Twitter Thread by sexnotgender.info



sexnotgender.info
@Sexnotgender_



Hi @Census2021 @ons @IanDiamond11 @_datasmith @PhilippaBonay @EHRC @EHRCChair @KishwerFalkner @RJHilsenrath @trussliz @GEOgovuk

The 'Diversity' section of your job application states you promote 'not discriminating under the Equality Act 2010'.

However...

1/11

Diversity

Incomplete You are in the process of applying for a **Supervisor Grade** role with the position of **Census coverage survey team leader**

The Civil Service embraces diversity and promotes equality of opportunity. This includes not discriminating under the Equality Act 2010.

The Civil Service is committed to recruiting a workforce that reflects the diverse communities that we serve. Your voluntary co-operation in providing us with accurate information is appreciated. All information is anonymised and used for statistical purposes only.

As part of the commitment to be a Disability Confident Leader employer, all disabled applicants who meet the essential criteria for a job vacancy will be interviewed (subject to availability). To be included in the recruitment process you will need to declare that you have a *disability at the beginning of the application process and indicate if you require any reasonable adjustments. As the information provided on this form is anonymous and only used for statistical purposes, please contact our Helpdesk by emailing onshelpdesk@adecco.co.uk or calling 020 3973 5972 who will be able to assist you further with your reasonable adjustment request.

*Definition of disability under the Equality Act 2010

By completing this form, you have helped us better understand how we, as an employer, ensure equality of opportunity for all. This information is not used to make a decision about your application.

Please provide the following information for diversity monitoring

Ethnicity * --None--

Age * --None--

Religion * --None--

Nationality * --None--

Sexual Orientation * --None--

Gender * --None--

--None--
Man
Woman
Prefer to self-describe
Prefer not to disclose

However, you then ask for the 'Gender' of the applicant with options:

Man
Woman
Prefer to self describe.

2/11

'Gender' is not a protected characteristic under the Equality Act 2010 and is not defined in the Act.

https://t.co/qisFhCiV1u

3/11

PART 2

EQUALITY: KEY CONCEPTS

CHAPTER 1

PROTECTED CHARACTERISTICS

4 The protected characteristics

The following characteristics are protected characteristics—

age;

disability;

gender reassignment;

marriage and civil partnership;

pregnancy and maternity;

race;

religion or belief;

sex;

sexual orientation.

Sex is the protected characteristic & the only two possible options for sex are 'Female' &'Male' as defined in the Act & consistent with biology, but you don't ask for that. 'Self-describe' is not a valid option

https://t.co/CEJ0gkr6nF

'Gender' is not a synonym for sex.

4/11

11 Sex

In relation to the protected characteristic of sex—

(a) a reference to a person who has a particular protected characteristic is a reference to a man or to a woman;

(b) a reference to persons who share a protected characteristic is a reference to persons of the same sex.

Asking about a personal characteristic such as 'gender' that is not a protected characteristic under the Act, may be in breach of the GDPR by processing personal - and potentially Special Category - data without a lawful basis.

5/11

If you choose not to gather data on specific protected characteristics (such as sex), you cannot have the information required to ascertain whether or not you could be discriminating on protected characteristics in recruitment. This could be vital in an employment tribunal.

6/11

If you choose to discriminate on characteristics (such as 'gender') that are not protected characteristics under the Act, you may inadvertently indirectly discriminate on protected grounds.

7/11

Given these errors and your use of incorrect terms, it's not clear how you can meet your Public Sector Equality Duty or how you have met it in the past given your data could have been corrupted by those who didn't provide their sex.

8/11

Nor is it clear how you can have had due regard to the other duties given the data you have collected.

9/11

Language and meaning of words are important and proper use & understanding of terms is vital so that the public is aware of what rights they have and what your duties are. Any confusion or inconsistency over meaning may prevent people from accessing their rights in law.

10/11

Will you undertake to correct these errors and to review all your other policies, documents, reports, etc to ensure compliance?

Please respond.

https://t.co/RJAWJ1vJ6s

11/11

@threadreaderapp unroll