

Badminton Australia - LGBTQ+ Inclusion Policy

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Badminton Australia is committed to providing a safe, inclusive, and welcoming environment for all people involved in badminton, including those of diverse sexualities and genders. As an organisation, we believe that we have the capabilities and necessary resources to provide a positive and progressive sport for everyone, and to offer opportunities to anyone who wants to be involved in the sport, regardless of gender, race, religion, sexual orientation, or ability.

1. OBJECTIVE

- 1.1. This policy sets expectations, obligations and procedures for respecting and valuing inclusion of LGBTQ+ individuals for Badminton Australia and badminton in Australia where it falls under Badminton Australia's area of responsibility.
- 1.2. To affirm our commitment to supporting the inclusion of LGBTQ+ people in Badminton Australia.
- 1.3. To ensure we foster a safe, welcoming environment for trans and gender diverse people by eliminating discriminatory behaviour within our facilities, programs and services.
- 1.4. To affirm our support of gender affirming practices in our programs, operations and competitions.
- 1.5. To promote a safe, inclusive and welcoming environment that engages and keeps participants with diverse genders and sexualities involved with the Sport.

2. RELATED DOCUMENTS

While each piece of governance may not clearly articulate it, every Badminton Australia policy is inclusive of people with diverse genders and sexualities, including their families (where applicable).

- National Integrity Framework
- National Member Protection Policy
- Child Safeguarding Policy
- Coach / Participant Codes of Conduct
- Complaints, Disputes and Discipline Policy
- Conduct and Disciplinary Policy
- Personal Grievances Policy
- Conduct and Disciplinary Policy
- Privacy Policy

3. RELATED LEGISLATION

3.1. **Federal/Commonwealth Legislation:** The following laws operate at a federal level and the Australian Human Rights Commission has statutory responsibilities under them.

- a) *Sex Discrimination Act 1984 (Cth)*

3.2. **State/Territory Legislation:** The following laws operate at a state and territory level, with state and territory equal opportunity and anti-discrimination agencies having statutory responsibilities under them:

- a) Australian Capital Territory – *Discrimination Act 1991*
- b) New South Wales – *Anti-Discrimination Act 1977*
- c) Northern Territory – *Anti-Discrimination Act 1996*
- d) Queensland – *Anti-Discrimination Act 1991*
- e) South Australia – *Equal Opportunity Act 1984*
- f) Tasmania – *Anti-Discrimination Act 1998*
- g) Victoria – *Equal Opportunity Act 2010*
- h) Western Australia – *Equal Opportunity Act 1984.*

4. BACKGROUND

4.1. Participation in sport is a human right.

4.2. In order for sport to be truly inclusive, everyone across the sport sector must play a part. As with many sporting organisation, Badminton Australia is working to create and support a welcoming and inclusive environment for everyone who wants to be involved in our sport, however we also recognise that this goal will take dedicated and sustained effort from everyone in the community to achieve.

4.3. Although there have been significant changes in the general community towards people of diverse genders and sexualities, research shows significant work is still to be done, for sports to be completely inclusive. Studies undertaken between 2014-2020 around the inclusion of people with diverse sexualities and genders in Australian sport reported:

- a) 80% of people have witnessed or experienced homophobia in sport
- b) 75% of people believe an openly gay person would not be safe as a spectator at a sporting event
- c) 87% of gay males and 75% of lesbians are completely or partially in the closet while playing youth sport. Many fear discrimination from other players, coaches, and officials

- d) Sport is considered hostile and unwelcoming to young people with diverse sexualities and genders
 - e) Change rooms were common sites to stress, harassment and bullying for young people with diverse genders and sexualities
- 4.4. Badminton Australia recognises that both intentional and unintentional discriminatory behaviours exist within Sport in Australia, and that this has adverse and potentially significant consequences for some individuals and for our game. Sometimes these consequences mean that individuals who want to play the Sport or be a Sport volunteer or official, feel excluded and leave the Sport or choose not to become involved with it. In other instances, players or other participants are forced to hide their true self. In some cases, individuals who experience phobic language or actions stay with the Sport but continue to be subjected to discrimination and harassment, thus reducing their enjoyment of the Sport. None of these outcomes is acceptable.

