

**MOTIONS ON NOTICE (Amendment)**

**Social, Economic and Cultural**

**NTEU NATIONAL COUNCIL MEETING 2022**

**Amends 'NTEU SUPPORT OF RIGHTS OF PEOPLE OF DIVERSE SEXUALITIES AND GENDERS' section to the following:**

**NTEU SUPPORT OF RIGHTS OF PEOPLE OF DIVERSE SEXUALITIES, SEX CHARACTERISTICS AND GENDER IDENTITIES**

NTEU is committed to protecting the industrial, professional and civil rights of people of diverse sexualities, sex characteristics and gender identities. NTEU asserts the rights of people of diverse sexualities, sex characteristics and gender identities and rejects discrimination and sexual harassment in all its forms.

NTEU notes:

- Lesbian, gay, bisexual, transgender, queer, intersex, asexual, and other gender and sexuality diverse people (LGBTQIA+) have always played an active role in the union movement.
- Homophobia, heterosexism, biphobia, intersexphobia, transphobia, and other forms of prejudice and discrimination against LGBTQIA+ people occurs in the workplace in Australia and worldwide.
- Recent attacks against LGBTQIA+ people are a serious concern to our members and their communities and must be resisted actively.
- LGBTQIA+ people have the right to safe and equitable conditions inside and outside workplaces.
- People with diverse sex characteristics are a distinct community who face some shared and some unique barriers to equality.
- Universities play a role in reproducing systems of knowledge that lead to a poor understanding of the medical, legal and social needs (and rights) of people with diverse sex characteristics.
- Academic spaces can be unique sites for perpetuating discrimination including against LGBTQIA+ people, such as transphobia.

NTEU believes:

- Research that involves LGBTQIA+ communities needs to be academically rigorous and ethically grounded. Ideally it should include direct input from LGBTQIA+ communities.
- As established in the Academic Freedom policy, academic freedom cannot be used to vilify, harass or intimidate any person including LGBTQIA+ people. Neither can academic discourse be used as a cover for discriminatory ideologies such as transphobia.
- ~~'Gender critical ideology' is a term that is used to defend transphobic ideology and when used to do so is not consistent with academic freedom.~~
- The Union should be an active, not passive, proponent for the rights of the LGBTQIA+ community.

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- These efforts should as much as possible be led by LGBTQIA+ unionists but not fall exclusively to them.
- Prejudice against LGBTQIA+ people is not and will never be tolerated in our workplaces or our union, regardless of origin.
- We have an obligation as a union to be active in the fight to improve outcomes for people with diverse sex characteristics, for example through better education of our medical and allied health members.
- **Trans and gender diverse people need:**
  - **the right to self ID in all employment and university systems, including quick and efficient name and gender marker changes;**
  - **access to bathrooms that match our identities including non-gendered bathrooms;**
  - **30 days annual gender affirmation leave;**
  - **an end to transphobic bullying at work and discrimination;**
  - **genuine trans inclusion in curriculums and a welcoming university for gender diverse people.**
- **Systemic transphobia and queerphobia in our society needs to be addressed, including:**
  - **Educational institutions, religious or otherwise, should not have the right to discriminate against employees, or terminate employment because of who they are. There should be no ‘religious’ exemptions to equality for queer people.**
  - **Gender affirming care should be fully covered and completely free under Medicare.**
  - **Every state and territory must implement self-identification for gender identity, with no requirement to undertake medical intervention to be recognised in law.**

NTEU will:

- Publicly affirm that **transgender rights are human and worker rights, specifically the rights of transgender and gender diverse people to safe and non-discriminatory workplaces and that transphobia and bullying are not welcome in society or in our union.**
- ~~• **Condemn the use of gender critical ideology when used to promote or defend transphobia**~~
- Use the Code of Conduct to protect members from bullying and harassment as a result of their views expressed in the sphere of union activity.
- Take steps to ensure staff and officers of the Union do not discriminate against LGBTQIA+ members.
- Include LGBTQIA+ people in decisions, including by the National Executive, made about LGBTQIA+ matters, based on the principle of “Nothing about us without us.”
- Ensure all Union publications and policies, and NTEU-drafted bargaining clauses and university policies use inclusive language.
- Resource LGBTQIA+ organising in the Union with dedicated resources. For example, nominated staff with dedicated responsibilities for LGBTQIA+ organising.
- Ensure LGBTQIA+ people have the option to identify themselves in all methods of joining the NTEU. Gender selection on NTEU membership forms, both online and offline, will be amended where necessary in consultation with the QUTE Steering Committee.
- Ensure restricted access to members’ LGBTQIA+ status in consultation with the QUTE Steering Committee.
- **Campaign and educate members about hate speech and the impact that it has on others, especially our LGBTIQ+ members**

