



AUSTRALIAN SPORTS COMMISSION



Harassment-free Sport

**GUIDELINES TO ADDRESS
HOMOPHOBIA AND SEXUALITY
DISCRIMINATION IN SPORT**

Guidelines to Address Homophobia
and Sexuality Discrimination in Sport

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Harassment-free sport: guidelines to address homophobia and sexuality discrimination in sport

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Disclaimer

Anti-discrimination law can be complex. While care has been taken in the preparation of this material, the writer and publisher do not accept responsibility for any errors or omissions, nor for the result of actions taken on the basis of this information.

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Unless otherwise attributed, quotations in this booklet are taken from interviews with heterosexual, gay and lesbian people while researching the text.

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Introduction

‘An inclusive organisation works for the benefit of sport, not for the benefit of any particular group.’

Sexuality discrimination and homophobia are usually hidden, ignored and brushed aside in our society. However, most of us have seen and heard people—at home, at work or elsewhere—demonstrating their intolerance of people with different sexual orientations.

But this kind of discrimination can damage people’s job security, work, academic or sporting performance, and their health. It violates their right to be treated with respect, dignity and fairness. Sexuality discrimination can also affect employers and educators in all industries because it contributes to reduced productivity, increased drop-out rates, absenteeism and resignations.

Because sexuality discrimination is also against the law, those who allow such discrimination to occur can be vulnerable to legal claims from those who’ve been hurt as a result. This can mean unexpected costs, tarnished reputations and bad publicity for those concerned. So it’s important that everyone thinks about what they can do to reduce this problem.

Like all other industries, the sport and recreation industry also experiences sexuality discrimination and homophobia. Sport can give enjoyment, relaxation, income, and health and social benefits. At its best, it also promotes fairness, equity and good sporting behaviour. Many participants in sport find, though, that these values are not extended to them because of their sexual orientation, or because of what someone *thinks* is their sexual orientation.

Sexuality is, or should be, entirely irrelevant to sports performance and to the performance of all those working (paid or unpaid) in sport. However, because sexuality discrimination is widespread in our society, people of all sexual orientations—heterosexual, gay, lesbian, bisexual or transgender—often have to face it every day.

Like any other form of discrimination, this can cause great distress, and illness and diminished performance are often direct results. Not surprisingly, it can also stop people participating in sport and recreation activities completely, which prevents them from gaining all the benefits that we know these bring.

Some people in sporting organisations are still ignoring homophobia and sexuality discrimination. However, many also genuinely want to deal with these problems, despite sometimes fearing that, as a result, they'll be labelled with a particular sexual orientation themselves.

A non-discriminatory, safe and tolerant environment is one in which everyone can raise and discuss sexuality issues without having to reveal details of their private lives and without fear of reprisal if they do. All sports organisations can achieve a better environment for those who participate, and particularly for those who are subject to sexuality discrimination, by taking some of the simple steps outlined in this booklet.

Harassment-free Sport: Guidelines to Address Homophobia and Sexuality Discrimination will help you to:

- ▶ recognise forms of discrimination that operate within your own or another sporting organisation;
- ▶ recognise forms of discrimination and harassment to which you or others might be subject, or might participate in; and
- ▶ deal with homophobia and sexuality discrimination in appropriate ways.

This booklet is one of a series under the Australian Sports Commission's *Harassment-free Sport Strategy*. The Strategy includes numerous resources, a model anti-harassment policy, model complaint procedures, educational seminars and skills training courses.

What the words mean

‘I want to be known for my sport, not my sexuality.’

In this booklet:

gay means *men who are sexually attracted to other men*

lesbian means *women who are sexually attracted to other women*

bisexuality means *sexual attraction to or feeling for people of both sexes*

homosexuality means *sexual attraction to or feeling for a person of the same sex*

heterosexuality means *sexual attraction to or feeling for a person of the opposite sex*

transgender means *a person of one sex who:*

- ▶ *lives or seeks to live as a member of the other sex;*
- ▶ *attempts to be or identifies as transgender; or*
- ▶ *who assumes characteristics of the other sex, for example, through surgical or medical intervention.*

homophobia is *a fear or intolerance of homosexuality. It can show itself in the form of prejudice, discrimination, harassment or acts of violence against lesbians, gays, bisexuals and transgenders, and it includes displaying intolerant attitudes and behaviours towards these groups.*

sexuality discrimination

occurs in *situations where a person's perceived or actual sexual orientation or gender identity results in their receiving less favourable treatment, from individuals or institutions, than do other members of the community. This includes discrimination on the basis of heterosexuality.*

direct discrimination is *treating or proposing to treat a person or group less favourably on the basis of an actual or presumed attribute covered by anti-discrimination law, regardless of the discriminator's motive, or whether they are aware of the discrimination or consider the treatment less favourable.*

Examples of direct discrimination

Nick, a professional football player, is 'outed' by a magazine. Some of his team-mates accept his sexuality, but other team members and the club's manager don't. Nick is taunted at training and is not selected for matches as often as before.

