



Equality Policy

1. Introduction

British Ski and Snowboard (BSS) operates an Equality Policy with regard to all of its operations including employment, volunteering, selection of athletes and management of its staff, teams and squads.

In committing itself to the above BSS requires all Stakeholders to adhere to the guidelines contained within this document.

2. Policy Objectives

BSS is fully committed to the principles of equality of opportunity and is responsible for ensuring that no job applicants, employees, workers, office holders, volunteers, participants or members (together "Stakeholders") are unlawfully discriminated against because of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation (together the "Protected Characteristics").

In addition, BSS recognises that we live in a diverse society and will endeavour to ensure that all Stakeholders are given the same opportunities regardless of their socio-economic backgrounds. BSS will encourage partner organisations, including member clubs, affiliated associations, suppliers, sponsors and customers, to adopt and demonstrate their commitment to the principles and practice of equality as set out in this Equality Policy.

3. Purpose of the Policy

BSS recognises that individuals (and/or certain groups in our society who share one or more Protected Characteristics) may not have been able to participate equally and fully in sports related activities in the past. In some instances, this may have been as a result of unlawful discrimination. If necessary, we will take positive action or may introduce special measures to assist any group with a Protected Characteristic that is currently underrepresented within our sport.

This Policy has been produced to try to prevent and address any unlawful discrimination or other unfair treatment, whether intentional or unintentional, direct or indirect, against Stakeholders that may preclude them from participating fully in Snowsports. In addition, the policy is a statement of intent by BSS that it will seek to promote equality and diversity at all levels and in all facets of its operations.

This policy interacts with other BSS policies and procedures including the BSS Safeguarding, Gender Reassignment, Grievance and Disciplinary policies, BSS Codes of Conduct and the BSS Employee handbook.

4. Legal Requirements

BSS is required by law not to unlawfully discriminate against any individual because of his/her Protected Characteristic(s). BSS recognises its legal obligations under, and will abide by the requirements of, the Equality Act 2010, and any equivalent legislation (as amended) in any UK jurisdiction, Jersey, Guernsey or the Isle of Man and any later amendments to such legislation or subsequent equality related legislation that may be relevant to BSS.

BSS will seek advice each time this Policy is reviewed to ensure it continues to reflect the current legal framework and good practice.

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5. Discrimination, harassment, bullying and victimisation



BSS recognises the following as being unacceptable:

Unlawful discrimination which can take the following forms:

Direct Discrimination: treating someone less favourably than you would treat others because of a Protected Characteristic.

Indirect Discrimination: applying a provision, criterion or practice which, on the face of it, applies equally to all but which, in practice can disadvantage individuals with a particular Protected Characteristic. Such requirements or conditions are lawful only if they can be objectively justified.

Harassment: engaging in unwanted conduct relating to a relevant Protected Characteristic or unwanted conduct of a sexual nature where the conduct has the purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the recipient, or any other individual affected by such conduct. BSS is committed to ensuring that its Stakeholders are able to conduct their activities free from harassment. Examples of harassment include:

- abusive language and jokes
- name calling
- the display or circulation of offensive written or visual material including emails, text messages, video clips and photographs taken or sent using mobile phones or via the internet
- lewd and/or unwelcome comments about own or another's appearance
- physical contact which is unwanted and/or unnecessary
- physical threats, assault and insulting behaviour or gestures
- open hostility towards those of a particular group

Bullying: the misuse of power or position to criticise persistently or to humiliate and undermine an individual's confidence. Examples of bullying include:

- exclusion from normal conversations or social events;
- inappropriate assumptions about the capabilities of individuals
- unfair allocation of work and responsibilities
- persistent, unwarranted criticism
- setting impossible deadlines

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Victimisation: subjecting someone to a detriment because he or she has in good faith taken action under the Equality Act 2010 (or equivalent legislation) by bringing proceedings, giving evidence or information in relation to proceedings, making an allegation that a person has contravened the Equality Act 2010 (or equivalent legislation) or doing any other thing for the purpose of or in connection with the Equality Act 2010 (or any equivalent legislation).

BSS regards discrimination, harassment, bullying or victimisation, as described above, as serious misconduct. All complaints will be taken seriously and appropriate measures including disciplinary action may be brought against any Stakeholder who unlawfully discriminates against, harasses, bullies or victimises any other person.

6. Reasonable Adjustments

When any decision is made about an individual, the only personal characteristics that may be taken into account are those that are consistent with any relevant legislation and are relevant to the substance of the decision being made.

