



It's time
to make the
Equality Act
clear

June 2023

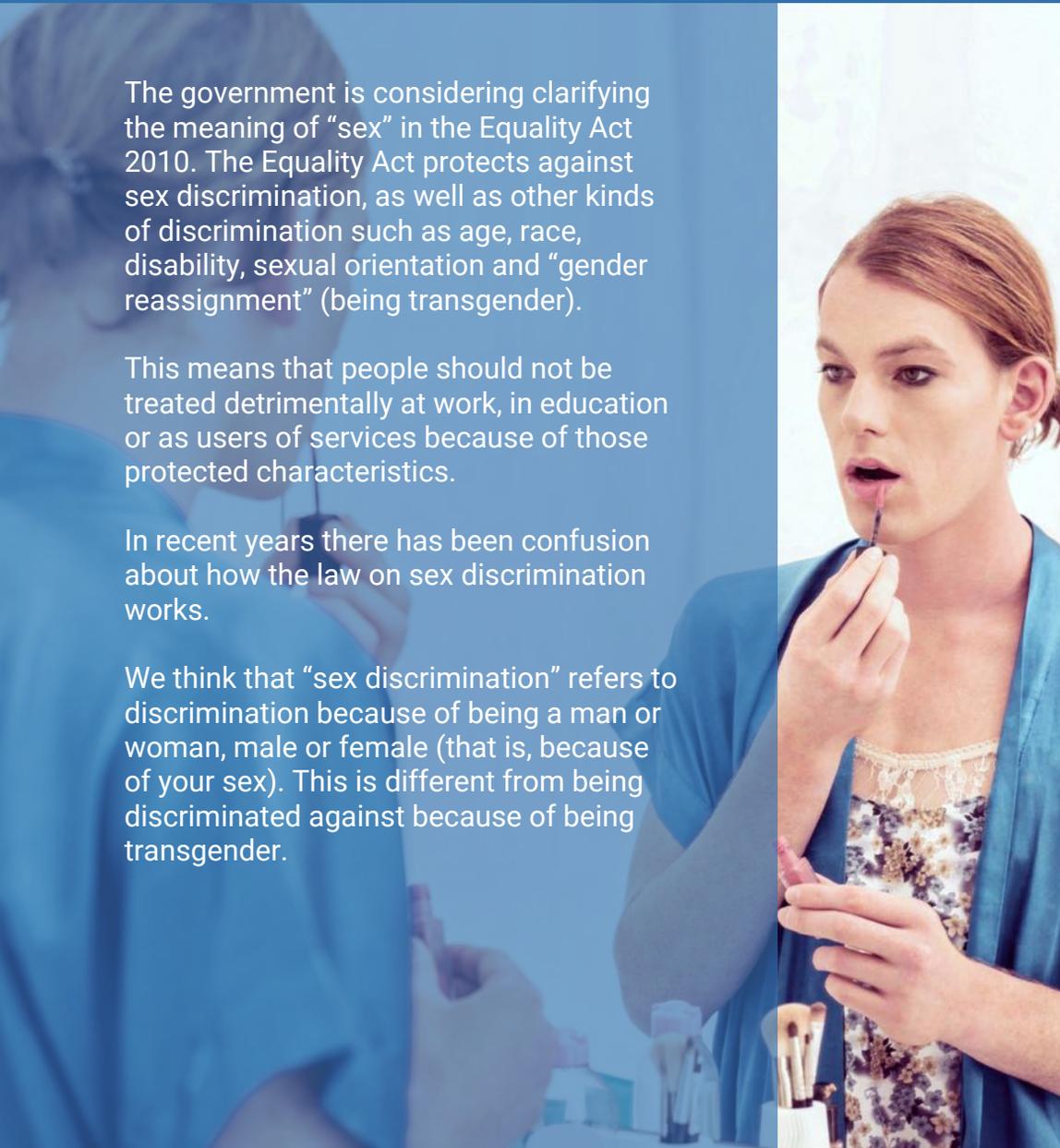
Introduction

The government is considering clarifying the meaning of “sex” in the Equality Act 2010. The Equality Act protects against sex discrimination, as well as other kinds of discrimination such as age, race, disability, sexual orientation and “gender reassignment” (being transgender).

This means that people should not be treated detrimentally at work, in education or as users of services because of those protected characteristics.

In recent years there has been confusion about how the law on sex discrimination works.

We think that “sex discrimination” refers to discrimination because of being a man or woman, male or female (that is, because of your sex). This is different from being discriminated against because of being transgender.



A minority of transgender people have got gender-recognition certificates which allow them to change the sex recorded on their birth certificates and used for some legal purposes such as marriage. This does not require that they have surgery, and most trans people do not have surgery.

