Twitter Thread by sexnotgender.info

sexnotgender.info
@Sexnotgender_

Hi @uwebristol @vcuwe @EHRC @EHRCChair @KishwerFalkner @RJHilsenrath @trussliz @GEOgovuk

The Equality &Diversity Monitoring section of yr job application has 'gender' & 'gender identity' in what appears to be a list of protected characteristics under the Equality Act 2010

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Equality and Diversity Monitoring

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Only use the save buttons at the bottom to continue and save your application - Please do not use the browser back button, as you may lose any information entered into your application.

Sensitive Information

Here at UWE Bristol we are committed to providing a working and learning environment where no-one receives less favourable treatment on grounds of their gender, gender identity, age, nationality, ethnicity, disability status, religion and belief, or sexual orientation.

Information provided in this section will help us to monitor our progress towards meeting this commitment.

It will be treated as strictly confidential and will not be used as part of the selection process; it will not be visible to those responsible for shortlisting or appointment decisions.

Personal

Date of birth(dd/mm/yyyy) *

Ethnic origin * Please select

Religion and belief * Please select

Sexual orientation * Please select

Nationality * Please select

This is your legal Gender

Gender * Please select

Please select
Female
Male
Unspecified

Transgender

Trans or transgender people are those who identify as someone with different gender from that in which they were born. Some may have gone through medical treatment and others may have decided not to.

Do you identify yourself as trans/transgender? * Please select

'Gender' and 'gender identity' are not protected characteristics under the Equality Act 2010 and are not defined in the Act.

https://t.co/qisFhCiV1u

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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.

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You then ask for the 'gender' of the application, saying, "This is your legal Gender" with options:

Female
Male
Unspecified.

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'Gender' is not a protected characteristic under the Equality Act 2010 and is not defined in the Act. It is not clear what you mean by 'legal gender'.

https://t.co/qisFhCiV1u

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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 and the only two possible options for sex are 'Female' and 'Male' as defined in the Act and consistent with biology, but you don't ask for that.

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'Gender' is not a synonym for sex.

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11 Sex

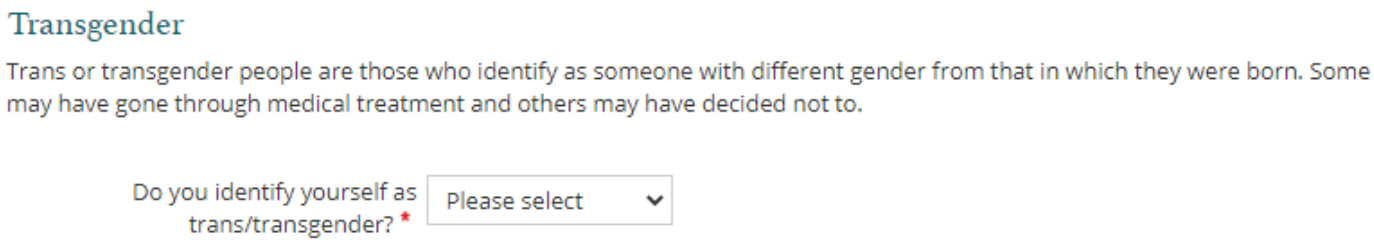
In relation to the protected characteristic of sex—

(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.

Under the heading 'Transgender' you say "Trans or transgender people are those who identify as someone with different gender [sic] from that in which they were born. Some may have gone through medical treatment and others may have decided not to."

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'Gender' at birth is a meaningless concept: sex is observed and recorded and is immutable.

Equating 'gender' with sex is meaningless and relies on demeaning, regressive stereotypical notions of societal roles for the two sexes.

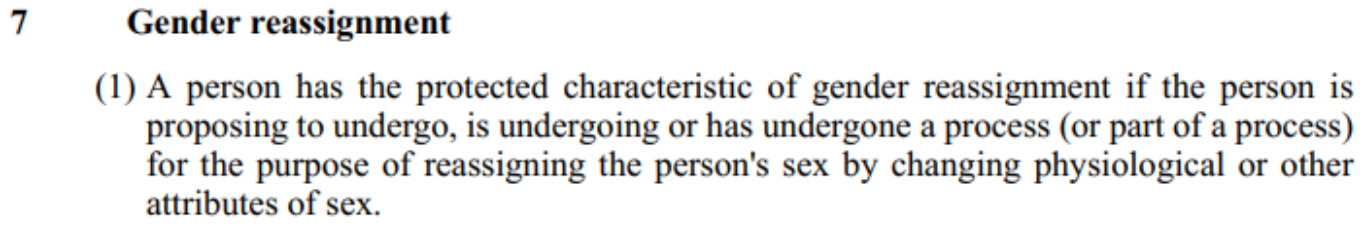
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'Transgender' is not a protected characteristic under the Equality Act 2010 and is not defined in the Act.

There is a protected characteristic of 'gender reassignment', but it is defined in terms different to those you use here.

https://t.co/2o53ufahzA

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7 Gender reassignment

(1) A person has the protected characteristic of gender reassignment if the person is 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.

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.

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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

11/16

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.

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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.

13/16

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

14/16

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.

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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

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@threadreaderapp unroll