

Statement in support of the amendment to the Motion H2aV2 entitled: 'NTEU Policy Manual Section 6. Amends 'Changes to NTEU SUPPORT OF RIGHTS OF PEOPLE OF DIVERSE SEXUALITIES AND GENDERS' (Joo-Cheong Tham as seconder of the amendment)

There are two parts to this amendment:

1) Foremost, the amendment calls for an education and research-based action plan against transphobia

Current NTEU policy '(p)ublicly affirms that transphobia is not welcome in society or in our union'.

The amendment gives this affirmation further flesh by clearly recognising that:

transgender rights are human and worker rights, specifically the rights of transgender and gender diverse people to safe and non-discriminatory workplaces.

These rights are anchor-points for an education and research-based action plan against transphobia with three elements:

- An education program for our union officials 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.
- 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).
- An evidence-based action plan based on this research.

What the amendment proposes is a strong agenda against transphobia based on education, research and evidence.

2) The amendment deletes the singling out of 'gender critical' ideology for condemnation

The relatively recent debate concerning 'gender critical' ideology is one dividing academics and the left more generally in this country, Canada, United States and United Kingdom.

These are highly contested debates with labels such as '[gender wars](#)' and '[TERF wars](#)' to describe them.

There are also complex issues involved.

At one level, there are contested *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.

At another level, there are contested *relationships between transgender and women's rights* with:

- those arguing that 'sex' as being a purely biological concept being accused of being transphobic for denying the existence of transgender people.
- On the other side, those arguing that 'sex' should be understood principally as a matter of self-identification are accused for being misogynist on the ground that they erase the biological category of woman.

These are debates that have at times turned ugly and at its extreme have involved [death threats](#).

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

We should be clear that while the revised motion is an improvement upon the original one, it still asks the NTEU to take a side in these heated debates.

Is this properly the role of the union?

The amendment says 'no'.

It deletes this condemnation for two reasons:

First, it is not the role of the National Tertiary Education Union take sides in highly contested and complex debates because of its core commitments to academic freedom and intellectual

debate.

The commitments are clearly set out in NTEU Rules 3.3 & 3.4:

3.3 To foster the process of intellectual debate within the Australian community.

3.4 To defend and promote the rights of members to teach, research and disseminate knowledge and information without fear of reprisal.

It is these core commitments that is at the heart of this union being a *tertiary education* union.

These are not easy commitments.

They are commitments often forged in fire.

They vitally matter in circumstances where there are very heated controversies and where the debate is highly polarised with warring groups claiming their own version of the Truth.

Second, this singling out for condemnation involves a lack of due process and increases the risk of arbitrary disciplinary action by employers

As a union, we stand for the rights of workers especially against employer power.

When it comes to disciplinary action by employers, we all know the importance of due process.

The thrust of the motion is that 'gender critical' work is particularly at risk of being transphobic and even a form of hate speech/vilification.

These are serious accusations that expose academics undertaking this work to disciplinary action as discrimination (including vilification) is unlawful.

Here we must not be blind to the fact that there are *already* campaigns calling for disciplinary action against those labelled as 'transphobic' within this union and at universities (including my university, the University of Melbourne).

Due process is, however, significantly, lacking with the motion.

- *The case it is making is unclear:* What is meant by 'gender-critical'? Why is it said to 'defend transphobic ideology'?
- *There is no opportunity for those accused to be defend themselves:* Figures of hate too are entitled to due process.

Let me make the due process concerns concrete:

Dr Holly Lawford-Smith of Melbourne University had a book published this year by Oxford University Press defending gender-critical feminism.

I don't know it 'defends transphobic ideology' as the motion might imply as I haven't read it.

I am guessing many National Councillors would be in the same boat.

And if we haven't read this book, how can we in good conscience even suggest that it is possibly transphobic?

And of course, class analysis is vital in all union work and when we throw that in, we see how this condemnation increases the risk of arbitrary employer action against academics said to be 'gender-critical'.

Is it the role of our union to pass motions that expose academics to disciplinary action by employers?

The amendment says 'no'.

Let us uphold transgender rights and key union principles.

This amendment provides a strong way forward to do so.