Fred, an amateur gay water polo player reveals his HIV positive status to the Water Polo Association. The association bans him from playing in the competition for 'health and safety' reasons.

A lesbian sports administrator is invited to apply for a promotion. She is interviewed for the position, but another applicant with fewer qualifications is chosen. She subsequently discovers that the selection committee discussed her sexuality and that this is why she did not get the job.

A sporting organisation allows heterosexual couples, but not lesbian and gay couples, to share accommodation at its training facilities.

indirect discrimination occurs *when a rule, practice or policy that appears to be neutral, negatively affects one group more than others.* It is often hard to identify because the rule, practice or policy may appear fair because it is 'the same' for all. It is discriminatory, however, if it results in a particular group being treated less favourably than others for no good reason.

Example of indirect discrimination

A sporting club allows its members' partners access to its swimming and gymnasium facilities as affiliated members, but does not allow same-sex partners these benefits. After some lobbying the club reconsiders its policies, stops this discriminatory practice and allows same-sex partners affiliated member status. However, shortly after, the club introduces a special 'gold' membership category granting any affiliated member of more than five years' standing substantial discounts and additional benefits. Although the gold membership policy makes no distinction on the grounds of sexuality, it disadvantages gay and lesbian partners, who were excluded from affiliated membership because of a discriminatory practice that prevented them meeting the gold membership requirements.

harassment (discrimination includes harassment) is *offensive, abusive, belittling or threatening behaviour directed at a person because of a particular characteristic of that person. The behaviour is unwelcome and is the sort of behaviour a reasonable person would recognise as unwelcome.*

Harassment may also occur because the harasser and the harassed have different amounts of power. This might simply be regarded as **abusive behaviour**. For more information on harassment in sport, see the Australian Sports Commission's *Harassment-free Sport: Guidelines for Sport and Recreation Organisations*.

More examples of discriminatory and/or homophobic behaviour

No-one challenges a team-mate who says that strong, muscular women who play sports usually played by men are lesbians, or that gay men are 'sissies' and can't play sport.

A gay coach constantly fears that people will find out that he's gay after parents of his players said that they think that all homosexuals are paedophiles.

A coach tells a lesbian athlete that she must keep her sexual orientation a secret and that she should be very careful not to show any sign of affection to her girlfriend in public.

'Queer' jokes and put downs (for example, 'you're playing like a faggot') are a staple part of a coach and team's training routine.

Gay and lesbian players don't feel comfortable about bringing their partners to team or club social events.

The team-mates of gay and lesbian players speculate about the sexuality of opposition players and make derogatory comments about gay, lesbian, bisexual and transgender people.

A female member of a sports club has short hair, doesn't wear make-up and doesn't have a boyfriend.

Although she's heterosexual, some club members ridicule her for looking like a 'leso'.

A heterosexual athlete is made to feel uncomfortable by her lesbian team-mates who make snide comments about her private life and sexual preference. She is also left out of team get-togethers and parties.

'We may be judged by our sexuality before we are judged on our performance. "She is a dyke so she will be good at sport", or "he is just a poof so will be no good; he may get hurt".'

The law

‘There’s subtle homophobia—they won’t say hello, they keep you waiting to register, they give you looks.’

In Australia, it is unlawful to discriminate on the basis of suggested or assumed sexual orientation, and to discriminate on the basis of characteristics associated with a particular sexual orientation. The federal government and all state and territory governments administer some form of anti-discrimination legislation, and this provides protection in most cases of discrimination on the basis of sexuality or gender status.

One of the main aims of anti-discrimination legislation is to ensure that groups covered by the legislation have access to benefits and services on the same terms as the rest of the community. Although legislation differs across states and territories in terms of who it covers, it is generally assumed that sport and sporting organisations are included in the range of goods and services that must be available to all.

