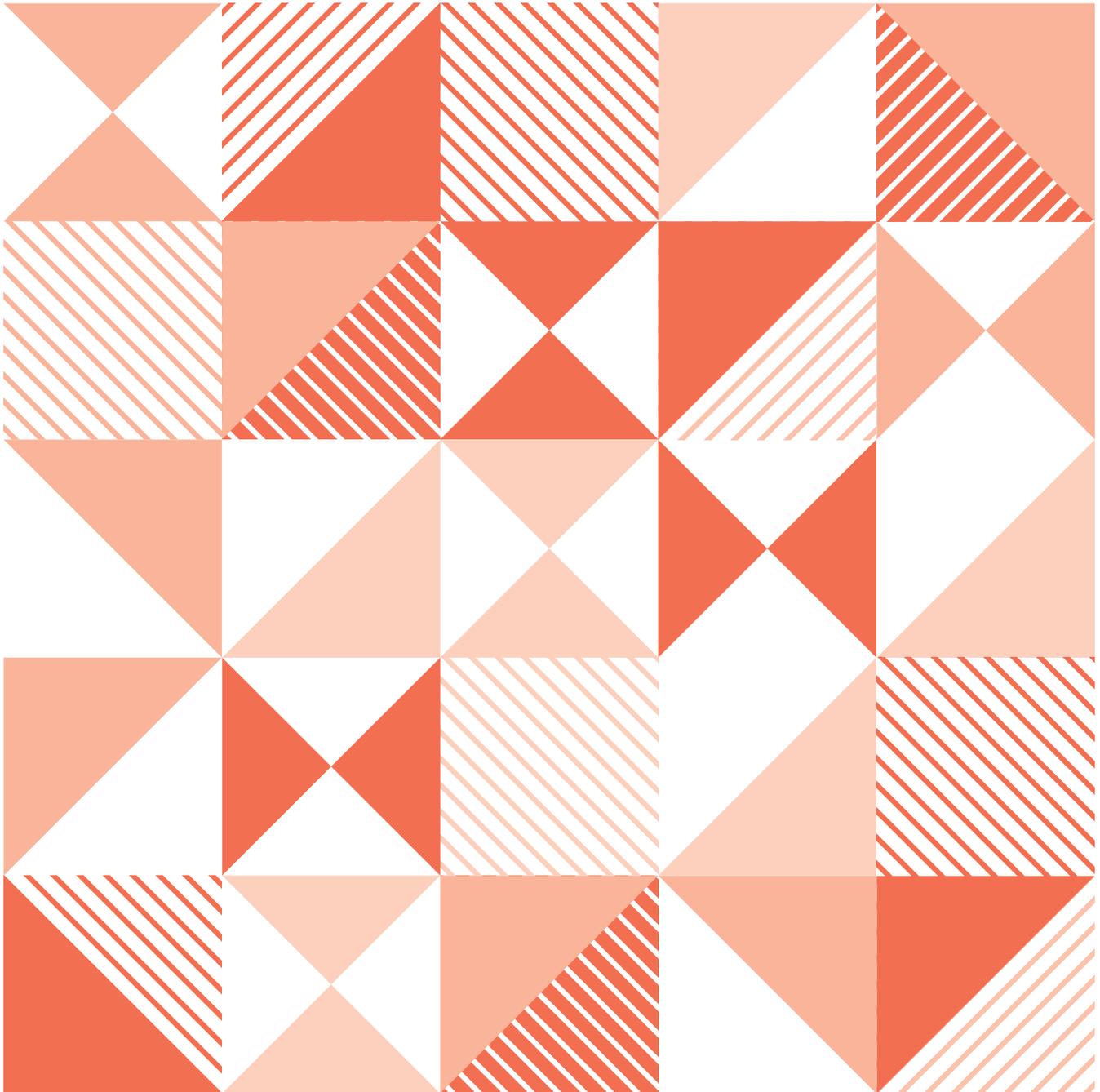


Adopting Inclusive Policy Language



This resource is intended to provide support to organizations interested in making the language of their organization's policies and procedures more inclusive to all sexual orientations, gender identities and gender expressions.

Organizations can use this information as a follow-up to the LGBTQI2S Inclusion Readiness Checklist, or as a guide for updating their policies or communications in general.

This resource was created by viaSport with help and support from the Sport Inclusion Task Force.



