



GUIDE TO THE UK EQUALITY LAW AND A WOMAN'S RIGHT TO SINGLE-SEX SPACES AND SERVICES

The Equality Act 2010 provides legal protection from discrimination, harassment and victimisation based on the protected characteristics of Age, Disability, Marriage/Civil Partnership, Pregnancy/Maternity, Race, Religion/Belief, Sexual Orientation, **SEX and GENDER REASSIGNMENT**.

Sex discrimination is being treated unfairly because of what sex you are. It's about being treated unfairly just because you are a women (or a man)

Gender reassignment discrimination is being treated unfairly because you have proposed, started or completed a process to change attributes of your sex. It's about being treated unfairly just because you are transgender or transsexual.

Sometimes sex and gender reassignment discrimination can be lawful in situations when it's a proportionate means to provide a legitimate aim. Equality decisions should be evidence-based and must fairly balance the needs of all groups affected. This does not mean treating everyone the same. Sometimes treating people differently is the least discriminatory outcome overall.

There are six such legal exemptions in the Equality Act 2010 for organisations to use to support a woman's right to access single-sex spaces and services:

<p>WOMEN-ONLY SERVICES: Schedule 3 Part 7 Sections 26-28</p> <p>It is lawful to exclude biological males, including those who identify as transgender women, from single-sex services for women. This is exempt from discrimination on the grounds of both sex and gender reassignment. Single-sex services are lawful when provided in a hospital or other place where users need special care, supervision or attention. It is also lawful when if the service is used by more than one person or may involve physical contact between people and a woman might reasonably object to the presence of a biological male.</p>	<p>OCCUPATIONS: Schedule 9 Part 1 Section 1 (3)</p> <p>It is lawful to make it a requirement for a worker not to be of the male sex and/or not to be a transgender person if this is a crucial requirement for the work. Considerations can include privacy and decency, cultural and religious sensitivities, psychological vulnerabilities and other reasons deemed crucial for the provision of services for women.</p>	<p>ACCOMMODATION: Schedule 23 Part 3</p> <p>It is lawful to exclude biological males from communal accommodation which has either shared sleeping arrangements or shared sanitary facilities. This is exempt from discrimination on the grounds of both sex and gender reassignment.</p>
<p>ALL WOMEN SHORTLISTS: Part 7 Section 104 (7)</p> <p>It is lawful for political parties to restrict the selection of election candidates to only those who share the protected characteristic of sex.</p>	<p>WOMEN ONLY CLUBS: Schedule 16 Part 1</p> <p>It is lawful for a club or association to restrict its membership to only those who share the protected characteristic of sex.</p>	<p>COMPETITIVE SPORTS: Part 14 Section 195</p> <p>It is lawful to exclude biological males, including those who identify as transgender women, from women-only sporting competitions when physical strength, stamina or physique are major factors in determining success or failure. This is necessary to uphold fair or safe competition.</p>

The Gender Recognition Act 2004 sets out the legal requirements a transgender person must meet to get a gender recognition certificate (GRC) and to change their legal sex to the opposite of their biological or birth sex. This requires a medical diagnosis of gender dysphoria AND two years living in role as the preferred gender. Very few transgender people have acquired a GRC and changed their legal sex status. Only 4556 GRC have been issued to date* in the UK since the Act was passed in 2004 (*[latest figures Sept 2017](#)) and represents only 1% of the estimated population of transgender people ([GIRES 2015](#)). As such, for the vast majority of transgender people, their biological / birth sex remains their legal sex.

Reform of the Gender Recognition Act 2004. The UK government has announced its intention to make the process of changing legal sex a matter of self-declaration only. This is not yet law. The Equality Act 2010 and the legal exemptions described in this guide are expected to remain unchanged.

Further information: A comprehensive explanatory document is available to accompany this summary guide and can be found on the www.fairplayforwomen.com website and can be found [here](#).