

## **Opening Statement – Robin Moira White**

Convener, Members.

I am a barrister practising from Old Square Chambers in London. I am also a trans woman, the first to transition in practice at the discrimination bar, and I have split this statement into the professional and personal.

### Professional

I practice in employment and discrimination law and have acted in cases dealing with all 9 characteristics protected by the Equality Act 2010. I act across the whole UK including appearing regularly in the Scottish tribunals, and act for pursuer and defender with approximately equal frequency. That would not be thought unusual for a female barrister appearing in sex discrimination cases or an ethnic minority barrister in race cases. The fact that it is thought in any way remarkable in trans cases shows up the febrile atmosphere that has arisen in recent times. I advise individuals, public and private organisations of all sizes.

Examples of cases I have appeared in include, for Defender:

- A v Telford, a case concerning the treatment of a trans woman in an A&E Department, including interpretation of GRA s22 (about which I believe you have heard a little from previous witnesses).
- A case involving access by a trans man to sports facilities at the university at which they worked.

And for Pursuer:

- Taylor v Jaguar Land Rover, in which a tribunal was persuaded for the first time that non-binary and gender fluid individuals were included in the protected characteristic of gender reassignment.
- O'Donnell v Times Newspapers. A claim by a trans senior night editor, notable for the appearance of the Editor of the Times Newspaper for cross-examination in the Edinburgh Tribunal.

The legal directory 'Chambers & Partners' has described me as the 'go to' lawyer for trans cases.

I write, speak and lecture regularly on trans matters and in May 2021 published 'A Practical Guide to Transgender Law' jointly with my colleague Nicola Newbegin, a cis woman and also a barrister at Old Square Chambers. This is the only specialist text in this area. The Employment Law Bar Association described it as 'authoritative, knowledgeable, objective and highly readable' and it was even referenced in debate in the Westminster House of Lords by Lord Carlile of Berrihew.

I gave evidence to Westminster Women and Equalities Select Committee investigation into reform of the Gender Recognition Act in February 2021 and was quoted in their report.

I am instructed in a number of current and forthcoming cases in this area and, of course, cannot comment about the specific issues in those cases.

Personal

It is both an honour and a responsibility to be one of the few trans professionals giving evidence to this Committee.

I knew I was 'different' from at least age 7; understood that I was trans by my early teenage years; and would likely have transitioned in my 20's had I not suffered horrible anti-trans discrimination when working for British Railways in 1990.

I rebuilt my life as a lawyer and finally transitioned in 2011. Transition has made me a much happier and grounded person and I will be eternally grateful to my colleagues and friends at Old Square Chambers; in the wider legal profession; the rail industry and elsewhere for seeing me through that transition.

I would undoubtedly qualify for a Gender Recognition Certificate but have not applied for one, principally because I regard the current process as demeaning. I am who I am and I need no-one else to validate that for me.

I would not have the same difficulty with a process which respected my own declaration of who I am.

Robin Moira White

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