Applying Concept to Practice

KEY CONCEPTS

SAFETY

ANTI-HARRASSMENT

SAFETY – Participants' physical, emotional, mental and psychological well-being is prioritized.

ANTI-HARRASSMENT – Both proactive measures (policy implementation, communication, education) and reactive measures (policy enforcement, procedures) to protect participants from harassment, bullying, discrimination and violence are established.

Understanding the B.C. Human Rights Code

The B.C. *Human Rights Code* (the *Code*) protects people in B.C. from discrimination in all areas of life.¹ The purpose of the Code is to “foster a society in British Columbia in which there are no impediments to full and press participation in the economic, social, political and cultural life of British Columbia” and to also promote a “climate of mutual respect where all are equal...”.² It protects all individuals in B.C. from discrimination on the basis of: race, age, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, social class, **sex, sexual orientation, gender identity or expression**.³

The Government of B.C. expanded the *Code* to include explicit protections for gender identity and expression with the passage of Bill 27, *Human Rights Code Amendment Act*, 2016.⁴

1 BC Human Rights Clinic. (2016). *Overview of human rights law*. Retrieved from http://www.bchrc.net/overview_of_human_rights_law.

2 Human Rights Code (May 16, 2018). *Human Rights Code [RSBC 1996] Chapter 210*. Retrieved from: http://www.bclaws.ca/Recon/document/ID/freeside/00_96210_01#section1.

3 Human Rights Code (2018, May 16). *Human Rights Code [RSBC 1996] Chapter 210*. Retrieved from: http://www.bclaws.ca/Recon/document/ID/freeside/00_96210_01#section1.

4 BC Gov News. (2016, July 25). *B.C. Human Rights Code to include explicit protection for gender identity, expression*. Retrieved from <https://news.gov.bc.ca/releases/2016JAG0025-001352>.

In November 2018, the *Human Rights Code Amendment Act* (Bill 50) received Royal Assent and made two key changes:

- Appointment of a Human Rights Commissioner and advisory council; and
- Extension of the deadline for filing a human rights complaint from six months to 12 months.

Human rights in B.C. are supported through three main organizations:

- The Office of the Human Rights Commissioner <https://bchumanrights.ca> – an independent body that promotes the prevention of human rights issues through education, research and systemic investigation;
- The Human Rights Tribunal – <http://www.bchrt.bc.ca> a quasi-judicial tribunal that reports the Ministry of Attorney General and accepts, screens, mediates and adjudicates human rights complaints; and
- The Human Rights Clinic- <https://bchrc.net> provides free representation to residents of BC who have, or are seeking to have, cases before the Human Rights Tribunal.

Gender Neutral Language

Shifting to gender-inclusive language respects and acknowledges the gender identities of all people and removes assumption.

	REPLACE WITH
His/Her	<i>Their</i>
Himself/Herself	<i>Themselves</i>
He/She	<i>They</i>
Man/Women	<i>Individuals</i>
Chairman	<i>Chair</i>

Examples and Guidance for Policies

NON-DISCRIMINATION STATEMENT

Having a non-discrimination statement can clearly state your organization’s position and create a clear guideline for referral. This statement can be incorporated into a larger Code of Conduct or a Discrimination and Harassment Policy.

Non-discrimination statements should:

- Declare your organization’s commitment to providing a workplace free of discrimination and harassment
- Establish tone and wording of your statement as a way of signaling the spirit and intent of your organization’s commitment⁵
- Commit to supporting and advancing inclusion and diversity, a culture of respect, and a supportive environment
- Describe the ways in which the non-discrimination statement applies and to whom
 - For example, the non-discrimination statement should be applied to the following groups:⁶
 - » Board of Directors
 - » Staff including full-time, part-time, contractors, temporary and permanent
 - » Volunteers, interns, members of formal and informal advisory or working groups
 - » Members, including athletes/ participants, athletes, coaches, officials, etc.
- Move beyond preventing discrimination on grounds like ‘sex’ exclusively and add gender identity, gender expression and sexual orientation

⁵ Trans Inclusion in Sport Expert Working Group. (2018). Creating Inclusive Environments for Trans Participants in Canadian Sport: Policy and Practice Template for Sport Organizations. [PDF document]. Canadian Centre for Ethics in Sport

⁶ Ibid.

