Equality Matters

Protected Characteristics

3rd Edition March 2017

In the previous edition we looked, not just at the benefits of making workplaces equal and diverse, but also the legal requirements that they are safe, inclusive and respectful to others. **The Equality Act 2010** makes it unlawful to discriminate against any 'protected characteristics', directly or indirectly.

The Equality Act 2010 is relatively new. It was created by gathering a collection of Acts: Equal Pay Act 1970, Race Relations Act 1976, Sex Discrimination Act 1975, to name a few, and placing them under the one 'umbrella' Act. Not only did this simplify the approach to discrimination law, but it also allowed some 'characteristics' not defined previously, to be 'pulled out' and given explicit protection in their own right. One such characteristic was **Gender Reassignment'**

What is Gender Reassignment....?

This is defined in the Act as: those proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

Job done??... You've guessed it. No it isn't!! It's a definite help, no doubt about it, but there are still areas where different interpretations can create confusion, so why does this happen? To help us first we need to look at a recent interpretation of how to classify gender identity.

Transgender: umbrella term for people whose gender 'identity' is different from their "assigned" sex at birth.
Transsexual: this is a term used by some (but not all) people who permanently change their bodies, usually, but not always, using hormones or surgery.
Non-binary: people are those who don't feel male or female. They may feel like both or like something in between or they may not relate to gender at all.
Cisgender: This describes someone who is not transgender. This covers the majority of the population.

Many feel that their 'identify' is linked to what is in "their head and hearts and not what is between their legs….."

Looking at the legal definition and then the 'identity' definitions, can you see where problems may arise?

The word 'reassignment' suggests a medical or surgical intervention, but not all 'trans' people undergo a medical procedure. This often leaves them concerned and confused about their rights.

Why does it matter? ……Recently there have been lots of news stories and media debate around transgender rights of access to public facilities, services and in the workplace.

Can you think of places of where problems may arise?

Basically, it can be anywhere where segregation takes place: public toilets, changing rooms, same sex schools, with more serious concerns involving access to hospital facilities, homeless shelters etc. where being denied access could cause harm. Recently, suicides of transgender women forced into male prisons have been in the news. Instances of where 'transphobia' undermines careers, incomes, living standards, mental and physical health, also being reported. So why segregate?

The other side……For some it is a concern. They argue that simply 'saying' you are trans, or offering 'gender neutral facilities', will not protect other services users, where same sex separation is perceived as a safety and/or dignity issue such as: same sex hospitals wards, accommodation shelters and crisis centres. The concern being without separation, it could leave other users vulnerable and infringe *their* rights.

Possible solutions…….Some of the issues are

complex and will take time to resolve, but employers are being encouraged to find simple ways to address equality issues - access to gender neutral toilets and changing cubicles being a start, with toilets on planes and swimming pools already widely accepted in day-to-day life. It is just a signage change after all. One point that is agreed upon is that the term 'gender reassignment' is outdated, with **'gender identity'** being a much broader, usable definition.

If you would like to learn more about general equality issues try http://www.stonewall.org.uk/, or for training and local information on gender identity http://genderedintelligence.co.uk/