5. DEFINITIONS

- 5.1. Badminton Australia acknowledges that language constantly changes, and while we have done our best to define key terms within these guidelines, we encourage members to stay informed with other language and terminology relative to this topic via Pride in Sport - www.prideinsport.com.au/terminology. Other related terms can be found in Section 13.

5.2. Bodies, gender and gender identities

- a) **Gender identity** is defined in the Act 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'. For example, a person's gender identity might be male, female or non-binary, regardless of what was presumed for them at birth.

- b) **Gender diverse** is an 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 and many more.

- c) **Cisgender / cis** is a term used to describe people who identify their gender as the same as what was presumed for them at birth (male or female). 'Cis' is a Latin term meaning 'on the same side as'.

- d) **LGBTQ** (or variations of it) is an acronym for lesbian, gay, bisexual, transgender, queer/questioning. It is used to refer collectively to these communities. The 'LGB' refers to sexuality/sexual identity; the 'T' refers to gender identity; 'Q' can refer to either gender identity or sexuality.

- e) **Non-Binary** is a term used to describe a person who does not identify exclusively as either a man or a woman. Genders that sit outside of the female and male binary are often called non-binary. A person might identify solely as non-binary, or relate to non-binary as an umbrella term and consider themselves genderfluid, genderqueer, trans masculine, trans feminine, agender, bigender, or something else.

- f) **Pronouns** are a 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.

- g) **Sex** refers to a person's biological sex or sex characteristics. These may be genetic, hormonal, or anatomical. Unlike 'gender identity', 'sex' is not defined in the Act.

- h) **Transgender** (commonly abbreviated to 'trans') is a general term used to describe a person whose gender identity is different to the sex they were assumed at birth. Being transgender is about how an individual describes their own gender. It is not necessarily about their biological characteristics. Trans people may position 'being trans' as a history or experience, rather than an identity, and consider their gender identity as simply being female, male or a non-binary identity. Some trans people connect strongly with their trans experience, whereas others do not. Processes of gender affirmation may or may not be part of a trans or gender diverse person's life.

- i) **Transition / Gender Affirmation** means the personal process or processes a trans or gender diverse person determines is right for them in order to live as their defined gender and so that society recognises this. Transition may involve social, medical/surgical and/or legal steps that affirm a person's gender. Affirming gender doesn't mean changing gender, 'having a sex change' or 'becoming a man or a woman', and transition isn't the same as being trans. A trans or gender diverse person who hasn't medically or legally affirmed their gender is no less the man, woman or non-binary person they've always been.
- I. **Social transition** is the process by which a person changes their gender expression to better match their gender identity. This may include changing their name, pronouns, and appearance.
 - II. **Medical transition** is the process by which a person changes their physical sex characteristics to align with their gender identity. This may include hormone therapy, surgery or both.
 - III. **Legal transition** is the 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 license or bank card.

5.3. Bodies, gender and gender identities

- a) **Brotherboy** is a term used by Aboriginal and Torres Strait Islander people to describe gender diverse people who have a male spirit and take on male roles within the community. Brotherboys have a strong sense of their cultural identity.
- b) **Gender dysphoria** is the discomfort a person feels with how their body is perceived and allocated a gender by other people. The experience may occur when a person feels their biological or physical sex doesn't match their sense of their own gender. This feeling, that there is a mismatch, can trigger a range of responses. Some people experience serious distress, anxiety and emotional pain, which can affect their mental health. Others experience only low-level distress — or none at all. For this reason, gender dysphoria is no longer considered a mental illness. (Not to be confused with 'Body Dysmorphia')
- c) **Deadname** is a term used by some trans people to describe the name they were given and known by prior to affirming their gender and/or coming out.

- d) **Intersex** (Intersex status) is a protected attribute under the Act. Under the Act 'intersex status' means the status of having physical, hormonal or genetic features that are:
- I. neither wholly female nor wholly male
 - II. a combination of female and male, or
 - III. neither female nor male.
 - IV. The term 'intersex' does not describe a person's gender identity (man, woman, neither or both). A person with an intersex variation may identify as a man, woman, neither or both.
- e) **Sistergirl** is a term used by Aboriginal and Torres Strait Islander people to describe gender diverse people that have a female spirit and take on female roles within the community. Including looking after children and family. Many Sistergirls live a traditional lifestyle and have strong cultural backgrounds.

