

EQUALITY AND INCLUSION POLICY

Football is a game that brings individuals, families and communities together. It is played by people of all ages, genders and nationalities. Culture and language are no barrier to play.

ESFA is committed to being inclusive and providing a safe and fair sporting environment. In this environment, all persons regardless of gender identity can contribute, participate, and be treated fairly with dignity and respect. ESFA recognises the right for everyone within our community to be active participants in our sport.

We recognise that gender isn't binary, and not all people are, or identify as, female or male. Trans, gender diverse and intersex people can face barriers within society. Exclusion of trans, gender diverse and intersex people from participation in sporting events and activities may have significant implications for their health, well-being and involvement in community life. All people have the right to participate in sport.

Both State and Federal legislation prohibits discrimination against a person on the basis of their gender identity in various areas of public life, including sport. Gender identity is addressed in Section 5.6 of the FFA National Member Protection Policy FFA National Member Protection Policy.

REGISTRATION AND PLAY

All persons involved with ESFA Clubs must not discriminate and must not ask anything from a trans, gender diverse or intersex person that is different to what they would ask from any other person registering or registered to play.

A club therefore has no right to ask a trans, gender diverse or intersex person for proof of their status as a trans, gender diverse or intersex person or whether they are/ have had/ or intend to engage in any gender affirming processes such as undertaking hormones or surgical intervention. In line with Federal, State and Territory anti-discrimination laws that provide protection from discrimination against people on the basis of their gender identity, including gender expression, appearance, mannerisms or other gender related characteristics, ESFA has zero tolerance for any form of gender discrimination.

UNFAIR ADVANTAGE

It could be perceived that the relative difference in strength, stamina or physique of a trans, gender diverse or intersex player is significant in the sense that it has an appreciable effect on their ability to compete. Any perceived advantage or disadvantage should be addressed through grading. Each individual has different levels of hormones that affect their abilities, and this is not specific to trans, gender diverse and intersex people. It is acknowledged that there is no scientific basis or body of evidence to suggest that people affirm their gender identity to gain an advantage in sport.

Standard drug testing procedures and prohibitions also apply to trans, gender diverse and intersex people. ESFA acknowledges that the FFA Member Protection Policy states that a person receiving treatment involving a Prohibited Substance or Method, as described on the World Anti-Doping Agency's (WADA) Prohibited List, should apply for a standard Therapeutic Use Exemption (TUE). ESFA however recognises that the requirement to apply for an in-advance TUE constitutes a barrier to participation for trans, gender diverse and intersex players.

ESFA welcomes the position of the Australian Sports Anti-Doping Authority (ASADA) that players playing below national or elite level and are not members of the Registered or Domestic Testing Pools may not need to apply for an in advance TUE and should apply for a retroactive TUE (after an anti-doping test).

SAFETY CONSIDERATIONS

Instances of rough conduct and other unsafe play involving any player, including trans, gender diverse and intersex players, will continue to be managed in accordance with the laws of the game. This also includes any form of bullying and/or harassment towards a player or official on the basis of their gender identity or gender expression.

ESFA will, acting reasonably, apply appropriate risk management procedures to ensure the safety and wellbeing of all players, including the safety and wellbeing of trans, gender diverse and intersex players.

DEFINITIONS

The following definitions are some common terms used in the topics of sex and gender. It is important to recognise the impact that our language can have in creating positive environments.

1. 'Trans and gender diverse' – The term used by ESFA to encompass a broad range of people whose gender is different to the legal sex that was assigned to them at birth. ESFA

recognises that some people may not identify with this term and recognises an individual's right to identify and describe their gender identity as they choose.

2. Gender identity - A person's internal sense of self and how they identify, understand or perceive their gender. It is important to recognise that sex and gender identity are different and separate concepts.

3. Sex Characteristic – Physical parts of the body that are related to body development/regulation and reproductive systems. Body parts should not be gendered as the gendering of body parts is a significant source of stigma and discrimination.

4. Non-binary - Genders that sit within, outside of, across or between the spectrum of the male and female binary are non-binary. A person might identify solely as non-binary or relate to non- binary as an umbrella term and consider themselves gender fluid, genderqueer, trans masculine, trans feminine, agender, bigender, or something else.

5. Transition - The personal process or processes a trans or gender diverse person determines is right for them to live as their defined gender and so that society recognises this.

6. Intersex - an umbrella term that refers to people born with variations of sex characteristics (hormones, chromosomes and bodies).

7. Sexual orientation - 'Sexual orientation' or 'sexuality' refers to sexual and emotional attraction to people of a particular gender or genders. It is important to recognise that sexual orientation is different to a person's gender identity. Some trans, gender diverse and intersex people may encounter difficulties or experience discrimination because of myths and misconceptions about a correlation between their gender identity and their sexual orientation.

The following are additional resources available on gender identity in sport:

https://www.sportaus.gov.au/integrity_in_sport/transgender_and_gender_diverse_people_in_sport