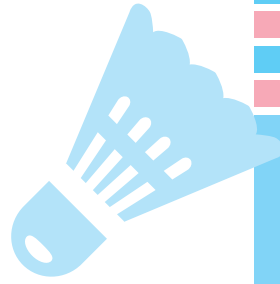




TRANS AND GENDER DIVERSE INCLUSION IN SPORT: THE BASICS



This document outlines the basics of making your sport more inclusive for trans and gender diverse people. You can download the full Guideline: Trans and gender diverse inclusion in sport and a guide on responding to common scenarios from humanrights.commission.vic.gov.au/guidelines.



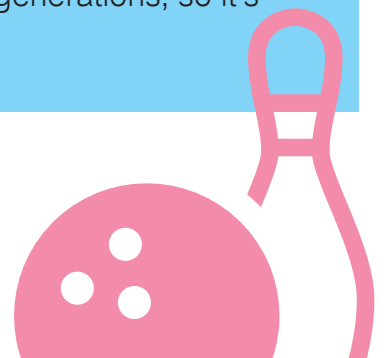
WHAT ARE THE KEY TERMS?

Gender identity is someone's internal sense of self and how they identify, understand or perceive their gender. Gender is different from **sex**, which is someone's biological sex traits. Sex has historically been understood as either 'female' or 'male', but we now know there are many variations.

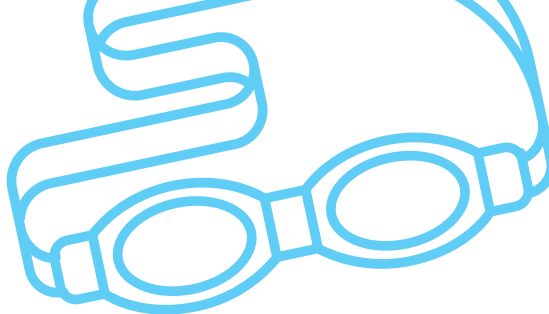
A **trans** (short for transgender) person is someone whose gender identity does not exclusively align with their sex as recorded at birth. Some trans people are female, some are male, some are **non-binary** (outside the female/male binary), and some are **agender** (don't identify with any gender). **Gender diverse** refers to this wide range of gender identities.

A **cis** (short for cisgender) person is someone whose gender identity does exclusively align with their sex as recorded at birth – someone who isn't trans.

These are just some commonly used terms and language used to describe gender identity shifts over time. Terms can even differ between cultures and generations, so it's always best to ask someone what terms are appropriate for them.



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WHAT SHOULD I KNOW?

There's more to sporting ability than strength and testosterone

Testosterone can increase a person's strength, but sport is about more than just strength. Fitness, training, age and experience often play a bigger part in making someone a good player. Recent studies have shown no significant link between testosterone and performance for elite female athletes.¹

Trans and gender diverse people use toilets as toilets and change rooms as change rooms

There is no evidence to support the notion that trans and gender diverse people use toilets, change rooms or other facilities to assault or harass others. Trans and gender diverse people are generally at high risk of being victimised, assaulted or harassed in toilets and change rooms.²

WHAT DOES THE EQUAL OPPORTUNITY ACT SAY?

Discrimination is unlawful on the basis of a **protected attribute**, such as gender identity or sex, in the **areas of public life** covered by the Act, including sport, employment, club membership and service delivery. *Victoria's Equal Opportunity Act 2010* protects against:

- **Direct discrimination** – when you treat someone unfavourably on the basis of a protected attribute – for example, refusing to hire someone because of their age.
- **Indirect discrimination** – when you impose an unreasonable requirement or condition that could disadvantage a person with a protected attribute – for example, where a court room is not wheelchair accessible.
- **Sexual harassment**, including sexually suggestive or invasive questions.
- **Victimisation** because of a complaint of discrimination or sexual harassment.

Guideline: Trans and gender diverse inclusion in sport includes more information on the Act, its exceptions and exemptions, liability, the positive duty to eliminate discrimination, as well as other laws that may apply to your club or organisation.

¹ S Bermon et al, 'Serum androgen levels in elite female athletes' (2014) 99(11) *The Journal of Clinical Endocrinology & Metabolism*, 4328.

² J L Herman, 'Gendered restrooms and minority stress: The public regulation of gender and its impact on transgender people's lives' (2013) 19(1) *Journal of Public Management & Social Policy*, 65.



No two transitions/ affirmations are the same

Many trans and gender diverse people go through a process of socially, medically or otherwise transitioning or affirming their gender. This process is different for everyone and doesn't necessarily include hormone treatment or surgery.

No one 'changes gender' to reap rewards in sport

Transitioning or affirming gender is a deeply personal decision and is not something done on a whim. There is no evidence at the international level of boys or men 'changing gender' to reap rewards in women's sport.



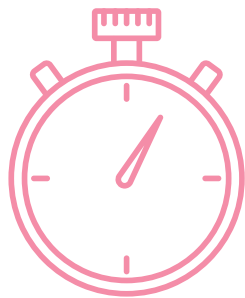
HOW CAN I BE INCLUSIVE?

If someone in your sport is undergoing transition/affirmation or a new trans or gender diverse person is entering your sport, you can easily ensure that your club or organisation is inclusive.

The most important thing is to treat the person like you would anyone else. A trans man is a man, a trans woman is a woman and a non-binary or agender person is a person.

Always put the person first and ensure that whatever you do enables them to participate in your sport.

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WHERE DO I START?

The following steps are a starting point for ensuring your club or organisation is inclusive (and complies with the positive duty in the Equal Opportunity Act). For more detailed guidance, see *Guideline: Trans and gender diverse inclusion in sport*.

Scan your sport and organisation's culture and environment to identify any barriers to inclusion.

Develop an equal opportunity or gender identity policy – you can find a template gender identity policy at humanrightscommission.vic.gov.au/guidelines.

Ensure players and staff know their rights and responsibilities, as well as your policies on inclusion and member protection.

Discuss a plan with any players or staff who are transitioning or affirming their gender of how to advise others, who will do it and when.

Ensure names and pronouns are accurate in conversation, documentation and systems, such as employment documents, team lists and rosters. If you make a mistake, it's best to apologise promptly and move on.

Ensure that people can use toilets, change rooms and other facilities that are appropriate to their identified gender. Also ensure that people have the choice of wearing the uniform appropriate to their identified gender.

Develop a fair, effective and confidential complaints procedure for players and staff, and make sure people know about it.

Check in with trans and gender diverse players and staff periodically to make sure they're comfortable and address any concerns or issues.

WHAT SHOULD I KEEP IN MIND?

Don't ask about medical or personal information unless it's necessary for a non-discriminatory purpose – this could be unlawful.

Only collect medical or personal information with consent and make sure you protect the person's privacy.

Always ask if someone is comfortable discussing their gender identity or transition/affirmation.

Don't discuss someone's gender identity or transition/affirmation with anyone else unless you have explicit permission. Always ask the person how they would want a discussion, if any, to take place.

Be mindful of respectful communications and language between staff and players, as well as spectators where possible.

Don't rely on trans and gender diverse players or staff to educate you or others in your club or organisation about gender identity issues.



WHERE CAN I FIND MORE ADVICE, INFORMATION OR TRAINING?

You can contact the Commission or visit our website:

Enquiry Line 1300 292 153 or (03) 9032 3583

Email enquiries@veohrc.vic.gov.au

Website humanrightscommission.vic.gov.au

The full *Guideline: Trans and gender diverse inclusion in sport* also includes contact details of specialist organisations that can provide advice, information and training.