

# TRANSGENDER & GENDER DIVERSE INCLUSION IN SPORT

## CASE STUDIES

These real life examples help shed light on the issues faced by transgender<sup>1</sup> and gender diverse people in sport.

### 01 Indirect discrimination in the provision of player facilities.

Greenhill uses a ground owned by Westacre for weeknight training. Westacre only unlocks the men's changeroom block for Greenhill's use. A number of Greenhill's players identify as transgender and non-binary and prefer to use the women's changeroom.

Not providing access to the women's changeroom disadvantages the trans and non-binary members of the Greenhill team. They either leave work early so they can get changed at home, or get changed in the carpark.

Despite a number of requests, Westacre repeatedly refuses to unlock the women's changeroom.

When pressed on the issue they say that Greenhill competes in the men's competition and should therefore, 'only need access to the men's change room'. Westacre's management also mentions that they cannot be expected to open the women's change room because that would mean extra cleaning for their staff.

The decision not to unlock the women's changeroom may amount to unlawful indirect discrimination on the basis of gender identity.

### 02 Competitive sporting activity and children who are younger than 12 years of age.

Xanthe is a ten year old girl, who was assigned male at birth. Xanthe plays water polo. Xanthe's team is playing in the local girl's tournament next weekend.

The tournament organisers have contacted Xanthe's club to explain that because her birth certificate indicates her gender as 'male,' she won't be able to participate. When Xanthe's club asks for an explanation the organisers explain there is a concern that the competition won't be 'fair' because Xanthe is 'too strong' and that 'the law allows for her exclusion on this basis'.

Xanthe's club writes to the tournament organisers indicating that the Sex Discrimination Act specifically provides that the competitive sporting activity exemption does not apply to 'sporting activities by children who are younger than 12 years of age'. Xanthe is able to participate in the tournament.

### 03 Including non-binary people in mixed sports.

Jay's workplace has recently entered a lunchtime, mixed AFL 9s competition. Under the competition rules, each ball-up involves two opposing players of the same gender. Jay is non-binary and does not identify as a man or a woman.

The captain of Jay's team privately asked Jay if they would prefer to be counted as a man or a woman for the purpose of the ball-up. Jay said that they did not really mind.

The captain had a quick word to the umpire and it was agreed that Jay could participate in the ball-up against both men and women.

1. Transgender (commonly abbreviated to trans) is a general term used to describe a person whose gender identity is different from the sex they were assigned at birth.

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## 04 How policies and people create inclusion.

Sara is a young trans woman who is very talented at volleyball. She is looking for a new club to join. She has affirmed her gender socially and presents as female, but has not affirmed her gender through medical interventions. Sara is eager to join a club that accepts her as a woman and allows her to play in the women's competition.

She goes online to try and find the inclusion policies of some volleyball clubs in her area. She finds a club whose policy specifically mentions that transgender players are welcome and are encouraged to play for the club in the gender category with which they identify.

She also reads that the club has an inclusion officer she can speak to if she has any questions about joining.

Sara calls the inclusion officer to ask about the culture of the club. The inclusion officer is very approachable and tells Sara that in their experience the club is very welcoming. Sara is relieved and registers to play.

## 05 How adhering to a code of conduct can promote a safe and inclusive environment.

Rami plays cricket for the state women's team. At the beginning of each season the players sign a code of conduct. A spectator version of the code is displayed at the entrance to venues, and compliance is a condition of entry.

Rami identifies as non-binary transgender.

Rami has body and facial hair and prefers to play in a looser uniform. A spectator for the opposing team sledges Rami by referring to Rami as 'it' and makes derogatory comments about Rami's appearance.

Rami's teammates notify the umpire about the harassment and the umpire pauses the game to speak to the ground controller.

The ground controller asks the spectator to leave, based on the zero-tolerance policy for harassment outlined in the code of conduct.

## 06 How non-gendered uniforms can enhance inclusion.

Alfie is a trans man who is part of a running club. The singlet that most of the men compete in does not fit properly over his hips, but he would feel embarrassed requesting the women's singlet.

