

# **Australian Education Union**

## **Sexual Orientation, Gender Identity and Intersex Policy**

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## Sexual Orientation, Gender Identity and Intersex Policy

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# Australian Education Union

## Sexual Orientation, Gender Identity and Intersex Policy

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### 1. Introduction

The Australian Education Union is committed to protecting the industrial and professional and civil rights of its members and the rights of all Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTIQ) people throughout the world. Discriminatory practices based on someone's sex, sexuality and/or gender identification such as homophobia, biphobia, transphobia, heterosexism, and monosexism, are infringements of members' rights and as such are to be challenged and eliminated. Every person has the right to identify, or not identify themselves in a chosen way regarding their own sex, sexuality and gender.

### 2. Definitions

- 2.1. **Homophobia** Refers to fear or intolerance of people who identify as lesbian, gay, bisexual or same sex attracted. This can commonly be expressed through hostility, verbal and physical abuse, and/or discrimination. Homophobia can be expressed by individuals, groups and in institutional policy in a variety of education settings as well as public and private spaces. It may affect education workers, students or parents.
- 2.2. **Transphobia** refers to fear or intolerance of people who identify as transgender, gender diverse or do not conform to traditional gender norms. This can commonly be expressed through hostility, verbal and physical abuse, and/or discrimination. Transphobia can be expressed by individuals, groups and in institutional policy in a variety of education settings as well as public and private spaces. It may affect education workers, students or parents.
- 2.3. **Heterosexism** describes the assumption that everyone is, or should be, heterosexual and that other types of sexuality or gender identity are unhealthy, unnatural or not as good as heterosexuality. Heterosexism can include homophobic and/or transphobic discrimination.
- 2.4. **Intersex** is a congenital variation of physical traits which originate from naturally occurring genetic, chromosomal or hormonal variations. Intersex people may be neither male nor female, a combination of male and female or where an individual may not be wholly male or female.
- 2.5. **Biphobia** refers to fear or intolerance of people who identify as bisexual. This can commonly be expressed through hostility, verbal and physical abuse, and/or discrimination.

- 2.6. **Monosexism** describes the belief that Bisexuality does not exist and that all people love and are attracted to only one gender. Taking for granted the sexual dichotomy inherent in modern Western culture. Monosexism is exhibited by the pressure that Bisexuals experience to identify as either heterosexual or homosexual.

### **3. Discrimination Based on Actual or Perceived Sex, Sexual Orientation and/or Gender Identification**

- 3.1. The main focus of discrimination against LGBTIQ people is based on the related phenomena – homophobia, biphobia, transphobia, heterosexism and monosexism.

Homophobia, biphobia and transphobia impacts on the health and well-being of people of diverse sex, sexuality and gender people and their families and friends in many ways. Research suggests that homophobia both increases risks associated with a range of health problems as well as risks associated with social exclusion and isolation which, in turn, limits opportunities and abilities of people of diverse sex, sexuality and gender to form social, personal and intimate relationships.

Homophobia may also have an impact on an individual's academic participation and performance as well as influence professional relationships. Homophobia, biphobia and transphobia is often unthinking, that is not conscious or intentional. In schools, for example, it can be manifest in assumptions that all students and all staff are heterosexual, or an expectation that the parents/guardians of a student will be a male and a female.

- 3.2. The AEU through its branches and associated bodies will develop strategies to counter the effects of discrimination based diverse sex, sexualities and genders at three levels:

#### **3.2.1. Institutional**

##### Governments

As a matter of urgency we call on the Federal and State Governments to ensure their discrimination laws cover all aspects of law relating to LGBTIQ people. These must include laws on marriage, IVF, adoption, and age of consent. Because most states and territories have laws on age of consent which are different for same sex attracted individuals, the message being delivered to young LGBTIQ people is that they are not equal.

All states and territories should ensure that they have Police Gay and Lesbian Liaison Officers (GLLO) who can be used as positive resources for schools and colleges.

