex toilets,
- relevance of sex for service provision,
- safeguarding,
- data collection,
- how the employer's trans inclusion policies relate to sex-based rights.

Maria, Bailey, Phoenix and Pike voiced complaints about Stonewall and their employer's or organisation's membership of Stonewall Diversity Champion Scheme.

Phoenix, Pike, Pitt, Fahmy, and Esses expressed their gender critical beliefs by insisting with their colleagues or other staff members that there is nothing transphobic about holding and expressing gender critical beliefs.

5.3 Why these are *secular* gender critical belief cases

All the claimants (including those that resulted in an unsuccessful outcome) hold their gender critical beliefs (also known as 'sex realist beliefs') in relation to their concerns about protecting one or more of the following:

- women's rights to single sex spaces and sports
- the rights of lesbians and gay men to be defined in terms of single sex attraction or
- children from potential harm caused by a gender affirmative model of care.

These are secular gender critical beliefs because they are framed by 'secular' (i.e. non-religious) concerns related to legal reform, to maintaining the single sex exemptions that are permitted in the Equality Act 2010, policy and practice in healthcare or the rights of lesbians and gay men to self-identify as same sex attracted. Many cases had their origin in opposition to Stonewall's campaigns to reform the process by which individuals can acquire a gender recognition certificate, commonly known as "self-identification" and Stonewall's insistence on 'no debate'.

5.4 When push comes to shove - the reaction of gender affirmative staff and colleagues

After the claimants express their gender critical beliefs - including on a private facebook page and thus not in a work context (Meade) - there then follows a reaction by other employees.

'Concerns' are raised with managers. Complaints are made that the claimant has made a trans-hostile, transphobic, bigoted statement or statements, that the claimant holds anti-trans views that do not align with the organisation (see especially Meade). In general, these complaints claim that:

- individual/s were humiliated (Adams),

- trans and gender non-binary employees (and students) are somehow 'harmed' (Phoenix),

- the employer must do something or else they are in breach of their own trans-inclusion policies (Phoenix, Bailey, Pike, Pitt, Meade, Adams), Equality Act 2010 duties (Meade, Adams, Phoenix, Pike), or Public Sector Equality Duty obligations (Phoenix, Pike).

In some cases employees holding gender affirmative beliefs have organised petitions (Maria, Fahmy and Phoenix).

In other cases, 'concerns' have resulted in:

- investigations or actions that do not follow the organisation's own policies (Maria, Forstater, Bailey, Meade, Phoenix, Adams, Pitt, Pike, Esses);

- in a group of colleagues or fellow employees pressuring their employer 'to do something' about the claimant (Maria, Phoenix, Adams, Pitt, Pike, Forstater, Bailey, Meade, Esses);

- Discussion about and in some instances actually raising complaints with the claimant's professional regulating body (Bailey, Meade, Pitt, Favaro, Esses).

Remarkably, across the ETs there are few disputed facts between claimant and respondent/s. The facts are (for the most part) agreed but the interpretations of the facts are often polar opposites. (See especially Phoenix where the unlawful harassment she experienced was claimed by The Open University to be 'academic freedom' and 'freedom of expression').

5.5 The accusations of the complainants do not stand up to scrutiny

The process of an employment tribunal hearing is an intense scrutiny of the facts. Often the focus is whether the statements made by the claimant were an objectionable manifestation which might have caused or risked unlawful discrimination or harassment in the particular context or not, as per the accusations made by those who complained.

In reference to Forstater v CGD and Others, the judge concluded:

> *"The Tribunal has already referred to the prominent part played in the evidence by Ms Forstater's tweet about Pips Bunce, including the description "part time cross-dresser",*

and related material. Although agreeing in the result, there was some difference between the members of the Tribunal as to how this particular tweet should be regarded. All three agreed that it read as an uncomplimentary and dismissive observation about Pips Bunce, and that it was intended to be provocative: the point could have been made in more moderate terms." (para 284)

"Employment Judge Glennie and Mr Miller considered, however, that this expression did not amount to an objectionable or inappropriate manifestation of Ms Forstater's belief, given the context of a debate on a matter of public interest; the fact that Pips Bunce had put themself forward in public as a person who is gender fluid and who dresses sometimes as a woman and sometimes as a man; and that Pips Bunce had accepted an award or accolade stated to be for women. Ms Carpenter differed from this, and considered that this particular expression was objectively inappropriate or objectionable, essentially for the reasons that the Tribunal has given above as our unanimous view of the tweet. As will be explained, however, in the final analysis the Tribunal was unanimous in its overall conclusion." (para 285)

