



52, East Parade, Harrogate, North Yorkshire, HG1 5LT

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In your Reply Please
Quote Our Reference

Grand Secretary
G. Selby R.O.H.

GLCL/07/09/18/CL

7th September, 2018

GRAND LODGE CIRCULAR LETTER No.66/2018

To All P.G. Secretaries (Home and Overseas)
Minor Lodges Secretaries
Grand Lodge Direct Lodges
G L M C
GLE Trustees

STRICTLY PRIVATE AND CONFIDENTIAL

Subject: Cross Gender Draft Policy

Dear Sir and Brother,

At the September Grand Lodge meeting it was announced that the Draft RAOB GLE Gender Reassignment Policy would be sent round to all PGL and Minor Lodge Direct.

The policy is required to ensure that the RAOB GLE comply with the laws of the UK Equalities Act 2010 and do not discriminate against those people who are either in the process of transition, or who have transitioned. We understand that it will be an emotive subject, but ask that members review the attachments and consider the contents.

It is not just the RAOB GLE that is changing to comply with the Equalities Act 2010, other similar organisations have already issued guidance. The main point to note is that the RAOB GLE is considered as an 'organisation' under the Act and as such we have specific requirements to comply with, ensuring that no-one is discriminated against the nine characteristics, gender reassignment falls into this category.

Yours fraternally

Grand Secretary



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Appendix A

Gender and Gender Reassignment FAQs

These FAQs are intended to provide some practical guidance to Lodges and Members about how to comply with the law and how to implement the RAOB GLE Gender Reassignment Policy. Buffaloes are expected to act with sympathy, compassion and courtesy to other people and this guidance should be read in that light.

1. One of our members is living as a woman – what should we do?

Nothing.

2. One of our members has become a woman – what should we do?

Nothing.

3. One of our members has declared that they are not a man but are gender neutral – what should we do?

Nothing.

4. One of our members has started wearing a skirt – what should we do?

Lodges must where applicable permit appropriate female alternatives to their dress code. A dress code which requires a dark suit will for example accommodate a smart dark skirt and top.

5. One of our members has asked to be called “Mrs Smith”, “Sister Smith” and “Jane” in correspondence and conversation.

As a matter of courtesy, a person should be addressed by the name and title he/she has chosen.

The only correct way to refer formally to a member in Lodge is as “Brother Smith” or “Brother Jane” regardless of gender.

6. Some members are unhappy that a member of the Lodge has become a woman. Can I have a quiet word with her, suggesting that she might wish to consider her position?

No. She should not be subjected to any pressure or suggestion, or perceived pressure or suggestion, that she should resign from the Lodge because of her change of gender.

It would be appropriate to have a quiet word with the unhappy members to remind them of their Buffalo obligations.

If she asks questions about joining a female organisation then ask your Provincial Grand Secretary or Grand Secretary for contact details for the Organisation of Ladies Glades, so that you can pass the details on to her.

7. Our Lodge wishes to exclude a female member. Are there any specific considerations that arise?



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Rule 9 permits a Lodge to exclude any member for sufficient cause. Female members can be excluded for all the same reasons, but only the same reasons, as male members. In this context an allegation of disharmony or potential disharmony on the grounds of a member's gender, perceived gender, gender reassignment status or perceived gender reassignment status is not sufficient cause for exclusion.

As always when applying Rule 9, all the requirements of the procedure set out in the Rule must be followed and great care should be taken when drafting the particulars of the complaint so that it is clear what the grounds for exclusion are.

8. A member of our Lodge is no longer male and wishes to resign from the RAOB GLE.

No member should be pressured to resign from the RAOB GLE because they are no longer male.

A member who resigns from the GLE, may lose eligibility for some of the benevolent benefits. Members who are considering resignation from the GLE should be advised to have regard to the potential loss of these benefits before resigning.

9. One of our members has obtained a gender recognition certificate – do we need to record this or notify anybody?

No, a certificate is a private document, and nobody should request sight of it. We do not record members' genders and there is no need to notify anybody if a member changes their gender. Proof of gender must not be asked for during (or after) the Investigation Committee interview as this is contrary to the Equalities Act 2010.

10. One of our members has complained about comments made by other members relating to his/her gender, perceived gender or gender reassignment. The comments were part of the normal jokes of members and were not unusual or objectively offensive.

If the comments had a sufficient impact on your member that they felt the need to complain then the situation should be taken seriously. This is the case even if the comments seemed innocuous to you and others. It is important to keep in mind that harassment may lie in the complainant's perception.

Lodges must not victimise a member for bringing discrimination claims or complaints against the Lodge or its members. That member must be treated in the same way as a member who had not brought the claims or complaints. Nobody should be penalised merely for making an unsuccessful discrimination claim or complaint unless it was clearly vexatious or malicious.