### Departments and Other Educational Authorities

Departments of Education and other educational authorities in each state/territory must ensure they have clear policies relating to LGBTIQ workers and students and these are up-to-date and implemented. Under no circumstances should they be left only to be used when addressing occasional incidents or when a teacher shows an interest.

All staff must be in-serviced on inclusive practises and the impacts of discrimination on LGBTIQ people.

The unacceptability of homophobia, biphobia, transphobia, heterosexism and monosexism must be included in the codes of conduct of departments, schools and colleges.

All students must have the opportunity to maximise their learning potential, regardless of sex, sexual orientation and/or preferred gender identity.

Inclusion of days to recognise and celebrate people of diverse sex, sexuality and gender should be incorporated into Departmental calendars. Examples include IDAHO Day and Wear It Purple Day.

### Educational Community, Parents and Caregivers

They have the right to expect that neither they nor their children will be discriminated against on the basis of sex, sexuality and gender identification.

Schools need to raise the issue of these phobias with the local parent organisation.

The AEU and its Branches and Associated Bodies will communicate with the appropriate federal and state parent organisations and PFLAG (Parents and Friends of Lesbians and Gays).

### Religious Institutions and Community Groups

While some groups and their members are to be commended for their positive and humanist approach to LGBTIQ issues others are to be condemned for their discriminatory attitudes and approaches. The AEU calls on all such groups to take a positive humanist approach to LGBTIQ issues.

### Unions

The AEU will work closely with the ACTU and affiliated state bodies to ensure all unions have anti-discrimination policies on LGBTIQ issues.

### 3.2.2. Educational Settings

Educational Institutions must develop and implement strategies to counter discrimination based on diverse sex, sexuality and gender including homophobia, biphobia, transphobia, heterosexism and monosexism. The use of language is important. When teaching, gender neutral terms must be used e.g. partner instead of boyfriend or girlfriend.

Educational Institutions should affirm diversity. As with sexism and racism, homophobic, biphobic and transphobic remarks or actions should never pass without comment.

National and state based anti-bullying programs must make explicit the nature of homophobic, biphobic, transphobic bullying and its unacceptability.

Educational Institutions have an obligation to maximise learning potential, regardless of sex, sexual orientation and/or gender identity and to ensure that the support and facilities to support all students are provided.

#### Technology

Educational workers must be aware of the increasing use of technology, particularly personal computers and mobile phones, to vilify teachers and students.

Educational Institutions must set in place policy and processes to deal with such practices, including the use of social media.

Students and staff should be able to access appropriate LGBTIQ educational and counselling websites.

#### Curriculum

All curriculum should be written in inclusive language. Sexuality should be included in all curriculum relating to health and personal development. Diverse sex, sexuality and genders need to be normalised and all states and territories need to develop material which will help to combat homophobia, biphobia and transphobia. Material must be developed for students who are LGBTIQ and also Aboriginal and Torres Strait Islanders or from a non-English speaking background.

## 4. Employment Issues

### 4.1. Elimination of Discrimination in Employment

4.1.1. The AEU asserts that all members have the same employment rights and conditions regardless of their sexual orientation and/or preferred gender identity. These employment rights include:

- leave
- recruitment
- appointment
- promotion
- transfer
- superannuation
- health and welfare
- ongoing employment

and must be inclusive and free of discrimination. LGBTIQ members must be supported professionally and personally at the school level to the same extent as any other member.

4.1.2. The AEU recognises that LGBTIQ members have family responsibilities and as such should have access to all leave and conditions applicable to workers with family responsibilities including:

- IVF;
- paid maternity or partner leave in relation to the birth or adoption of a child, or where the employee becomes the legal parent under a surrogacy arrangement, legal guardian of a child or primary care giver of a child;
- extended family leave for the purpose of child rearing; and
- carer's leave for the purpose of care and support for an immediate family or household member who is sick or injured.

4.1.3. The AEU supports the provision of paid leave for the purpose of Gender Confirmation procedures.

4.1.4. Full job security and the right to return to work after such periods of leave must be a condition of the leave provisions outlined above. All members returning after longer periods of leave should have access to refresher courses and in-service education.

