



LGBTIQ+

LGBTIQ+ INCLUSIVE PRACTICE TOOLKIT FOR COMMUNITY LEGAL CENTRES



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Introduction

Since the first Community Legal Centre (CLC) was set up in Australia in the early 1970s, CLCs have been committed to pushing for positive systemic social change and providing free legal services to the communities who need it most. In the last decade, there has been a significant cultural shift in the way LGBTIQ+ communities and society more broadly understands and communicates about gender identity, sexual orientation and variations of physical sex characteristics (often described as intersex).

There have also been significant legal victories in the past two years including marriage equality, the end to forced trans divorce, the re: Kelvin trans stage 2 hormone treatment case (which has made it easier for younger trans and gender diverse people to access gender-affirming healthcare), and the national movement towards birth certificate law reform, including the recent changes to the law in Tasmania.

But there is still a long way to go.

LGBTIQ+ communities continue to experience greater stigma and discrimination than many other communities in Australia, and the ongoing public debates around issues such as the Safe Schools programs, religious exemptions to anti-discrimination legislation and the rights of trans and gender diverse people to change their primary identity documents and access gender-affirming healthcare has an ongoing detrimental impact on the mental health and emotional wellbeing of LGBTIQ+ communities. People with variations of sex characteristics (sometimes known as intersex) continue to endure forced and coercive medical interventions without their prior, personal informed consent, as well as ongoing stigmatisation, discrimination and violence in many areas of public life.

To ensure that CLCs have the knowledge and resources to serve LGBTIQ+ communities in a respectful and inclusive way, the Victoria Law Foundation generously funded Southside Justice's LGBTIQ Legal Service to create this inclusive practice toolkit. This guide is intended to be read and used by community lawyers, administrators, volunteers, union delegates and managers.

In addition, we acknowledge the expertise of our health justice partners at Thorne Harbour Health, Victoria's largest LGBTIQ+ health organisation, who we have learnt so much from about inclusive practice, including working with LGBTIQ+ people who use violence in intimate relationships, LGBTIQ+ people experiencing drug and alcohol issues, and the range of additional challenges still faced by the HIV+ community in Australia today.

LGBTIQ Legal Service would also like to acknowledge the work of the Federation of Community Legal Centres (FCLC), who supported us with their knowledge and expertise in developing this toolkit. In particular, we thank Natalie Hallam for her work in developing resources and policies for organisations to use, to keep LGBTIQ+ clients and staff safe. The Federation advocates for and with CLCs across Victoria and supports members to provide inclusive and safe legal services. The National Accreditation Scheme (NAS), is a sector lead accreditation framework used by CLCs nationally. The Standards and Requirements of the NAS were considered during the development of this toolkit.

We wish to acknowledge that this toolkit was created on the stolen lands of the Wurundjeri and Boon Wurrung peoples of the Kulin nation whose sovereignty was never ceded. Always was, always will be Aboriginal land.





Why is inclusive practice important?

As a trans person myself, the experience of interacting with everyone from doctors, pharmacists, post office staff and government workers comes with an additional level of stress and risk, as I am constantly on the alert for cues as to whether the person I am speaking with is going to misgender me, mistreat me or refuse me service altogether.

And that's even with the privilege of being white, generally cis-passing, employed, able-bodied, living in stable housing and knowing my legal rights.

For a trans or gender diverse person experiencing homelessness, an acute mental health condition or complex trauma from parental and societal rejection, stepping into a CLC for the first time will likely be a very stressful experience. Our community will be actively looking for cues that you and your staff are not going to discriminate against them.

If you don't actively promote that your service is inclusive, many LGBTIQ+ people will simply assume that it isn't, and won't access your service at all.

If you do take what's often seen as a first step by displaying a rainbow or trans flag at reception or on your email signature, LGBTIQ+ people will likely take that to mean that you've trained your staff in the basics of LGBTIQ+ inclusive practice, and that they can expect that your reception staff won't misgender them on arrival and the lawyer they speak to won't make assumptions about their sexual orientation or ask intrusive questions about their gender identity which have nothing to do with their legal issue at hand.

If anyone in your community legal centre does any of these things, then it's going to be even more disappointing and frustrating, as your visual indicators of inclusivity (flags, email signatures etc) are not reflective of actual inclusive practice, you have incorrectly advertised the nature of your service. You have asked someone to let their guard down, only to be offended or humiliated by yet another organisation.

Word will get around and your organisation will be considered untrustworthy and unsafe by many parts of the LGBTIQ+ community, and they won't come to see you to ask for help again.

If a marginalised and stigmatised part of your community won't access your services, then you will simply not be reaching everyone in your area that needs help.

As CLCs battle for ongoing funding and stable accommodation across Australia in a difficult political landscape, it's vital that CLCs make sure that all of their staff and volunteers are trained in the basics of LGBTIQ+ inclusive practice, legal issue spotting for LGBTIQ+ communities and who their local LGBTIQ+ organisations are and what they do.

To this end, I hope that you find this toolkit useful.

