



**AUSTRALIAN RUGBY UNION LIMITED**

**(ACN 002 898 544)**

**Inclusion Policy**

**Date of Publication: 25 August 2014**

## REVIEW HISTORY OF ARU INCLUSION POLICY

VERSION NUMBER	DATE REVIEWED	CONTENTS	COMMENTS
1	25 AUGUST 2014	NEW POLICY	APPROVED BY ARU BOARD

## 1. CEO Statement – Australian Rugby and Inclusion:

- 1.1 The universal values of Rugby unite our sport and help us build an inclusive culture for the men, women, boys and girls across Australia who play or are involved in our game at all levels – from grass-roots to the elite. As a game, we take pride in living the following values on and off the field:
  - (a) PASSION – for our game
  - (b) INTEGRITY – underpinning our actions
  - (c) DISCIPLINE – of purpose
  - (d) RESPECT – for the game and each other
  - (e) TEAMWORK – uniting us both on and off the field
- 1.2 These values define how we behave as individuals and as a sporting code. They guide all of our decisions and the way in which we interact with each other, the Rugby community and the Australian public.
- 1.3 As an organisation, the ARU’s vision is to ignite passion, build character and create an inclusive Australian Rugby community. Our vision can only be achieved if our game is one where every individual participant, whether a player, official, volunteer, supporter or administrator feels safe, welcome and included.
- 1.4 ARU recognises that both intentional and unintentional homophobic behaviour exists within society in Australia, and that this can have adverse and potentially significant consequences for some individuals and our game.
- 1.5 Sometimes these consequences mean that individuals who want to play Rugby or be involved in our game, feel excluded and as a result cease their involvement or even hide their sexuality. In some cases, individuals who continue playing may be subjected to homophobic language or actions and are needlessly and wrongfully subjected to discrimination, thus reducing their enjoyment of Rugby. These outcomes are unacceptable and unwelcome in our game.
- 1.6 ARU’s policy on inclusion is simple: Rugby has and must continue to be a sport where players, officials, volunteers, supporters and administrators have the right and freedom to participate regardless of gender, sexual orientation, race or religion and without fear of exclusion. There is no place for homophobia or any form of discrimination in our game and our actions and words both on and off the field must reflect this.
- 1.7 The overriding objective of this Policy is to make our position on inclusion clear. By doing so, we are signalling our commitment, as the governing body of Rugby Union in Australia, to make a stand to eradicate discrimination in all forms, including harassment and bullying toward gay, lesbian and bisexual people, individually and collectively with other sports codes.

- 1.8 While this Policy has a focus on homophobia and makes specific reference to gay, lesbian and bisexual people, the overarching principles and intention of the policy is to make a positive statement on the importance of inclusion for all, and the importance of eliminating all forms of discrimination in our game.
- 1.9 The Policy aims to do this through the implementation of six pillars, each of which makes a unique and important contribution toward the overall objective of eradicating discrimination, harassment and bullying on the basis of sexuality or expression of gender, from Rugby. The ARU sees the implementation of each pillar as integral to ensuring that the Policy achieves the overriding objective.
- 1.10 ARU will commence implementing the six pillars and action items from the date of publication in order for the Policy to be effective from 1 January 2015 and in place for the 2015 Rugby season.

## 2. Background to the Policy

- 2.1 This Policy has been developed in consultation with the Rugby Union Players' Association, Australian Sports Commission, Australian Human Rights Commission and the organisers of the 2014 Bingham Cup. The ARU intends for this Policy to develop and be refined through ongoing consultation and guidance from these parties, our Inclusion Committee (see Pillar 4 below) and feedback from external stakeholders and interested parties.

## 3. Who this Policy applies To

- 3.1 In line with the ARU's Member Protection Policy, this Policy applies to the following, whether they are in a paid or unpaid/voluntary capacity:
- (a) Individuals sitting on boards, committees and sub-committees;
  - (b) Employees and volunteers;
  - (c) Support personnel, including but not limited to, managers, physiotherapists, psychologists, masseurs and trainers;
  - (d) Coaches and assistant coaches;
  - (e) Athletes and players;
  - (f) Referees and other officials;
  - (g) Members, including life members;
  - (h) Member Unions;
  - (i) Affiliated Unions and associated organisations;
  - (j) Rugby Bodies;

- (k) Any other person or organisation that is a member of or affiliated to any Rugby Body;
  - (l) Parents, guardians, spectators and sponsors to the full extent that is possible.
- 3.2 This Policy will continue to apply to a person even after they have stopped their association or employment with the Rugby Body if disciplinary action has commenced.

## 4. Discrimination and a positive environment.

- 4.1 ARU accepts that both direct and indirect discrimination exists in society. That discrimination can be either overt or subtle.
- 4.2 ARU is committed to doing more to remove all forms of discrimination from our game. Indeed, we want to ensure that a positive environment exists in which gay, lesbian and bisexual participants – and any other people who may experience discrimination – are able to enjoy the full benefits of participation in our game and feel welcomed and respected for who they are.
- 4.3 ARU’s plan to create an environment that supports and encourages gay, lesbian and bisexual participant involvement in Rugby goes further than just the elimination of direct and indirect discrimination.
- 4.4 ARU is committed to doing more to positively promote a culture of respect and inclusion for gay, lesbian and bisexual participants, rather than just challenging negative behaviours like homophobia and to break down the barriers which may operate to prevent participation in our game. With this Policy, the ARU is seeking to avoid any cultural attitudes or actions that may have developed within any aspect of our game which, while not necessarily being overt, might create an unwelcoming environment for gay, lesbian or bisexual participants and promote silence and invisibility.

