



Women's Equality Party Conference

26 November 2022

Title: **Affirming single-sex and separate services and provisions provided for in the Equality Act 2010 are a legitimate legal protection and services must be given clear information in order to apply them.**

Proposed by: **Sarah Crofts**

Signatories:

Bev Barstow
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Type of motion: **Policy motion**

Motion text:

- 1 WEP affirms the vital importance of the provisions in the Equality Act 2010 ('the EA')⁽¹⁾ that sex is a
 - 2 protected characteristic in discrimination law and that women and girls have certain rights to single-
 - 3 sex services, in order to protect their safety and dignity.
 - 4 WEP recognises that some public bodies and other providers of services have failed to apply these
 - 5 provisions of the EA correctly, causing women and girls to lose access to single-sex spaces where
 - 6 they are needed⁽²⁾.
 - 7 WEP calls on the UK Government and devolved governments urgently to issue statements of the law
 - 8 on the correct application of the EA, to all government departments, public bodies and relevant private
 - 9 bodies.
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- 10 The Governments' statements of the law must make clear:
- 11 (a) when and how the EA allows separate services for men and women, or provision of services to
12 only men or only women;
- 13 (b) how public bodies and private bodies that perform public functions must account for the protected
14 characteristic of sex in applying the Public Sector Equality Duty; and
- 15 (c) how private bodies should take account of which of those EA duties apply to them.
- 16 This would reflect the EHRC guidance⁽³⁾ on this issue but must ensure clarity.
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Motion rationale:

- 17 WEP Members Assembly findings showed that 71% of members support single-sex services as
18 outlined in the Equality Act 2010^{(5),(6)}. Separate and single-sex services as provided for in the Equality
19 Act 2010 are a vital part of women's equality and providers should be free to provide these where
20 they are deemed to be necessary and proportionate.
- 21 It is well-documented that public and private bodies including Councils and private service providers⁽⁴⁾
22 often misunderstand and misapply the law in relation to sex discrimination and, in particular, where
23 the Equality Act 2010 ('the EA') allows for provision of single-sex services.
- 24 This misapplication of our law lets down the women and girls whom the legislation was designed to
25 protect. Women's and girls' rights and protections are not dispensable and WEP must fight for them
26 with all their might.
- 27 The EA sets out 9 Protected Characteristics (age, disability, gender reassignment, marriage and civil
28 partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation), all of which
29 are of equal standing and WEP recognises that women may have one or more of these protected
30 characteristics which impact on their lives and their requirements for accessing appropriate
31 protections against discrimination in a myriad of intersecting ways.
- 32 All groups with protected characteristics require full protection of the law. All rights carry equal weight.
33 Therefore, a foundational principle of equality and discrimination law is that the rights of these groups
34 will sometimes come into conflict and that competing rights need to be balanced in a lawful and fair
35 way. This is what the EA separate and single sex provision exceptions were intended to achieve, and
36 can achieve if applied correctly. WEP must support the proper balancing of competing rights as well
37 as advocate for the recognition that women are affected not only by sex discrimination but by further
38 layers of often related discrimination and marginalisation which the Equality Act was designed to
39 address. Only with proper clarification and implementation of the Act will women begin to be able to
40 live fully, freely and reach their true potential in society. WEP must be at the forefront of ensuring this
41 becomes reality and seek to tackle the misinformation that contributes to unwarranted abuse of those
42 who simply wish for the law to be applied as it is intended.
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43 Whilst we welcome the EHRC's clarification around single sex exceptions⁽³⁾, we note that it has yet to
44 dent a cultural shift away from single-sex spaces, such as toilets and changing facilities – as
45 highlighted in the 2019 Parliamentary Women and Equalities Committee report⁽⁴⁾. All organisations
46 and service providers should be confident to apply single-sex exceptions wherever relevant, and not
47 feel that the bar is set so high as to be indefensible – this is simply not the case in law.

48 A succinct and clear statement from the governments would bring much needed clarity to the situation.

References:

1. The Equality Act 2010 - <https://www.legislation.gov.uk/ukpga/2010/15/contents>
(Schedule 3, Part 7)
 2. House of Commons Women and Equalities Committee report, 30.7.19 -
<https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/1470/1470.pdf>
 3. EHRC guidance <https://www.equalityhumanrights.com/en/advice-and-guidance/separate-and-single-sex-service-providers-guide-equality-act-sex-and-gender>
 4. Ibid, and House of Commons Women and Equalities Committee report, 30.7.19, chapter 7 -
<https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/1470/1470.pdf>
 5. <https://www.legislation.gov.uk/ukpga/2010/15/notes/division/3/16/20/7> 6.
<https://drive.google.com/file/d/1GkOZOglZ16dF44F5le9c4pLKt59t2F9V/view?usp=sharing>
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