## **5. Lesbian, Gay, Bisexual, Transgender and Intersex People in Education**

### Elimination of Discrimination in Education

The AEU supports the allocation of adequate levels of resources by the Federal Government and State and Territory Governments to eliminate all discrimination in education. In particular, it seeks to ensure that discrimination on the basis of sex, sexuality and preferred gender identity is eradicated. In order to achieve positive change, the AEU will cooperate in and facilitate where appropriate, research of parent, teacher, student, community and employer attitudes on sex-role stereotyping in the context of the development and implementation of policy and curricula.

Resources should be allocated by State and Territory Governments for the establishment of and/or the maintenance of non-discriminatory resource centres and programs which would provide appropriate and relevant material for in-service programs and/or for the development of, and inclusion in, curriculum.

## **6. Vocational Education**

The AEU supports the provision of non-discriminatory, inclusive and non-stereotypical vocational education guidance for all students. Vocational guidance and education should be carried out in the context of a total life composed of work and leisure and information on sexual diversity and preferred gender identity as an integral part of such guidance and education. In particular it stresses the need for vocational education to:

- i) Ensure that all participants of vocational education are given opportunities to be educated in work related training in preparation for participation in workplaces, and that the training provided is focussed on student interest and capability rather than sex, sexual orientation and/or preferred gender identity.
- ii) Ensure that students are educated as to the rights and support group mechanisms available to LGBTIQ workers who might face discrimination (either in seeking employment or in the workplace itself) on the grounds of sexual diversity and/or preferred gender identity.
- iii) Provide students with an understanding of the responsibilities of employers and the legal limitations on employers' actions in regard to matters of sex, sexuality and/or preferred gender identity and sexual harassment.
- iv) The AEU stresses the need for vocational education and workplace education teachers and others involved in advisory roles to be fully familiar with Work Health and Safety legislation, the rights of, and support mechanisms for, LGBTIQ students and workers.

## **7. Inclusive Curriculum and Educational Practices**

The AEU recognises that inclusive curriculum development and practices provides positive educational experiences for people of diverse sex, sexuality and gender.

- 7.1. The AEU acknowledges and supports the National Safe Schools Framework and associated initiatives such as the Safe Schools Coalition Australia.
- 7.2. The AEU believes that national curriculum and programs should be inclusive and supportive of gender identity and sexual diversity. Historically LGBTIQ perspectives were generally contained within the delivery of the Health and Physical Curriculum as Sex Education. Currently, LGBTIQ perspectives within curriculum delivery is nationally supported by inclusion strategies and legislation, i.e. Equal Opportunity legislation
- 7.3. The AEU believes that discrimination faced by students, teachers and families based on sex, sexuality or gender impacts the health and wellbeing of those individuals, their families and friends and as such can have serious implications for the economic independence and wellbeing of these individuals. The AEU Branches and Associated Bodies are encouraged to foster respectful relationships and inclusive practices and:
  - 7.3.1. Provide in-service education as part of annual training programs available to all members, which deal with LGBTIQ issues and education
  - 7.3.2. Promote, where possible, inclusive curriculum and educational practises within the teaching service and among school communities.
- 7.4. The AEU believes that educational settings should create a culture of support and inclusivity, supported by their state and territory governments, and considers that:
  - 7.4.1. Schools and educational settings should adopt clear policies (specific to homophobic bullying) that are well publicised and allocate adequate resourcing to ensure that they effectively address homophobia, biphobia and transphobia, thereby making a major contribution to the health, safety and wellbeing of students, teachers and their families
  - 7.4.2. Counselling and support to LGBTIQ people in schools and educational settings should be provided by people who are trained to receive and work with a disclosure about sexual orientation or gender identity in a positive and constructive manner.
  - 7.4.3. Inclusive teaching, learning and support materials should be available throughout the early childhood and primary school curriculum, as well as in all secondary and tertiary years of education.
  - 7.4.4. Teachers should receive pre-service and in-service training on LGBTIQ issues, how to create and deliver an inclusive curriculum and how to effectively address homophobia and transphobia in educational settings.

