

Twitter Thread by sexnotgender.info

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The Equal Opportunities Monitoring section in your job application mentions the protected characteristics under Equality Act 2010 & 'statutory reporting purposes'

However...

1/14

Equal Opportunities Monitoring

We are committed to a policy of equality of opportunity and aim to provide a working and learning environment that is free from unfair discrimination. We aim to ensure that employees are not discriminated against on any grounds, specifically those named as **protected characteristics under the Equality Act 2010**. This form is used for **statutory reporting purposes**, which is why it is important that all potential employees complete this form.

The information you provide will be treated as confidential and will be used by HR for these stated purposes only. It will NOT be shared with the panel / line manager, or used in any selection processes.

* denotes a compulsory field.

Gender*

gender identity match your sex as registered at birth*

th*

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

Male

Female.

2/14

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

<https://t.co/qisFhCiV1u>

3/14

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.

<https://t.co/CEJ0gkr6nF>

'Gender' is not a synonym for sex.

4/14

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.

You then ask "Does your gender identity match your sex as registered at birth".

5/14

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* denotes a compulsory field.

Gender*

Does your gender identity match your sex as registered at birth*

Date of Birth*

'Gender identity' 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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PART 2

EQUALITY: KEY CONCEPTS

CHAPTER 1

PROTECTED CHARACTERISTICS

4 The protected characteristics

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- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

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

7/14

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.

8/14

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.

9/14

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.

10/14

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.

11/14

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

12/14

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.

13/14

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>

14/14

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