Sam Elkin

LGBTIQ Outreach Lawyer

Southside Justice

Understanding LGBTIQ+ basics

By Meri Leeworthy, LGBTIQ Legal Service Volunteer

Introduction

While we sometimes clumsily refer to the 'LGBTIQ community', in reality that simple phrase conceals a complex web of identities and physical characteristics interacting in innumerable ways. We are not one easily defined group. Our identities and bodies can shift and change in fluid ways throughout our lifetime, in the same way that everyone goes through transformations and finds new language for describing themselves. Our sexuality, gender identity or sex characteristics may be the most important part of our identity, or it might be a minor feature.

When approaching the topic of LGBTIQ+ inclusive practice, it is worth considering that regardless of how we identify, each of us is at a point in our own journey of education with no end point. There is no mark of certification that will ever capture the entirety of our experiences, so rather than seeing inclusive practice as a series of boxes to check, we should learn to move through life constantly developing new insights, pushing ourselves outside of our comfortable preconceptions. Moreover, there is not necessarily consensus within the so-called 'LGBTIQ community' on many issues, and this document cannot represent every perspective on every debate in anything close to an exhaustive manner. What it can provide is a roadmap, suggesting well-travelled paths for workers to continue on their educational journey and put these insights into practice.

What does LGBTIQ+ stand for?

The initials above stand for Lesbian, Gay, Bisexual, Transgender, Intersex and Queer. The plus sign serves to signify and acknowledge the inexhaustive nature of this collection of terms, the fact that language can and does evolve to find new terms for describing the diverse ways in which people can experience gender, sexuality, relationships and human bodies.

For anyone who has ever struggled to find the words to describe their feelings and desires in a social context that seems to reject any deviation from a given norm, it will be obvious that language plays a significant part in shaping our reality. It is for this reason that we emphasize careful and critical use of language in moving towards inclusive practice.

You can find a list of key terms below, and throughout this document.

The basics of sex and gender

Gender is a form of identity, meaning that it is a recognition that some aspects of ourselves are similar to those of others. Identities are one way of how we make sense of an alienating and complex social world, allowing us to form groups that are recognisable beyond our personal relationships. Gender identity might be something that we feel inside of ourselves, but it can also be something that we try to communicate to others through choices about our appearance and behaviour.

Even though most children are taught that humans are simply divided into 'men' and 'women', gender identities are a part of culture and are understood in different ways

around the world. What might be seen as feminine clothing in one culture might be seen as a traditionally masculine dress in another. Some cultures recognise five or more different gender identities. Gender identities can serve cultural purposes, and everybody has a unique way of understanding any gender that they might identify with.

Not everyone is comfortable with the gender label that they are assumed to identify with. Unfortunately, prejudices and social myths can pressure people into gender categories that do not feel right or comfortable. This social stigmatization can lead to people feeling alienated, isolated or excluded, and this can have enormous impacts on mental health and quality of life.

Issues facing the intersex community

Many people with variations of sex characteristics are subjected to forced, coercive medical interventions without their free and informed personal consent. Such procedures, when not strictly medically necessary, violate a person's rights to security, bodily and mental integrity, health, sexual and reproductive rights, privacy, legal capacity and non-discrimination, as well as the right to be free from torture, ill-treatment and violence.¹

People with variations of sex characteristics are routinely subjected to discrimination, stigma and body shaming in our community, particularly in healthcare settings, sports, media and online dating platforms.²

Gender identities

In understanding trans and gender diverse experiences, it is important to know the difference between gender

identity and gender expression (also called gender presentation). Identity is internal – something that you cannot know unless a person tells you how they identify. On the other hand, gender expression is generally the parts of gender which are perceptible to others, including clothing and style as well as gesture and behaviour. The conflation of gender expression with gender identity is a major source of anxiety and pressure for many trans and gender diverse people. For somebody who is transitioning, this can be a time of experimentation as well as working through internal barriers and fears. That said, 'transitioning' can be understood as just another word for changing or evolving, so it can be seen as a lifelong process. When wondering how to refer to somebody, it is crucial to base your language and approach on the way the person identifies, rather than any assumptions that you may make about their presentation.

Key Terms

SEX ASSIGNED AT BIRTH

The determination of an infant's sex at birth, usually by doctors or midwives. A person's 'sex' describes a type of assigned differentiation that occurs in human bodies, such as 'male' and 'female'.

TRANSGENDER

A wide-ranging term for people whose gender identity or gender expression differs from the sex they were assigned at birth.

CIS GENDER

Someone whose gender identity matches the sex they were assigned at birth.

NON-BINARY

A person who identifies as neither

1 Morgan Carpenter (2020) 'The OHCHR background note on human rights violations against intersex people', Sexual and Reproductive Health Matters, 28:1, DOI: 10.1080/26410397.2020.1731298

2 Morgan Carpenter (2016) 'Body shaming is an intersex issue', Intersex Human Rights Australia, <<https://ihra.org.au/30697/body-shaming-intersex-issue/>>

male nor female and sees themselves outside the gender binary. This is sometimes shortened to N.B. or enby.

Other terms for people who express gender outside traditional norms associated with masculinity or femininity are gender non-conforming (or GNC), genderqueer and gender fluid.

