

POLICY:	Inclusion
POLICY NO:	8.34
DATE ISSUED:	October 2018
DATE LAST REVIEWED:	April 2022
NEXT REVIEW DATE:	April 2025
VERSION NO:	3
RESPONSIBILITY:	CEO, Employees and Volunteers

RELATED LEGISLATION, STANDARDS & OTHER DOCUMENTS

- Code of Ethics (3.2)
- Legal & Regulatory Compliance (3.3)
- Privacy & Confidentiality (8.3)
- Code of Conduct (8.6)
- Discrimination and Harassment (8.10)
- Client Rights and Responsibilities (9.1)
- Privacy and Confidentiality (9.2)
- Sex Discrimination Amendment Bill (2013)
- Equal Opportunity Act 2010
- Privacy Act 1998 (Cth)
- Privacy and Data Protection Act 2014 (Vic)
- Human Service Standards
- National Standards for Mental Health Services 2010
- National Housing and Homelessness Agreement
- Code of Practice – Principles and Standards for Specialist Family Violence Services for Victim-Survivors, 2nd edition (DVVIC 2020)

POLICY STATEMENT

MCAULEY COMMUNITY SERVICES FOR WOMEN (MCAULEY) HAS DEVELOPED THIS POLICY TO ENSURE THAT THE ORGANISATION IS INCLUSIVE OF THE GENDER DIVERSE COMMUNITIES IN VICTORIA, AND TO PROVIDE A FRAMEWORK FOR MCAULEY TO MEET ITS LEGISLATIVE OBLIGATIONS AND TO ENSURE THAT ITS STRUCTURES ARE FREE FROM DISCRIMINATION.

Background

In the past, gender was considered in binary terms as either female or male. McAuley, as an organisation, recognises people's right to identify their own gender, and that gender options are not confined to their sex assigned at birth. The Victorian Royal Commission into Family Violence has identified that people from the Lesbian, Gay, Bisexual, Transgender, Intersex and Queer communities do not access family violence services, in particular faith-based services, for fear of discrimination. Family Violence services are being called upon to articulate their positions in relation to the inclusion of Gender Diverse people.

The Sex Discrimination Amendment Bill (2013) and the Equal Opportunity Act 2010 make it unlawful to discriminate against a person in employment, education, accommodation, and other areas of social life based on the person's sex, gender or sexual preference.

Definitions

Affirmed gender refers to a transgender person's sense of their gender, as well as the gender to which they are transitioning to, or to which they have transitioned.

Cisgender (commonly abbreviated to cis) refers to people whose gender identity matches the sex they were assigned at birth. It is the opposite of the term transgender.

Gender refers to a person's sense of being male, female, somewhere in between or neither.

Gender diverse is an umbrella term used in relation to all people whose gender identity is different from their biological sex.

Sex refers to a person's sexual characteristics and represents a complex relationship of hormones, genes, and anatomy.

Transgender/trans/trans persons are people who experience an incongruence between the gender assigned to them at birth and the gender they identify as, and/or have a gender identity that is inconsistent with societal expectations of their sex.

Transition refers to the time taken for an individual person to transform, whether by social or medical means, from their birth assigned gender to their affirmed gender. Transitioning is a holistic and individualised process, which may, but does not necessarily involve medical procedures.

Out/Outing refers to public disclosure of a person's affirmed gender identity. It is each individual's right to determine when, where and if their affirmed gender identity is to be disclosed to others. If there is ever a circumstance where gender identity disclosure is required, confirmation and consent is required on every occasion.

PROCEDURE

McAuley recognises that individuals may identify as a gender that is not the gender assigned to them at birth, and that this should be fully recognised as their affirmed gender.

McAuley welcomes people who identify as a woman to access our client services. People who identify as transwomen are considered by McAuley to have an affirmed female gender, and therefore are eligible to access our services.

Transmen, identify as male, and are therefore considered by McAuley to have an affirmed male gender, and are not eligible to access our client services. McAuley will ensure that transmen who seek assistance will receive support by referring them to the appropriate services or organisations.

Transmen are ineligible for employment and volunteer opportunities that involve 1:1 case management or residential support work with McAuley clients.

Regarding employment and volunteer opportunities, this policy applies (but is not limited) to recruitment and selection, development and promotion, health, and safety, conduct at work, grievance and disciplinary procedures, and termination.

Regarding clients, this policy applies (but is not limited) to referral acceptance and refusal, accommodation, case management, case notes, case planning, communication, face-to-face and phone contact with other services, privacy, and facility use (bathrooms and toilets).

McAuley aims to create an inclusive culture, free from discrimination and harassment, where all employees, volunteers and clients are treated with dignity, and can realise their full potential in a fair and inclusive workplace and safe environment.

McAuley's collection, use, storage, and disclosure of all personal information, including gender information, is regulated by the Australian Privacy Principles in the Privacy Act 1988 (Cth).

1. Clients & referrals

- A person who identifies as a woman is eligible for services. McAuley recognises transwomen as women. Referrals that are submitted for a transwoman will be treated in the same way and given the same assessment as any other referral.
- It is important that all people are treated with respect, and people will be addressed according to their preferred names and pronouns by all employees and volunteers.
- The Inclusion Policy is provided to all clients at intake stage and forms part of their orientation to residential services.

2. Employment & Volunteer opportunities

- All employees and volunteers are expected to acknowledge and conduct themselves in accordance with the McAuley Code of Conduct.
- All employees and volunteers are provided with a copy of the Inclusion Policy at commencement and are expected to conduct themselves in accordance with it.

-
- All applicants are to be assessed on their merits against the specific criteria for an employed or volunteer position, regardless of the applicant's affirmed gender or sexual preference. In certain circumstances, special criteria may be applied in order to enhance access, equity, and representation.
 - A transgender person has the legal right to be considered for a position targeted towards a particular gender if the requirements for the position are consistent with the individual's affirmed gender. McAuley recognises transwomen to have an affirmed female gender, and transwomen are therefore eligible for employment and volunteer opportunities.
 - Transmen and cismen identify as male and, are therefore, considered by McAuley to have an affirmed male gender. Transmen and cismen are ineligible for employment and volunteer roles that involve 1:1 case management or residential support work with McAuley clients.

3. Harassment

McAuley condemns all forms of harassment, including discrimination and bullying. Strict disciplinary action is imposed if any employee or volunteer is found to have harassed another member of the McAuley community. In addition to its policies, McAuley is bound by legislation which makes harassment unlawful.

- To "out" an employee, volunteer or client without their permission may be regarded as a form of harassment. Outing a person means disclosing the person's transgender status or sexual preference to others. Confirmation and consent from the person is required on every occasion.
- Transphobic harassment could be regarded as grounds for disciplinary action, including dismissal.
- Transphobic harassment by clients could be regarded as grounds for an exit from the service. This consequence will be at the discretion of Management in line with McAuley policies and procedures.