In New South Wales, anti-vilification legislation (under the *Anti-Discrimination Act 1977*) also prohibits speaking ill of people on the grounds of, among other things, their transgender status, homosexuality and HIV/AIDS status.

Under anti-discrimination legislation an action is illegal whether or not it is deliberate, intentional or malicious. It may be based on presumptions, stereotypes or misunderstandings, and it may be direct or indirect.

Transgender discrimination

Transgender discrimination is not currently prohibited under federal legislation. It is, however, prohibited in the Northern Territory, South Australia, the Australian Capital Territory and New South Wales, subject to relevant exemptions. To decide how the relevant legislation applies to you or your sporting organisation, contact the Anti-Discrimination Board or Equal Opportunity Commission in your state or territory.

Harassment of a person on the grounds of their transgender status includes refusing to acknowledge that he or she wishes to be known as a member of a specific sex and has made this preference clear.

Transgender people in sport are subject to the same kinds of discrimination and harassment endured by all those whose sexual orientation is in the minority. The issues faced by transgender sportspeople,

however, also include the question of the legality of their participation in some sporting clubs and competitions.

Debate on this issue includes how people's sex is determined—by their chromosomes, their genitals and/or how they feel about themselves. It also involves balancing questions of fairness (for instance, is it fair to allow a male-to-female transgender person to compete against biological females?) with human rights issues (for instance, if a person is legally allowed to change their sex, is it discriminatory to prohibit them from competing as a member of their new sex?).

There isn't the space here to discuss these issues. For more detailed discussion on transgender people in sport, see the further reading section at the end of this booklet.

Discrimination on the grounds of HIV/AIDS status

Under anti-discrimination law, HIV/AIDS is treated as a physical impairment/disability. As such, if people can effectively participate in sport, it is unlawful to discriminate against them on the basis of their actual or presumed HIV/AIDS status:

- ▶ by failing to select them in a sporting team, or
- ▶ by excluding them from participating in a sporting activity.

The World Health Organisation states that the chance of transmission of HIV through sporting activities is less than one in a million where HIV-positive players have no bleeding wounds or open skin lesions.

Sporting organisations can and should ensure safe practices to prevent the transmission of HIV/AIDS among sportspeople or employees, rather than unlawfully excluding people who are living with HIV/AIDS.

Sensible precautions and procedures can be adopted to avoid transmitting HIV during sporting activities. For further information, contact the HIV/AIDS information line in your state or territory (see the key contacts section at the end of this booklet for details).

Relevant anti-discrimination legislation

For more information contact your relevant state or territory agency (see the key contacts section at the end of this booklet for details).

New South Wales

Anti-Discrimination Act 1977

Queensland

Anti-Discrimination Act 1991

South Australia

Equal Opportunity Act 1984

Victoria

Equal Opportunity Act 1995

Tasmania

Sex Discrimination Act 1994

Western Australia

Equal Opportunity Act 1984

Australian Capital Territory

Discrimination Act 1991

Northern Territory

Anti-Discrimination Act 1992

Complaints procedures

As part of their legal responsibility to deal with harassment, all sporting organisations must implement effective and accessible complaint procedures. Australian anti-discrimination law does not prescribe any particular type of procedure for dealing with complaints, so sporting organisations have the flexibility to design a system that suits their size, structure and resources.

Sporting organisations should offer both informal and formal mechanisms for dealing with complaints. They must ensure that members are aware of these mechanisms and encourage those who may use the mechanisms to have confidence in them (that is, they must be confident that their complaints will be taken seriously and handled sensitively).

Members wanting to make a complaint must also be made aware of their right to pursue their complaint externally under anti-discrimination legislation.

Most situations of harassment and discrimination on the basis of sexuality, will be remedied through mediation within a sporting organisation. However, some situations may also be remedied by conciliation or other legal means through anti-discrimination boards and equal opportunity commissions.

A person experiencing harassment can seek initial advice from a state anti-discrimination board or equal opportunity commission without being obliged to make a complaint. If that body advises that the conduct being experienced appears to be a type of harassment that comes within its jurisdiction, the harassed person should then decide whether or not to lodge a formal complaint with the state board/commission.

Once a complaint is received, an investigation will be undertaken. If there appears to be a case that unlawful harassment has occurred, there will usually be an attempt to conciliate the complaint confidentially first. If this fails, or is inappropriate, the matter may proceed to a formal public hearing, where a finding will be made as to whether harassment occurred. The tribunal may then prescribe various remedies. An anti-discrimination body can decline to investigate a complaint, or dismiss a complaint at any point in the investigation, conciliation or public hearing stages.

