



Spectators' guide

This briefing is for members of the public or the press who want to follow the case.

The hearing is taking place online from 7 to 23 March. Some of these days are likely to be reading/writing days for the judge and lay members.

The main days for watching are **Wednesday 9 - Friday 11, Monday 14 - Thursday 17** and **Monday 21**.

The whole hearing is taking place virtually. There is no in-person attendance. To request a spectators log-in email CentralLondonETpublicaccess@justice.gov.uk

If you are joining as a spectator keep your video and microphone off.

It is a criminal offence to record the hearing's video or sound, or take photos or screen shots: DO NOT DO THIS!

There should also be live tweeting of the case with the hashtag #ForstaterTribunal which you can follow.

Media inquiries: For Claimant media@hiyamaya.net For respondent: mediarelations@cgdev.org

Thank you to everyone who has donated to the crowd funder to support my case.

You can donate to the case here: <https://www.crowdjustice.com/case/stand-with-maya>

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Employment tribunal basics

What is an Employment Tribunal?

UK employment tribunals deal with disputes relating to breaches of statutory employment rights and discrimination law in the workplace. The tribunal consists of an Employment Judge and in discrimination cases two lay members, one from an employers background and one from a union or claimant background. It is the court of first instance for most employment disputes and is part of the Courts and Tribunals system.

Can I see the papers?

The legal system of England and Wales operates under the principle of open justice in order to enable public confidence in the integrity of the judicial process. The aim is to “let in the light” and allow the public to scrutinise the workings of the law. The premise of the open justice principle is that it is generally in the public interest for non-parties to be able to see the documents referred to in court subject to any redactions agreed between the parties or ordered by the tribunal. Documents are generally made public after they have been placed before a judge and referred to in the course of proceedings.

As the case goes on all documents involved in the case that have been made public will be linked to here <https://hiyamaya.net/>

What will happen in the tribunal?

Like other civil courts the “evidence in chief” is given in written witness statements, which again, should become public once each witness is sworn in. There are five witnesses in this case, the claimant Maya Forstater and four staff members of CGD/ CGD Europe.

Each witness will be cross examined by the barrister for the other side. After all the witnesses have given their evidence, the barristers for each side will give closing submissions on their case.

During breaks in the witness evidence (including if witnesses give evidence continuing over more than one day) they are not allowed to talk to anyone about the case, including their legal team, until they have finished their evidence.

Will there be a judgment at the end of the hearing?

Very unlikely. The most likely outcome is that judgment will be “reserved”, which means the tribunal panel will re-group in private to consider its decision and then prepare a written judgment which will be published. Typically this may take a few months.

Summary of the case

Maya Forstater was a researcher working at the think tank the [Center for Global Development/ CGD Europe](#) as a visiting fellow with a series of consultancy contracts from the end of 2016. Her relationship with CGD/E ended in March 2019.

After she began tweeting about sex and gender in September 2018, in the context of the UK government's consultation on its proposal for gender self-ID, she was subject to an internal investigation.

The main body of the case is about Maya Forstater's claim that the CGD/ CGD Europe/ Masood Ahmed (the President of CGD) **discriminated against her because of her belief that sex is real immutable and important:**

1. In deciding not to give her an employment contract to work on a project she had contributed to developing and raising funding for (known as "The Gates Project" as it was funded by the Bill and Melinda Gates Foundation)
2. In subjecting her to an investigation for expressing her beliefs on her personal Twitter account
3. In denying her, in the course of that investigation, any information about the complaints against her or any opportunity to explain or defend herself
4. In deciding not to renew her visiting fellowship after it ended in October 2018

She also claims that they victimised her

1. In deciding not to engage her on a consultancy contract for the duration of the funded project, and
2. In removing her profile as a Former Visiting Fellow from their website after she brought tribunal proceedings.

An initial preliminary hearing in 2019 considered the question of whether her belief is covered by the Equality Act 2010 as a "philosophical belief". The employment tribunal found against her, saying that the belief was not protected because it failed the test of being "worthy of respect in a democratic society". This was overturned by the Employment Appeal Tribunal in June 2021, which held that her belief that sex is real and it matters is a protected belief.

The question now before the current tribunal is whether on the facts of the case, CGD/CGDE/ Masood Ahmed unlawfully discriminated against Maya Forstater because of her belief.

