

Little Athletics Australia

Inclusion Policy—Gender Diversity

Date: August 2020

Authorised By: LAA BOD

1. Introduction

Little Athletics Australia (LAA) welcomes all individuals to participate in athletics. This policy provides guidance for the inclusion of transgender and gender diverse people in athletics conducted within the Little Athletics framework. LAA is committed to include people of any gender identity in athletics activities and competition – whether or not this aligns with the sex they were assigned at birth.

1.1 Policy purpose

This *Inclusion Policy – Gender Diversity* is consistent with LAA’s commitment to making athletics available to as many Australians as possible. To that end, this Policy addresses the inclusion in Little Athletics of persons of any gender identity. This gender identity may not be the same as the biological sex the individual was assigned at birth.

LAA expects all persons involved in Little Athletics, including athletes and parents/carers, paid staff, administrators, coaches, officials and volunteers, to actively contribute to an environment that supports the participation by persons of diverse gender in athletics. In the event that a person of diverse gender experiences an issue with their inclusion in Little Athletics by virtue of their gender identity, LAA will provide support to effected persons in seeking a resolution.

This policy conforms with The Sex Discrimination Act 1984 (C’t) and all

associated legislation. The Sex Discrimination Act provides for different approaches to preventing discrimination on the basis of sex and gender, to be taken for the inclusion of athletes under the age of twelve, and those athletes aged twelve and over.

1.2 Policy scope

This *Inclusion Policy- Gender Diversity* applies to all LAA:

- Board
- Member Associations
- Officials
- Staff (including employees and contractors)
- Athletes
- Service providers/contractors
- Volunteers
- Parents and carers

These groups of people are collectively referred to as “personnel” in this Policy, unless specifically referenced.

Where used, the term “employees” refers to employees of LAA and Member Associations but excludes volunteers, unpaid officials and contractors.

2. Commonly used terms

Transgender – general term used to describe a person whose gender identity is different from the sex they were assigned at birth. Being Transgender is about how an individual describes their own gender. It is not necessarily about their biological characteristics.

Transition – or **affirmation** refers to the social, medical or legal steps that a Transgender person takes to affirm their gender identity. A transition or affirmation may or may not involve medical treatment, including surgeries or hormone therapy. People can transition as children or as adults. Each transition is different.

Social transition – process by which a person changes their gender expression to better match their gender identity. This may include changing their name, pronouns or appearance.

Medical transition – process by which a person changes their physical sex characteristics to align with their gender identity. This may include hormone therapy, surgery or both.

Legal transition – process by which a person changes their identity documents, name or both, to reflect their gender identity. This may include changing their gender marker on a passport or birth certificate, or changing their name on a driver's licence or bank card.

Gender identity – The Sex Discrimination Act 1984 (Cth) defines Gender Identity as the gender related identity, appearance or mannerisms or other gender related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth.

Intersex status – is a protected attribute under legislation. Under the Sex Discrimination Act 1984 (Cth), intersex status means the status of having physical, hormonal or genetic features that are:

- neither wholly female nor wholly male;
- a combination of female and male; or
- neither female nor male.

2.1 Athletes under 12 years of age

It is the policy of LAA that participants in Little Athletics at all levels, under the age of 12 years take part and/ or compete in either male or female category in the age appropriate group. It is the preference of LAA that once a child has registered in a selected gender category, they continue to take part in that category, as registered, for the entire of that season.

2.2 Athletes over 12 years of age participating in LAA activities

It is the policy of LAA that all Member Associations must permit athletes 12 years and over to participate in all Little Athletics competitions in the category (by gender) they choose, and if they

LGBTQI (or variations) – acronym for lesbian, gay, bisexual, Transgender, queer, questioning and intersex. It is used to refer collectively to these communities.

Non-binary – a person who identifies as either having a gender which is in-between or beyond the two categories 'man' and 'woman', as fluctuating between 'man' and 'woman', or as having no gender, either permanently or some of the time.

Pronouns – grammatical means of referring to a person or persons. Conventional pronouns are 'she/her/hers' and 'he/him/his'. Some people prefer to use gender neutral pronouns, such as 'they/them/their'. The pronoun a person uses to describe themselves generally reflects their gender identity.

Sex – refers to a person's biological sex or sex characteristics. These may be genetic, hormonal or anatomical.

Gender diverse – umbrella term that includes all the different ways gender can be experienced and perceived. It can include people questioning their gender, those who identify as trans/Transgender, genderqueer, non-binary, gender non-conforming etc

The following Commonwealth laws operate at a federal level:

- *Australian Human Rights Commission Act 1986 (Cth)*
- *Sex Discrimination Act 1984 (Cth)*

have a gender identity, in accordance with their Gender Identity, whether or not the category accords with the sex they were assigned at birth, subject to the following:

- If the athlete identifies with a particular gender, they must nominate their Gender Identity at the time of registration with the Association for the upcoming competition season; and
- the athlete should demonstrate a commitment that their Gender Identity is consistent with their Gender Identity in other aspects of everyday life.
- If the athlete does not identify with a specific gender, commit to the category they choose for the entire of the season in which they register.

Member Associations must not ask any athlete to undergo a medical examination for the purposes of gender verification.

Member Associations must only collect personal information about gender from all athletes if absolutely necessary and with the athlete's consent, or where the athlete is under the age of 18, their parent or guardian's consent.