Curling Canada's Statement on Discrimination and Harassment

Curling Canada is committed to creating and maintaining a sport environment which is free from discrimination and harassment on prohibited grounds, including race, ancestry, place of origin, colour, ethnic origin, citizenship, political opinion, creed, sex, sexual orientation, disability, age, marital/family status, language and any other discrimination or harassment prohibited by applicable law.

These guidelines apply to all Curling Canada participants, which include all persons engaged in any paid or volunteer capacity with the Curling Canada or otherwise under the jurisdiction of the Curling Canada.

Without limiting the reach of the guidelines, Curling Canada participants include:

- all athletes eligible for nomination to, or forming part of, any team participating in sport competitions over which the Curling Canada has jurisdiction;
- all persons working with those teams or athletes, including coaches, medical and paramedical personnel, and other support persons;
- Curling Canada employees and persons under contract with the Curling Canada; and
- Curling Canada governors, members and volunteers.
- Curling Canada's Policy and these guidelines apply to Curling Canada participants at all times, during the course of their work in sport and also during other activities where their conduct may affect the sport environment.

Curling Canada - Statement on Discrimination and Harassment: <http://www.curling.ca/about-the-sport-of-curling/high-performance/policy-statement-and-guidelines-on-discrimination-and-harassment>

****NOTE:** *The above policy uses the term 'sex' as prohibited grounds for discrimination; we recommend using sexual orientation, gender identity, and gender expression to reflect current best practice.*

Policy Examples and Guidance

The following policies serve as recommendations on language, concepts and terminology. Organizations are invited to use these examples and guidelines to modify their existing policies.

CODE OF CONDUCT

Codes of Conduct should:

- Establish expectations for behavior for all administrators, coaches, officials, athletes, volunteers and spectators
- Uphold principles of respect, non-discrimination, safety and fair play
- Prohibit discrimination, harassment, bullying, and violence in all forms, and explicitly call out protections for discrimination and harassment related to sexual orientation, gender identity and gender expression
- Have clear mechanism for reporting instances of homophobic or transphobia conduct
- Include or link to disciplinary policy

BC Rugby's Code of Conduct

Proactively invite and include all people in Rugby, regardless of age, athletic ability, gender, ancestry, ethnic or racial origin, nationality, national origin, sexual orientation, marital status, religion, religious belief, political belief, disability or economic status.

5.3 Respect

Respect is at the heart of our sport and the rugby community should have a sense of pride for upholding this core value. All Individuals have a responsibility to:

Maintain and enhance the dignity and self-esteem of individuals by:

- Treating all individuals fairly and respectfully regardless of body type, physical characteristics, athletic ability, gender, ancestry, ethnic or racial origin, nationality, national origin, sexual orientation, age, marital status, religion, religious belief, political belief, disability or economic status; and
- Focusing comments or criticism appropriately and avoiding public criticism of players, coaches, officials, organizers, volunteers, employees or any other Individual Members.
- Refrain from any behaviour that constitutes Harassment or online Harassment;
- Refrain from any behavior that constitutes Sexual Harassment;
- Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities; and

- Respect the property of others and not willfully cause damage.

5.4 Inclusion for All

Rugby has the power to build communities through camaraderie, teamwork and loyalty which transcends cultural, geographic, political and religious differences. All individuals have a responsibility to:

- Promote the sport of Rugby in the most constructive and positive manner possible;
- Proactively invite and include all people, regardless of age, athletic ability, gender, ancestry, ethnic or racial origin, nationality, national origin, sexual orientation, marital status, religion, religious belief, political belief, disability or economic status;
- Uphold safety for all as the top priority, make or provide modifications to make BC Rugby competitions, programs and events accessible for disabled players, coaches, officials;
- upholding safety for all as the top priority, make or provide modifications or exemptions to facilitate mixed-gender play; and
- Uphold integrity as the top priority, make or provide modifications or exemptions to facilitate the inclusion of players from lower socio-economic households.