Further background reading

- ["I lost my job for speaking up about women's rights"](#) (Maya's public account of what happened, written in 2019)
- [The case that changed the gender debate](#) (Maya's public account of the story so far)
- [Five myths and truths about my case](#)
- [Particulars of the claim \(May 2019\)](#) (legal document - the claim as it was filed)
- [Grounds of resistance \(May 2019\)](#) (legal document - the respondents' case as it was filed)
- [Forstater v CGD Europe and Others \[2021\]](#) (EAT judgment)

Provisional Timetable for the hearing

This may change, subject to discussion on Monday 7 March

Monday 7	Housekeeping (am) then reading
Tuesday 8	Reading
Wednesday 9	Maya Forstater's evidence
Thursday 10	Maya Forstater's evidence
Friday 11	Luke Easley's evidence
Monday 14	Amanda Glassman's evidence
Tuesday 15	Mark Plant's evidence
Wednesday 16	Mark Plant's evidence / Masood Ahmed's evidence
Thursday 17	Masood Ahmed's evidence
Friday 18	Tribunal not sitting
Monday 21 - Tuesday 22	Closing submissions
Wednesday 23	First day of tribunal's deliberations in private

Who's who

The Tribunal

Employment Judge Andrew Glennie
2 Lay members [tbc]

Counsel



For the Claimant
Ben Cooper QC,
Old Square Chambers

Anya Palmer,
Old Square Chambers



For the Respondent
Olivia Dobbie, Cloisters

Claimant



Maya Forstater

Maya Forstater is a researcher and writer. She worked at CGD/E from the end of 2017 as a Visiting Fellow, based in London with a series of consulting contracts.

She has worked on issues of sustainable development for 25 years, working with NGOs, research institutions, multinational corporations and the UN in areas including supply chain labour standards, business and human rights and open government. She was working on international tax policy and transparency in public contracting at the Centre for Global Development.

She is currently Executive Director and co-founder of Sex Matters.

Respondents



The Centre for Global Development Europe (Respondent 1)

CGD Europe is a UK charity, based in London which undertakes research into topics including poverty, sustainable development, economics, health, good governance and transparency in public life, and public finance.

<https://www.cgdev.org/cgd-europe>



The Center for Global Development (CGD) Respondent 2)

CGD is a not-for-profit think tank based in Washington DC which focuses on international development. CGDE was established by CGD in 2014. Although separate legal entities, CGD and CGDE operate in practice as a single organisation.

<https://www.cgdev.org/>



Masood Ahmed, President of CGD

Chair of the Board of CGDE

Masood Ahmed joined CGD from the International Monetary Fund in 2017. Before that he was a Director General of the UK government's Department for International Development and worked at the World Bank.

He is based in Washington DC.

<https://www.cgdev.org/expert/masood-ahmed>

Witnesses

In addition to Maya Forstater and Masood Ahmed there are three other witnesses



Luke Easley

Director of Finance and Administration / HR Director [DC]

Luke Easley is the Vice President for HR and operations of CGD, based in Washington DC.

<https://www.cgdev.org/staff/luke-easley>



Amanda Glassman

Chief Operating Officer CGD, Senior Fellow and Board Secretary [DC]

Amanda Glassman is a health economist, and was a Trustee of CGD Europe during the time covered by the case. She is now CEO of CGD Europe. She is based in Washington DC.

<https://www.cgdev.org/expert/amanda-glassman>



Mark Plant

Director of Development Finance, Senior Policy Fellow (CGD); COO of CGD Europe [DC / London]

Mark Plant's appointment to CGD follows a long career at the International Monetary Fund, where he was most recently the director of Human Resources. He is based in London.

Frequently Asked Questions

Why are you going back to tribunal, didn't you win the appeal?

The first hearing and the appeal were only about the question of whether the belief counts as a “philosophical belief” under the Equality Act 2010.

The full case has not yet been heard.

How can you claim employment discrimination if your contract was not renewed?

I was a Visiting Fellow at the Center for Global Development (CGD) from November 2016 with a series of consultancy contracts and the expectation of an ongoing relationship. How this relationship ended will be something for the tribunal to consider in detail.

The Equality Act 2010 protects you against discrimination and harassment as an employee, or as a person with an agreement personally to perform work for an employer (if you are not acting as self-employed professional providing services to a client or customer). Ex-employees and people seeking employment are also protected.