## 5. Interaction with other laws and policies

- 5.1 The Policy does not lessen the rights of people to take action in the face of discrimination under Federal or State and Territory legislation, nor under the IRB Regulations, the ARU Member Protection Policy or the ARU Code of Conduct.
- 5.2 The IRB Regulations, ARU Member Protection Policy and ARU Code of Conduct will continue to regulate the behaviour of Members. Following the commencement of this Policy, a person who believes that they are a victim of discrimination will continue to have the right to make a complaint in accordance with the ARU Member Protection Policy.

## 6. The Policy’s Pillars

- 6.1 The pillars of this Policy are fundamental to achieving the ARU's overriding objective in relation to the:
- (a) eradication of homophobic actions, discrimination, abuse, bullying, or harassment on the basis of actual or perceived sexual orientation from Rugby; and
  - (b) development of an environment within Rugby which encourages gay, lesbian and bisexual participation.
- 6.2 The ARU commits to implementing each pillar by identifying relevant action items that are set out in the tables relevant to each pillar and then implementing those action items. From time to time, additional action items may be included.
- 6.3 The implementation of each pillar will aid the ARU in achieving the overriding objective of removing discrimination from Rugby and ensuring a positive environment for the involvement of gay, lesbian and bisexual people in all facets of our game.
- 6.4 The pillars, their aims, and the relevant action items are set out below:

### Pillar 1: Dissemination and training

**AIM:** The aim of this pillar is to ensure the dissemination and implementation of the Policy to all people covered by it, and the inclusion of programs relevant to diversity and homophobia into training programs offered to players, coaches, referees and other administrators.

#	Description of action item	Due date and outcome
1.	Use existing communication channels to provide for the dissemination of the Policy to all Members.	By 30 January 2015
2.	Work with the Australian Sports Commission and other major codes to develop training material in respect of the Policy.	Ongoing
3.	Ensure the ARU Member Protection Policy is updated to include reference to this Policy.	By 30 June 2015

### Pillar 2: Sanctions and reporting

**AIM:** The aim of this pillar is to ensure that incidences of homophobic actions, abuse, bullying and discrimination or discrimination or harassment on the basis of sexuality or the expression of gender in Rugby are properly recorded, that the ARU reports annually on them and continues to encourage gay, lesbian and bisexual participation in Rugby.

#	Description of action item	Due date and outcome
1.	Collate statistics through Member Unions on the number and type of complaints within Rugby relating to homophobic actions, abuse or bullying, or discrimination or harassment on the basis of sexuality or the expression of gender.	Ongoing
2.	Report in the ARU's Annual Report or in a separate publication (which is accessible to the public) on the statistics collated through action item 2.1.	By 31 May annually
3.	Consult with the Australian Human Rights Commission and Australian Sports Commission to ensure best practice is in place through the Member Protection Policy for dealing with complaints regarding homophobic actions, abuse or bullying, or discrimination or harassment on the basis of sexuality or the expression of gender.	Ongoing

### Pillar 3: Implementation by Member Unions

**AIM:** The aim of this pillar is to ensure that each Member Union implements those aspects of the Policy required of it and is supportive of the ongoing promotion and implementation of the Policy by the ARU.

#	Description of action item	Due date and outcome
1.	Ensure that Member Unions are briefed on the contents and implementation of the Policy.	By 30 January 2015
2.	Ensure that Member Unions are briefed in relation to any updates to the Policy.	Ongoing

### Pillar 4: Review and Responsibility

**AIM:** The aim of this pillar is to ensure oversight of the policy by an Inclusion Committee to ensure the ARU maintains, implements, and proactively manages the Policy.

#	Description of Action Item	Due Date and Outcome
1.	ARU to establish an Inclusion Committee to oversee the implementation of the Policy.  While ARU is responsible for determining membership of the Inclusion Committee, it should consist of no less than	By 30 January 2015

	<p>three persons and include representatives from:</p> <ul style="list-style-type: none"> <li>• the ARU or Member Union (including a players' representative, if possible);</li> <li>• the Australian Human Rights Commission or Australian Sports Commission;</li> <li>• if possible, an Australian gay, lesbian and bisexual community organisation.</li> </ul>	
2.	At least two committee meetings held each calendar year.	Ongoing
3.	Annual review of the Policy by the Inclusion Committee.	By 30 June annually
4.	As required, Inclusion Committee to make recommendations to the ARU regarding amendments to the Policy for consistency with latest documentation, statistics and/or research regarding inclusion and anti-homophobia.	Ongoing

## Pillar 5: Leadership

**AIM:** The aim of this pillar is to make the Policy known to all those organisations and people covered by it, and to ensure it is widely acknowledged and celebrated as a positive, enduring document within Rugby and in the broader community including the gay, lesbian and bisexual communities.

