

## **Equity, Accessibility, Diversity and Inclusion Policy - Draft**

### **Policy Statement**

1. Sail Canada is committed to developing, maintaining and supporting a culture of equity, accessibility, diversity and inclusion in its workforce and in the delivery of its programs and services. Sail Canada recognizes the value and contributions of all individuals irrespective of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.

### **Purpose**

2. Sail Canada is an inclusive organization and welcomes full participation of all individuals in our programs and activities, irrespective of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
3. Sail Canada will encourage a welcoming participation in the sport of sailing. Sail Canada will ensure that equity, accessibility, diversity and inclusion are key considerations when developing, updating or delivering Sail Canada policies and programs.
4. Equity does not necessarily mean that all persons must be treated exactly the same. People may need to be treated differently in order to be treated fairly. Sail Canada will take a leadership position by making a clear commitment to full and equitable participation in all levels of the organization.

### **Application**

5. This policy applies to all employees as well as all directors, officers, volunteers, coaches, athletes, officials, judges and members of Sail Canada. It applies to discrimination of designated groups which may occur during the course of all Sail Canada business, activities and events.
6. Sail Canada commits to incorporating equity, accessibility, diversity and inclusion in its operations, activities and partnerships.
7. Efforts will be made towards raising the awareness and understanding of the equity, accessibility, and diversity and inclusion issues among members, coaches, athletes, officials, staff, committees, board members and in the broader sport community.
8. Sail Canada commits to make reasonable accommodations for individuals where doing so would support equity, accessibility, diversity and inclusion in the programs and/or operations of Sail Canada.

9. Sail Canada will use its best efforts to provide a work and sporting environment where all aspects of the sport of sailing are accessible for all Canadians.
10. Sail Canada recognizes that every employee and member is entitled to a climate free of discrimination from gender, racial or cultural background and physical or intellectual disabilities.
11. Sail Canada will take such disciplinary action as it deems appropriate against any person under its direction who subjects any employee or member to discrimination.
12. Sail Canada may develop Schedules to this policy for specific equity, accessibility, diversity and inclusion matters from time to time which will complement this policy.

#### **Dispute resolution**

13. Any complaints or disputes related to an equity, accessibility, diversity or inclusion issues will be dealt with using the relevant policies of Sail Canada such as Sail Canada's Code of Conduct, Sail Canada's Harassment, Bullying and Discrimination Policy, Sail Canada's Complaints and Procedures Policy, Sail Canada's Appeals Policy and any other applicable policies adopted by Sail Canada from time to time.

“Schedule A”

## Trans Inclusion Policy

### Guiding Principles

1. Sail Canada supports the recommendations outlined in [Creating Inclusive Environments for Trans Participants in Canadian Sport](#), the guidance document developed by the Trans Inclusion in Sport Expert Working Group and published by the Canadian Centre for Ethics in Sport (CCES). Sail Canada adopts the best practices outlined in the document and has used the four Policy Guidance statements in the development of this *Inclusion Policy*. The Policy Guidance statements are:
  - a. Sail Canada’s Participants as defined in this Policy including Individuals participating in development and recreational sailing (Long Term Athlete Development (“LTAD”) stages Active Start, FUNdamental, Learn to Train, Train to Train, Train to Compete (until international federation rules apply) and Active for Life) shall be able to participate in the gender with which they identify and not be subject to requirements for disclosure of personal information beyond those required of cisgender athletes, nor should there be any requirement for hormonal therapy or surgery.
  - b. Hormone therapy shall not be required for a Sail Canada’s participant in high-performance sailing (LTAD stages Train to Compete (until World Sailing rules become a factor) and Train to Win) in the gender category that is consistent with their gender identity, unless a sport organization can prove that hormone therapy is a reasonable and bona fide requirement.
  - c. Sail Canada Participants shall not be required to disclose their trans identity or history to Sail Canada in order to participate in high-performance sailing (LTAD stages Train to Compete (until international federation rules become a factor) and Train to Win) unless there is a justified reason requiring them to do so.
  - d. Surgical intervention shall not be required for Sail Canada Participants to participate in high-performance sailing (LTAD stages Train to Compete (until international federation rules become a factor) and Train to Win) in the gender category that is consistent with their gender identity.

### Definitions

2. The following terms have these meanings in this document:
  - a. “CEO” means Chief Executive Officer or their designate as appointed by Sail Canada from time to time.
  - b. “Cisgender” – A term to describe a person whose gender identity corresponds with their birth-assigned sex (e.g. someone whose gender identity is man and was assigned male at birth).

