



22 September 2023

Dear NFWI

IS THE WOMEN'S INSTITUTE A SINGLE SEX ORGANISATION, AS PER THE EQUALITY ACT 2010, OR MIXED SEX?

We are writing for clarification regarding the Equality, Diversity and Inclusion (EDI) Policy, the constitution and the single sex exemptions contained in the Equality Act 2010. We would like members to be informed in clear language whether or not the Women's Institute is a single sex organisation as per the Equality Act 2010.

At the top of page 6, the EDI policy directly references the single sex exemptions contained in the Equality Act 2010, although attempts to obfuscate it by calling it "woman only". We quote (with reference to "non-binary" women): "this is because they fall within our women only exemption as they were assigned female at birth^[1]". There are no further references to sex as a protected characteristic, less the word "sex" on page 3, nor is the sentence explained at all.

The law is quite clear, sex is a protected characteristic, it states:

Sex

"Man" means a male of any age;

"Woman" means a female of any age^[2].

In relation to the protected characteristic of sex—

- (a) a reference to a person who has a particular protected characteristic is a reference to a man or to a woman;
- (b) a reference to persons who share a protected characteristic is a reference to persons of the same sex^[3].

However, the EDI policy makes no other references to the single sex exemptions contained in the Equality Act 2010. We would expect to see the definition of sex in line with that of the Equality Act 2010, above. The NFWI should as good practice, as per the Equality and Human Rights Commission "record the reasons why you have taken the decision to provide a separate or single-sex service^[4]", these should be included too.

None of these things are contained in the EDI policy. This does not make sense, if the NFWI is relying on this exemption it should explain it with clear language that accurately reflects the law. Not as a short sentence that is not reflected in the policy as a whole.

There is no legal definition of a "transgender woman^[5]" so the statement that "transgender women are women^[6]" by Melissa Green does not stand up to scrutiny. Nor do any sentences that state that all members are women make sense, when you actively promote that men, with the protected characteristic of gender reassignment, can join.

Therefore we conclude that the Women's Institute is no longer single sex. Members should have this communicated to them in clear language so they can decide whether or not they wish to remain members. It is unfair for women to pay their subscriptions to an organisation that is not exclusively for females, as per the Equality Act 2010. The NFWI promotes itself as a single sex organisation "it's just like a sisterhood"^[7] and the largest women's organisation in the UK^[8], the FAQ on the website states:

*"Can men join? No. The Women's Institute is based on the idea of bringing women together, providing them with educational opportunities and the chance to make a difference in their communities. Therefore, the WI is set up as an educational charity with a **constitution which states that membership is only open to women**"^[9].*" (NFWI bold).

We note the EDI policy labours heavily over gender reassignment as a protected characteristic, but this is misleading as it is a separate comparator to sex. Therefore, as we have previously stated, it is legal to exclude men with the protected characteristic of gender reassignment. According to the Equality and Human Rights Commission it is permissible for providers to "exclude, modify or limit access to their service for trans people"^[10].

By allowing trans-identifying men to join, and not other men, you are directly discriminating against men who do not have gender reassignment as a protected characteristic. We believe this is illegal, as men with the protected characteristic have men without the protected characteristic of gender reassignment, rather than women as a comparator. You are confusing separate comparators and in doing so misleading members.

Therefore we would like a yes or no answer to our question: is the Women's Institute a single sex organisation, as per the Equality Act 2010? If the answer is no, will this be communicated to members?

Women's Institute Declaration

References

1. https://www.thewi.org.uk/_data/assets/pdf_file/0011/529049/NFWI-Equality,-Diversity-and-Inclusion-Policy-April-2023.pdf
2. <https://www.legislation.gov.uk/ukpga/2010/15/section/212?view=plain>
3. <https://www.legislation.gov.uk/ukpga/2010/15/section/11>
4. <https://www.equalityhumanrights.com/en/advice-and-guidance/when-you-can-provide-separate-or-single-sex-service>
5. <https://www.legalfeminist.org.uk/2020/07/17/does-the-law-say-that-trans-women-are-women/>
6. <https://www.theguardian.com/uk-news/2023/apr/18/womens-institute-to-continue-to-celebrate-trans-gender-women-amid-inclusivity-row>
7. <https://www.thewi.org.uk/>
8. <https://www.thewi.org.uk/home/wi-promotional-video>
9. <https://www.thewi.org.uk/faqs>
10. <https://www.equalityhumanrights.com/en/advice-and-guidance/what-equality-act-says-about-protected-characteristics-sex-and-gender>