BC Rugby – Code of Conduct: <http://www.bcrugby.com/code-of-conduct>

- Employees have the right to dress in a manner consistent with their gender identity or gender expression, including employees who may dress in a manner that is not consistent with societal expectations of masculinity/femininity⁷
- Employers should advocate for employees to dress to meet professional standards, rather than outlining appropriate dress for men or women⁸
- Include provisions for transition plans including:
 - Transition timelines regarding change of name, pronoun and gender
 - Time off required for medical treatment. It is advisable to be prepared to discuss your benefit plan with the employee.
 - Naming or pronoun amendment provisions
 - Whether pronoun or naming amendments need to be made to records and systems. If so, determine the appropriate timing for these changes.
 - Training for co-workers, clients, or patients. If education is required, consideration of how training will be conducted and by whom.
 - How harassment claims will be handled.⁹

⁷ Vancouver School Board. (2016, June 15). *ACB-R-1: Sexual orientation and gender identities* [PDF document]. *Policy Manual*. Retrieved from <http://vancouver.ca/files/cov/vsb-sexual-orientation-and-gender-identities.pdf>.

⁸ Grenier, A. & Hixson-Vulpe, J. (2017, September). Beyond diversity: An LGBT best practice guide for employers [PDF document]. *Great Place to Work & Pride at Work Canada*. Retrieved from <https://prideatwork.ca/wp-content/uploads/2017/09/Beyond-Diversity-LGBT-Guide.pdf>.

⁹ BC Public Service. (n.d.). Supporting transgender and gender diverse employees in the workplace [PDF document]. *Government of BC*. Retrieved from <https://www2.gov.bc.ca/assets/gov/careers/all-employees/working-with-others/gender-diverse-workplace.pdf>, p. 7.

- Provide benefits packages inclusive of LGBTQI2S needs and definitions of family
 - Benefits packages should recognize diverse family compositions, same sex spouses, and use gender neutral language wherever appropriate
 - Benefits packages should be relevant to all employees, with specific regard for medical coverage and parental leave
- Hiring practices
 - Ensure job postings use gender-neutral language and include a statement of inclusion
E.g.- viaSport is an equal opportunity employer. We recognize that a diverse work force is critical to accomplishing our vision and are committed to fostering an inclusive environment for all employees.
 - Extend code of conduct beyond your organization, to include suppliers, partners, etc. to ensure alignment with organizational values around inclusion¹⁰
- Understanding and following provincial law regarding gender identity and expression (e.g., changing personnel records to reflect a trans employee's gender identity);
- Not refusing time off for medically necessary treatments;
- Recognizing that transgender medical care is not cosmetic in nature;
- Making accommodations for an employee, up to the point of undue hardship;
- Not tolerating bullying and harassment due to their gender identity; and
- Encouraging a respectful work environment by leading by example and/or offering education support to their team¹¹

When adapting employee policies to be more inclusive of LGBTQI2S identified populations, we recommend carrying forward protected grounds on the bases of sexual orientation, gender expression and gender identity.

According to the provincial government's guidelines (developed for the B.C. Public Service), *Supporting Transgender and Gender Diverse Employees in the Workplace*, employers' responsibilities include:

- Not discriminating on the basis of gender identity or expression in hiring, training, compensation, promoting or terminating;
- Providing trans employees access to appropriate washrooms, change facilities, dress code and uniforms;
- Upholding the privacy and confidentiality of a trans employee (including keeping trans status confidential if this is the employee's preference);

¹⁰ Grenier, A. & Hixson-Vulpe, J. (2017, September). Beyond diversity: An LGBT best practice guide for employers [PDF document]. *Great Place to Work & Pride at Work Canada*. Retrieved from <https://prideatwork.ca/wp-content/uploads/2017/09/Beyond-Diversity-LGBT-Guide.pdf>.

¹¹ BC Public Service. (n.d.). Supporting transgender and gender diverse employees in the workplace [PDF document]. *Government of BC*. Retrieved from <https://www2.gov.bc.ca/assets/gov/careers/all-employees/working-with-others/gender-diverse-workplace.pdf>.

Equity and Access Policy

Equity and Access Policies should:

- Speak to your organization's vision around inclusion
- Make specific commitments in regards to inclusion and best practices
- Specify how and where the policy applies to your organization

Triathlon BC's Equity & Access Policy states:

a) Introduction

This policy recognizes that diversity is a source of strength and establishes that opportunities to participate in, and lead our organization, will be provided in a manner that respects principles of equity and access.