5.4. Societal attitudes/issues

- a) An **ally**, cis ally, straight ally, or heterosexual ally is typically a heterosexual and cisgender person who supports equal civil rights, gender equality, LGBTQ social movements, and challenges homophobia, biphobia, and transphobia. Not everyone who meets this definition identifies as an "ally". An ally acknowledges that LGBTQ people face discrimination and thus are socially disadvantaged. They aim to use their position as heterosexual and cisgender individuals in a society focused on heteronormativity to counter discrimination against LGBTQ people. An ally can also be someone who identifies within the LGBTQ community and supports an aspect of that community in which they don't identify with (e.g. a cisgender gay man may identify as an ally to trans individuals).
- b) **Biphobia** is abuse towards someone who is attracted to more than one gender, and even includes when that person's identity is erased. This can be in the form of telling someone that their sexuality is "just a phase", or even telling them to "pick a side."

- c) **Cissexism** is where something is based on a discriminatory social or structural view that positions (either intentionally or otherwise) the trans experience as either not existing or as something to be pathologised. Cissexism asserts that gender identity is determined at birth and is a fixed and innate identity that is based on sex characteristics (or 'biology') and that only binary (male or female) identities are valid and real.
- d) **Heteronormativity** is the view that heterosexual relationships are the only natural, normal and legitimate expressions of sexuality and relationships, and that other sexualities or gender identities are unnatural and a threat to society (GLHV, 2016).
- e) **Homophobia** refers to negative beliefs, prejudices and stereotypes that exist about people who are not heterosexual. Verbal homophobia is the most common form. Things like name-calling, rumours and abusive words ('fag' or 'dyke'). Phrases like "that's so gay" which compare sexuality to words like 'crap' can have a negative impact. Homophobia also include abusive threats or actual physical violence, sexual harassment and deliberately excluding someone because of their sexuality.
- f) **Misgendering** is an occurrence where a person is described or addressed using language that does not match their gender identity. This can include the incorrect use of pronouns (she/he/they), familial titles (father, sister, uncle) and, at times, other words that traditionally have gendered applications (pretty, handsome, etc.). It is best to ask a person, at a relevant moment, what words they like to use.
- g) **Transphobia** refers to negative beliefs, prejudices and stereotypes that exist about transgender/trans and gender diverse people. You may have heard transphobic language like 'tr*nny', or seen restrictions on the way that people are allowed to express their gender. Things like which uniform you're allowed to wear or toilets you can use. Transphobia can also include abusive threats or actual physical violence, sexual harassment and deliberately excluding someone because of their gender.

5.5. Badminton Australia Policy Definitions

- a) **Activity** means a contest, match, competition, event, or activity (including training), whether on a one-off basis or as part of a series, league, or competition, sanctioned or organised by BA or a Sport Organisation.

- b) **Affiliate** means a club, association, or other entity of a State Member including (as applicable) districts, regions and zones.

- c) **Authorised Provider** means any non-Sport Organisation authorised to conduct an Activity.

- d) **Badminton** means the sport of Badminton, and a reference to Badminton means collectively BA, State Members,, Affiliates and members of any of them.

- e) **Badminton Australia or BA** means Badminton Australia Limited

- f) **Code of Conduct or Code** means the Badminton Australia Code of Conduct.

- g) **State Members** means a state or territory sporting organisation that is a member of BA in accordance with the provisions of the BA Constitution.

