

Twitter Thread by [sexnotgender.info](#)

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The EEO section of your job application has 'gender' in what appears to be a list of the protected characteristics under the Equality Act 2010.

1/11

EEO

Our company promotes equal opportunities and values the diversity of its workforce. It aims to ensure that all job applicants and employees receive equal treatment regardless of age, disability, ethnic origin, **gender**, marital status, race, religion, responsibility of dependants, sexual orientation or transsexuality.

The following information will be treated as confidential by Human Resources and will assist us to monitor the effectiveness of our Equality and Diversity Policy. It will be separated from your application and will not be seen by the person responsible for shortlisting or interviewing applicants. Any analysis made using this information will be aggregated and your identity will not be revealed within any such analysis.

For guidance around the definition of disability and any associated rights, useful guides can be obtained from the [Disability Rights Commission](#)

Voluntary Information

Gender*	Ethnic Origin*	Disability*
<div>— Make a Selection —</div>	<div>— Make a Selection —</div>	<div>— Make a Selection —</div>
<div>— Make a Selection —</div>		
Male	Nationality*	Country of Origin*
Female	<div>— Make a Selection —</div>	<div>— Make a Selection —</div>
Opt Out		
Sexual Orientation*		
<div>— Make a Selection —</div>		

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

<https://t.co/qisFhCiV1u>

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 under the Act, but that is not on your list.

'Gender' is not a synonym for sex.

3/11

You then ask for the 'gender' of the applicant with options:

Male
Female.

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

<https://t.co/qisFhCiV1u>

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race;
religion or belief;
sex;
sexual orientation.

Sex is the protected characteristic and the only two possible options for sex are 'Female' and 'Male' as defined in the Act and consistent with biology.

<https://t.co/CEJ0gkr6nF>

'Gender' is not a synonym for sex.

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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.

7/11

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.

8/11

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.

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

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