#	Description of action item	Due date and outcome
1.	Work with the Australian Human Rights Commission or similar human rights bodies, the Australian Sports Commission and/or other sports where appropriate, to develop joint-initiatives that promote the elimination of homophobic actions, abuse or bullying, or discrimination or harassment on the basis of sexuality or the expression of gender from Rugby and the promotion of the Policy throughout the wider community.	Ongoing
2.	Identify and appoint a Rugby ambassador to promote the Policy and its key messages.	1 March 2015

## Pillar 6: Partnership

**AIM:** The aim of this pillar is for the ARU to develop strong and enduring relationships with gay, lesbian and bisexual community organisations to promote gay, lesbian and bisexual involvement in Rugby.

Description of action item		Due date and outcome
1.	Develop partnerships with gay, lesbian and bisexual organisations, human rights organisations, and/or organisations such as the Australian Human Rights Commission, the Australian Sports Commission and/or State and Territory governments, to promote the Policy throughout gay, lesbian and bisexual communities, within Rugby, and throughout the wider community.	Ongoing

## 7. Terms

*This clause sets out the meaning of words used in this Policy without limiting the ordinary and natural meaning of the words. For the avoidance of doubt, words that are not described below should be read in the context of their ordinary meaning.*

**Affiliated Union** means Australian Junior Rugby Football Union Ltd., Australian Rugby Football Schools Union Inc., Australian Services Rugby Union, Australian Universities Rugby Union, Australian Barbarian Rugby Club Inc., Australian Women’s Rugby Football Union, Classic Wallabies Inc., and New South Wales Country Rugby Union Ltd or any other Union in affiliation with the ARU.

**ARU** means Australian Rugby Union Limited.

**bisexual** means a person who is attracted to both women and men.

**bullying** means the repeated and intentional use of words or actions against someone or a group of people to cause distress and risk to their wellbeing. These actions are usually done by people who have more influence or power over someone else, or who want to make someone else feel less powerful or helpless. Bullying can involve humiliation, intimidation, domination or victimisation.

**discrimination** means treating or proposing to treat someone less favourably than someone else because of a particular characteristic in the same or similar circumstances. The characteristics covered by discrimination law across Australia are:

- Age;
- Disability;
- Family/carer responsibilities;

- Gender identity/transgender status;
- Homosexuality and sexual orientation;
- Irrelevant medical record;
- Irrelevant criminal record;
- Political belief/activity;
- Pregnancy and breastfeeding;
- Race;
- Religious belief/activity;
- Sex or gender;
- Social origin;
- Trade union membership/activity.

Some States and Territories include additional characteristics such as physical features

- **direct discrimination** means treating someone less favourably than another person in the same or similar circumstances because of a particular characteristic. For example, a sports coach, who is lesbian, 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 sexual orientation and that is why she did not get the job.
- **indirect discrimination** is the imposition of an unreasonable requirement, condition or practice that is the same for everyone, but which has an unequal or disproportionate effect on individuals or groups with particular characteristics.

**gay** refers to men who have a primary sexual and romantic attraction to men, but is also often used to refer to woman who have a primary sexual and romantic attraction to women.

**harassment** means any type of behaviour that the other person does not want and does not return and that is offensive, abusive, belittling or threatening in circumstances where the behaviour is unwelcome and of a type that a reasonable person would recognise as being unwelcome and likely to cause the recipient to feel offended, humiliated or intimidated.

**homophobia** refers to the irrational fear or hatred of, or aversion to, people who are homosexual (gay or lesbian), or who are perceived to be homosexual. Homophobia can operate at a range of levels, including: (1) institutional (policies or procedures that discriminate), (2) interpersonal (through people's actions and the way they treat

other people) and (3) internalised (where a person feels ashamed of who they are and less worthy because they are gay or lesbian or same-sex attracted).

**lesbian** refers to women who have a primary sexual and romantic attraction to women.

**Member** means a player (including an amateur or non-contract player), a referee, touch judge or other match official, a selector, coach, trainer, manager or other team official, or an individual involved in the organisation, administration or promotion of Rugby including a director, other officer or employee of a Rugby Body.

**Member Union** means New South Wales Rugby Union Limited, Queensland Rugby Union Limited, Australian Capital Territory and Southern New South Wales Rugby Union Limited, Victorian Rugby Union Inc., South Australian Rugby Union Limited, Western Australian Rugby Union Inc., Tasmanian Rugby Union Inc. and Northern Territory Rugby Union Inc.

**officer** means a director, other officer or employee of the ARU.

**Rugby Body** means the ARU, any Member Union or Affiliated Union of the ARU, or any Rugby Union, club or other body in membership with or affiliated to a Member Union or Affiliated Union.

**sexual orientation** refers to sexual attraction, behaviour and identity. Whilst these three concepts, which are constitutive of sexual orientation, are related, insofar as a person's attraction will inform a person's behaviour or practices, and subsequently identity, they do not always necessarily operate congruently across place and time.