It must also be emphasised that someone accused of harassing another person has the same rights as anyone else under the law. Alleged harassers have the right to:

- ▶ be informed of the substance of the complaint made against them,
- ▶ make a response,
- ▶ be treated fairly,
- ▶ be given information about their rights and ways in which the complaint may be resolved,
- ▶ have the matter handled with confidentiality, and
- ▶ have the matter heard by an impartial person or people.

The ASC document *Harassment-free Sport: Guidelines for Sport and Recreation Organisations* provides more detail on the process of making a complaint, and models for both internal and external complaints procedures.

How to stop discrimination

‘Being treated on the basis of skill as opposed to sexuality is always what I aim for.’

Here are some ideas that everyone can use to minimise sexuality discrimination.

What organisations can do

1. Develop an anti-discrimination policy

Each sporting organisation must comply with federal and state anti-discrimination legislation. The first step is to develop an anti-discrimination policy.

Making everyone in the organisation or club aware of the policy will help to ensure that they know their legal obligations and their rights under the law. This should minimise the number of complaints made and, if one is made, the policy should ensure that it is dealt with quickly and fairly.

An anti-discrimination policy should be designed to:

- ▶ eliminate discrimination and harassment, and
- ▶ ensure that everyone receives equal treatment, no matter what their sexual orientation.

It should cover all aspects of the sport, including:

- ▶ administration,
- ▶ competition,
- ▶ team selection,
- ▶ coaching and training,
- ▶ rules and codes of conduct,
- ▶ appointment and management of officials,
- ▶ membership recruitment and conditions, and
- ▶ general employment conditions.

If the policy is going to be effective, it must be developed in consultation with key stakeholders: board members, players, coaches, administrators, officials, volunteers, families, and gay, lesbian, bisexual and transgender people associated with the club or team. Consultations can be conducted using discussion groups, interviews, questionnaires, briefing sessions or surveys.

The anti-discrimination policy should be adopted and endorsed by the most senior levels of the sporting organisation. The policy can be modelled on those developed by other organisations. For example, the following national bodies have developed and implemented these model policies:

Women's Golf Australia's
Incorporated Policies
Tel (03) 9690 9344
www.womensgolfaus.org.au/wga_policies.htm

Women's Cricket Australia's
Code of Conduct
Tel (03) 9654 1490
Email wcaus@bigpond.com

Softball Australia's Member Protection
Guidelines (2000)
Tel (03) 9729 5200

Australian Rugby Union's
Harassment Policy
Tel (02) 9956 3444
Email rugby@rugby.com.au

Surf Life Saving Australia's Procedures
for Dealing with Harassment
Tel (02) 9597 5588
Email info@slsa.asn.au.

The Australian Sports Commission has produced a model anti-harassment in sport policy. Organisations are encouraged to adapt this policy to suit their own sport, structure and other policies. Contact the Australian Sports Commission's Publications Unit for electronic or printed versions of the model policy (see the key contacts section at the end of this booklet for details).

State anti-discrimination and equal opportunity bodies also produce publications that will assist in putting such a policy together (see the key contacts section at the end of this booklet for details).

2. Apply the policy

Organisations can ensure that their anti-discrimination policy is applied by doing the following:

- ▶ encouraging the board and committees to take action about sexuality discrimination;
- ▶ publicising their anti-discrimination and anti-harassment policies and guidelines;
- ▶ reviewing their codes of conduct so that they reflect the aims and values of the anti-discrimination and anti-harassment policies (for example, including a statement that people representing a sporting organisation must treat everyone with respect at all times, regardless of their sex or sexual orientation);
- ▶ establishing clear procedures for handling disputes about harassment and discrimination issues; and
- ▶ keeping a record of complaints and allegations about sexuality issues to monitor and evaluate the organisation's performance in this area. This may also be useful if legal action is taken.

3. Implement a complaint mechanism

As stated in the previous section, sporting organisations are required to implement an effective and accessible internal complaints mechanism. The mechanism should balance fairly the rights of the complainant and the alleged harasser. It should also include options for informal and formal resolution of complaints. A good complaint procedure can:

- ▶ convey the message that the organisation takes harassment seriously,
- ▶ prevent escalation of a situation,
- ▶ ensure that complaints are dealt with consistently,
- ▶ reduce the likelihood of the involvement of external agencies, which can be time consuming, costly and damaging to the public image of the organisation,
- ▶ alert the organisation to the presence of unacceptable conduct and highlight the need for prevention strategies in particular areas, and

- ▶ reduce the risk of the organisation being held liable for harassment under anti-discrimination legislation.