The members who made the comments should receive an explanation that their comments caused offence, however inadvertently, so that they know to avoid comments of that nature at future Lodge events. If a member who has received an explanation repeats his behaviour this is likely to be against the required behaviour of a member of the RAOB GLE, which is subject to the usual sanctions.



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11. One of our members has indicated that he will blackball a male candidate because the candidate lives as a woman/ wears female clothing/ is perceived by that member to be female/ has stated that he will transition to become a woman.

These are not legitimate reasons for blackballing and would constitute behaviour that is not expected of a member of the RAOB GLE, and which may be subject to the usual sanctions

12. A member proposes to bring a female visitor to the Lodge meeting – what should we do?

A visitor to a Minor Lodge must be a member in the RAOB GLE or another recognised Section. The Worthy Primo of the Minor Lodge may refuse admission in accordance with Rule 2:8 (12). They may also refuse admission if they have reasons to rule that the visitor's presence would disturb the harmony of the Lodge. They may not refuse admission if the reasons for believing that the harmony of the Lodge would be disturbed are related to the visitor's gender, perceived gender, gender assignment or perceived gender assignment.

13. Does someone need to provide proof that they are male before joining the RAOB GLE?

No, under the Equalities Act 2010, a person does not need to provide proof that they are a male. Additionally, proof cannot be asked for, this is against the Equalities Act 2010 (& Human Rights Act 1968) and could result in legal proceedings against the individuals and the RAOB GLE.

14. My question is not answered here.

There will plainly be other questions which arise when applying the gender assignment policy. If your question is not answered in the latest version of the FAQs on this issue, then please contact your Provincial Grand Secretary or Grand Secretary.

These FAQs are intended to help share knowledge and guidance but are not legal advice and are not a substitute for independent legal advice on compliance, if you consider that necessary. Lodges which are not based in the UK will need to consider the impact of any local laws concerning gender and gender reassignment.

Grand Lodge of England 30th August 2018



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Gender Reassignment Policy

1. SCOPE

This policy sets out the RAOB GLE approach to the issues raised for Buffaloism by gender reassignment.

It is intended to help guide Lodges in their decision making. It does not impose binding rules and although it gives some general guidance on discrimination law it does not constitute legal advice.

This Policy does not attempt to address all the issues relating to gender which may arise as gender reassignment and gender transition become more prevalent in a changing society and when they do they will need to be addressed in accordance with the Buffalo principles of lawfulness, kindness and tolerance.

2. GENERAL

It is important that any situation involving gender reassignment of a member of the RAOB GLE is treated with the utmost compassion and sensitivity and that the individual is supported throughout the process.

If a Brother of RAOB GLE wishes to change gender and become a woman we expect that the Brother would receive the full support of their fellow Brethren.

The privacy of the individual should be respected and there will normally be no requirement to inform the applicable Minor, Provincial or Grand Secretary about this change, as under the Equalities Act 2010, everyone undergoing gender reassignment is entitled to the right of privacy.

3. APPLICATIONS FOR ADMISSION

A candidate for admission to Buffaloism under the jurisdiction of RAOB GLE must be a man.

Should a person who has undergone gender reassignment and has become a man apply to become a member of the RAOB GLE then his application must be processed in the same way as for any other male candidate.

Any qualified candidate for admission may be proposed for membership of a Minor Lodge in accordance with the provisions in the Rules contained in the Rule Book & Manual of Instructions / Ceremony Lectures. No candidate should be subjected to questions about their gender which could make them feel uncomfortable.



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4. CONTINUED MEMBERSHIP

A member of the RAOB GLE who after initiation ceases to be a man does not necessarily cease to be a Buffalo. We expect that members of the RAOB GLE will act with compassion and sensitivity towards their fellow Members.

We hope that no member of the RAOB GLE would engage in unwanted conduct relating to another Buffalo's actual or perceived gender reassignment or gender transition. Such conduct would not only be unbuffaloistic but is also unlawful under the Equalities Act 2010 and the Human Rights Act 1998, if it has the purpose or effect of violating the dignity of, or creating an intimidating, hostile, degrading, humiliating or offensive environment for, the victim.

5. RESIGNATION FROM THE RAOB GLE

A member of the RAOB GLE who becomes a woman is not required to resign from the Section.

If a person resigns from the RAOB GLE then they and their dependants may no longer be eligible for some of the benefits provided by the Section charities now or in the future.

6. EXCLUSION FROM A LODGE

A Lodge may vote to exclude any member for sufficient cause. The following grounds would constitute unlawful discrimination and so could never constitute sufficient cause:

- a. The fact that a member has legally become a woman;
- b. A mistaken belief that a member has legally become a woman;
- c. The fact that a member is in the process of transition from male to female; or
- d. A mistaken belief that a member is in the process of transitioning from male to female.

