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Submitted to The operation of the Public Sector Equality Duty in Scotland
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Lesbian Persistence

Information about your organisation

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Lesbian Persistence is a Scottish voluntary organisation which works to raise the profile of lesbians socially, culturally and politically. Our activities include organising social and cultural events, research, and advocating for improved lesbian visibility and sex-based rights.

Questions (page 1 of 2)

1 To what extent do you think that listed public authorities understand the terms and the aims of the PSED in Scotland?

Please provide your response in the box provided.:

Very little, at least at it relates to lesbians, who we will concentrate on in this response. Fundamentally, the terms and aims of the PSED can only be met if authorities possess a good understanding of the characteristics and needs of the different groups it applies to. Without that understanding, it is impossible to robustly carry out any of the 3 PSED tasks.

The listed public authorities appear to have little or no understanding of, or interest in, specific lesbian issues. In many cases, it is not clear that they even appreciate there are issues which affect lesbians differently from other women (or from gay men). Without that understanding it is not possible for them to promote or support lesbian equality, as required by PSED. An authority which understood the PSED would take steps to properly educate itself about people with a particular protected characteristic.

2 Is the PSED in Scotland delivering on its aims to improve outcomes for people with protected characteristics?

Please provide your response in the box provided.:

The PSED in Scotland has done little to nothing to improve outcomes for lesbians. Partly this is due to the fact that most authorities are blind to lesbian issues (in fact, very often blind to any sexual orientation issues), as we argued in Question 1.

The failure to improve outcomes is exacerbated when authorities fail to understand not merely the NEEDS of a particular group, but even its existence - potentially adding to the discrimination experienced by that group. For example, many authorities have developed policies or practice on the entirely erroneous basis that it is possible for heterosexual males to be "women" and therefore, (as they are attracted to actual women) they are seen as

"lesbians". Any attempt to address lesbian issues which includes even one man in the definition of "lesbian" is bound to fail, and quite possibly will make lesbians' situation worse. It is also deeply insulting to lesbian women. It is impossible to promote understanding or equality between groups, if those groups are not accurately defined or understood.

Including members of the dominant group (heterosexual males) with the vulnerable minority (same-sex attracted females) is more likely to promote and encourage conflict between those groups than to promote understanding or prevent discrimination.

Whereas the PSED includes a requirement to promote understanding between groups, demanding that lesbians accept as "lesbians" heterosexual men is actually to promote gaslighting, and itself become a source of oppression of, and discrimination against, lesbians.

3 Do you think the Scottish Government's proposed reforms will assist listed authorities in embedding an equalities focus and in turn improve outcomes for people with protected characteristics?

Please provide your response in the box provided.:

Inclusive communication

We agree, in principle, that inclusive communication is useful, but would prefer it to be phrased as "Plain English", to avoid the inevitable confusion about the meaning of "inclusive". Currently the word "inclusive" is often used in a way which EXCLUDES certain groups - in particular women. This practice has become increasingly widespread, but by way of illustration we will discuss here the egregious example of NHS leaflets intended to promote cervical screening without explicitly stating that the screening is targeted at women. In fact the leaflets did not use the word "woman" at all, but instead used dehumanising - and not at all inclusive - terms such as "people with a cervix". Apart from the insult to women, this type of language specifically excludes many women from accessing the service. Some women do not know what that part of their anatomy is called, and would not understand that they are a "person with a cervix". This difficulty is exacerbated for women with poor literacy skills or who do not have English as their first language. It is essential that "inclusive" language uses normal English, in its generally understood form (in line with Plain English campaign principles). If it is considered necessary to ensure that women who do not wish to be called women understand that the cervical screening service is also intended for them, it would be possible to say the campaign is for women, "trans-identifying" females and "non-binary" females, thereby avoiding any doubt, and doing so in a way which does not exclude the main users of the service.) The primary purpose of a leaflet such as this must be to ensure that all women / females are easily able to recognise and understand the information as pertaining to themselves. Language that potentially acts as a barrier to that understanding cannot be inclusive.

Pay Gap Reporting

Similarly, pay gap reporting must clearly relate to SEX and not self-declared gender. Including the salaries of some males in the category of "women's pay" artificially inflates those levels and distorts the true picture for women. If it is considered useful to also look at the pay situation of males and/or people who declare themselves to be the other sex, that can be collected separately: ie, have a question relating to sex - or for the avoidance of doubt - "sex at birth" - and a second question about gender. Ultimately this provides a much better data set because it provides accurate information covering two protected characteristics.

However, the sex-pay gap does not tell us anything about the pay gap for lesbians (or gay men). Promoting equality for lesbians requires, inter alia, an understanding of their financial situation. Therefore if the pay gap reporting is to be widened to include additional groups, we recommend that sexual orientation is also added.

As a general point, ALL data collected by authorities requires to be disaggregated (as a minimum) by SEX. To advance equality of opportunity for, and eliminate discrimination against lesbians it is also necessary to disaggregate data by sexual orientation.

Questions (page 2 of 2)

4 What are your views on the Scottish Government's revised approach to assisting listed public authorities to embed inclusive communication?

Please provide your response in the box provided.:

5 How effective do you think the Equality and Human Rights Commission is at regulating public authorities' performance against the PSED?

Please provide your response in the box provided.: