

REF: Women Only Swimming sessions

In response to Mr C being barred from Sale Leisure Centre because it was a women only session.

I experienced the exact same issue with my leisure centre and 'won'!

Basically these 'women only' sessions are simply because some women like it that way (which is also why men can't take part in the Race For Life). No other reason. They justify these sessions by saying that it's for Muslim women and their religious requirements. They rely on the fact that when religion is mentioned people will not challenge it.

Dr Taj Hargey chair of Muslim Education Centre of Oxford says, "there is no requirement in the Koran for Muslims to avoid swimming with non-Muslims. The only requirement is that when women swim, they should be modestly clad (see Telegraph article on the internet. Google : Dr Taj Hargey 18 Apr 2008). He makes NO mention that Muslim women cannot swim with men.

I Googled 'Muslim women swimming' and printed off pictures of Muslim women swimming WITH men to prove to my leisure centre that their case was nonsense. The women in the pictures were modestly clad but still swimming with men.

Think about it – if it was a requirement EVERY leisure centre across the country would have to have a 'women only' session. But many (including in areas with large Muslim populations) do not. Have you ever heard of a Muslim woman taking her leisure centre to court because she is unable to swim because the leisure centre discriminates against her? Me neither. We need a Muslim woman to bring such an action. The leisure centre would win the court action, by proving that Muslim women can swim with non Muslims and men, then Mr C can strengthen his case by referring to that case.

A Muslim woman swimming would have her arms and legs covered (long sleeves and leggings, even in a pool or sea) i.e. modestly clad. They would swim like this even in an all women session. I witnessed the 'women only' sessions at my pool and all the women had their arms and legs exposed and therefore were not Muslim women. I appreciate that anyone can convert to Islam but it was worth noting that all the women were 'white' at the session. I then stated to my leisure centre that clearly no Muslim women were in the pool so therefore non Muslim women were taking advantage of the sessions not designed for them. So if non Muslim women, only, are attending then there should be no reason to continue the sessions. I researched the internet and could find NO religion that prevents its women swimming with men.

I contacted the Commission for Equality and Human Rights (who were clearly not interested in helping me when they found out it was discrimination against men) and its worth noting that at no point in their correspondence did they mention that

Muslim women need their own session away from men. You think they would – if it was the case. Finally, schools do not provide Muslim only swimming sessions for female Muslim pupils in schools, so why do some leisure centres?

Mr C said that he was told the decision was made by a 'committee'. What Mr C needs to do is find out WHO in that committee made the decision. Demand the NAME of the person. If more than one person made the decision get ALL the names. Then get that person to confirm it in writing to Mr C. People don't like putting their name to a decision (especially when it's a lie), so they may 'review' the sessions once they are pressed harder. Also in the letter get them to tell Mr C who they spoke too, to confirm Muslims require this session. Name the Imam and Mosque they contacted. Get them to provide evidence that a dialogue took place (copies of letters, emails, etc). Then contact the Muslim representative to confirm that it took place. My view is that there will be no evidence of any correspondence taking place. They wanted 'women only' sessions and just used Islam as an excuse. Another way would be for a Muslim man to complain about the 'women only' sessions. If he was told because it was to 'cater for Muslim women because of their religious requirements', then he can say, 'Well, I'm a Muslim also and there is no religious requirements for Muslim women other than to be clad modestly'. How would the leisure centre respond to that! Remember, Muslim men are also discriminated against with such 'women only' sessions.

My leisure centre sent me a letter explaining the sessions further. They gave lots of reasons for it. It was easy to see that they hoped if they gave loads of reasons it would convince me to back down. However, I broke down every reason and proved it was rubbish. I had a face to face official meeting with them. The reasons they gave and my (prepared) answers in brief:

1) *The women only sessions account for 'only' 2.5hrs / 4% of the general swim time.* I argued that I was paying the exact same amount in gym fees as a woman member but was not getting the same 'service'. Put simply a woman member was getting 2.5 hrs x 52 weeks = 130hrs a year extra in the pool and we were both paying the same gym fee! I'm sure that the Sale of Goods and Services Act cannot discriminate against the sexes and that's what I quoted. If men aren't allowed in the pool as much as women, then men should pay less because we are getting a 2nd rate service.

2) The letter also said, '*Our policy of providing women only sessions has always been to encourage women who are an underrepresented group, to undertake physical activity in line with Government targets*' I was stunned at this. I asked them to define 'underrepresented group' and they declined to answer. I asked them what the Government targets were and they declined to answer. I stated that women outlive men worldwide (have done since 1890s), more men are obese than women (65% vs 55%) more men commit suicide (75% vs 25%), men suffer more hearts attacks each year (55% vs 44%), more men die from heart disease. We know how important exercise is to health so I stated that based on

this, if one sex deserved/needed additional time in the pool then it was clearly men and not women.

3) The letter stated that the leisure centre conducted a survey and 62% of the 'users' would not attend only mixed sessions. Amazingly only women members were allowed to complete the survey! Male members weren't allowed! So 62% of women wanted women only sessions and they introduced it. In my view 62% of the women were sexists. I stated that you can't 'vote' on the Sex Discrimination Act. If 62% of members wanted 'whites only' sessions would the leisure centre introduce them! I stated the whole point of the Sex Discrimination Act was to PREVENT voting out a particular sex. I also asked why male members were not given the 'vote'. I also pointed out that there were not exactly the same amount of men and women members therefore one sex could always 'out vote' the other – assuming of course that they allowed men to vote!!! I also stated that there is no legal requirement to act on a survey but there is a legal requirement to act on the Sex Discrimination Act.