The basics of variations of physical sex characteristics (commonly called intersex)

Intersex is an umbrella term for people born with physical sex characteristics that don't fit medical and social norms for female or male bodies. There are a wide range of different underlying intersex traits that can be determined prenatally, at birth, during puberty or at other times. Intersex traits can include androgen insensitivity and other androgen synthesis variations, congenital adrenal hyperplasia, and sex chromosome variations. Intersex people can grow up to be heterosexual or not, and cisgender (identify with sex assigned at birth) or not. Intersex people use many different terms to describe their bodies and characteristics, including terms taught by parents and doctors. Individuals also choose terms to avoid misconceptions and stigma.

The basics of sexuality

Humans have always experienced sexual attraction and practiced sexuality in diverse ways, not necessarily related to gender or to having children. In human history, the concept of sexual identity is a

relatively recent one, linked to the development of medical language for describing human behaviours and qualities. 'Heterosexuality' was less than a century ago understood to be a type of disorder, once described as 'abnormal or perverted appetite towards the opposite sex'. Only in the 1930s was it first used as a term to describe so-called 'normal' sexuality.

The idea that some sexual behaviours are normal, and others are strange, perverted or wrong, has a long history that can be mentally ingrained from a young age, even for many LGBTQ+ people themselves. However, anyone who is committed to making services inclusive and accessible for LGBTQ+ people will work to unpack and unlearn this prejudice. This can take some time, but it is important to remember that moralising or stigmatising attitudes towards sexuality can for many people be a source of intense shame, depression, anxiety and trauma. Any worker who is able to reflect carefully and regularly on their attitudes towards sexuality and identity will be better equipped to respond to LGBTQ+ clients in vulnerable situations.

Sexual identities

Despite the institutional and medical history of sexual identities given above, sexual identities can also be great sources of pride and safety, helping people to deal with and process experiences of marginalisation, and to bring together communities of people who have been through similar struggles. Words such as 'gay', 'lesbian' or 'bisexual', as with many of the identities discussed in this document, can hold a very special significance for people who identify with them. For others, the specific terms may be unimportant.

However, it is important to be informed and understanding of the meaning of different terms so as not to accidentally misidentify or alienate some clients.

It is critical to understand the difference between sexual identity and gender identity. A person can identify as trans and also as heterosexual: for example, a trans man who is attracted to women. Like gender identities, however, sexual identities are internal. They do not need to be 'proven' by some expected behaviour or relationship status.

Key Terms

BISEXUALITY

The definition of bisexuality has evolved over time to reject the notion that there are only two genders, and the umbrella term 'bi +' is used by some to recognise this.

Bisexual people have differing definitions of bisexuality, but the term usually refers to people who have an attraction to multiple genders, attraction to two or more genders, or attraction to their own gender and other gender/s.

There are stereotypes around bisexuality – that it is a way station from straight to gay, or that it is a transitional stage. These are untrue, offensive and not reflective of everyone's experience within the bisexual community. While some people might identify as bisexual at one stage in their life and eventually the way they identify changes or the label no longer fits, this can be true for any sexuality and is not confined to bisexuality

PANSEXUALITY

Someone who is attracted to people of all gender identities, or someone

who is attracted to a person's qualities regardless of their gender identity.

The prefix 'pan' means 'all', and the term pansexuality was originally used to reject the gender binary that some people felt was associated with 'bisexual'.

ASEXUALITY

Or "ace." Someone who experiences little to no sexual attraction. They are not to be confused with "aromantic people," who experience little or no romantic attraction. Asexual people do not always identify as aromantic; aromantic people do not always identify as asexual.

More generally, some people (asexual or otherwise) identify as having a romantic orientation different than their sexual orientation. The terminology is similar: homoromantic, heteroromantic, biromantic and so on.

QUEER

Queer is often used as an umbrella term to refer to individuals who form part of the LGBTIQ+ community. While it was previously used in a derogatory way, the word has been largely reclaimed by the community. Some individuals within the community are uncomfortable with the word because of its history, and so it should only be used to refer to someone's identity if they themselves identify with the word.

Poly relationships

Polyamory, or ethical non-monogamy, is an umbrella term used to refer to a variety of relationship styles, orientations and practices involving romantic or sexual relationships with multiple partners. These relationship styles center consent and mutual caregiving. Polyamorous people may be legally married to one other person, but also have de facto partners or children with other

partners. Individuals may live alone, or span multiple residences and kinship structures. Polyamory can be an orientation, a philosophical or practical relationship style, and can be an important part of a person's identity.

Some people who identify as being polyamorous can experience stigma and discrimination by police and in our legal system in both explicit and implicit ways. This can include lawyers who demonstrating rigid thinking and unintentional bias when asking questions about a person's relationship status during a legal intake, which may lead a polyamorous person to feel reticent about providing full information about their personal situation, or a failure by the courts to list a secondary partner on an intervention order where they are an affected family member. This could also include police taking a report of a sexual assault less seriously from a person who is in multiple sexual relationships than they might if that person was monogamous. It is against the law in Victoria to discriminate against a person on the grounds of their lawful sexual activity.



Being an inclusive service provider

When organisations talk about being inclusive, they often mean a range of different things. The following is a list of issues that we recommend that every organisation consider when self-auditing their services as to whether or not they are currently LGBTIQ+ inclusive.