And later:

"With regard to justification, the Tribunal considered that elements (iii) and (iv) identified by Lord Sumption JSC in Bank Mellatt, identified in Page as aspects of proportionality, were relevant. The Tribunal has not been unanimous in its findings about the Pips Bunce Tweet. We were, however, unanimous in finding in any event that it was not proportionate to allow this to influence the decision about whether to offer Ms Forstater an employment contract." (para 296)

Bailey's group email to her chambers objecting to any formal association with Stonewall was similarly scrutinised in the process of her first hearing but not found to be unlawful.

Phoenix was accused of making 'anti-trans comments' when an interviewer on a podcast talked about "men in dresses" and Phoenix was heard laughing. The judge said of this comment:

We find that the Savage Minds podcast neither blamed trans people for everything nor was the Claimant demeaning and belittling on it. We find that the Claimant does not laugh after the statement of men in dresses is said or when speaking about Stonewall's policy of non debate regarding trans women are women. The Claimant does chortle at the 'suck female cock' comment, but the Claimant sounds more embarrassed than entertained. Overall we find that the Claimant was not laughing at the comments referred to by Dr Boukli. We do not find that the Claimant chortling at a comment meant the Claimant was agreeing with those statements." (para 149)

It is worth noting that in several claims gender affirmative staff have complained about claimants making comments about "cross dressing" (Forstater), men in dresses (Phoenix), or questioning Stonewall (Bailey, Phoenix). In each case the judge dismissed the accusations made by gender affirmative staff that the way the claimants expressed their gender critical belief was unlawful or harmful.

No matter what the facts of the case are, there is one thing that all the cases share: a conviction on the part of gender affirmative employees and management that regardless of the Forstater judgment, 'gender critical' beliefs *are in and of themselves* transphobic, trans-hostile, anti-trans, discriminatory and harassing of trans and gender non-binary people.

In each of the examples listed above, the judgments or apologies that followed confirmed that the expressions of gender critical beliefs, whilst some might find them offensive, were lawful.

Key messages

The successful run of ET wins points to the existence of a workplace culture across many different sectors but which share the same characteristics: ***the normalisation of hostility towards any expression of gender critical beliefs*** and a belief that such hostility is one way gender affirmative staff and service providers can 'express their solidarity' for trans and gender non-binary people. The widespread practice of managers taking complaints of transphobia at face value and not investigating them to establish if they are substantive or vexatious is evidence of a dominant gender affirmative workplace culture. Finally, there exists a management culture that is fearful of a reaction from gender affirmative staff and staff networks if they are seen to 'side' with gender critical staff or gender critical beliefs.

6. When gender affirmative beliefs dominate in workplace cultures

The tribunal in the Phoenix case found that management statements, made in the weeks following the launch of The Open University Gender Critical Research Network (convened by both Phoenix and Pike) to the effect that gender critical beliefs harmed or caused distress to transgender and gender non-binary staff, were acts of harassment.

The Adams judgment characterised the investigation and disciplinary process to which she was subjected as a 'heresy hunt', 'Kafka-esque' and part of an attempt to 'cleanse' the organisation of individuals with gender critical beliefs.

Both judges recognised that The Open University and Edinburgh Rape Crisis Centre were workplaces dominated by a 'gender affirmative' culture in which it was assumed that the negative stereotyping of people with gender critical beliefs was not a problem.

6.1 Examining Workplace Culture

A quick refresher. The Phoenix v The Open University judgment is significant because it is the first to talk explicitly about workplace culture. The crux of the case was:

- whether Phoenix and her gender critical research network were, in fact, making transphobic statements;
- whether the expression of gender critical beliefs was harmful to transgender and gender non-binary staff and students;
- whether the management statements were in themselves acts of harassment and
- whether The Open University made the conditions so hostile for Phoenix that they amounted to a fundamental breach of the employment contract.

6.2 Accusations of transphobia can amount to harassment

The tribunal determined that nothing about how Phoenix expressed her gender critical beliefs amounted to harm against transgender and gender non-binary staff or students and that the use of the term 'transphobic' in relation to gender critical beliefs was a term of insult and amounted to harassment.

