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## Wholesale Retail Code and Market Arrangements Code Change Proposal – Ref CPW102 & CPM030

<b>Modification proposal</b>	Wholesale Retail Code and Market Arrangements Code Change Proposal – CPW102 & CPM030 – Gender neutrality in the market codes
<b>Decision</b>	The Authority has decided to approve this Change Proposal
<b>Publication date</b>	8 October 2020
<b>Implementation date</b>	6 November 2020

### Background

At the Panel Meeting on 30 June 2020, during the Panel discussions regarding [CPM026 – Panel Chair and Alternate](#), the Panel expressed concern that the term ‘Chairman’ is used throughout the Market Arrangements Code (“**MAC**”) and that this is not a gender neutral term. The Panel agreed that a housekeeping change should be raised to address the use of non-gender neutral terms in the Wholesale Retail Code (“**WRC**”) and MAC (“**the codes**”). Examples of non-gender neutral terms that are currently used in the codes include: “Chairman”, “his”, “he” and “him”.

Use of terms that are non-gender neutral is archaic and does not promote equality and inclusivity. It is more appropriate to use gender fair and inclusive terms.

### The Change Proposal<sup>1</sup>

It has been proposed that non-gender neutral terms in the codes are replaced with gender neutral alternatives, as follows:

- ‘Chairman’ replaced with ‘Chair’;
- ‘He’ replaced with ‘They’;
- ‘His’ replaced with ‘Their’;
- ‘Him’ replaced with ‘Them’;
- Reference to an individual will be removed, where appropriate; and

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<sup>1</sup> The proposal and accompanying documentation is available on the MOSL website at <https://www.mosl.co.uk/market-codes/change#scroll-track-a-change>

- The noun will be repeated, where appropriate.

The Final Recommendation Report states that this is an administrative change intended to remove any indication of sub-conscious bias and enable the codes to be considered to be compliant with best practice in this area.

## **Industry consultation and assessment**

The Final Recommendation Report states that ‘as this change seeks to make only editorial amendments to the market codes, a consultation was not carried out’.

The Customer Representative Panel Member was supportive of the change, agreeing that the replacement of gender terms with gender neutral equivalents will remove any indication of sub-conscious bias within the codes.

## **Panel recommendation**

The Panel considered this Change Proposal at its meeting on 25 August 2020. It recommended, by unanimous decision, that the Authority approve this proposal. Following a discussion regarding the implementation date, the Panel decided to bring this forward from the date which was originally proposed. The Panel has recommended an implementation date of 6 November 2020.

This recommendation has been made on the basis of improving the principles of non-discrimination and transparency.

## **Our decision**

We have considered the issues raised by the Change Proposal and the supporting documentation provided in the Panel’s Final Recommendation Report and have decided to approve the change. We have concluded that the implementation of CPW102 & CPM030 will better facilitate the principles and objectives of the WRC and the MAC<sup>2</sup> and is consistent with our statutory duties.

We agree with the Proposer’s assessment that this Change Proposal will further the principle of transparency in the codes as it seeks to promote ‘clearly expressed’ and ‘well structured’ aims of them. We consider that use of the gender neutral terms in

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<sup>2</sup> Detailed in WRC Schedule 1 Part 1 Objectives, Principles and Definitions and Schedule 1 MAC, Principles and Definitions.

the codes improves clarity, inclusion and equality. The change seeks to remove any possibility of gender-based discrimination through interpretation of the codes.

### **Decision notice**

In accordance with paragraphs 6.3.7 and 7.2.9 of the Market Arrangements Code, the Authority approves this Change Proposal.

**Georgina Mills**

**Director, Business Retail Market**