b) Policy Details

Triathlon BC is committed to a sport and work environment that provides equitable opportunities and access, and treats all individuals with respect and fairness. Equity is an organizational value, strived for in all aspects of Triathlon BC's undertakings. It is understood as the belief and the practice of treating persons in ways that are fair, equal and just, regardless of their gender, race, ancestry, place of origin, color, citizenship, creed, sexual orientation, disability, age, marital status or family status. Access refers to the design and implementation of our programs and services, which are available to everyone who is entitled to them, free of any form of inequity, or any barrier that violates the concepts of fairness and natural justice. Triathlon BC endeavors to support, encourage and ease participation of underrepresented populations in all facets of triathlon (including but not limited to competition, administration, coaching, officiating and volunteering). Any athlete, employee, volunteer, official, board member, parent, committee member, or applicant for employment may appeal any decision of Triathlon BC, if, in his/ her belief, that decision does not reflect the principles of equity and access. This appeal is to be reported to the Board of Director representing Appeals or the Executive Director of Triathlon BC, and will follow the Appeals Procedure established by our organization.

Triathlon BC - Equity and Access Policy: <http://www.tribc.org/wp-content/uploads/2020/06/Equity-and-Access-Policy.pdf>

***NOTE:** We recommend using 'their' wherever his/hers is applied.

A NOTE ON GENDER EQUITY

viaSport's requirements specify that an Equity and Access Policy **and/or** a Gender Equity Policy is supplied. Gender equity and gender diversity are distinct concepts, but are addressed in this section because of the policy requirement for B.C. provincial and disability sport organizations.

Gender equity, as defined by Canadian Women and Sport, is “the process of allocating resources, programs, and decision making fairly to both males and females... and addressing any imbalances in the benefits available to males and females” without any discrimination on the basis of gender.¹² Gender equity seeks to address imbalances in the benefits available and seeks to ensure that those who identify as female are provided with equitable access and opportunities as participants who identify as male.

For clarification, gender diversity takes account of the differences in gender expression and identity and speaks more to creating welcoming spaces for those who identify along the non-binary spectrum. Gender diversity recognizes difference and places a positive value on them. Gender diversity, gender variance, and gender non-conformity represent various gender identities and/or gender expressions that differ from cultural or societal expectations.¹³ We include this note in hopes of providing clarity to those organizations who seek to establish gender equity while also providing inclusive support for the gender diverse community simultaneously.

In creating a gender equity policy, it is important to consider distinctions like extending your policy to include anyone who identifies as female, and being explicit in doing so. While gender equity policies are intended to address the imbalances experienced between male and female participants, considering diverse genders when drafting or updating your Gender Equity Policy can be a helpful approach and make sure your policy resonates with everyone.

Gender Equity Policies should:

- Commit to broadening access, ensuring opportunity and equitably distributing resources for all participants
- Consider the diverse needs, interests and experiences of all participants
- Ensure that needs and interests are met through programs, opportunities and experiences
- Provide fair, just and equitable treatment
- Take into consideration:
 - Hiring and recruitment practices
 - Resource allocation
 - Facility bookings
 - Participation rates
 - Activity programming
 - Promotional materials¹⁴

¹² Canadian Women and Sport. (2018). *What is gender equity?*. Retrieved from <https://womenandsport.ca/gender-equity/what-is-gender-equity>.

¹³ Egale Canada Human Rights Trust. (2017). *Glossary of Terms*. Retrieved from <https://egale.ca/wp-content/uploads/2017/03/Egales-Glossary-of-Terms.pdf>

¹⁴ Ibid.

BC Archery's Gender Equity Policy

BC Archery is committed to broadening access, ensuring opportunity, and equitably distributing resources for all participants of archery in BC.

1. Rationale or background to policy:

All individuals, regardless of gender, should have equitable opportunities to take part in archery as a participant, coach, official, administrator or leader. Gender equity is the belief and practice of treating all genders and sexes in ways that are fair and just. The concept of equity requires consideration of the unique needs, interests and experiences of the target group and the elimination of gender and sex-based discriminatory practices which are barriers to full participation.

2. Guidelines:

BC Archery will play a leadership role in raising the awareness and understanding of gender equity amongst members by establishing:

- Fair, unbiased, and equitable opportunities to participate in quality sport and physical activity programming, attain and sustain leadership roles, and access resources and facilities;
- A safe, supportive, inclusive, and relevant environment for sport participation.