We would strongly encourage every organisation to self-audit their services using the Federation of Community Legal Centres' **Organisational Audit Tool** at Appendix 1. The development of this checklist was based on the initial work of [Rainbow Health Australia](#), then further developed by the Federation of Community Legal Centres to align with the broader needs of the community legal sector and the National Accreditation Scheme (NAS).

Furthermore, the NSW-based psychotherapist and educator Dragan Zan Wright has created an individual reflective practice sheet for individual staff to complete to self-identify their strengths and gaps in their own knowledge. We recommend that CLC's consider inviting trainers such as Dragan to help groups undertake this reflective practice process in a structured way.

The following is a list of issues to consider:



Communication

Respectful communication includes (but is not limited to) choice of language, intake and screening procedures, using client-preferred name and pronouns, recognising non-binary gender, responses to disclosure, and recording of information.

For example: not making assumptions about a client's sexuality based on pre conceived ideas of what certain members of the LGBTIQ community look like or act; appropriate language and means of asking about blood borne illness status etc. etc.

Important things to remember to ensure that your service is inclusive of the trans and gender diverse (TGD) community:

- There are a range of genders and pronouns in the TGD community
- Clients should not feel pressured to disclose their TGD status
- Do not assume that someone identifies as TGD based on their appearance – for example, your office may choose to implement a policy where every client is asked 'how do you identify your gender?'
- Ask the client how they describe their gender and what pronoun/s they use
- If it is necessary to ask what gender a person was assigned at birth, it should also be explained why this information is required
- Assure the client that all information will be kept confidential unless the client permits otherwise
- Always address a client using the gender/s and name they identify with – regardless of whether they have changed these legally or had surgery

- Not using a person's gender pronoun can be an example of discrimination
- It is also important to use gender neutral greetings and recognise diverse voices when on the phone
- Note that a trans or gender diverse client could identify with any sexual orientation, and a person may additionally have been born with an intersex variation, so intake forms should be inclusive of this.
- Does your organisation currently use gendered language such as "Sir" and "Madam" at reception, instead of a gender neutral phrase such as "Hello, how can I help you today?"
- Does your organisation assume the gender of a person on the telephone based on their voice and enter that information into your intake forms?
- Do your staff and volunteers feel confident in politely and discreetly asking about a person's preferred name and pronoun where they are unsure?
- Does your organisation participate in gossip, jokes or flippant remarks about people's sexual orientation or gender expression which may offend clients, volunteers or staff?

Use of interpreters

Many CLC's will already use translating and interpreting services when communicating with clients. It's important to bear in mind that many terms that the LGBTIQ+ community use in Australia such as non-binary or transgender do not have direct

corresponding words in other languages (and if they do, in some cases they may be stigmatising), so you should endeavour to break down your terminology to give the interpreter the best chance of communicating this information to your client effectively.

- Does your organisation offer translating and interpreting services and factsheets in relevant community languages for clients for whom English is not a first language?
- Does your organisation promote that AUSLAN interpreting services can be made available to clients who need it?

Toilets

As a trans or gender diverse person, the basic human need of using a toilet can very often become overwhelming, frustrating or even dangerous because the vast majority of toilets are marked as, and architecturally designed to be, spaces segregated by binary categories of gender (i.e. male and female toilets). This design makes these spaces inherently exclusive of gender diverse people, and the choice to use the toilet can, for many trans people, feel so uncomfortable or risky that some will regularly choose frustrating or painful alternatives to using these toilets – walking long distances or waiting uncomfortable lengths of time. Being forced to decide between male or female toilets can also trigger memories of traumatic experiences for trans or gender diverse people, putting a significant psychological burden on us that can in the long term reduce our quality of life.

Organisations that are committed to making an inclusive practice will take this issue very seriously, and fortunately it is one that can be

addressed in a very simple way – by providing a toilet or all toilets that are marked as being accessible to people of all genders. If none are provided, this is achieved by replacing the ‘male’ and ‘female’ signs with ones that do not specify a gender ‘allowed’ to use that facility. Signs can be an opportunity to remind cisgender people that common assumptions about the gender of people who use certain facilities are exclusive and unnecessary.

Other signage around facilities can be exclusive on the basis of gender. For example, a room for breastfeeding parents or carers might be marked as ‘mothers’ room’, despite the fact that not all people who breastfeed for children are mothers.

Some questions for your organisation regarding the inclusivity of your facilities might be:

- Does your organisation have at least one gender neutral accessible toilet for clients to use, which is accessible without specifically asking for access to it?
- Does your organisation display trans and gender diverse inclusion signs in your toilets?
- Does your organisation use non-gendered toilet signs that describe the functional aspects of the facility (e.g. toilet with cubicles and urinal, toilet with cubicles and sanitary bins)
- Does your organisation offer a place for people caring for small children to change them and if so, is the signage gender neutral and welcoming of people caring for children who may not be officially listed as parents?

Trauma-informed practice

Complex trauma occurs when repeated traumatic events occur against a child or adult, in a range of situations including family violence, neglect, sexual exploitation and community rejection. Many LGBTIQ+ people experience complex trauma, compounded by discrimination and minority stress.

