



Sex - Protected Characteristic

SEX

What is Sex Discrimination

Sex Discrimination is when you are treated differently because of your sex.

The treatment could be a one-off action or could be caused by a rule or policy.

It doesn't have to be intentional to be unlawful.

What the Equality Act says about Sex Discrimination

The Equality Act 2010 says you must not be discriminated against because:

- you are (or are not) a particular sex
- someone thinks you are the opposite sex (this is known as discrimination by perception)
- you are connected to someone of a particular sex (this is known as discrimination by association).

In the Equality Act, sex can mean either male or female, or a group of people like men or boys, or women or girls.

Circumstances when being treated differently due to sex discrimination is lawful

The Equality Act has some exceptions that allow employers or organisations to discriminate because of your sex.

A difference in treatment may be lawful if:

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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- Being a particular sex is essential for a job.
This is called an occupational requirement. This includes some jobs which require someone of a particular sex for reasons of privacy and decency or where personal services are provided. For example, a gym could employ a changing room attendant that is the same sex as the users of that room.
- An organisation is taking positive action.
Positive action might be used to encourage or develop people of a sex that is under-represented or disadvantaged in a role or activity. For example, an engineering firm places a job advert for a trainee engineer stating that applications from women are welcome.

Other exceptions

The armed forces can refuse to employ a woman, or limit her access to training or promotion if it means they can ensure the combat effectiveness of the armed forces.

In competitive sports the organisers can hold separate events for men and women because the differences in stamina, strength and physique would otherwise make the competition unfair.

There are several situations in which an organisation can lawfully provide single sex services. In all circumstances they must be able to justify it. For example:

- offering a women-only support service to victims of domestic violence who are women is likely to be justifiable even if there is no parallel service for men due to insufficient demand

A religious organisation can sometimes restrict employment to one sex if the role is for religious purposes. For example:

- an orthodox synagogue can require its rabbi to be a man

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