BSS recognises that it has a duty to make reasonable adjustments for disabled persons. BSS will consider all requests for adjustments and where possible will accommodate reasonable requests and will work with disabled Stakeholders to implement any adjustments that will enable them to participate more fully in sports related activities.

7. Gender Reassignment

The purpose of this policy is to clarify guidelines for transsexual people to participate and compete under their acquired gender. Transsexual people enjoy sport, including competitive sport, and BSS has a responsibility to protect and consider their needs in the sporting environment. In addition to those wishing to compete, it also has a responsibility to protect those who may be staff or spectators, and who may be transsexual people, or perceived to be so, or associated with them, such as family members. Transsexual people who are not athletes are protected under the BSS Equality policy and this particular policy seeks to protect athletes, or would-be athletes, in snowsport competitions.

This Policy will:

- Set out how BSS will deal with the issues facing transsexual people seeking to compete at domestic and international levels in a way that is fair to everyone and all those concerned.
- Show how BSS will demonstrate this inclusivity whilst protecting the integrity of men's, women's and mixed competitions, where relevant.
- Build greater understanding amongst the snowsports communities of the issues, needs and rights of transsexual people in the sport.
- Cover the eligibility, selection and participation of transsexual athletes in domestic and international competition.

Definitions and Terminology

Transgender person - the term transgender person or Trans person is an umbrella term to cover a number of specific terms such as transsexual men, transsexual women, intersex people, androgyne and polygender people, cross-dressing and transvestite people.

Transsexual person - this term refers to someone with the protected characteristic of gender reassignment. The term transsexual man describes a female-to male transsexual person and

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transsexual woman to describe a male-to-female transsexual person. This is not the same as a crossdresser, or transvestite people, nor is it the same as sexual orientation.

Gender dysphoria - the NHS uses the following terms and explanations with regard to gender dysphoria:

Gender dysphoria is a condition in which a person feels that there is a mismatch between their biological sex and their gender identity. Biological sex is assigned at birth, depending on the appearance of the infant. Gender identity is the gender that a person 'identifies' with, or feels themselves to be. Gender dysphoria is a recognised condition, for which treatment is sometimes appropriate. It is not a mental illness. Some people with gender dysphoria have a strong and persistent desire to live according to their gender identity, rather than their biological sex and may undergo treatment so that their physical appearance is more consistent with their gender identity. On average, men are diagnosed with gender dysphoria five times more than women. While gender dysphoria is rare, the number of people being diagnosed with it is increasing due to growing public awareness about the condition.

Affirmed (acquired) gender – the terms 'affirmed' or 'acquired gender' describe the sex that the person has transitioned/is transitioning to as opposed to that which was assigned at birth.

Transphobia - the term 'transphobia' or 'transphobic discrimination' describes discriminatory, abusive or negative language or behaviour that is directed towards anyone who comes under the umbrella term of transgender; in addition it may be towards a transsexual person's friend or supporter, or anyone who may be perceived to be a transsexual person (whether they are a transsexual person or not). The behaviour may include a reluctance or refusal to provide access to services to the same extent as that provided for a non-transsexual person.

Gender reassignment is one of a number of protected characteristics defined in the Equality Act 2010 and is the process of transitioning from one sex to another. This legislation (as well as the equality legislation in Northern Ireland) prohibits discrimination against a person who is proposing to undergo, is undergoing or has undergone a process, or part of a process, for the purpose of reassigning their sex.

Gender Recognition

Gender Recognition is a process, which enables transsexual people to be legally recognised in their acquired gender. Under the provisions of the Gender Recognition Act 2004, a transsexual person may submit an application to the Gender Recognition Panel. Successful applicants will receive a Gender Recognition Certificate (GRC) and will, from the date of full recognition, acquire all the rights and responsibilities appropriate to a person of his or her acquired gender.

Applicants must provide paper evidence to the Gender Recognition Panel indicating that they have already changed their name, title and gender role, on a continuous basis, for at least two years, and that they have the intention to live in the altered gender role for the rest of their lives. A medical opinion indicating that the applicant has experienced gender dysphoria is necessary, and some details regarding the nature and dates of treatment where this has been undertaken. However, no surgery is required.

In practical terms, legal recognition will have the effect that, for example, a male-to- female transsexual person will be legally recognised as a woman in English law. On the issue of a full Gender Recognition Certificate, the person will be entitled to a new birth certificate reflecting the acquired gender and will be able to marry someone of the opposite gender and, from March 2014, the same gender to his or her acquired gender. The GRC has strict privacy provisions which must not be

breached by any person acquiring such information in an official capacity. Disclosure to a third party would be a criminal offence.