Similarly, a Lodge must not attempt to persuade a member to resign from the Lodge or discriminate against a member based on any of these grounds.

A Lodge must not at any time require a member to prove that they are legally a man.

7. AMENDMENT

The law and what is considered as best practice in this area are developing rapidly. This policy may be amended from time to time and so please ensure that you are referring to the latest version.

RAOB
ROYAL
ANTEDILUVIAN
ORDER OF
BUFFALOES



GLE
GRAND
LODGE
OF
ENGLAND

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This Policy is based on UK Law, Lodges and Provinces operating in another Country, must also abide by the Laws of that Country.

Draft A: 30th August 2018



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Appendix C

Brief on Equal Opportunity Act & Transgender

1. Decide whether the equality law applies to our organisation

What is an 'association'?

In equality law, an 'association' is any group of 25 or more members which has rules to control how someone becomes a member, involving a genuine selection process.

The rules may be written down, like a constitution, or may be unwritten.

Associations can include:

- Organisations established to promote the interests of their members, such as an association of **disabled** people with a particular **impairment** or condition, or a club for parents.
- Private clubs, including sports clubs, clubs for ex-service personnel, working men's clubs and clubs for people with particular interests such as fishing, music, gardening or wine tasting.
- Young people's organisations, such as the Scouts, the Guides, the Woodcraft Folk or Young Farmers' Clubs.
- Organisations like the Rotary Club, the Inner Wheel Club or the Grand Lodges of Freemasons.

The RAOB is classed as an organisation

What is a member?

Members

A member is someone who has been admitted to the association by its rules on membership.

Membership covers full membership, associate membership, temporary membership, student membership and day membership.

Prospective members

A prospective member is anyone who is not currently a member of an association but who may be eligible to be a member or who is actively seeking to become one.

Guests

A guest is someone who is not a member but who is invited by the association or by one of its members to enjoy or participate in some benefit of the association.

Prospective guest

A prospective guest is someone who is likely to become a guest, is seeking to become one or would be one if it were not for unlawful discrimination by the association.

Former members, Associate members and guests

A former member, former associate member or former guest is someone who used to be a member, associate member or who was a guest.



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Making sure you know what equality law says you must do as an association

Use this list to make sure you know what equality law means for your association.

Protected characteristics

Make sure you know what is meant by:

- age
- disability
- gender reassignment
- pregnancy and maternity (which includes breastfeeding)
- race
- religion or belief
- sex
- sexual orientation.

These are known as protected characteristics.

Membership just for people who share a protected characteristic

An association (except for a political party) may, if it chooses to, restrict its membership to people who share a protected characteristic.

- A gardening club for men does not have to admit women as members.

Websites and internet services

If you provide services through a website – such as online shopping, direct marketing or advertising – you are known as an Information Society Service Provider (ISSP).

This applies whether you have a one-page website which you maintain yourself or a very sophisticated website maintained by a professional web design company, and covers anything in between.

If someone believes that they have been discriminated against by an ISSP, and the ISSP is established in the UK, they can bring a claim in the UK courts against the UK-based ISSP even if the person is not in the UK, so long as they are in a European Economic Area (EEA) member state.

transsexual person

A person who has the protected characteristic of gender reassignment. This may be a woman who has transitioned or is transitioning to be a man, or a man who has transitioned or is transitioning to be a woman. The law does not require a person to undergo a medical procedure to be recognised as a transsexual person. Once a transsexual person has



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acquired a **gender recognition certificate**, it is probably the case that they should be treated entirely as in their acquired gender.

Gender Recognition Certificates

2.26

The Gender Recognition Act 2004 (GRA) provides that where a person holds a gender recognition certificate they must be treated according to their acquired gender (see the GRA for details on those who are covered by that Act; see also the Data Protection Act 1998 which deals with processing sensitive personal information).

2.27

Transsexual people should not be routinely asked to produce their Gender Recognition Certificate as evidence of their legal gender. Such a request would compromise a transsexual person's right to privacy. If a service provider requires proof of a person's legal gender, then their (new) birth certificate should be sufficient confirmation.

2.62

Gender reassignment is a separate protected characteristic and unrelated to sexual orientation, despite a common misunderstanding that the two characteristics are related (see paragraph 2.17).

12.25

The Act makes it unlawful for an association to discriminate against, harass or victimise a member.

13.57

If a service provider provides single- or separate sex services for women and men, or provides services differently to women and men, they should treat transsexual people according to the gender role in which they present. However, the Act does permit the service provider to provide a different service or exclude a person from the service who is proposing to undergo, is undergoing or who has undergone gender reassignment. This will only be lawful where the exclusion is a proportionate means of achieving a legitimate.