- h) **Participant** means:
 - I. Athletes who are registered with a Sport Organisation or entitled to participate in an Activity
 - II. Coaches appointed to train an athlete or team in an Activity
 - III. Administrators who have a role in the administration or operation of a Sport Organisation, including owners, directors, committee members or other persons

IV. Officials including referees, umpires, technical officials, or other officials appointed by a Sport Organisation or any league, competition, series, club or team sanctioned by a Sport Organisation

V. Support personnel who are appointed in a professional or voluntary capacity by a Sport Organisation or any league, competition, series, club or team sanctioned by a Sport Organisation including sports science sport medicine personnel, team managers, agents, selectors, and team staff members; and

VI. Parents/carers and spectators who are subject to registration conditions or venue conditions of entry that requires compliance with this Policy

i) **Prohibited Conduct** means the conduct proscribed at **clause 5(a)** of this Code.

j) **Relevant Organisation** means any of the following organisations:

I. A Sport Organisation;

II. An Authorised Provider;

III. A team, which means any collection or squad of athletes who compete and/or train in the Sport; and

IV. Any other organisation that has agreed to be bound by this Policy.

k) **Relevant Person** means any of the following individuals:

I. An individual registered as a member of a Sport Organisation;

II. A Participant;

III. An employee employed by BA, a Sport Organisation or an Authorised Provider;

IV. A contractor engaged directly or via an organisation to provide services for or on behalf of BA, a Sport Organisation or an Authorised Provider;

V. A volunteer engaged by BA, a Sport Organisation or an Authorised Provider in any capacity who is not otherwise an employee or

contractor, including directors and office holders, officials, administrators and team and support personnel; and

VI. Any other individual who has agreed to be bound by this Policy.

- l) **Sport Organisation** means BA and each State Member or Affiliate that has adopted this Policy.

6. JURISDICTION & SCOPE

6.1. This Policy applies to:

- a) Relevant Persons; and
- b) Relevant Organisations.

to the full extent that it is possible for Badminton Australia to bind those persons and organisations.

6.2. All Relevant Persons and Relevant Organisations to which this Policy applies must always comply with this Policy (whilst they are a Relevant Person or Relevant Organisation), including:

- a) in relation to any dealings they have with Relevant Organisations or their staff, contractors, and representatives;
- b) when dealing with other Relevant Persons or Relevant Organisations in their capacity as a Relevant Person/Relevant Organisation; and
- c) in relation to their Membership or standing as a Relevant Person or Relevant Organisation in general.

6.3. It is the duty of each person and organisation to which this Policy applies to comply with the Policy and, so far as is lawfully possible, to require any other Sport-related entity or participant who or which is not directly bound by this Policy but who or which is participating in the Sport in any capacity, to comply with this Policy.

6.4. Nothing in this Policy limits the rights or obligations of any person under any other BA policy, code of conduct or other relevant agreement.

6.5. This Policy does not override or limit the application of any laws of Australia or a state/territory.

7. UNIFORMS

- 7.1. Participants may wear the uniform of their choosing as it aligns with their gender identity, so long as it abides by wider sporting code attire rules. BWF Uniform Guidelines can be found under the Technical Regulations – General Competition Guidelines on the BWF website - <https://corporate.bwfbadminton.com/statutes>
- 7.2. Where participants are required to wear a uniform (e.g. players, officials, coaches), the uniform range will include an appropriate variety of styles and sizes to select from.
- 7.3. If gendered uniforms are necessary, the participant may choose which uniform they would prefer to wear.

8. FACILITIES

- 8.1. Badminton Australia recognises the existing difficulties faced in having adequate changeroom and shower facilities.
- 8.2. When participating in activities, services and programs run by Badminton Australia, people have the right to use changing and bathroom facilities which best reflects their gender identity.
- 8.3. Where facilities are owned or operated by a third-party, Badminton Australia will advocate for changes to provide gender-inclusive facilities. The occupants may consider making their existing facilities more inclusive by:
 - a) changing signage on some facilities to 'all gendered';
 - b) modifying changerooms and bathrooms to create private spaces (higher doors, room dividers, shower curtains etc); and
 - c) ensuring all changerooms have appropriate waste disposal
- 8.4. Where new facilities are built or upgrades are taking place (whether in consultation with council, schools, universities, or others), Badminton Australia and affiliated organisations should consider options to create inclusive spaces by:
 - a) creating private spaces so that people can use the facilities safely and comfortably; and
 - b) providing adequate gender-neutral spaces.