4. Raise awareness

Anti-homophobia campaigns do not promote homosexuality. They aim to promote understanding and equity. Anti-discrimination policies send a clear, strong message that discrimination and harassment will not be tolerated. To raise awareness of these policies and foster support for them, sporting organisations may want to consider the following:

- ▶ organising a panel of gay, lesbian, bisexual and/or transgender sportspeople to talk to athletes, administrators, coaches, officials and parents about their backgrounds and experiences;
- ▶ conducting a discussion group, preferably with a trained facilitator, within a sport, at team, club or state level about sexuality issues. It is important that people are encouraged to talk about their concerns and that these are addressed in a non-judgmental environment;
- ▶ conducting training sessions for staff, coaches and officials on sexuality issues, particularly discrimination (to find an appropriate trainer or facilitator in your state or territory, or for your team, club or organisation, contact Caroline Symons on (03) 9218 3384 or by email at <caroline.symons@vu.edu.au>); and
- ▶ participating in the 'Homophobia: what are you scared of?' campaign. Contact the Lesbian and Gay Anti-Violence project (Sydney) about getting posters, stickers and other educational material (see the key contacts section at the end of this booklet for details).

Individual strategies

Individuals can also act to stop discrimination and harassment in sport by using some of these simple strategies:

- ▶ challenging those who make slurs, jokes or other comments or who do things that demean or attack people on the basis of their sexual orientation or their perceived sexual orientation;
- ▶ using inclusive language that does not assume all coaches or players are of the same sexual orientation (for example, inviting 'partners' to team social events);
- ▶ treating all athletes, coaches, officials and administrators fairly and respectfully regardless of their gender or sexual orientation; or
- ▶ being prepared in case they are asked questions by parents or the media about the sexual orientation of people in your team, club or organisation. For example, they could say:

'Sexuality isn't important. What is important is that the players fulfil requirements such as eating correctly, training, performing at their best and playing by the rules'.

'What matters is that athletes respect each other, are good sportspeople and work hard to be the best athletes they can be. I've found that an athlete's sexual orientation has little to do with these qualities.'

'Our organisation has a non-discrimination policy that covers sexual orientation. As a coach, I abide by that policy'.

Hypothetical situations and solutions

‘A few years ago I was playing in a volleyball competition on a team with other gay men. For the first year of our involvement in the competition sometimes the other team wouldn’t turn up. You can’t do anything about that; it’s quite insidious.’

Homophobia and sexuality discrimination can affect everyone in sport, whether they are heterosexual or homosexual, athlete or coach, employee or employer, player or parent.

There are lots of reasons why people have trouble dealing with the issue of homophobia and sexuality discrimination: they don’t know how to respond appropriately when situations arise, they are therefore unwilling to confront the issue and to speak about it, it’s hard to find resources and information about the issue, and many are intimidated by peer pressure and afraid of being thought to have a particular sexual orientation.

Below are some examples of situations that could arise in sport, and some suggestions about how they could be handled. These suggestions might be useful in a range of situations and across a range of sports.

Situation 1

Joanne is a level two accredited coach. She has coached for over ten years following the end of her own long, but unspectacular, career competing at state level. For the past five years she has been the official coach of her local women’s club and the state women’s team.

Two of Joanne’s athletes have achieved national selection in junior ranks. As a result of these performances, together with her experience, she has been appointed as the assistant team manager for the Australian under-16 team.

The team is to tour the USA for four weeks, but three weeks prior to the trip it becomes known to the national body that Joanne is a lesbian. She has carefully protected this aspect of her private life from public knowledge. A number of parents of the junior team members express concern that Joanne has been appointed the assistant team manager, and are calling for her sacking.

What could be done

These steps could be taken immediately to reduce the initial tension of the situation and help with resolving the problem:

- ▶ advise Joanne of the parents' concerns and ask her what she would like to do. Assure her that the organisation supports her completely; and
- ▶ call a meeting between an executive member or the head of the organisation and the parents, and deal with the parents' concerns by discussing the issue and focusing on the facts: Joanne is a very experienced, qualified and trusted coach; lesbians do not 'prey' and they don't 'convert' girls; all athletes, coaches and support staff must abide by a code of ethics/conduct; and the athletes and support personnel are happy and comfortable with Joanne, who is always professional.

