

Difference between sex and gender

SEX AND gender are sometimes used interchangeably but they are not the same, a distinction important to note, as the Equal Opportunity Act protects against discrimination on the ground of sex (and six other status grounds) but not on the ground of gender. However, the act also prohibits a separate category of conduct known as “offensive behaviour,” which is akin to hate speech in public, and one of the grounds on which hate speech is prohibited is gender.

According to the World Health Organization, sex refers to the biological and physiological characteristic that define male and females, for example different reproductive organs, different levels of certain hormones and chromosomes.

Gender is socially constructed and refers to social roles, responsibilities, behaviours, attitudes and identities deemed particular to men and women, and boys and girls, as a consequence of social, cultural and historical factors. In many ways, gender is an identity – a personal sense of how that person conceptualises their own gender, which may not be the same as their biological or physiological characteristics. There are more than two genders including male, female, transgender, gender neutral, non-binary, and all, none or a combination of these.

Male and female are sex categories, whereas masculine and feminine are gender categories.

Femininity refers to the cultural expectations we have of girls and women, while masculinity refers to the expectations we have of boys and men. This is reflected, for instance, in children’s toys



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where girls’ toys are largely domestic in nature, such as dollies, doll houses and cooking utensils, or in statements such as, “the woman’s place is in the house” or “young ladies need to be seen and not heard.”

Similarly, toys for boys can range from cars, fire trucks, doctor’s equipment, and construction machinery or in statements such as “men don’t cry” or “be a man.”

Assigning attributes or characteristics to an individual based on that person’s sex can lead to stereotyping and can have negative consequences that limit a person’s rights and access to opportunities. For instance, a woman may not be considered before an interview panel for a post in a technical field such as engi-

neering, technology or mechanics because men stereotypically excel in these fields. Even further, a young woman’s dream may be limited because of societal narratives that say she will not excel in the above listed fields.

One way to determine whether you have been discriminated against based on your sex is to use a comparator. This means looking at the treatment of one person of a particular sex compared to someone else in a similar circumstance. If someone is treated unfavourably, while the person in a similar circumstance is treated favourably because of their sex, then discrimination has occurred.

An example is if a man applies to a culinary school but is denied entry simply because he is a man or there are a certain number of spots assigned for male students. Another example is a woman being denied service at an auto shop because women may generally be viewed as not being knowledgeable about maintaining or fixing a vehicle. Also, men and women in the workplace occupying the same post with similar merit but there is a disparity in salary.

In all of these instances, they can lodge a complaint at the Equal Opportunity Commission. We will receive, investigate and conciliate the matter.

Discrimination must occur under four broad categories: employment, education, provision of goods and services, and provision of accommodation.

If you have been discriminated against based on your sex, you can lodge a complaint at the Equal Opportunity Commission by visiting our website: www.equalopportunity.gov.tt.