4) The letter stated that the survey showed that 48% of the women attended the session because *'it complied with their religion'*. My leisure centre never stated 'what religion', even though in the meeting, I demanded they did. I assumed they were leaning towards Islam hence my comments previously and the experience Mr C mentions he encountered. I said that if they refuse to tell me what religion they are referring to, then my legal team (should it come to that) will ask them to state it in court and if they refuse there then that could only harm their position.

5) The leisure centre, the Commission for Equality and Human Rights and the Equality Officer from the local council (who once again was not interested in helping me when they discovered it was discrimination against men) all threw Section 35(1) (c) and Section 35(2) (c) of the Sex Discrimination Act of 1974 at me, as a reason for it being allowed.

Section 35(1) (c) – Likely to suffer embarrassment

This allows single sex facilities if 'embarrassment' is likely to be caused due to a state of 'undress'. This was clearly designed for Care Homes, hospitals etc where you may have to be supervised when taking a bath, etc. I argued that you are not in a state of 'undress' at a swimming pool. I also stated that there are no 'women only' beaches in UK, to prove the point that Section 35(1) (c) – likely to suffer embarrassment, does not apply for swimming pools and bathing. I also pointed out to the leisure centre that if they wanted to apply Section 35(1) (c) then why were MALE life guards in attendance at the 'women only' sessions!!! Surely women who are 'in a state of undress' would object to male life guards but apparently none did. Also if these sessions were to help Muslim women – once again why did the leisure centre have male attendants on duty!!! What a nonsense!!! You also have to PROVE that embarrassment occurred. You need the name of the person who was 'embarrassed'. Naturally Section 35(1) (c)

applies to BOTH sexes so if they wanted to defend this then men can also be embarrassed so the same sessions should be introduced.

Section 35(2) (c) – Likely to be physical contact

This allows single sex facilities if 'physical contact' is likely to occur. Once again the leisure centre was abusing this. This is designed for Care Homes, hospitals, etc where (for example) physical contact is likely if you were changing a catheter on a patient. Clearly physical contact is likely. You may prefer your own sex to perform the task in such situation. But the leisure centre was stating that because you may 'brush past' someone in the pool this Section could be applied!!! I argued that making contact in a pool didn't apply and they were abusing this. I noted that there was no 'women only' carriages on the London Underground, even at rush hour and clearly 'physical contact' between passengers of both sexes in a crowded compartment was likely. The same applies to festivals – there is no 'woman only' standing areas at Glastonbury where once again physical contact is likely in a mixed crowd. I then stated that people don't expect physical contact at pools therefore if it is 'likely', as they say, then they are in breach of Health & Safety rules and if someone is injured then they would be liable! Also there could be physical contact in a women's only session and I'm sure that is not acceptable! Therefore they must ensure that physical contact is 'unlikely'. Finally, once again, Section 35(2) (c) applies to BOTH sexes so if the leisure centre wanted to uphold it then they should introduce men only swimming sessions.

6) The leisure centre stated they had contacted the Commission for Equality and Human Rights and they told the leisure centre that their actions were 'unlikely to be discriminatory'. In other words I would not win my case. What a surprise that because men are being discriminated against that the Commission for Equality and Human Rights saw nothing wrong with it. I told the leisure centre that having searched the internet I could find no cases like this taken to court. Therefore how can the CEHR say it's unlikely to be discriminatory when it's never been tested before. I told the leisure centre I was determined to win.

Throughout the meeting the leisure centre could see that I had put a lot of effort into researching and fighting my case and that I would not give up. They told me that they would conduct another survey with the female members. Weeks later they told me that the result from the survey was that the female members no longer wished for 'women only' sessions so the sessions were scrapped! We'll never know what the results of that survey actually indicated but there are no longer 'women only' swimming sessions at my gym! All I wanted was equality, so I would have been happy with 'men only' swimming sessions introduced.

All men should demand equality from their gyms and leisure centres. After all, you pay the same fee as a female member. The fitness classes are also biased

towards women. We have 'Legs, Bums and Tums' (clearly designed for women) but you never see 'Biceps, Triceps and Abs' classes (which would appeal to men). At my gym we also have a class called 'Dance Divas'!!! The definition of a 'Diva' is a 'female opera singer' Dance Divas is open to 'all' members but I've never seen a man in it and yet both sexes pay the same membership fee! Imagine the female uproar if the gym introduced a class called 'Macho Movement'!

Let's face it, we need a Minister for Men, but until that happens I urge all men to look at their leisure centre timetables and highlight sexist classes/sessions and demand that the leisure centre changes or face action. Communicate with fellow male members, highlight the discrimination to others and get them fighting as well. Use my document as a template. You must take it seriously or they won't. Demand a proper meeting with the senior manager. Demand that they put it in writing why they introduced a 'women only' swimming session and get them to sign it. They are then putting their career on the line for clearly a decision that discriminates. They may back down then. They may drag their heels writing this letter. If they do, get a solicitor to write them a letter demanding that they put in writing why they have women only swimming sessions but not men only. If you can't afford a solicitor then visit your local MP's weekly surgery. Get your local MP to write to them or ask the question in the House of Commons. Remember people run gyms and leisure centres and you need a response from an actual person who made the decision to add it to the time table. Don't look at it as an organisation. Good luck!

John Wallace.