These steps could be taken to ensure that this problem doesn't happen again:

- ▶ discuss the issue of sexuality, harassment and discrimination at team meetings. Ensure that everyone knows what behaviour is expected of them, and that harassing and discriminatory behaviour will not be condoned and will be disciplined.

Encourage people to be honest and discuss the issues and work through them. Use an outside 'facilitator' if necessary;

- ▶ ensure that codes of ethics and conduct for all involved in the sport (players, coaches, officials and administrators) are in place and are promoted and distributed widely;
- ▶ educate parents so that they're aware that a person's sexuality isn't the problem, people's attitudes are. A gay and lesbian rights group, Human Rights and Equal Opportunity Commission office or anti-discrimination board in your state can provide educational material (see the key contacts section at the end of this booklet for details); and
- ▶ have a plan for dealing with the media so that athletes and support staff know how to respond to media attempts to sensationalise the issue. This might include some suggested responses that staff could use, such as:

'Lesbians in our sport are not a problem—discrimination and prejudice are';

'The focus of this organisation is on how well Joanne is coaching and on the performance of her athletes, not on her sexual orientation'; and

'As an athlete, I just want to perform at my best: as a coach Joanne can help me achieve my best. Her sexual orientation has no impact on me or on how she does her job'.

Situation 2

Robert and Michael are full-time professional rugby players. They play for different teams in the highest grade of domestic competition. Robert and Michael are both homosexual and have been living together openly as a couple for the past two years. For the first time both players have been selected to represent Australia in the upcoming tour of the United Kingdom.

The tour will last for nine weeks and involve three test matches against England, together with a number of matches against Wales and Scotland. Girlfriends and wives are not permitted on tour. Robert and Michael have asked the team manager if they could share a room. All players and officials are required to share a room with another team member while on tour.

What could be done

Below are suggestions for ways of handling the situation:

- ▶ if there is no policy on room sharing, involve the team in the development of a policy. The policy might involve rotating sharing arrangements every few nights or at every new destination, or it might allow players to share with one person if they prefer it. It might include reference to whether partners are allowed on tour and, if so, whether they are allowed to stay in player's rooms;
- ▶ discuss the issue with the team: how do they feel about players, who happen to be partners, sharing a room; and

- ▶ if Robert and Michael are allowed to share a room, prepare management and players for questions from the media. These are some suggestions for responses to media questions:

'We value diversity. Robert and Michael are valued members of the team';

'Yes, we have gay players on the team. It is not an issue for us—is it an issue for you?';

'We are concerned with the team's performance on the field, not with their sleeping arrangements'; and

'Sport mirrors society. Just as there are gay people in all walks of life, so there are gay people in our sport'.

Situation 3

A heterosexual male athlete failed to gain selection on a national men's team. He believed this was because he was heterosexual (the majority of the men selected were gays and bisexuals). He complained to selectors and then to the media about what he saw as his unfair treatment. As a result, the sport received a lot of negative media coverage.

What could be done

These are some suggestions for dealing with this situation:

- ▶ ensure the complaint is taken seriously and establish what outcome the athlete (complainant) wants.
- ▶ if the complainant wants an investigation, establish a panel to do so and ensure that at least one member has expertise in discrimination issues;

- ▶ arrange for (separate) counselling of the complainant and the rest of the team to ensure that all players are aware that action is being taken and so that they do not publicly speculate on the outcome of the inquiry or on actions that the administrators may decide to take;
- ▶ ensure that the governing body of the sport has to implement the recommendations of the inquiry; and
- ▶ inform all parties involved of the outcome and provide advice about the right to appeal.

These steps could be taken to ensure that this doesn't happen again:

- ▶ establish clear procedures for selection, appeals and other grievances associated with discrimination and harassment;
- ▶ appoint a harassment contact officer (or similar) to be the first point of call for any complaints;
- ▶ appoint a harassment complaints officer (or similar) to mediate and/or adjudicate claims of discrimination or harassment;
- ▶ ensure that there is a code of conduct/ethics for players, officials and management and that everyone signs an agreement to comply with the code;
- ▶ ensure that state bodies adopt the national code or draw up their own codes; and
- ▶ hold a media conference to launch the code, to counter any negative publicity, and to demonstrate that the issue has been resolved.

Situation 4

New team uniforms are body-hugging, revealing and designed to present a more 'feminine and heterosexual' image for the sport. This makes many players, heterosexual and lesbian, uncomfortable.