9. MEMBER REGISTRATION

- 9.1. Participant registration must be gender inclusive and align with Pride in Sport's recommended sexuality and gender indicators. Example: When registering to become a member, each individual has the option of selecting; Male, Female, Non-Binary, or Different Identity.
- 9.2. Where a third-party registration platform is used, Badminton Australia will advocate for changes to provide gender-inclusive registration options, and where appropriate allow for a manual registration using the appropriate gender indicators.

10. PARTICIPATION LEVEL COMPETITIONS

- 10.1. For single-gender competitions, people can participate in the competition which best reflects their gender identity. This is in accordance with the **Sex Discrimination Act 1984 (Cth)** which protects people against discrimination in sport based on gender identity, unless an exception criterion for legal discrimination is permitted by the Australian Human Rights Commission.
- 10.2. For mixed-gender competitions, people can participate in a manner which best reflects their gender identity. Rules for mixed-gender competitions will be applied based on gender identity.

11. NATIONAL AND INTERNATIONAL LEVEL COMPETITIONS

National and International level competitions will follow the International Olympic Council (IOC) guidelines and the relevant Badminton World Federation (BWF) policies. At the time of releasing this policy, the BWF is currently developing a transgender policy for international level badminton competition. Once released, this policy will also be updated to reflect the BWF guidelines.

Where a competition is for the purposes of selection or qualification for Badminton World Federation (BWF) events, the BWF regulations will apply where they are different to the information in this policy.

12.DISCRIMINATION

- a) Discrimination on the basis of sex or gender identity in sport will be permitted under the Act if:
- I. the different treatment amounts to a 'special measure', or
 - II. an exemption applies.
- b) **Special Measures** are positive actions used to promote equality for disadvantaged groups. They are often referred to as 'positive discrimination' or 'affirmative action' and address the unequal position of two groups of people by implementing a practice which favours the disadvantaged group.
- c) The Act provides for both temporary and permanent **Exemptions** from the operation of the anti-discrimination provisions of the Act. An exemption makes certain conduct lawful under the Act and prevents a person from successfully claiming that an action is unlawful discrimination. A sporting organisation must apply to the Australian Human Rights Commission to obtain a temporary exemption.
- d) Further information on these exemptions can be found in the National Guidelines for the inclusion of Transgender and Gender Diverse People in Sport available on the Pride in Sport Resources page - <https://www.prideinsport.com.au/resources/>

13.GRIEVANCE PROCEDURES

Any complaint or breach of this policy shall be dealt with in accordance with the Badminton Australia Integrity Framework and Policies, including:

- Coach / Participant Codes of Conduct
- Complaints, Disputes and Discipline Policy
- Conduct and Disciplinary Policy
- Personal Grievances Policy
- Review and Appeals Policy

Sport Integrity Australia, the Australian Human Rights Commission, or State or Territory Human Rights Commission may also assist individuals in relation to any complaints of discrimination, harassment and/or victimisation under Federal or State and Territory laws.

14.PRIVACY & CONFIDENTIALITY

Collection of personal information will be conducted in an inclusive manner and handled according to the Badminton Australia Privacy Policy.

- 14.1. Badminton Australia will accept a legal declaration to verify name and gender (e.g. by way of a statutory declaration) in place of identity documents such as passport or birth certificate where those identity documents have a Sex/gender marker inconsistent with a participant's Gender Identity;
- 14.2. Badminton Australia and affiliated entities should be aware that, depending on the circumstances, requesting additional information from Transgender and Gender Diverse people may be unlawful
- 14.3. Badminton Australia and affiliated entities shall protect the privacy of players, particularly when dealing with any personal or sensitive information that the Affiliated Association, Club or Indoor Centre may hold regarding a person's Gender Identity, or transition or affirmation process.

The full Badminton Australia Privacy policy can be found on the Badminton Australia Policies page - <https://www.badminton.org.au/policies-reports/>

Further information on privacy legislation is available from the Office of the Australian Information Commissioner - www.oaic.gov.au/privacy-law

15.RESOURCES & SUPPORT

A list of resources and support services can be found on the Badminton Australia website at <https://www.badminton.org.au/lgbtqia-badminton/>