## 7.5. Health Education Classes and Lessons

The AEU believes that comprehensive health education programs should be available on an ongoing basis to all early childhood, primary, secondary and tertiary students and considers that:

- 7.5.1. Comprehensive health education programs must be taught as part of national education curricula (which specifically includes areas such as safety, environmental, consumer and mental health)
  - 7.5.2. Sex education programs must exclude any forms of discrimination and seek to be inclusive of, and relevant to individuals' lived experiences
  - 7.5.3. Sex education programs must include the experiences and needs of gender variant and sexuality diverse people, as well as address issues of gender expectations and stereotyping
  - 7.5.4. Sex education should be developed in a manner that encourages critical thinking and considered decision making by students
  - 7.5.5. Both pre-service and in-service training must be provided to teachers of sex education so they have an understanding of sexism, sexual politics, human sexuality, the gender spectrum and politics of health in order to appropriately and respectfully address any prejudices, myths and superstitions that may exist or arise.
- 7.6. The sexual orientation and/or preferred gender identity of individual teachers must not be a factor in determining which teachers are able to teach sex, health or human biology education.
- 7.7. In alignment with equal opportunity principles and compliance with federal and state/territory legislation, health education programs must be inclusive of gender and sexual diversity. There is an expectation that teacher-directed learning activities are aware of LGBTIQ community and related issues, and support inclusion for sexual diversity and gender identity.

## 8. Education Workers' Health and Welfare

- 8.1. The AEU asserts that employers are responsible for:
- providing a safe and supportive work environment;
  - taking preventative measures to avoid health or welfare problems; and
  - developing a range of options for dealing with matters of health and welfare.
- 8.2. In considering education workers' health and welfare, the AEU demands that the employer bodies recognise the stresses placed upon non-heterosexual and people of diverse gender and sex education workers in a society that is heteronormative, and where overt and covert discrimination against people of diverse sex, sexuality and genders continues to occur and impacts negatively on their health, safety and wellbeing.

## **9. The Role of the AEU - Branches and Associated Bodies**

9.1. The AEU and its Branches and Associated Bodies are committed to ensuring that the concerns of LGBTIQ members are addressed. Every endeavour shall be made:

- 9.1.1. To promote the general welfare, personal, civil, industrial and curriculum rights of LGBTIQ people as members.
- 9.1.2. To liaise with the various networks of LGBTIQ people to maximise unionisation of education workers within all groups and foster a more positive and active role for them within the education unions.
- 9.1.3. To initiate and coordinate a staff development program so that all officers and staff of Branches and Associated Bodies are better able to further the welfare and the rights of its LGBTIQ members.
- 9.1.4. To establish committees expressly for the purpose of supporting the personal, civil, industrial, and workplace rights of LGBTIQ members, and encouraging their closer relationships with the union. These committees should also pursue the rights of all education workers to influence curricula in ways that will enhance understanding and acceptance of LGBTIQ people.
- 9.1.5. To jointly sponsor and encourage the development of a nationwide support network amongst its members, for the purpose of further policy development on sexual orientation and preferred gender identity, and for development of strategies for implementation of such policies.
- 9.1.6. To support workshops and discussion groups, including on social media, specifically for their LGBTIQ members to identify and clarify their needs, concerns and conditions.
- 9.1.7. To monitor and participate where possible in relevant research regarding LGBTIQ issues for members and students within all education sectors.
- 9.1.8. To ensure that all industrial agreements contain clauses which protect the rights and entitlements of LGBTIQ members.
- 9.1.9. To encourage AEU Branches and Associated Bodies to establish themselves as a “Safe Place” for LGBTIQ people.
- 9.1.10. For the AEU, its Branches and Associated Bodies to ensure all policies are inclusive of LGBTIQ members and staff.

### **9.2. National and International Support**

- 9.2.1. To be proactive in promoting a safe workplace and environment for LGBTIQ workers both nationally and internationally.
- 9.2.2. To support other unions nationally in establishing policies and practices that support LGBTIQ education workers and students.

- 9.2.3. To support and promote Educational International initiatives and programs that support LGBTIQ workers and students.