

*Stephanie Shuttleworth*

Reply to Labour Women's Declaration Working Group questions:

1. We would like to ask, firstly, whether you agree that women should have the right to expect female-only facilities to be available in places such as changing rooms, public toilets, hospital wards, care homes, refuges, hostels and prisons, as provided for through the single-sex exemptions in the Equality Act 2010?
2. Secondly, do you agree that women should have the right to organise themselves, as a sex, across a range of cultural, leisure, educational and political activities and have the right to discuss policies which affect them, without being abused, harassed or intimidated?
3. Lastly, we would like to ask how you think that the Labour Party should go about fulfilling the promise it made to women in the Manifesto within the Labour Party itself?

"1. A: Straight to a biggie on the first question! I'm having a little bit of trouble with it as the Equality Act 2010 states there can be exemptions to the exemptions, specifically under the provision of single-sex services based on gender reassignment (as a protected trait). For instances such as changing rooms, public toilets; no one checks paperwork so I would only expect to see people who identify as women, regardless of paperwork in there. When providing single-sex services the exemptions state "the way you have approached a situation is a 'proportionate means of achieving a legitimate aim' and so is objectively justifiable. You need to be able to show that there is no less discriminatory way to achieve the aim". So I'd say that yes, women have the right to assume there will only be women in women's toilets (unless there is a male cleaner etc.) under that circumstance, in a way which is proportionate to allowing people of the same gender to use the facilities. That does not give us the right to abuse or humiliate someone who we personally believe does not fit into that gender. For instance; I don't have the right to misgender lesbians and have them kicked out. I think there is a level of personal judgement to be used in these instances, and the EA 2010 in my understanding does leave room for that - which does leave it open to abuse and misogyny.

For the more sensitive situations such as hospital wards, care homes, refuges, hostels and prisons, as the act is a decade old now I agree that women have the right to expect female-only services to be available within line with the Equality Act 2010 where organisations may treat people with the protected characteristic of gender reassignment differently in very particular and limited circumstances. So if those circumstances arise then the single-sex stipulations of the act would overrule the gender reassignment exceptions, and the organisation could legally refuse trans women. I'm not totally aware as to how often that occurs, but equally, I'm not aware of how often trans

women attempt to access these services and what happens under those circumstances (I mean as general rules, not specifically in each case).

2. A: Everybody has the right to organise without being abused, harassed or intimidated.

3. A: I think this is a great question because the Equalities Act 2010, with all its exemptions and its lack of consistency when referencing to sex and gender, could do with some help in being understood. I thought the promise was very vague, but that means it is vague enough to start detailed conversations on any reforms that may be added or any other acts which may impact it. I think those conversations should very much happen and from there we can work out what it is we're promising to deliver (then we deliver it)."

However, on 19 October 2020 Stephanie Shuttleworth tweeted:

"@LabWomenDec – hey folks, you're going to have to move me down a list at least, because trans women are women."

Stephanie Shuttleworth did not reply to Labour Party LGBT Network questions.