Minority stress is the cumulative impact of being a minority within a dominant cultural group, which may result in needing to hide aspects of a person’s identity in different settings, being isolated in educational and social settings, and the experience of outright stigma and discrimination. Complex trauma is not only experienced by the LGBTIQ+ community, and can be experienced by anybody who is “othered” by the dominant culture, including racial, religious and ethnic minorities group.

It is therefore crucial that CLC workers develop competency in assisting clients who have experienced complex trauma. In a CLC setting, this can manifest in an acute lack of trust in legal processes, hypervigilance around privacy, a damaging use of alcohol and drugs, self-harm, being unable to answer the phone or respond to emails, or conversely engaging in constant, habitual contact with CLC staff and other workers.

We recommend that CLC’s consider undertaking training from organisations such as the [Blue Knot Foundation](#) so that CLC staff and volunteers can to develop these competencies.

Understanding the intersectional discrimination that some LGBTIQ+ people face

LGBTIQ+ people, like anyone else in our community, have a range of different racial, religious and cultural identities. Some members of our community have disabilities or experience stigma due to blood-borne illnesses such as HIV and hepatitis C.

Staff and volunteers should be aware and inclusive of diversity and further marginal identities among LGBTIQ+ clients including:

- Cultural, indigenous and faith-based identification
- Disability
- Chronic illness such as HIV
- Sex worker status
- Age (particularly younger or older clients)
- People living in rural and remote communities
- Poverty
- People who have been incarcerated

Where possible, clients who identify with these groups should be provided with specific resources and support. CLC staff and volunteers should undergo a range of anti-discrimination training sessions and be provided with resources to understand the unique vulnerabilities of different client groups.

Acknowledging prior harm from police/judicial systems

The targeting and over-policing of LGBTIQ+ people in Australia cannot be overstated, and despite recent apologies from some state Police forces, there remains significant and widespread mistrust of the Police and judicial systems more broadly with the LGBTIQ+ community. In many cases this mistrust is entirely valid, as many Police Officers and members of the judiciary alike hold onto homophobic, sexist and transphobic attitudes which can negatively impact upon LGBTIQ+ people while interacting with Police while experiencing acute mental health episodes, seeking assistance with family violence-related matters and when interacting with the criminal law systems.

CLC staff and volunteers are encouraged to develop a basic understanding of this history.

For example, in 1972 [Dr George Duncan](#), a gay law lecturer from the University of Adelaide was killed in an attack suspected to have been committed by police officers.

There remain [30 unsolved deaths](#) in Sydney known as the Bondi murders, which police officers are widely considered to have been directly involved in or complicit in by failing to adequately investigate.

The history of the first [Mardi Gras](#) in Australia is one of police violence, where police arrested numerous peaceful protesters, many of whom were subsequently injured in Police custody.

Laws criminalising homosexuality and made punishable by jail were not repealed across Australia until relatively recently. In Victoria, laws

which made homosexuality a crime weren't repealed in Victoria until the 1980's. In Tasmania, homosexuality was not fully discriminated until 1997. The unequal age of consent for anal intercourse in Queensland was not repealed until 2016.

Due to the history of criminalisation of homosexual acts, many older LGBTIQ+ people in Australia will still have criminal convictions that have not yet been expunged.

The [Tasty Nightclub raid](#) in Melbourne in 1994 is remembered by many contemporary LGBTIQ+ activists in Victoria as a deeply traumatic experience, particularly for transgender patrons and drag queens who were forced to undergo strip searches by Victoria Police under the premise of a drug search.

We recommend that all CLC staff and volunteers learn about this difficult history and in some cases, ongoing poor support for LGBTIQ+ people within the police and Australian judiciary to better understand and respond to the needs of LGBTIQ+ interacting with the criminal justice system and family violence regimes.

Data collection

Due to a lived experience of discrimination, many LGBTIQ+ people are cautious about sharing our personal information, which can be an added barrier when seeking assistance from a CLC which routinely requires detailed personal information to be recorded around relationships and family structure, financial status, employment, as well as information about the client's (and other parties') sex and gender.

As we are required to record this information for the purposes of

conflict checking, report-writing and evaluations, it's important that all CLC staff and volunteers are familiar with the confidentiality measures that operate at every centre, and that everyone knows what information is mandatory as a condition of service, and what isn't.

Importantly, when collecting basic client information, is crucial that CLCs avoid assuming there is only a gender binary such as: • Male • Female

The same goes for the collection of names.

Other names

Some people have a name that is not their current legal name. People may change their names for a range of reasons including family rejection, to embrace a part of their cultural heritage and/or in the case of trans and gender diverse people, to choose a name that accords with their gender identity.

A person's correct name is the name they use. It is never appropriate for any staff to use a client's legal name if they no longer use this name.

However, CLCs are required to ask all clients if they have been known by another name to complete client conflict checks. If someone identifies that they have a previous name, this information must be treated with extreme sensitivity. The client's previous name should be recorded in a discrete area of your notes or database that it is not visible on their file or intake forms.

If a client's prior legal name is used in the formal court process, staff should advocate to have the client's current name used during court or tribunal hearings, on court files and in court documents as often as possible.

