



Sex discrimination: top ten myths

Myth: The sex discrimination laws were drawn up to make it unlawful for men to treat women unfairly.

Fact: Sex discrimination against men is just as unlawful as sex discrimination against women. Also, it is unlawful for a woman to discriminate against another woman because of her sex, and for a man to discriminate against another man because of his sex.

Myth: These days, someone's sex usually isn't a factor in what job they do.

Fact: Currently, most engineers, IT staff and builders are men, while most nurses, and admin and sales staff are women. Further, the Office for National Statistics says men are in about two-thirds of managerial roles and make up the majority of the top ten per cent of earners. However, many job sectors, including those involving engineering, the sciences, technology and mathematics, are now endeavouring to attract more women and encourage a balance between the sexes.

Myth: In our 24/7 world, flexible working is now accepted as a 'norm'.

Fact: Only about one in 20 jobs (6.2%), which would have a salary of at least £19,500 if full-time, were advertised with an option to work flexibly, according to the Joseph Rowntree Foundation research charity. An employer overlooking the option to say in an ad that flexible working could be considered, where it would meet the requirements of the job, can particularly affect women. This includes because they tend to have most of the child care responsibilities.

Myth: It's ok to give preference to women's requests for flexible working over men's because women tend to be the main child carers.

Fact: An employer which thinks requests from men may be easier to turn down, or which prioritises requests from women, is likely to discriminate against men. It should handle requests consistently and individually, from everyone eligible to make one, and with regard to the needs of the business. And, of course, flexible working requests can be for reasons other than childcare.

Myth: It's acceptable for an employer to insist that a job can only be full-time, because that way it is not saying what the sex of the jobholder should be.

Fact: Yes, there can be circumstances where the demands of the job can mean that it needs to be full-time. However, insisting on full-time hours, without fairly considering possibilities for flexible working, may be

discriminatory. This is because more women than men work part-time or in flexible working arrangements.

Myth: If someone honestly sees their behaviour as 'just a joke', where they don't mean to offend or intimidate, they will not be harassing anyone.

Fact: In law, the impact of the behaviour as perceived by the victim tends to take precedence over the perception of the harasser and their intent. Whether it is reasonable for the complainant to feel the way they do is also taken into account.

Myth: It is ok for an employer to ask a woman of child-bearing age if she is thinking of having children.

Fact: It would be sex discrimination to ask that question because an employer is highly unlikely to ask it of a man. An employer should not ask personal questions unrelated to the employee's role or the job candidate's application.

Myth: Only a woman, who has been selected for redundancy and is taking statutory maternity leave, must be offered any suitable vacancy before any other employee.

Fact: Yes, this does apply to women, and it also applies if they are taking statutory adoption or shared parental leave. Furthermore, it applies to men if they are taking statutory adoption or shared parental leave.

Myth: It's women who want sex equality, not men.

Fact: Men are actually more likely to support sex equality in work opportunities than women themselves, with 86% of men in favour compared to 81% of women, according to a survey by women's rights charity the Fawcett Society.

Myth: The new draft Gender Pay Gap Reporting regulations have been brought in to reinforce the equal pay laws.

Fact: The draft regulations require larger employers to provide statistics but these will not indicate whether men and women are doing equal work, or whether they are being paid the same. However, they should encourage employers to embrace sex equality in pay policies, and point to the levels of seniority the sexes tend to reach in an organisation.

Want to learn about these areas and more? Download the free Acas guide **Sex discrimination: key points for the workplace** from:

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