

***** Press Release *****

***** For Immediate Release *****

*****24 July 2024 *****

ALLISON BAILEY LOSES APPEAL AGAINST STONEWALL IN SHOCK JUDGMENT

1. Allison Bailey, the barrister who successfully sued her chambers, Garden Court, for direct discrimination when the chambers put her under investigation following a complaint from LGBTQ+ charity Stonewall about the barrister, who is black and a lesbian.
2. Bailey, who does not believe men can become women, came to prominence in October 2019, when she helped to set up the charity LGB Alliance, and after bringing her landmark discrimination case.
3. Bailey was represented by top silk Ben Cooper KC, who argued, in both the Employment Tribunal and the Employment Appeal Tribunal, that Stonewall acted unlawfully when they caused or induced the direct discrimination she suffered at the hands of Garden Court Chambers.
4. The Hon. Mr Justice Bourne, sitting in the Employment Appeal Tribunal, did not agree and dismissed Bailey's case against Stonewall in a judgment that will shock legal commentators, many of whom believe that Stonewall was lucky to escape legal liability in the first place.
5. Bailey, posting on Twitter in 2019, had objected to a male Stonewall employee holding a workshop on the practice known as "**overcoming the cotton-ceiling**", where men who believe themselves to be women or non-binary meet to strategise on how they can overcome the sexual boundaries of lesbians; and when Bailey posted about what she saw as the "**appalling levels of intimidation, fear and coercion that are driving the Stonewall self-ID agenda**".
6. In October 2019, Stonewall wrote to Garden Court Chambers, stating that: "**for Garden Court Chambers to continue associating with [Allison Bailey] ... puts us in a difficult position with yourselves... I trust that you will do what is right and stand in solidarity with trans people**".
7. The Appeal judgment relies on the concept of "**fair or reasonable or just**" in finding that Stonewall did not act unlawfully, which Bailey says is "**surprising**" because the judge heard no submissions on this from either party in the 2-day Appeal, and it didn't feature at all in the 117-page employment tribunal judgment or the 23-day employment tribunal hearing.

8. In a thread posted to X/Twitter today, 24 July 2024, Bailey wrote:

“The judgment gives permission for organisations like Stonewall to procure the withdrawal of employment from people whose protected characteristic they disagree with, if this can be framed as a “protest”. This seems to go directly against the terms of the Equality Act.

Sight should not be lost of the fact that Stonewall, a charity set up to protect the legal rights of lesbians like me, should be the ones to limit workplace rights like this. How far they have fallen” .

9. In a dramatic twist, Bailey believes that although she has lost her Appeal, the judgment creates legal liability for Stonewall in the area of indirect discrimination and thus further represents a hollow victory for them. Bailey wrote on X/Twitter:

“My case is about direct discrimination, but the judgment also considers indirect discrimination. There, it appears to establish that workplace policies of “Stonewall Law” which are implemented through the Diversity Champions Scheme – e.g. the removal of single sex spaces – DOES in fact generate legal liability”.

10. Bailey thanked everyone who has supported her and said that she will consider carefully next steps with her legal team.

ENDS

Notes to Editors:

- I. Allison Bailey is not giving interviews or doing any further press at this time.
- II. High-res photographs are available for download and use [here](#).
- III. Bailey resigned from Garden Court Chambers and retired in March 2023, nearly a year after her employment tribunal victory, after spending more than 20 years practising at the criminal bar.
- IV. Details of her case against Garden Court Chambers and Stonewall can be found on her [website](#).
- V. Her full biographical history is contained in her witness statement, which is [here](#).