Inclusive data

If CLCs are collecting information about people's sexual orientation, blood borne illness status or gender identity, it must be treated with the considerable sensitivity and the highest level of confidentiality.

CLCs should always consider what data is being collected, how it will be used and where it will be stored.

The following are examples of LGBTIQ+ inclusive data collection methods that have been informed by Intersex Human Rights Australia.

WHICH SEX WERE YOU ASSIGNED AT BIRTH?

- Male
- Female
- Prefer not to answer

WHAT IS YOUR CURRENT GENDER IDENTITY (PLEASE CHOOSE AS MANY AS APPLY):

- Female
- Male
- Sistergirl
- Brotherboy
- Non – binary
- Gender diverse
- Unlisted (please state)

WHAT ARE YOUR PRONOUNS (PLEASE CHOOSE AS MANY AS APPLY):

- She
- He
- They/Them
- Unlisted (please state)

INTERSEX STATUS

WERE YOU BORN WITH A VARIATION OF SEX CHARACTERISTICS (THIS IS SOMETIMES CALLED INTERSEX)?

- Yes
- No
- Prefer not to answer
- Not sure

LGBTIQ+ community

ARE YOU A MEMBER OF THE LGBTIQ+ COMMUNITY

- No
- Yes
- Prefer not to say

If yes, then ask about sexual orientation.

SEXUAL ORIENTATION

DO YOU CONSIDER YOURSELF TO BE (PLEASE CHOOSE AS MANY AS APPLY):

- Heterosexual
- Lesbian
- Gay
- Bisexual
- Queer
- Asexual
- Unlisted (please state)
- Not sure
- Prefer not to say

Organisational set-up

Most CLC's will consist of a governing Board and leadership team, including an executive officer, principal solicitor and other senior staff, depending on the size of the centre.

It's important that the LGBTIQ+ community and other minority communities, are represented in all layers of management. This will increase your CLC's understanding of culturally specific issues affecting different communities, and increase your ability to respond appropriately.

We recommend that all CLCs consider the following:

- Does your leadership team and/ or Board include people with expertise in LGBTIQ+ issues?
- Does your CLC have an LGBTIQ+ expert advisory group, or an awareness of LGBTIQ+ organisational networks who can be called upon for paid consultation?
- Does your CLC actively encourage consultation and inclusion of populations that are marginalised within the LGBTIQ+ acronym?
- Has your organisation undergone rainbow tick accreditation (or similar)?
- Have all of your staff and volunteers undergone LGBTIQ+ inclusive practice training, and if so, does your centre regularly run refresher training?

Celebrating key LGBTIQ+ days at your workplace

An important way of deepening your centre's understanding of LGBTIQ+ issues and to show active support for our communities is to celebrate key dates in the LGBTIQ+ calendar.

The following is a non-exhaustive list of key dates celebrated in Australia:

- [Trans Day of Visibility](#) (31 March)
- [International Day against Homophobia, Biphobia, Intersexism and Transphobia](#) (17 May)
- [LGBTQ day of family violence awareness](#) (28 May)
- [International Lesbian Day](#) (8 October)
- [Wear it Purple Day](#) (30 August)
- [Celebrate Bisexuality Day](#) (23 September)
- [Intersex Awareness Day](#) (26 October)
- [Intersex Day of Solidarity](#) (8 November)
- [Trans Day of Remembrance](#) (20 November)
- [World AIDS Day](#) (1 December)

Accessibility information for events

Thank you to [Undercurrent Victoria](#) for providing the following summary:

Many members of the LGBTIQ+ community have different accessibility needs, and we recommend that this be carefully considered when organising events. Important information to tell potential attendees about includes:

- Public transport options (how far is the stop from the venue?)
- What parking options are available? Is there a disability parking spot nearby?
- Is there a footpath/incline/uneven cobblestone on the way to the venue? If so, please specify
- Can people bring their own food to the event?
- Are there childcare options for the event and is there a cost?
- How long will the event run for, what is the running order and will there be breaks?
- Is there a No One Turned Away for Lack of Funds policy for the event?
- Will there be free entry for Aboriginal and Torres Strait Islander people or people from refugees and asylum seekers, and if so, how do people contact you about this?
- Will there be a livestream for people who cannot attend? If so, how do they participate in questions?
- What are the physical dimensions of entry to the venue, will there be an elevator, is EFTPOS available?

- Will there be peer support workers at your event?
- Will the event be Auslan interpreted?
- Is this a high stimulation event?
- What is the lighting situation?
- Will any videos played at the event be captioned?
- Will there be power points for people to charge mobility or communication devices?
- Will there be gender neutral, accessible toilets provided?
- Will there be a chill out space at the venue?
- Will there be allocated seating for people who need it?

Posters and merchandise

All states and territories have organisations that sell posters, lanyards, badges and flags to show support for the LGBTIQ+ community, which is a great way to show that your organisation is inclusive (once it has undertaken many of the steps recommended in this guide).