3. Procedures:

BC Archery is committed to increasing the level of participation in programs and leadership by:

- Using gender neutral language in the organizations by-laws, policies and publications.
- Declaring that it is an equal opportunity employer and respecting the principles of pay equity.
- Striving to have a gender balance in the appointment of all committees and the board of directors.
- Ensuring equitable opportunities to participate in sport and physical activity are provided for all genders by;
- Making gender equity a key consideration when developing, updating and delivering programming.
- Working proactively to identify and eliminate barriers facing underrepresented groups in archery.
- Ensuring funding and resources are equitably distributed to all genders.
- Collecting gender-based statistics on an annual basis.
- Increasing exposure and building awareness of gender equity in all aspects of archery.
- Continually evaluating the organization's progress towards a more inclusive sport system.

BC Archery - Gender Equity Policy: https://bcarchery.ca/sites/default/files/uploads/page/files/2020/gender_equity_policy_r.2018.3.7.pdf

Confidentiality Policy

Businesses and organizations in B.C. are bound by the province's *Personal Information Protection Act (PIPA)*, which guides the collection, use and disclosure of personal information. PIPA intends to balance two key principles, which are:

- An individual's right to protect their personal information; and
- An organization's need to collect, use or disclose personal information for reasonable purposes¹⁵

Individuals should not be required to disclose their gender or trans identity or history to a sport organization in order to participate, unless there is a justified reason to do so. This extends to high performance sport as well; individuals should not be required to disclose their trans identity or history. The CCES guidance for sport organizations, *Creating Inclusive Environments for Trans Participants in Canadian Sport*, states:

"... the policy guidance provided by this Expert Working Group recommended that all individuals should be able to participate in sport in the gender category with which they identify without being required to undergo any kind of medical intervention. As a result, a sport organization would not need to know an individual's trans identity or history and as such, disclosure would not be required. In some cases, however, trans participants will feel it necessary to disclose their trans status to the organization in order to move from one competitive gender category to another during transition."¹⁶

Privacy Policy

According to CCES, inclusive policies "should recognize the necessity to protect the privacy rights of the athletes and strive to prevent physical, emotional and mental harm."¹⁷ As it relates to privacy, CCES also includes the following guidance:

- Ensure that information collected is necessary and appropriate
- Avoid seeking information unless it is truly relevant (if asking for a legal name is necessary, organizations should also ask individuals the name they prefer to be called)
- Maintain records in a way that respects an individual's right to privacy and confidentiality
- Do not disclose information about an individual's gender identity, sexual orientation, stage of transition without an individual's express consent

Privacy policies should include:

- How personal information will be collected and used (for what purposes)
- Choice and opt-out options
- How third party service providers or agents, if reasonably necessary, may disclose personal information
- How personal information will be protected
- How personal information will be retained
- Where and how to ask questions in regard to the privacy policy

When creating privacy policies please be sure to reference your provincial legislation.

http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00

15 Office of the Information and Privacy Commissioner. (2015, October). *A guide to B.C.'s personal information protection act: For businesses and organizations* [PDF document]. (5th ed.). Retrieved from <https://www.oipc.bc.ca/guidance-documents/2286>.

16 Trans Inclusion in Sport Expert Working Group. (2016). *Creating inclusive environments for Trans participants in Canadian sport* [PDF document]. Canadian Centre for Ethics in Sport. Retrieved from <https://cces.ca/sites/default/files/content/docs/pdf/cces-transinclusionpolicyguidance-e.pdf>, p. 22.

17 Trans Inclusion in Sport Expert Working Group. (2016). *Creating inclusive environments for Trans participants in Canadian sport* [PDF document]. Canadian Centre for Ethics in Sport. Retrieved from <https://cces.ca/sites/default/files/content/docs/pdf/cces-transinclusionpolicyguidance-e.pdf>

Workplace Bullying and Harrassment Policy

All employers are required to provide for their employees a harassment-free workplace. Anti-harassment policies should include:

- Definitions
 - Harassment
 - Sexual Harassment
- Responsibilities and expectations (of supervisors, employees, etc.)
- Procedures for Addressing a Harassment Complaint
- Review Period and Process
- Information on how inquiries will be managed
- Explicit reference to how sexual orientation, gender expression and gender identity are protected
- The Canadian Human Rights Commission provides an Anti-Harassment Policy template to help employers meet their human rights obligations.¹⁸

Example - <https://www.viasport.ca/workplace-bullying-harassment-policies>

¹⁸ Canadian Human Rights Commission. (n.d.). *Developing a workplace anti-harassment policy*. Retrieved from <https://www.chrc-ccdp.gc.ca/eng/content/template-developing-anti-harassment-policy>.