How can a simple scientific fact – the reality of biological sex, be described as a “belief”?

The piece of case law that defines a philosophical belief for the purpose of the Equality Act is *Grainger v Nicholson* – it's about climate change. Mr Nicholson's belief was that climate change is real and that it is urgent and important to act on it. That doesn't mean that climate change is any less of a scientific fact, but his belief was about its personal importance.

Similarly, the EAT found that the belief that sex is real, binary and immutable, and important is protected. It also found that the rights of people who believe gender identity is important are protected. And equally so are people who don't share their belief.

Did the EAT judgment say that “misgendering” is unlawful?

No it did not. It said that having a protected belief does not mean that you can harass people with impunity. Whether any particular form of words, in any particular situation amounts to harassment is a matter for case-by-case assessment of the facts.

Did you misgender a colleague?

No there were no transgender colleagues at CGD/E as far as I know, and I said that I would refer to people using their preferred pronouns in any professional situation.

Did you lose your job for misgendering Gregor Murray?

The role of Gregor Murray is often misunderstood. There is no connection between Gregor Murray and CGD. I had a brief discussion on twitter with Murray in June 2019 where I forgot to call Murray “they” and Murray complained about this to the Scout Association (we are both Scout Leaders). This happened after the events in the case with CGD.

In my defense to the Scout Association in response Murray’s complaint I pointed out that Murray is a man. This was included in the evidence bundle to the tribunal, and the first judgment referred to it. It ignored the context that I was defending myself against an allegation of lying, and concluded that I am an “absolutist” who “will refer to a person by the sex she considered appropriate even if it violates their dignity and/or creates an intimidating, hostile, degrading, humiliating or offensive environment.” This, he concluded, meant my belief was not worthy of respect in a democratic society. That conclusion has now been overturned by the EAT.

The Scout Association has also apologised to me for the way they handled Murray’s complaint.

Have you met JK Rowling?

No, but we have exchanged DMs.

What are you doing now?

I am Executive Director of Sex Matters, a new human rights organisation set up to campaign for clarity on sex in law and policy. www.sex-matters.org

How can I help?

Donate to the crowdfunder for the case: <https://www.crowdjustice.com/case/stand-with-maya>

If you want to send a cheque you can send it to Maya Forstater % Sex Matters 63/66 Hatton Garden, Fifth Floor Suite 23, London, EC1N 8LE

Please don’t send anything else to the Hatton Garden address! If you want to send other nice things the Amazon Locker at the Premier Inn in St Albans works.

How can I get in touch?

Media inquiries media@hiyamaya.net

Anything else hello@hiyamaya.net

For reference: The Twitter threads

Various Twitter threads may come up in the case (and are in the evidence bundle) - they can also be seen on Twitter itself:

2 September 2018 **Tweets about GRA** <https://twitter.com/MForstater/status/1036375230279819264>

Including **link to FPFW booklet**

<https://fairplayforwomen.com/wp-content/uploads/2018/08/FPFW-printable-guide-1.pdf>

25 September 2018 **Pips Bunce/Manels** <https://twitter.com/MForstater/status/1044495561481703424>

26 September 2018 **“Part time cross dresser”**

<https://twitter.com/MForstater/status/1044839436054351872>

1 October 2018 **“Rachel Dolezal”** <https://twitter.com/MForstater/status/1046879928162181120>

13 October **Tweets about campaign against self ID**

<https://twitter.com/MForstater/status/1051184581368528897>

Includes link to **Fairplay for women video** <https://www.youtube.com/watch?v=rxmq6e026s0>

16 November 2018 **Comic Relief** <https://twitter.com/MForstater/status/1063411721212178432>

13 December 2018 **Tweets about Scottish Parliament**

<https://twitter.com/MForstater/status/1073164780645568512>

Including **tweet about letter against Kathleen Stock**

<https://twitter.com/MForstater/status/1073166027670867968>

Other documents that that are likely to be referred to

Kathleen Stock article in The Conversation

<https://theconversation.com/why-self-identification-should-not-legally-make-you-a-woman-103372>

Open Letter against Kathleen Stock

<https://docs.google.com/document/d/1Uv9s8z60CfrBunAmUyOv7ln3zghAvLA3TYrILYyS5M0/edit>

Lets Talk About Sex (Maya’s Medium Article)

<https://mforstater.medium.com/international-development-lets-talk-about-sex-eb9de927c787>