The following is a list of some of the many organisations that create positive representations of people of diverse sexualities and gender identities for organisations to display:

- [Zoe Belle Gender Collective](#)
- [Minus 18](#)
- [Hares and Hyenas Flags](#)
- [Transgender Victoria Lanyards](#)
- [Twenty10](#)

Being an inclusive employer

Minimum legal requirements

Every CLC should be aware of their minimum legal obligations to their employees, Board members and volunteers under the federal Sex Discrimination Act and relevant state or territory-based anti-discrimination legislation.

The following is a list of list of legal rights that all employees have under Commonwealth law:

FAIR WORK ACT 2009 (COMMONWEALTH)

A right to be free from discrimination at work, and protections against terminations on the grounds of a protected attribute such as sexual orientation or disability.

SEX DISCRIMINATION ACT 1984 (COMMONWEALTH)

A right to be free of discrimination on the grounds of sexual orientation, gender identity (including non-binary gender identity), intersex status and a right to not experience sexual harassment or victimization.

NATIONAL EMPLOYMENT STANDARDS (COMMONWEALTH)

Rights to request flexible work arrangements

Rights to unpaid personal carer's leave/compassionate leave

Rights to unpaid parental leave

CLCs should also carefully consider their relevant state-based Occupational Health and Safety Acts which may also include a right to

a safe workplace (including free of discrimination, bullying and gendered violence, as well as their state-based anti-discrimination legislation, which may convey additional rights and responsibilities.

How should I use pronouns?¹

Pronouns are one way people refer to each other and themselves. Most but not all men (including trans men) use the pronoun 'he'. Likewise, most but not all women (including trans women) use the pronoun 'she'. Some people use a gender-neutral pronoun such as 'they/them'.

If you're unsure what someone's pronoun is, you can ask them respectfully, and preferably privately. Use a question like

"Can I ask what pronoun you use?". Do not ask "What pronoun do you prefer?".

A person's pronoun and identity are not a preference.

Some people's pronouns may be context-specific. For example, someone might not use their pronoun in a particular environment or around particular people because they do not feel safe or comfortable to do so.

WHAT IF I MAKE A MISTAKE?

People may worry that they will offend or be embarrassed if they use the wrong term, name or pronoun, particularly for trans and gender diverse people.

It's important to try to use respectful language and some mistakes are understandable, particularly when

you are learning. No one will get the language right 100 per cent of the time for 100 per cent of people. If you make a mistake, apologise promptly, use the correct pronoun or name and move on. Don't dwell on it, and don't give up.

But keep trying to get it right because we're committed to maintaining a safe workplace where everyone feels welcomed and respected and where everyone is free from all forms of discrimination and bullying.

Pronoun Cueing

Pronoun cueing is a useful strategy for gently affirming someone's gender and supporting others to do the same. Pronoun cueing is the deliberate use of words to send a 'cue' to others about someone's gender and pronouns. This strategy can be used as a way to politely remind a person when they have misgendered someone else.

For instance: "Your appointment is here, she is waiting near the front desk."

If you are unsure of a person's pronoun you can avoid using a pronoun or use they/them.

For example: "Your appointment is here, they are waiting near the front desk."

Or

"Your appointment is here."

1 Reproduced with thanks from the Human Rights Law Centre

Inclusive practice in meetings

Increasingly, many organisations will undertake a name-around at the beginning of meetings which will include each person's pronoun by way of introduction. This is an excellent way of demonstrating to your staff and stakeholders that you are an inclusive service with a basic understanding of gender identity, and may help trans and gender diverse staff and volunteers to feel supported in the workplace.

For example:

"My name is Ali and I use he/him pronouns"

"My name is Evelyn and I use she/her pronouns"

"My name is Darcy and I use they/them pronouns"

It's also important to make everyone aware when you are holding a meeting where the toilets are, including gender neutral and accessible toilets. It is strongly encouraged that CLC's do not book meetings or events at venues that do not have gender neutral toilets.

Inclusive practice online

Displaying your pronoun in your email signature, work twitter handle and business card can help people you haven't met before know which pronouns you use, and has the added benefit of demonstrating basic awareness of gender diversity.

For example, your email signature might look like:

Sally Sometimes
Community Legal Education Lawyer
She/her

Or

Abel Shaw
Administrative Assistant
They/Them

It can be helpful to include a link to explain why your workplace encourages the use of pronouns, see, [Why We Use Pronouns](#).

For some staff sharing this information could be quite sensitive. Some people use different pronouns outside the workplace and may not wish to disclose their non-binary or gender identity at work. While workplaces should encourage allies to include this information, and understand why it is important to, it should be an optional requirement. When implementing this strategy it is important to recognise this request may be sensitive for some staff.

Staff transitioning in the workplace

The decision to transition in the workplace is likely to have come after a period of significant personal uncertainty. It's crucial that CLC's do everything they can to support staff and volunteers who choose to transition and affirm their gender in the workplace.

Southside Justice has developed a Gender Affirmation Policy to support CLC's create inclusive workplaces and service environments for trans and gender diverse staff and clients. To access a copy of this policy go to [Diversity and Inclusion – Southside Justice](#)

We recommend that CLCs consider the following *do's* and *don'ts* to support LGBTIQ+ people.

DON'T

Ask invasive personal questions such as desire or plans for surgeries, hormone replacement therapy, likely impact on fertility or about what

transition means for their or their partner's sexual orientation, or what this means for a person's parenting arrangements. These are deeply personal questions that most cis-gendered people would be offended by in a workplace setting, and trans and gender diverse people will generally be similarly offended by such questions.