Fortunately his club has a few different styles with slightly different cuts, to fit the range of body shapes of its members. The club colours and logo are the same across all variations of the uniform.

Participants can mix and match styles and cuts to find a uniform that fits their body best and enables them to run comfortably. The design options for the uniform ensures that all participants still present as a team.

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## 07 How innovative solutions can foster inclusion.

Kim identifies as non-binary. Kim's pronouns are they/ them/their. Kim and a group of Kim's friends have signed up to a mixed, social basketball competition. The basketball court complex that hosts the competition has two bathrooms, one marked 'men' and one 'women'. The men's bathroom has a wall of urinals and one cubicle, which is always out of order.

Kim does not feel comfortable using the women's bathrooms because Kim is usually stared at or explicitly told that they should not be there.

For the first few weeks, Kim tried to avoid drinking water before and during the game to avoid needing to use the bathroom.

Eventually, one of Kim's teammates realised what was happening and spoke to the manager of the court complex.

The sporting organisation did not have the resources to refurbish the bathrooms, but changed the signage to make them both unisex.

## 08 How inappropriate handling of personal information may exclude trans and gender diverse people.

Cassie was assigned male at birth and given the name Jacob by her parents. Cassie identifies as a woman but has not yet been able to change her legal gender or name because she does not have the money to undergo the gender affirmation surgery required by some jurisdictions, and finds the name-change paperwork confusing.

She has been living as a woman for the last three years and has recently returned to playing hockey, which she played throughout high school.

Cassie was asked to provide a copy of her driver's licence when she signed up. As a result, her name is recorded as 'Jacob' on the official team list.

At the end of the game, the manager leaves the team list on a clipboard, face-up on the sideline. Another team player sees the name 'Jacob' and laughs, before saying loudly 'Surely we don't have anyone on our team called Jacob!'

Cassie is concerned about coming back next week in case there is any discussion about 'Jacob'. She decides to take a break from hockey for a few weeks.

## 09 Inclusive club values: Everyone who wants a game, gets a game.

The values of a community sports club can form the foundation for how the club navigates the inclusion of trans and gender diverse people in their communities.

One Australian junior football club has a clearly articulated set of values, prominently displayed on the club house doors. The club embraced the creation of a girls league in their code, and grew significantly as girls were invited in to play.

The club demonstrates its strong commitment to Indigenous participation by celebrating Indigenous players, consulting with the Indigenous community and the design of club uniforms.

When a player asked to change to the girls team from the boys team during their gender affirmation, the club response was to start with the club values, which can be summed up by the line, **'Everyone who wants a game, gets a game.'**

This approach meant they worked with coaches and the governing body to create an easy pathway for the player to move teams, overcoming administrative hurdles with confidence, persistence and goodwill.

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## 10 Inclusive forms and data collection.

A state sporting organisation is approached by the parent of a young person interested in playing AusKick. The eight year old who identifies as male, was assigned female at birth.

The parent and the young person do not want to have to choose between the male and female boxes on the registration form, and they do not want to play in the girls team.

Following meetings attended by the club, parent and young person, the online form is amended to include an additional gender option and the young person opts to play in the mixed AusKick program rather than any of the single sex competitions.

Key to the inclusion of the young person was the club's willingness to accommodate and make the young person and their family feel welcome and valued at the club.

## 11 Seeking support and guidance in Rugby League.

Ash is a 13 year old trans boy who has socially affirmed his gender identity and is registered to play rugby league in the boys U14 team.

His club and coach want to ensure that Ash has a safe and enjoyable experience, but are unsure on the best practices. His coach in particular is unsure and has reservations about coaching boys and girls, citing safety concerns for Ash against the other boys.

The club is supported by their state sporting organisation, which arranges for a specialist organisation to come in and provide education and support.

As far as the coach is concerned, he is coaching a full team of boys, and should apply the same principles of safety to all his players.

As there are no girls the team, Ash's coach treats him the same as the other boys, respecting his gender identity.

### More information

Read the full *Guidelines for the inclusion of transgender and gender diverse people in sport* on the Sport Australia website.

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