> *"We find that Dr Downes believed that gender critical beliefs were harmful to trans and non binary people and considered such beliefs transphobic. We find that the use of the term transphobic in respect of gender critical views is being used as a term of insult by Dr Downes. We find that throughout this case where the term is referenced, that is how it is being used." (para 99)*

This was the first judgment to explicitly note that accusations of transphobia can be harassing. This determination was made as a result of cross-examining witnesses who were in part responsible for publishing an open letter / petition that claimed that gender critical beliefs are inherently anti-trans and transphobic.

Elements of this were seen in other cases. See for instance the cross-examination of Luke Easley in the Forstater v CGD and Others in which Mr Easley (Director of HR and Administration for CGD) claimed that any concern about the capacity for male sexual predators to abuse loopholes created by self-identification was *ipso facto* transphobic. The reason: it associated male violence with trans people.

6.3 Calling people who hold gender critical beliefs transphobic or TERF can be derogatory name calling

Throughout Phoenix's trial, each witness (18 of them, over the course of three weeks) was cross examined about how someone who held gender critical beliefs could express those beliefs without being accused of transphobia. It became clear that there was no expression of GC belief that the authors and supporters of the open letters or statements felt was not harmful or transphobic.

Phoenix's barrister drew comparisons between the negative stereotyping of people on the basis of race as criminals with the ***negative stereotyping of people*** who hold gender critical beliefs as transphobic to drive the point home that such stereotyping is little more than prejudice and irrational fear.

The tribunal also determined that using the term ***TERF*** when combined with negative stereotyping (e.g. is transphobic, causes harm) to describe gender critical beliefs and people was a form of ***derogatory name-calling*** and violated the employer's own policies on harassment and bullying in the workplace. The same or similar conclusions were drawn in Forstater, Bailey, Meade and Adams. The name calling in Fahmy's case was to associate her beliefs with naziism.

What makes these statements evidence of a dominant gender affirmative workplace culture is firstly that the gender affirmative beliefs (that GC belief is inherently transphobic and harmful) were accepted without question by the belief holders *and by leaders and managers* and secondly that the accusations do not stand up to the scrutiny of cross examination.

See for instance, the frustration of the panel in the Phoenix judgment of many witnesses to offer a cogent analysis of the 'harms' of expressing gender critical beliefs:

> *"We had in mind that the majority of the witnesses we heard from were academics. These were professionals who had been trained in the methodology of research and presentation of fact and analysis producing argument. We expected a certain basic level of rigour in presenting the evidence before the Employment Tribunal. There were some witnesses who we address below in our findings who did not meet this standard." (para 22)*

See also The Open University's argument in the ET that the harassing letters and statements were lawful statements and were covered by academic freedom and freedom of expression. Readers can get a sense of this argument from the Tribunal Tweets record of the hearing and specifically the closing argument of The Open University here and here).

6.4 When Management Tries To Remain Neutral But Actually Takes A Side

The Open University was found to have harassed and constructively dismissed Phoenix because in a dominant gender affirmative workplace culture, where staff were engaging in derogatory name calling, and posting petitions and open statements, the OU failed to make explicit reference to the fact that those who hold gender critical beliefs are entitled to the same level of protection from harassment or discrimination as those holding gender affirmative beliefs.

Instead it relied on an approach that recognised *both* the rights of gender critical belief holders to express their belief *and* that the existence of a gender critical research network caused distress to staff holding gender affirmative belief or who were transgender and gender non-binary.

The panel found that this approach and the failure by OU managers to act in response to the harassment Phoenix was experiencing was caused by their fear of the reaction from those holding gender affirmative beliefs.

> *"The Respondent's failure to respond to the acts of harassment and discrimination in respect of issues 2(a)- 2(o) was unwanted conduct …* ***Professor Fribbance and Ms Molloy both accepted that the VC statements did not do enough to protect the members of the GCRN from the negative response to the GCRN, some of that response which we have found to be harassment.*** *There was a failure to balance the harm experienced by the Claimant and the trans staff and students …* ***We considered whether the failure of the Respondent was related to the Claimant's gender critical beliefs, and we consider that it was. The Respondent's motivation for not acting was because of fear of being seen to support gender critical beliefs*** *…* ***[I]t was fear of the pro gender identity section of the OU that was the reason for the Respondent's failure to act.*** *It was evident from the 29/06/21 Email and the subsequent additions to the Claimant's grievance that issues 2(a)- 2(o) did have the effect of violating the Claimant's dignity. It is objectively the case that in light of the Respondent's bullying and harassment policy that gave the Claimant the legitimate expectation that the Respondent would act and the effect of the failure of the Respondent to act was to violate the Claimant's dignity." (para 669 emphasis added)*