What could be done

These are some suggestions about ways to resolve the situation:

- ▶ ensure that management discusses any changes of uniform with the players and that all players have the opportunity to voice their opinions without reprisal from management or other athletes;
- ▶ find out what everyone in the sport thinks about options for new uniforms. Even though the uniforms are only worn by national representatives, the decision has repercussions for others (refer to *Using Sex to Promote Women's Sport: Issues and Recommendations* available from the Australian Sports Commission Publications Unit or on the Active Australia website at <www.activeaustralia.org/women>); and
- ▶ look at the advantages and disadvantages of changing the uniform design and talk about this with the players.

Situation 5

The team doctor of a national women's team is believed to be a lesbian. On an international tour the players are reluctant to consult her for their medical needs and constantly harass her (insulting notes pushed under her door and insulting comments and jokes made when she is in earshot). When the team returns, the doctor makes a complaint to the organisation, which is ignored. The organisation tells her that the players were only joking.

What could be done

These are some suggestions for resolving the situation:

- ▶ ensure the complaint is taken seriously and handled confidentially and impartially. Establish which outcome the team doctor (complainant) wants (this can be done at an informal level);
 - ▶ if the matter is not resolved, encourage the complainant to make a formal complaint in writing about the situation to the organisation (preferably to the complaints officer, if the organisation has one);
 - ▶ the complaints officer (or other person appointed by the organisation) should attempt to resolve the situation by mediation, unless this has already been attempted without success or is clearly not appropriate in the circumstances;
 - ▶ if mediation fails or is not feasible, conduct a fair and impartial investigation and take appropriate action to resolve the situation;
- ▶ if the investigation and action do not achieve a satisfactory outcome for the complainant, or if the complainant believes that it would be impossible to get an impartial investigation within the organisation, she may choose to use complaint procedures external to her sport;
 - ▶ conduct an open and honest team information session at which ethical and other issues and concerns are discussed, before any team goes on tour. As in situation 1, ensure that people have all the necessary facts, and don't deal in myths and inaccurate stereotypes; and
 - ▶ ensure that anti-harassment policies are in place and that a code of conduct is developed and agreed to by all players, support personnel and management.

Why bother?

‘We’re kidding ourselves if we say that being a lesbian isn’t an issue, that no-one needs to know. There’s a huge difference in just the way you breathe and feel and look at the world if you feel you’re going to get attacked.’

Because sexuality discrimination can be a difficult issue for a lot of people to come to terms with, many organisations and individuals will be inclined to avoid it if they can. However, if they do, they can be sure that someone, somewhere in their sport, will be affected, and possibly severely disadvantaged. A sports environment that allows everyone to participate equally and without discrimination benefits everyone. By preventing discrimination and harassment both individuals and organisations will be:

- ▶ ensuring that the best athletes are attracted and retained;
- ▶ encouraging more people to become involved in sport and recreation;
- ▶ providing positive models for *all* sportspeople who want to join the sport;
- ▶ providing an open and accessible sporting environment;
- ▶ providing a social environment that is relaxed, enjoyable and free of fear and hostility;
- ▶ ensuring that athletes perform better and do not have to fear what could happen if they reveal their sexual orientation;
- ▶ avoiding the possibility of anti-discrimination cases that are costly and damaging to an organisation’s reputation; and

- ▶ avoiding the indirect costs of harassment that include low productivity, high turnover of staff and volunteers, high levels of stress and diminished performances.

Another benefit for organisations or individuals of dealing with homophobia and sexuality discrimination effectively is a potential increase in sponsorship. Many sponsors are proud to announce that they do not discriminate against any sector of the community, and sporting organisations can do the same. Here are some good examples.

'It's her private life. We'd rather sponsor an athlete with a personality who represents something than someone who has nothing to say.'

Spokesperson for Nike, corporate sponsor of Amelia Mauresmo, openly lesbian tennis player on the international circuit

'We were pleased to receive advice that Sydney would be submitting a bid for the Gay Games in 2002 and is very supportive of same. Sport is a great means of fostering high self-esteem and personal growth for athletes of all ages. The principles of the Gay Games, which include inclusion and participation, encapsulate these most important aspects.'

State sporting association response to a request for funding for the 2002 Gay Games

'We see the gay and lesbian community as a great vehicle to work with because they're very loyal and a very targeted audience for the brand. We support all members of the community; we don't discriminate.'