Every transition and/or affirmation is different and for this reason, Member Associations must give consideration to the needs of an individual. By way of guidance, an athlete may demonstrate a commitment to a particular gender identity through a range of steps including social, medical, and legal changes to demonstrate their commitment. For example, using specific pronouns, changing appearance and dress, changing given name, taking medication or a combination of these steps.

3. Uniforms

All personnel should be able to participate in a uniform in which they feel comfortable. If gendered uniforms are necessary, then Member Associations should:

- allow personnel to choose which uniform they would prefer to wear
- ensure that appropriate sizes are available for all participants
- design options that are suitable for different body types and shapes.

4. Facilities

LAA recognises the existing difficulties faced by Member Associations in having adequate bathroom, changeroom and showering facilities.

While many Transgender and Gender Diverse people prefer to use facilities that align with their affirmed gender, there is also a strong preference for privacy. People who identify as Non-binary may prefer to use unisex or gender-neutral facilities. Facilities should be considered to ensure that they are suitable for all participants.

Member Associations may consider making their existing facilities more inclusive by:

- changing signage on some facilities to unisex/ gender neutral;
- modifying changerooms and bathrooms to create private spaces (higher doors, room dividers, shower curtains, etc); and
- ensuring all changerooms have appropriate waste disposal.

Where new facilities are built or upgrades are taking place (whether in consultation with council, schools or others), Member Associations should consider options to create inclusive spaces by:

- creating private spaces so that people can use the facilities safely and comfortably; and
- providing a gender-neutral space where possible.

5. Dealing with Discrimination and/or harassment

LAA fosters a welcoming and inclusive environment for all personnel and seeks to ensure they can participate to the best of their ability. LAA will not tolerate discrimination, harassment, exclusion and bullying under any circumstances of any personnel and will take all reasonable steps to eliminate behaviours or action of, or by, personnel in accordance with the LAA *Policies*.

The Chief Executive Officer is the senior management representative responsible at LAA for resolving issues which may be experienced by personnel.

5.1 Initially

If you, or someone you know, through association with LAA, believe that you/they have been, or are being, discriminated against, treated unfairly, bullied or harassed, you may follow the procedures outlined below:

- Only if you can, make it very clear to the offender that their behaviour is unreasonable. This usually means approaching the person responsible and asking them to stop.
- If you would like assistance, information or mediation support then contact your Centre President, Member Association or the LAA Chief Executive Officer.
- If you feel the situation is serious and/or beyond your individual control or has not been resolved through direct action and/or informal mediation, you can make a formal written complaint in accordance with LAA *Policy*.

It is LAA's policy that personnel who witness discrimination against transgender or gender diverse persons deal with the behaviour they have observed by reporting it to their Centre President, Member Association or the LAA Chief Executive Officer.

Personnel should contact their local centre President in the first instance. The escalation path is to the Member Association, and in turn LAA. The escalation path applies in the event that the complaint cannot be resolved at local level, and/or is at risk of bringing the sport into disrepute.

5.2 Formal Complaints and Complaint Investigation

Where a situation is not able to be resolved through the steps in 5.1, personnel have the option of making a formal written complaint to the LAA Chief Executive Officer. The written complaint must contain names of those the complaint is made against, a description of the situation(s) or incident(s) that have led to the complaint, dates of the incidents and the names of any witnesses.

The Chief Executive Officer is responsible for complaint investigation. In the event of a formal written complaint being made, the situation will be investigated in accordance with LAA's *Policies*.

The principles of natural justice apply and will guide the application of this policy and associated complaint procedures. This means that before a decision is taken about them, respondents to a complaint have the right to:

- a. be informed about the nature and content of the issue;
- b. be heard; and
- c. have an unbiased decision maker.

The complaint resolution process is carried out in good faith. Complaints that are vexatious will be rejected, and may constitute an infringement of LAA *Policy*.

6. Responsibilities

The LAA Chief Executive Officer is responsible for enforcing this policy and for ensuring that LAA complies with legal requirements and industry standards relating to the inclusion of transgender people.

All Member Associations have a responsibility to ensure this policy is adhered to, and to take appropriate action to ensure the inclusion of all gender identities.

Discrimination against people who have approached LAA under this policy will be referred to the LAA Board and CEO under LAA Policy.

7. Non-compliance and policy breaches

Under Federal and State and Territory law it is unlawful to discriminate on the basis of Sex or Gender Identity in sport, unless an exemption applies. A Member Association may be in breach of these laws if they do not follow this policy.

An alleged breach of the terms of this policy will be managed within LAA using the initial grievance resolution processes outlined above and in accordance with *LAA Policies*.

This Policy does not prevent a complaint being made, where applicable, to relevant external bodies, including the Anti-Discrimination Commission in the relevant state or territory or the Australian Human Rights Commission.

Where to go for more information

- Chief Executive Officer
- Guidelines for the inclusion of transgender and gender diverse people in sport, Australian Human Rights Commission and SportsAus

Standards, Legislation and Compliance Codes

National:

- *Australian Human Rights Commission Act 1986* (Cth)
www.comlaw.gov.au
- *Disability Discrimination Act 1992* (Cth)
www.comlaw.gov.au
- *Privacy Act 1988* (Cth)
www.comlaw.gov.au
- *Racial Discrimination Act 1975* (Cth)
www.comlaw.gov.au
- *Sex Discrimination Act 1984* (Cth)
www.comlaw.gov.au