The Act makes specific provision for sports organisations to prohibit or restrict a person whose gender has become the acquired gender under the Act from participating as competitors in an event or events involving a gender-affected sport. A sport is a gender-affected sport if the physical strength, stamina or physique of average persons of one gender would put them at a disadvantage to average persons of the other gender as competitors in events involving the sport.

Scope

BSS is the National Governing Body for snowsports in the UK. The policy covers competitions, which may be run under the auspices of BSS and run in accordance with its regulations and policies governed by the International Federation (FIS). BSS aims to adopt a level of expectation around events, which includes transsexual people at every reasonable opportunity in domestic competitions.

Guidance and Legislation

The practices and procedures within this policy and documentation are based on the principles contained within UK legislation and IOC guidance and take the following into consideration:

- Equality Act 2010
- IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism November 2015
- Data Protection Act 1998
- Gender Recognition Act 2004

Following the IOC Consensus Meeting of November 2015, UK Sport and the four Home Country Sports Councils produced guidance on the eligibility of transsexual athletes to compete in domestic and international competition. This is to be updated in 2017. Subject to the contents of the revised guidance, BSS will review its Gender Reassignment policy as required.

International Representation and Olympic Competition

Athletes funded via BSS to compete or potentially compete in events governed by FIS and the International Olympic Committee (IOC) must comply with, and qualify under, the IOC guidelines on sex reassignment and hyperandrogenism. The FIS follows the IOC guidelines, which are set out in the **IOC Consensus on Sex Reassignment and Hyperandrogenism of November 2015**. The phrase 'sex reassignment' used by the IOC has the same meaning as 'gender reassignment used in the UK.

Many international federations have overtly adopted the IOC guidance with regards to transsexual athletes and their status in international competitions. The International Paralympic Committee (IPC) does not yet have a stated policy on transsexual people and sport.

IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism November 2015

1. Transgender guidelines

A. Since the 2003 Stockholm Consensus on Sex Reassignment in Sports, there has been a growing recognition of the importance of autonomy of gender identity in society, as reflected in the laws of many jurisdictions worldwide.

B. There are also, however, jurisdictions where autonomy of gender identity is not recognised in law at all.

C. It is necessary to ensure insofar as possible that trans athletes are not excluded from the opportunity to participate in sporting competition.

D. The overriding sporting objective is and remains the guarantee of fair competition. Restrictions on participation are appropriate to the extent that they are necessary and proportionate to the achievement of that objective.

E. To require surgical anatomical changes as a pre-condition to participation is not necessary to preserve fair competition and may be inconsistent with developing legislation and notions of human rights.

F. Nothing in these guidelines is intended to undermine in any way the requirement to comply with the World Anti-Doping Code and the WADA International Standards.

G. These guidelines are a living document and will be subject to review in light of any scientific or medical developments.

In this spirit, the IOC Consensus Meeting agreed the following guidelines to be taken into account by sports organisations when determining eligibility to compete in male and female competition:

1. Those who transition from female to male are eligible to compete in the male category without restriction.
2. Those who transition from male to female are eligible to compete in the female category under the following conditions:
 - 2.1. The athlete has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.
 - 2.2. The athlete must demonstrate that her total testosterone level in serum has been below 10 nmol/L for at least 12 months prior to her first competition (with the requirement for any longer period to be based on a confidential case-by-case evaluation, considering whether or not 12 months is a sufficient length of time to minimize any advantage in women's competition).
3. The athlete's total testosterone level in serum must remain below 10 nmol/L throughout the period of desired eligibility to compete in the female category.
4. Compliance with these conditions may be monitored by testing. In the event of non-compliance, the athlete's eligibility for female competition will be suspended for 12 months.

2. Hyperandrogenism in female athletes

In response to the interim award dated 24 July 2015 in *Chand v AFI* and *IAAF CAS 2014/A/3759*, the IOC Consensus Meeting recommended:

- Rules should be in place for the protection of women in sport and the promotion of the principles of fair competition.
- The IAAF, with support from other International Federations, National Olympic Committees and other sports organisations, is encouraged to revert to CAS with arguments and evidence to support the reinstatement of its hyperandrogenism rules.
- To avoid discrimination, if not eligible for female competition the athlete should be eligible to compete in male competition.

Domestic Competition

A transsexual person may compete in domestic competition, where IOC restrictions do not apply, under the following conditions:

Any transsexual male (female to-male transsexual person) may compete in his affirmed gender in any male or mixed sex domestic competition.