Other judgments evidence how a gender affirmative workplace culture can lead to unlawful harassment and discrimination. The Meade and Pitt judgments demonstrated how managers prioritised one set of beliefs over the other. Westminster City Council and Social Work England prioritised gender affirmative beliefs by assuming that Meade did not share the organisations' values. Cambridge County Council decided that Pitt - a lesbian who expressed her gender critical beliefs in relation to an EDI role she had supporting the Cambridge County Council LGBTQi staff network - did not display the appropriate values, i.e. gender affirmative beliefs.

6.5 Inadequate steps taken to address employees' denunciations of people who hold gender critical beliefs

Unlike in the Phoenix judgment, in the Fahmy case, Arts Council England (ACE) management did take steps to intervene after an all staff email with a petition was circulated. The text of the email said:

> *"I am forwarding around our allies support sheet. The LGBTQIA+ working group is raising a formal grievance in accordance with the company's grievance procedure in response to how the LGB Alliance funding decision was handled in the drop-in sessions, avoiding accountability, the conflict of interest of senior members of staff with clear,*

homophobic/anti-trans views in positions of decision-making and members of HR, the historic refusal to include trans awareness training (a request which has been continuously refused for years) and the unfair treatment of our working group compared to the others within the organisation. The reason for this is to investigate the concerns which we have raised, with a view to resolving then as soon as possible. And several staff members outside of the group asked about showing their support, if you would kindly sign your names it will be submitted alongside our grievance." (para 35)

The support sheet permitted those who signed it to leave comments. The following is one of the comments:

"It is clear that there are members of our own organisation who are happy to be vocally anti-trans and "gender critical". We shouldn't have to put up with this any more than we would racist or sexist behaviour. It's time to stamp out bigotry in the Arts Council in general and that change is to come from the top down and filtered through all departments PS. Just to add to this that I don't believe that ACE was at fault in terms of the initial funding decision, which was not made by us, but by another organisation we had given the power to. The mistake imho has come from the lack of clear condemnation of a transphobic organisation and no action being taken against the so-called "gender critical" anonymous who are openly expressing their distaste at the funding been withdrawn. Much like how our recent antiracism training has illustrated there is an ongoing problem with racism in our ranks that needs to be challenged, this cancer needs to be removed from our organisation. Hatred of others for their differences should not be tolerated."

"The LGB Alliance is a cultural parasite and a glorified hate group that has funds and supporters that also happen to be neo-nazis, homophobes and Islamaphobes…." (para 38)

The author of the all staff email (SB) was suspended later that afternoon for misconduct on the grounds that he "*Rejected the right of colleagues to hold a belief or beliefs, (which are contrary to your own) in violation of their rights under the Equality Act."*

A day later, Fahmy's manager expressed her concerns to Darren Henley, the CEO. She wrote:

> "*I am concerned that it is encouraging poor and unprofessional behaviour from staff, to write as if they are on Twitter, with no thought to the consequences of the marks. Many are just signing their solidarity with trans people, with quite a few saying they would like to see the actual grievance before they can firmly sign. However, some of the comments, irrespective of whatever ideological position one might take on this debate, could be seen as inciting hate, as bullying and victimisation. I don't know the legal ins and outs, but I can't believe that it is OK to let this public vilification continue and not protect the welfare of all our staff. Could the spreadsheet place Arts Council in legal jeopardy? Some of the comments refer to gender critical believes being expressed during Simon Mellor's LGBA drop-in session and, as such, point very obviously to Denise. These comments lighten gender critical beliefs to bigotry, to a cancer, to being anti-trans, transphobic, offensive, and other assumptions. Neo-Nazis even get a mention, although I don't think that directed at Denise specifically. These are very damaging and serious allegations. The way this grievance is being carried out gives Denise no route to reply. She can only read the hateful comments being shared amongst the whole staff body. Is this really what we want for our organisation – to see Twitter style mudslinging hiding behind an HR process?*"

They removed the petition after 26 hours and it was the finding of the panel that the petition was unlawful harassment. They also found that the petition should have been taken down earlier but that it was not because management did not want to *"inflame the group who had initiated the petition. Once again, the concern was to avoid unfavourable treatment of the staff LGBTQ IA+ and "allies"" (para 113).*

Not acting for fear of inflaming employees who hold gender affirmative beliefs in the face of harassment can, as these judgments evidence, be unlawful.

