

Gender Reassignment - Protected Characteristic

GENDER REASSIGNMENT

What is Gender Reassignment Discrimination

Gender reassignment discrimination refers to treating someone unfairly or differently because they are undergoing, have undergone, or are proposing to undergo gender reassignment. This can include discrimination against transsexual people or anyone who identifies as a gender other than their birth gender.

Gender reassignment discrimination can take many forms, such as denying someone employment or promotion opportunities because they are undergoing or have undergone gender reassignment, failing to provide adequate support or accommodations during the transition process, or treating them less favourably than others because of their gender identity.

Gender reassignment discrimination can have serious consequences for individuals, including limited job opportunities, reduced income, and reduced access to goods and services.

Employers and service providers are also required to make reasonable adjustments to ensure that people undergoing gender reassignment are not disadvantaged.

What the Equality Act says about Gender Reassignment Discrimination

The Equality Act 2010 says that you must not be discriminated against because of gender reassignment.

In the Equality Act, gender reassignment means proposing to undergo, undergoing or having undergone a process to reassign your sex.

To be protected from gender reassignment discrimination, you do not need to have undergone any medical treatment or surgery to change from your birth sex to your preferred gender.

If you have experienced discrimination, contact EQUIP for free, impartial advice and support:

Phone Number

0330 135 6606

E-mail Address

advice@equipequality.org.uk

Website

www.equipequality.org.uk



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You can be at any stage in the transition process, from proposing to reassign your sex, undergoing a process of reassignment, or having completed it. It does not matter whether or not you have applied for or obtained a Gender Recognition Certificate, which is the document that confirms the change of a person's legal sex.

For example, a person who was born female and decides to spend the rest of their life as a man, and a person who was born male and has been living as a woman for some time and obtained a Gender Recognition Certificate, both have the protected characteristic of gender reassignment.

Circumstances when being treated differently due to gender reassignment is lawful

A difference in treatment may sometimes be lawful. This will be the case where the circumstances fall under one of the exceptions in the Equality Act that allow organisations to provide different treatment or services on the basis of gender reassignment. For example:

- competitive sports: a sports organisation restricts participation because of gender reassignment. For example, the organisers of a women's triathlon event decide to exclude a trans woman with a Gender Recognition Certificate as they think her strength or stamina gives her an unfair advantage. However, the organisers would need to be able to show that this was necessary to make the event fair or safe for everyone.
- a service provider provides single-sex services. The Equality Act allows a lawfully established separate or single-sex service provider to prevent, limit or modify people's access on the basis of gender reassignment in some circumstances. However, limiting or modifying access to, or excluding a trans person from, the separate or single-sex service of the gender in which they present will be unlawful if you cannot show such action is a proportionate means of achieving a legitimate aim. This applies whether or not the person has a Gender Recognition Certificate.

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