We are calling for the government to clarify that for the purposes of the law on sex discrimination, “sex” means simply whether someone is male or female, and is not changed by a gender-recognition certificate.

This would not remove protection against discrimination for transgender people, because “gender reassignment” is a separate protected characteristic from sex. But it would make clear that single-sex services, accommodation, associations, charities and sports are allowed, along with jobs that are restricted to people of one sex.

For example:

- A **sports** association would be able to specify that the women’s sporting category is only for female competitors.
- A gym would be able to provide female-only **changing rooms**, excluding all males.
- A care agency would be able to assure an elderly woman that if she requests **personal care** from a female carer she will not be faced with a man who identifies as a woman assisting her.
- Where a job involves **searching** someone it can be specified that this is done by a person of the same sex.
- **Associations** can be for women and girls only, or for men and boys only.
- **Toilets** can be provided with clear signage and policies that they are single-sex.

Stonewall and other organisations campaigning for gender self-ID disagree. To find out what the general population think about sex-based policies, we commissioned a series of polling questions to be asked to a representative sample of the UK population.

Sport



More than half the country, **56%**, think sports associations should be allowed to exclude transwomen from competing in women's sports.

Only **24%** think sports associations should not be allowed to do this.

A further **20%** say they don't know.

“

A man in my running club started to compete in women's races. He went on to break my records. I began competing in a younger age category, as I felt it to be less of a disadvantage running against younger women than against a man in my own age category.



Changing rooms

Almost half the country think gyms should be allowed to exclude transwomen from using female changing rooms and showers.

Only **28%** think they should not be allowed to exclude transwomen.

A further **24%** say they don't know.

“

One male teenager says he self-identifies as female at our canoe club and has a semi-erect penis when in our female changing rooms. He has mental health issues but his social worker has not accepted the club offer of a separate changing room although there is one.

“

My local gyms allow men to self-identify into the women's changing rooms if they wish to. It's terrifying.

Personal care



44% of British people think care agencies should be allowed to exclude transwomen from applying for a job to provide intimate care to an elderly lady.

29% think they should not be able to exclude transwomen.

27% are undecided.



I'm physically disabled. I require intimate care to help me with basic needs. It's embarrassing enough needing my mum seeing this. I don't like strangers seeing it. Add male-bodied people? I'd become housebound because I couldn't risk going out and requiring a bathroom.

Searching women and girls

A group of five young women in school uniforms (blue blazers, light blue shirts, and plaid skirts) are walking through a modern school hallway. They are engaged with technology; one is holding a tablet, another a book, and others are looking at their devices. The hallway has a light-colored floor and walls with large windows.

Almost half the country, **48%**, think schools should be allowed to exclude a transwoman teacher from searching female pupils.

29% think schools should not be allowed to do this.

A further **23%** say they don't know.

“

I have experienced an intimate exam from a member of the opposite sex and found it traumatically reminiscent of the sexual assaults I've been subject to.

“

Throughout my life I have been flashed, groped, and touched without consent by men. It is important to me that when I am vulnerable (undressed or partially undressed), this is not in the presence of men.

Single-sex associations

A photograph of four young girls in Girl Scouts uniforms walking on a paved path. They are wearing yellow t-shirts with the Girl Scouts logo, brown pants, and various colored caps (yellow, white, pink). They have backpacks and are holding water bottles. In the background, a large group of people is visible on a grassy area.

43% of people think that a female-only association such as Girlguiding should be allowed to exclude transwomen from joining as volunteers.

31% think they should not be allowed to exclude transwomen.

A further **27%** say they don't know.

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I was in an online Facebook breastfeeding support group that changed to allow males in if they identified as female. Before that it was a strictly female private group. People shared photos of themselves breastfeeding, of their anatomy to ask for advice. I didn't feel safe or comfortable in the group any longer so I left.

A large, stylized red quotation mark is positioned to the left of the second text block.

Many young teen girls of my daughter's acquaintance are not comfortable with the prospect of washing and sleeping in close proximity to either natal male Guides or trans women Girl Guide leaders. They vote silently with their feet and just don't join up to Girl Guides any more.

Toilets



45% think businesses should be able to exclude transwomen from using female toilets.

29% think they should not be allowed to exclude transwomen.

A further **26%** say they don't know.

“ Workplace allows self-id. We now have a male using the previously female toilets. I have been told it is against the law and discrimination to stop them.