Spokesperson for Pepsi Australia, sponsor of the Gay & Lesbian Mardi Gras, including the Team Sydney Mardi Gras Sports Festival

'They're a great team. Sexuality doesn't come into it; they're a great bunch of athletes.'

Spokesperson for Telstra, sponsor of the Australian women's hockey team

'We've been a proud sponsor of Mardi Gras for more than five years now. We don't discriminate against any sector of the community.'

Spokesperson for Tooheys, sponsors of the Sydney Gay & Lesbian Mardi Gras

Further reading

Australian Sports Commission (1998) *Harassment-free Sport: Guidelines for Sport and Recreation Organisations*. Canberra: Australian Sports Commission.

Australian Sports Commission (2000) *Transgenders in Sport* (on the Active Australia website, at www.activeaustralia.org follow prompts: target populations, women and girls, topics and issues). Canberra: Australian Sports Commission.

Australian Sports Commission (2000) *Using Sex to Promote Women's Sport: Issues and Recommendations* (also available on the Active Australia website, at www.activeaustralia.org follow same prompts as above). Canberra: Australian Sports Commission.

Comben, Lisa (1996) Transgender issues in sport: problems, solutions and the future. Research paper submitted for master of laws, University of Melbourne (contact Women's Golf Australia for more information, tel (03) 960 9344).

Equal Opportunity Commission and Sport and Recreation Victoria (1998) *Playing Fair: Guidelines for Tackling Discrimination in Sport*. Melbourne: Sport and Recreation Victoria.

Griffin, Pat (1998) *Strong Women, Deep Closets: Lesbians and Homophobia in Sport*. Illinois, USA: Human Kinetics.

HIV and Sports (1994) A joint bulletin prepared by the Australian National Council on AIDS (ANCA) and the Australian Sports Medicine Federation (ASMF). Canberra: ANCA and ASMF

Women's Golf Australia, Women's Golf Australia incorporated policies. Unpublished document (available from Women's Golf Australia, tel (03) 9690 9344 or from the website www.womensgolfaus.org.au/wga_policies.htm).

Key contacts

National/federal

Australian Sports Commission
Sports Development Group
PO Box 176
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Tel (02) 6214 1960
www.activeaustralia.org

Australian Sports Commission
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Australian Capital Territory

ACT Human Rights Office
3rd Floor GIO House
City Walk
CANBERRA ACT 2600
Tel (02) 6207 0576

New South Wales

NSW Anti-Discrimination Board
Level 4, Australia Council Building
181 Lawson Street
REDFERN NSW 2016
Tel (02) 9318 5400
Toll-free tel 1800 670 812

Lesbian and Gay Anti-Violence Project (Sydney)
Tel (02) 9360 6687
Toll-free tel 1800 637 360
Website www.kbdnet.net.au/avp

Gay and Lesbian Rights Lobby
Tel (02) 9360 6650
Email grrl@rainbow.net.au
Website www.rainbow.net.au/~grrl/

AIDSline
Toll-free tel 1800 451 600

Queensland

Anti-Discrimination Commission Queensland
Level 2, State Law Building
50 Ann Street
BRISBANE QLD 4000
Tel (07) 3239 3365
Toll-free tel 1300 130 670

Queensland Association for Gay and Lesbian Rights
Website <http://qaglr.queer.org.au/link.html>

AIDSline
Toll-free tel 1800 133 392

Western Australia

Western Australia Commissioner for Equal Opportunity
2nd Floor, Westralia Square
141 St George's Terrace
PERTH WA 6000
Tel (09) 9267 1930

Gay and Lesbian Equality (WA)
Email galewa@galewa.queer.org.au

AIDSline
Tel (08) 9429 9944

Tasmania

Tasmanian Human Rights and Equal Opportunity
Commission
Suite 4, Ground Floor
City Mall
11-13 Morrison Street
HOBART TAS 7000
Tel (03) 6234 3599

Tasmanian Gay and Lesbian Rights Lobby
Website
<http://www.tased.edu.au/tasonline/tasqueer>

AIDS Information Line
Tel (03) 6224 1034

Northern Territory

Northern Territory Human Rights and Equal
Opportunity Commission
1st Floor, TCG Centre
80 Mitchell Street
DARWIN NT 0800
Tel (08) 8981 9111

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Toll-free tel 1800 880 899

South Australia

South Australian Equal Opportunity Commission
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Tel (08) 8207 1977
Toll-free tel 1800 188 163

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Victorian Gay and Lesbian Rights Lobby
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AIDSline
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