6.6 When Leaders Act On Their Personal Gender Affirmative Beliefs

There are several instances described in the judgments that provide evidence about seniors members of staff acting on their prejudice against gender critical beliefs.

In the Fahmy judgment, the judge expressed doubt at the wisdom of the Deputy Chief Executive of ACE (someone who held gender affirmative beliefs) "*providing his personal opinions during a meeting which was available to all members of staff*" and found that it was *inappropriate* for such a senior member of leadership to have expressed his personal views and *solidarity* with one side of the debate in such a forum.

Garden Court Chambers was found to have discriminated against Bailey because "they had picked a side", failed to act neutrally, and believed the accusations made about Bailey without subjecting them to the same level of scrutiny as other types of complaints about discriminatory statements.

Cornerstones admitted that Ruth:

> *"had expressed herself on social media in a manner which did not accord with the views of the members of the Cornerstones' team. We took her off our website while we looked into her social media use as we were concerned about the potential negative reaction towards her comments from the wider publishing industry…".*

After apologising for not encouraging dialogue, for ending her work "abruptly", and for falsely telling an author whose manuscript Ruth was working on that she was "unavailable", Cornerstones stated *"We accept that our actions must have been distressing to Sybil. We accept that we were wrong in this regard, and apologise for our actions".*

Perhaps the most extreme example of this is the Adams case. The Chief Executive Officer of Edinburgh Rape Crisis Centre had a clear role in "cleansing" the organisation of gender critical belief holders.

> "*It is against this background that Mridul Wadhwa sends her 2 emails of 22nd June to AB. Both are egregious. … [T]he fact that the chief executive of the organisation is telling other colleagues that the claimant is guilty of humiliating a colleague is bound to cause the proscribed effect on the claimant. Her email states without having carried out any investigation that what the claimant did was humiliating. She also goes on to state that she will arrange it so that AB has no further contact with the claimant … MW then goes on to say "Transphobia exists in our organisation as do other prejudices". The clear implication of this is that the claimant is transphobic. She then goes on to invite AB to file a formal complaint. In the view of the Tribunal this was clearly unwarranted behaviour which was linked to the claimant's philosophical belief. It clearly had the effect of creating an intimidating, hostile, degrading, humiliating and offensive environment for the claimant. She was being called transphobic and a promise made to a colleague that they would no longer have to work with her. We agree with the claimant's representative that in the view of Mridul Wadhwa, the chief executive of the organisation, the claimant's belief is hateful and that by holding it she is a bigot and a transphobe. It was this view of the claimant's belief which motivated Mridul Wadhwa to behave as she did … She clearly saw the claimant as some-one who was not on side with the respondent's belief system. As she subsequently stated to the meeting at Edinburgh University she saw firing people as a way of ensuring the staff in the organisation fully complied with her definition of trans inclusion." (para 214)*

Ultimately, the judge found:

> "*It appeared to be the view of the respondent's senior management that the claimant was guilty of a heresy in that she did not fully subscribe to the gender ideology which they did and which they wished to promote in the organisation. This was an act of harassment on the basis of her belief." (para 217)*

Key messages

The judgments provide evidence of how a widespread gender affirmative workplace culture can contribute to unlawful harassment of gender critical belief holders. This is a culture in which gender affirmative staff make their biases and prejudices widely known, in which senior leaders express their prejudices against gender critical belief holders and in which employers and service providers fail to stop or address overt and extreme examples of prejudice and intolerance towards gender critical beliefs and belief holders.

7. Conclusion

The aim of this report is to provide a description of the common themes emerging from the unprecedented numbers of successful claims of gender critical belief discrimination.

There is already a corpus of work in the public domain that examines how organisations ought to act in light of the Forstater EAT. Kurnatowska, Baker McKenzie (2023)[2] recommend a set of guiding principles that ought to underpin employers' actions and decision making. These principles relevant to this report are:

- Employers ought not restrict lawful freedom of expression of its employees (i.e. expression which does not harass other employees or treat them with less dignity and respect than accorded to those who hold the same beliefs)
- Employers ought to recognise that employees do not have a right not to be offended
- Employers' policies and training need to treat all (protected) beliefs equally. They are not free to pick and choose.
- The need for even handed leadership
- The need for balance
- The need to handle complaints with caution.