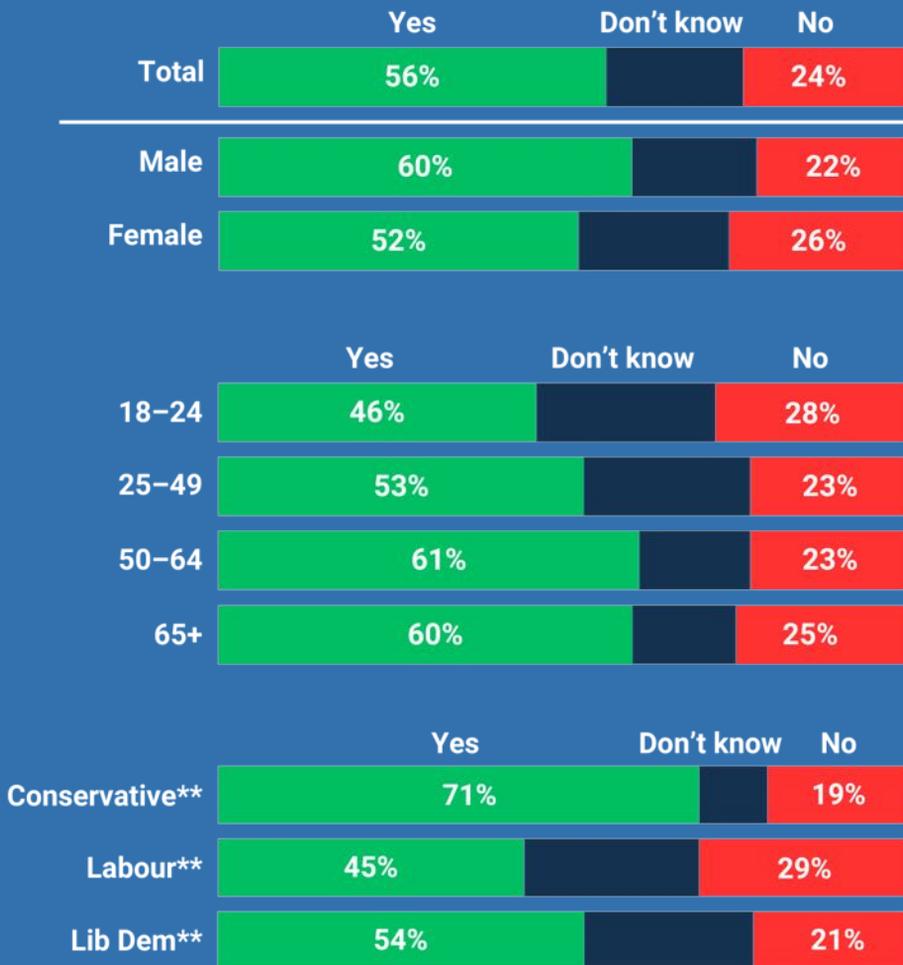
“ My 14 year old daughter is made to change in an open changing room with a boy who says he is a girl. Two boys are using the girls' toilets in her year group. They no longer have single-sex spaces.

Less than a third of people want to abolish sex-based protections

Only a minority of people think that women and girls (and men and boys) should be prevented from having single-sex sports, associations, charities, services and spaces to meet their needs.

This is true even of younger age groups.

Should sports associations be allowed to exclude transwomen* from competing in women's sports?



*Men who identify as women

** Party voted for in 2019 general election

Clarifying the law

The government can clarify the law to protect everyone's rights by amending the Equality Act 2010 using powers already provided for under Section 23 of the Gender Recognition Act 2004.

The amendment we are proposing would say:

In this Act, references to female persons and women:

- (a) also refer to a person who was born female and has acquired the male sex under the GRA 2004
- (b) do not refer to a person who was born male and has acquired the female sex under that Act.

In this Act, references to male persons and men:

- (a) also refer to a person who was born male and has acquired the female sex under the GRA 2004
- (b) do not refer to a person who was born female and has acquired the male sex under that Act.

It's time to make the Equality Act clear

What do others say?



“There is no straightforward balance, but we have come to the view that if **‘sex’ is defined as biological sex for the purposes of Equality Act**, this would **bring greater legal clarity in eight areas.**”

Equality and Human Rights Commission (2023)



“The conflation of the terms sex and gender in both the Gender Recognition Act and Equality Act has led to **widespread confusion and disagreement.**”

Women and Equalities Committee (2021)



“**There is considerable uncertainty, and controversy**, as to whether possession of a GRC makes a difference to the ‘sex’ of a person when their rights or position under the Equality Act 2010 are considered.”

Employment Lawyers Association (2020)

**Sex matters in life and in law.
It shouldn't take courage to say so.**



@SexMattersOrg

www.sex-matters.org

Population data: nationally representative sample of over-18s,
polled online on 15th May 2023 by PeoplePolling for Sex Matters.

All data available from www.sex-matters.org/clear

Quotes from Sex Matters' single-sex survey, 2022,
and other personal testimonies.

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