- c. “*Gender*” means the socially constructed roles, behaviours, activities and attributes that a society assigns to masculinity or femininity.
- d. “*Gender Expression*” means the way an individual communicates their gender identity to others. This is done through behaviour, body language, voice, emphasis or de-emphasis of bodily characteristics, choice of clothing, hairstyle, and wearing make-up and/or accessories. The traits and behaviours associated with masculinity and femininity are culturally specific and change over time.
- e. “*Gender Identity*” means a person’s innermost sense of their own gender. This can include man, woman, both, neither or something else entirely. Gender also refers to a variety of social and behavioural characteristics (e.g. appearance, mannerisms). There are many terms which individuals may use to talk about their gender identity or expression.
- f. “*Gender reassignment*” means medically supervised program of treatment to transition a person’s body to align with their gender identity through hormone therapy and/or surgery.
- g. “*Intersex*” refers to a combination of features that distinguish male and female anatomy.
- h. “*Member or Member PSA*” means a Sail Canada Member, Provincial /Territorial Sailing Association, Sailing or Yacht Club, or Special Organization as defined by Sail Canada’s bylaws.
- i. “*Recognized Yacht or Sailing Club, School or Organization*” means a sailing or yacht club, school or organization that is a member in good standing of a Member PSA or contracted by Sail Canada or a Member PSA.
- j. “*Sail Canada*” means the body duly incorporated under the name Sail/Voile Canada and any Members or Participants of Sail Canada engaged in activities with Sail Canada, including but not limited to, athletes, coaches, officials, volunteers, directors, officers, team managers, team captains, medical and paramedical personnel and administrators.
- k. “*Sail Canada Participants*” mean individuals who are involved or participating in programs and activities directly or indirectly under the auspices of Sail Canada and its member PSA, including employees, board and committee members, boat owners, crew, students, athletes, coaches, learning facilitators, instructors, officials, support persons, employees, contractors, volunteers, parents of participants and those representing Sail Canada at international or other events not under the jurisdiction of Sail Canada.
- l. “*Sex*” means the classification of people as male, female or intersex. Sex is usually assigned at birth and is based on an assessment of a person’s reproductive system, hormones, chromosomes and other physical characteristics, most notably by external genitalia.
- m. “*Trans*” is an umbrella term that describes people with diverse gender identities and gender expressions that do not conform to stereotypical ideas about what it means to be a girl/woman or boy/man in society. It includes but is not limited to people who identify as transgender, transsexual, cross dressers (adjective) or gender non-conforming (gender diverse or genderqueer).
- n. “*Transgender Female*” means someone who was assigned the male sex at birth, but whose gender identity is female
- o. “*Transgender Male*” means someone who was assigned female sex at birth, but whose gender identity is male

## **Purpose**

3. Sail Canada believes that all Sail Canada Participants and other individuals deserve respectful and inclusive environments for participation that value the individual's gender identity and gender expression. Sail Canada wants to ensure that all participants have access to programming and facilities in which they feel comfortable and safe. Sail Canada is committed to implementing this *Policy* in a fair and equitable manner.

## **Actions for Inclusion**

4. Sail Canada pledges to:
  - a. Provide this *Policy* to Sail Canada's staff, Directors, volunteers, and Sail Canada's Members or Members PSA, Recognized Yacht or Sailing Clubs, Schools or Organizations and individual participants and provide education on the importance of trans inclusion and what this entails in terms of practices, policies, procedures and norms of behaviour.
  - b. Provide registration forms and other documents that allow:
    - i. Individuals to indicate their gender identity and expression, rather than their sex or gender; and
    - ii. Individuals to abstain from indicating a gender identity with no consequence to the individual.
  - c. Maintain organizational documents and the Sail Canada website in a manner that promotes inclusive language and images.
  - d. Refer to individuals by their preferred name and pronoun.
  - e. Work with trans athletes on the implementation, monitoring and/or modification of this *Policy*.
  - f. When Sail Canada has the authority to determine Sail Canada Participants' use of washrooms, change rooms, and other facilities, Sail Canada will permit individuals to use the facilities of their gender identity.
  - g. Ensure uniforms and dress codes that respect an individual's gender identity and gender expression.
  - h. Determine Eligibility Guidelines for Transgender Sail Canada Participants (as described in this *Policy*).

## **Eligibility Guidelines – Exceptions**

5. When applicable, the eligibility guidelines of World Sailing, and/or any major Games (e.g. the Olympic Games, Pan-American Games etc.) regarding trans athlete participation will supersede the eligibility guidelines as outlined in this *Policy*.

## **Eligibility Guidelines**

6. As a general guiding principle for Sail Canada's eligibility guidelines, Sail Canada supports the following statement from *Creating Inclusive Environments for Trans Participants in Canadian Sport*:

*Based on this background and available evidence, the Expert Working Group felt that trans athletes should be able to participate in the gender with which they identify, regardless of whether or not they have undergone hormone therapy. Exceptions could be made if a sport organization is able to provide evidence that demonstrates hormone therapy is a reasonable and bona fide requirement (i.e., a necessary response to a legitimate need) to create a fair playing field at the high-performance level (p. 19).*

7. At both recreational and competitive levels, an individual may participate in their expressed and identified gender category.
8. Individuals are not required to disclose their trans identity or history to Sail Canada or any of the Sail Canada's representatives (e.g., coaches, staff, Directors, officials, etc.), Sail Canada Members, PSA Members or Recognized Yacht or Sailing Club, School or Organization and their representatives.
9. All athletes must be aware that they may be subject to doping control testing pursuant to the Canadian Anti-Doping Program. Trans athletes undergoing gender reassignment are encouraged to contact the Canadian Centre for Ethics in Sport (CCES) to determine what procedures, if any, are required to obtain a Therapeutic Use Exemption (TUE).

### **Confidentiality**

10. Sail Canada will not disclose to outside parties any documentation or information about an individual's gender identity and expression. A trans individual's privacy and confidentiality will be respected.

### **Ongoing Monitoring**

11. Sail Canada commits to monitoring ongoing developments regarding national and international participation guidelines for trans athletes and pledges to monitor, review and revise this *Policy* whenever new information becomes available.

### **Resolving Gender Identity and Expression Issues**

12. Any complaints or disputes related to this *Policy* shall be dealt with using the relevant policies of Sail Canada such as Sail Canada's Equity, Accessibility, Inclusion and Diversity policy, Sail Canada's Code of Conduct, Sail Canada's Harassment, Bullying and Discrimination Policy and Sail Canada's Complaints and Procedures Policy.



## **Appeal**

13. Any decision rendered by Sail Canada in accordance with this *Policy* may be appealed in accordance with Sail Canada's Appeals Policy.