We agree with these principles. Sadly though, what our reading of the successful judgments demonstrates is that many workplaces in the UK have a dominant gender affirmative workplace culture which is intolerant and prejudiced with some employees prepared to act on their irrational fears and prejudices. The judgments show that there are workplaces that already:

- ***prioritise*** the expression of gender affirmative belief *over* the expression of gender critical belief;
- fail to take active steps to protect GC belief holders;

[2] The article, entitled *Conflicts of Belief in the Workplace,* is an excellent article that takes stock of the key legal cases in the UK and provides a framework for employers when thinking about how to deal with or address the presence of conflicting beliefs (ie gender critical and gender affirmative). It can be downloaded here.

- fail to educate staff about GC beliefs;
- fail to challenge the culture of vexatious complaints of transphobia, and,
- ultimately fail to recognise how a dominant gender affirmative culture facilitates the unlawful treatment meted out to the successful claimants.

The task facing many workplaces that have a dominant gender affirmative culture is producing widespread organisational culture change.

We end this report with an observation made by Akua Reindorf (KC) in her review of the cancellation of two academics by employees of the University of Essex. In reviewing the University of Essex's Supporting Trans and Non-Binary Staff Policy, she wrote:

> *"The policy is reviewed annually by Stonewall, and its incorrect summary of the law does not appear to have been picked up by them.* ***In my view the policy states the law as Stonewall would prefer it to be, rather than the law as it is.*** *To that extent the policy is misleading." (para 243.11, emphasis added)*

Many of the employers represented in these successful claims have been members of the Stonewall Diversity Championship Scheme. As Stonewall closed its access to the list of members, we are not able to conclusively state whether all successful claims come from organisations that were signed up to Stonewall.

The widespread existence of such gender affirmative workplace cultures does beg the question of how this came to be.

Given Stonewall's once extreme position ('no debate') and its impact on many workplaces' culture, it is tempting to suggest that it was not just the University of Essex that drafted policies based on the law as Stonewall would prefer it to be.

Whatever the case, this report has hopefully dispelled some of the myths that circulate about gender critical beliefs and belief holders (such as they are inherently transphobic, anti-trans and discriminatory) as well as shone a light on how these tenets of gender affirmative beliefs can ***and have*** related to the unlawful harassment of gender critical belief holders.

One way that employers and managers can avoid 'getting caught out' and ending up in costly, embarrassing and expensive employment tribunal is to address how a dominant gender affirmative workplace culture can foster unlawful harassment of gender critical belief holders.

Appendix 1:

Table 3: Total Number of Employment Claims Disposals, of Religion or Belief Claims Disposals and Percentage of Withdrawn, Acas Settled, Successful and Unsuccessful at Hearing 2007-2021

Financial Yr	Disposals		Withdrawn		Acas Settled		Successful Hearing		Unsuccessful Hearing	
	All	Belief	All	Belief	All	Belief	All	Belief	All	Belief
2007/2008	157493	608	33%	33%	29%	38%	13%	2%	7%	14%
2008/2009	172944	620	33%	30%	32%	34%	13%	3%	8%	18%
2009/2010	226968	763	32%	32%	31%	33%	13%	2%	6%	12%
2010/2011	243952	845	32%	29%	29%	34%	12%	3%	9%	15%
2011/2012	229968	851	27%	31%	33%	34%	12%	3%	7%	17%
2012/2013	225869	1024	28%	27%	33%	29%	11%	3%	7%	14%
2013/2014	275561	818	48%	27%	21%	31%	7%	3%	5%	15%
2014/2015	386465	394	16%	19%	8%	32%	3%	3%	2%	20%
2015/2016	102551	318	24%	21%	31%	32%	6%	4%	6%	19%
2016/2017	88922	336	20%	23%	27%	36%	6%	3%	6%	13%
2017/2018	86664	396	12%	22%	24%	32%	10%	3%	6%	13%
2018/2019	94332	504	24%	24%	25%	32%	9%	2%	6%	11%
2019/2020	110663	601	20%	26%	22%	24%	9%	3%	5%	15%
2020/2021	92709	540	23%	29%	23%	26%	8%	3%	5%	12%

(Source: Ministry of Justice, 2023, *Tribunal Statistics Quarterly Main Tables*)