



Government
Equalities Office

Putting equality at the heart of government

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Dear Keith

EXCLUSION OF INTERSEX PEOPLE FROM THE EQUALITY ACT 2010

Thank you for your letter of 21st July to the Rt Hon Theresa May MP about intersex people and the Equality Act 2010. I am responding as the Minister responsible.

The Equality Act will provide protection for an intersex person if they are discriminated against because they are perceived to have one of the protected characteristics within the Act e.g. sex, gender reassignment or disability.

So, if a woman with an intersex condition is refused entry to a women-only swimming pool session because the attendants think her to be a man, she could bring a claim for direct discrimination in the provision of services because of sex.

The Act does not explicitly use the term "intersex people" because our consultation prior to the Bill and scrutiny during the passage of the Bill did not show that discrimination is taking place against this group of people, which is not already protected as indicated in the above example.

You will be aware that intersex issues are often closely aligned with transgender matters. The Prime Minister launched *Working for Lesbian, Gay, Bisexual and Transgender Equality* which has reinforced the Government's commitment to transgender equality. I attach a copy of this document which contains more details on these commitments, which includes a commitment to deliver the first Government Action Plan on Transgender Equality next year. The consultation on the Transgender Action Plan will be an ideal opportunity for intersex people and interested parties to let us know their views.

In addition, the Government is committed to helping schools tackle transphobic bullying and support both large and small employers in embedding trans equality in the workplace.


Lynne Featherstone MP
Minister for Equalities