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- Develop an education program that ensures all officials of the union understand their legal and moral obligations to treat trans and gender diverse members with respect and to ensure that their industrial and human rights are defended.
- Commission research to systematically identify the key workplace challenges experienced by transgender tertiary education workers, particularly to their rights to safe and non-discriminatory workplaces, with this research encompassing the impacts of transphobia (including those masquerading as academic work).
- Develop an evidence-based action plan based on this research which could include actions to campaign against transphobia such as protests, rallies and strikes.
- **Support and advertise protests, rallies and strikes for LGBTQIA+ rights in accordance with the commitments outlined above**
- **Openly oppose and campaign against transphobia in all aspects of the work of the union**
- None of the above diminishes NTEU's commitment to legitimate academic discourse.

### Supporting statement

The amendment is to the motion H2aV2 entitled: 'NTEU Policy Manual Section 6. Amends 'Changes to NTEU SUPPORT OF RIGHTS OF PEOPLE OF DIVERSE SEXUALITIES AND GENDERS' (hereafter 'the main motion').

The main motion seeks to amend NTEU Policy Manual Section 6: NTEU SUPPORT OF RIGHTS OF PEOPLE OF DIVERSE SEXUALITIES AND GENDERS.

Neither the main motion nor this amendment seeks to alter the following parts of the Policy Manual:

NTEU believes:

- Research that involves LGBTQIA+ communities needs to be academically rigorous and ethically grounded. Ideally it should include direct input from LGBTQIA+ communities.
- Academic freedom is not an excuse for vilifying LGBTQIA+ people.

NTEU will:

- Publicly affirm that transphobia is not welcome in society or in our union.

There are two parts to this amendment to the main motion:

- 1) **The amendment calls for an education and research-based action plan against transphobia**

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The amendment affirms that ‘transgender rights are human and worker rights, specifically the rights of transgender and gender diverse people to safe and non-discriminatory workplaces’.

It stipulates that NTEU will:

- Develop an education program that ensures all officials of the union understand their legal and moral obligations to treat trans and gender diverse members with respect and to ensure that their industrial and human rights are defended.
- Commission research to systematically identify the key workplace challenges experienced by transgender tertiary education workers, particularly to their rights to safe and non-discriminatory workplaces, with this research encompassing the impacts of transphobia (including those masquerading as academic work).
- Develop an evidence-based action plan based on this research which could include actions to campaign against transphobia such as protests, rallies and strikes.

### 2) **The amendment deletes the singling out of ‘gender critical’ ideology**

The relatively recent debate concerning ‘gender critical’ ideology is one dividing academics and the left more generally in Australia, Canada, United States and United Kingdom with labels such as [‘gender wars’](#) and [‘TERF wars’](#) to describe them.

Implicated are highly contested and complex discussions on:

- The meaning/s of ‘sex’ and ‘gender’, the extent to which either and/or both are constituted biologically and/or by self-identification and the relationship between both concepts; and
- The relationship between transgender and women’s rights with ‘gender critical’ academics accused of being transphobic when they hold on to ‘sex’ as being a purely biological concept and on the other side, those arguing that ‘sex’ should be understood principally as a matter of self-identification being accused for being misogynist on the ground that they erase the biological category of woman.

The main motion asks the NTEU to take a side in these debates by singling out gender critical ideology as being a vehicle for transphobia.

While it is right for NTEU to condemn transphobia and to take action to address transphobia in the tertiary education sector, this amendment deletes this singling out on the basis that:

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- It is not the role of the National Tertiary Education Union take sides in highly contested and complex academic debates because of its core commitments to academic freedom and intellectual debate (NTEU Rules 3.3-3.4);
- The singling out exposes 'gender critical' academics, some of whom are our members and potential members, to a risk of disciplinary action by employers.

**Moved:** Sarah Roberts (Victorian Division)

**Seconded:** Joo-Cheong Tham (Melbourne University)