Transsexual woman – over 16 and post-puberty (male-to female transsexual person) may compete in her affirmed gender in female or mixed-sex domestic competition by providing evidence that her hormone therapy has brought her blood-measured testosterone levels within the range of her affirmed gender; or that she has had a gonadectomy; or she may compete in any male or mixed-sex competition if she has not started hormone treatment.

Transsexual girl – under 16 and post-puberty
Either

She may compete in her affirmed gender in any female or mixed-sex domestic competition subject to an individual case-by-case review, if required, undertaken by the relevant governing body.
Or

She may compete in any male or mixed-sex competition if she has not started hormone treatment nor had a gonadectomy.

Transsexual girl – pre-puberty may compete in her affirmed gender in any female or mixed-sex domestic competition subject to confirmation of her stage of pubertal development.

8. Responsibility, implementation and communication

The following responsibilities will apply:

The Board of BSS is responsible for ensuring that this Equality Policy is implemented, followed, and reviewed when appropriate. The BSS Board is also responsible for ensuring that this Equality Policy is enforced and any breaches are dealt with appropriately.

A member of the Board will be appointed as the "Equality Champion" and that the Board takes equality issues into consideration when making decisions. The CEO, working with the Chair, executive and Equality Champion, will ensure that equality is included as an agenda item at Board meetings when appropriate.

The Board has the overall responsibility for the implementation of this Equality Policy and the CEO will have the day-to-day responsibility for its implementation. The CEO will also lead implementation of any equality related actions resulting from it. If required, an internal and/or external equality group will be created to provide additional support.

All Stakeholders have the responsibility to respect, follow and promote the spirit and intentions of this Equality Policy. Individual work programmes for BSS staff will be amended to include equality related tasks where appropriate.



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Failure to comply with our equal opportunities policy or to co-operate with it operating effectively is a disciplinary offence, which may lead to disciplinary action being taken against the perpetrator including dismissal.

This Equality Policy will be implemented immediately following Board approval. Implementation requires the following actions:

BSS will regularly review its practices to ensure continuing compliance with relevant legislation, and where possible good practice. BSS is committed to providing equal opportunities for all and is committed to following best practice in the welfare of young people and vulnerable adults. Further information is available on the BSS website.

The BSS Recruitment Policy will seek to promote equality of opportunity at all stages of recruitment including the development of role descriptors, targeted advertising and inclusive interview processes.

No applicant for any post (including job applicants, consultant advisers and suppliers) will be placed at a disadvantage by requirements or conditions which are not necessary to the performance of the job or which constitute unlawful discrimination.

Consultants, advisers and suppliers to BSS will be required to abide by this Equality Policy and it will be referred to in any service level agreements or contracts issued by BSS.

This Equality Policy will be communicated in the following ways:



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The Policy is referred to in the BSS employee handbook (section 9). Reference will be made to this Equality Policy in any code of conduct. This Equality Policy is for guidance only and will not form part of any contract of employment with any employees of BSS;

The Policy will be included in the BSS athlete handbook/agreement/code of conduct

The Policy will be highlighted in all staff and volunteer, including Board and Committee member, inductions;

A copy of this Equality Policy will be publicly available on the BSS website and copies in paper format will also be available from BSS HQ. All members will be made aware of the Policy when they join;

Each time this Policy is reviewed, BSS Stakeholders will be consulted. Following consultation, a notice of the changes being made will be publicly available and a direct communication will be sent to all those who contributed to the consultation process (subject to Data Protection provisions); and

BSS will promote continuing professional development for all employees and volunteers to support equal opportunities within the organisation and, where appropriate, provide specialist facilities, equipment or training.

9. Monitoring and Evaluation

This Equality Policy will remain in force until it is amended, replaced or withdrawn. A review of this Equality Policy will take place as and when required, but not less than once every three years.

The Equality Action Plan, created to ensure the objectives of this Equality Policy are delivered, will be reviewed by the Chief Executive but in any event not less than once every 12 months.

On an annual basis, statistical and, if appropriate qualitative, information will be collected and a report will be produced by the Chief Executive for the Board. Once approved by the Board the report will be published internally and externally, to show the impact of this Equality Policy.

10. Complaints Procedures

To safeguard individual rights under this Equality Policy, any Stakeholder who believes they have suffered inequitable treatment within the scope of this Equality Policy may raise the matter through the appropriate procedure (i.e. the grievance procedure).

Appropriate disciplinary action will be taken against any BSS Stakeholder who violates this Equality Policy under the employee disciplinary procedure or the BSS disciplinary procedure.

An individual raising an employee grievance will not be penalised for doing so unless it is untrue and not made in good faith.

As with all grievance and disciplinary procedures, the final point of appeal relating to this policy is the BSS Judicial committee.