DO

Listen and respect the labels people use. LGBTIQ+ people have a right to describe themselves in a way that suits them best. For example, some people will use different terms to describe their gender identity such as "trans masc", "non-binary" or "genderfluid". These terms may change over time. If you need to know how your colleague identifies (perhaps if you are introducing them in advance) just check in with them briefly in private to ensure that you have the right information.

DO

Ensure that your parental leave, adoption leave and surrogacy leave policies do not use only gendered language such as "the mother" and "the father" as people with different gender identities (including lesbian and gay couples) access parental leave.

DO

Update an employee's name and title and sex marker on their employment records quickly, confidentially and without fuss in consultation with the employee.

DO

Ensure that your staff member has a safe bathroom and change-room facilities that they feel comfortable using.

DO

Provide your staff members with adequate transition leave to address their medical health, allied health and psychological needs, as well as time off to update relevant documentation.



Training and mentorship opportunities for LGBTIQ+ staff and volunteers

Due to structural discrimination, and for some, the additional burden of parental and community rejection, it can be much more difficult for LGBTIQ+ staff and volunteers to find and retain work in the profession of their choice.

We recommend that CLC's consider internship opportunities and targeted volunteering opportunities for LGBTIQ+ students and communities. This could be by having a presence at Pride events at universities and TAFEs, or by attending important LGBTIQ+ community events with information about your volunteer programs.

For example, there is the Australia-wide program "[Out for Australia](#)" which can pair LGBTIQ+ identifying students with mentors.

There's also The [Pinnacle Foundation](#) which provides educational and vocational support to young adults across Australia where their gender identity, sexual orientation or sexual characteristics have prevented or hindered achievement of their career aspirations or personal development.

We further recommend that CLCA and state-based peak bodies consider developing their own mentoring schemes for LGBTIQ+ staff and volunteers.

Encouraging LGBTIQ+ people to work for your organisation

Unless your organisation explicitly states that it is an LGBTIQ+ inclusive employer, many excellent candidates will simply assume that your organisation is not LGBTIQ+ friendly, and it will not be a safe and inclusive workplace for them.

We recommend that CLC's add the following or similar statement into their employment advertisements:

Our Organisation is an equal opportunity employer.

Members of the LGBTIQ+ community, people living with HIV, first nations people and those with past lived experience of recovery from alcohol and other drug issues are encouraged to apply.

Please bear in mind, however, that you should only do this once your organisation has undertaken the Organisational LGBTIQ+ and Gender Diversity Audit for Community Legal Centres (Appendix 1) and amended any policies and practices accordingly.

Pride Networks

Many large and medium-sized organisations now offer Pride Networks to support LGBTIQ+ staff. Many larger law firms have also joined employer organisations such as [Pride in Diversity](#) to support cultural change within workplaces and to support the development of Pride Networks.

We acknowledge that many CLC's may be too small to support their own Pride Network, and we therefore recommend that state based CLC peak bodies consider creating state and territory-based Pride Networks in order for LGBTIQ+ staff and volunteers to connect, provide each other with support and engage in advocacy projects together.

LGBTIQ+ Inclusive Practice Training

There are many excellent organisations and individuals across Australia that offer LGBTIQ+ and trans and gender diverse (TGD) inclusive practice training for organisations. Where possible, we recommend engaging a provider who offers training with trainers who have lived experience of the issue that they will be discussing. We recommend contacting the [National LGBTI Health Alliance](#) who maintain a national list of training providers or [Rainbow Health Australia](#) who deliver the [Rainbow Tick Accreditation](#) and [LGBTIQ+ inclusion training](#).

Intersex specific training

[Intersex Human Rights Australia](#) and [Intersex Peer Support Australia](#) both provide intersex specific training, and it is recommended that CLC's contact these organisations directly for training in this area.

APPENDIX 1

Community Legal Centers LGBTIQ+ Inclusion Audit Tool

This audit tool is to assist Community Legal Centre’s determine how well their current systems and practices are reflecting gender diversity and how accessibility for LGBTIQ+ clients, staff and volunteers can be improved.

CLIENTS FEEL SAFE AND WELCOMED

Incorporating Phase 3 NAS Standards 3 and 15

Organisation communicates that they are engaging with and providing a welcoming and safe environment for LGBTIQ+ people.

INDICATOR	MET	PARTIALLY MET	NOT MET	COMMENTS/ACTION
Appropriate strategies are adopted to welcome and include LGBTIQ+ clients in all service environment and online platforms in line with the scope of service delivery.				
Openly displays pamphlets, posters and electronic images with positive images and messaging for LGBTIQ+ people.				
Openly displays an anti- discrimination policy in hard copy or on websites, with statements of equality such as <i>“We are an inclusive service that celebrates diversity and actively promotes equality. We do not discriminate on basis of age, race, cultural background, religion, sexual orientation, sex characteristics, gender identity, or disability.”</i>				
Knowledge of, resources and developed referral pathways to LGBTIQ+ specific and/ or inclusion legal and non-legal services for clients, staff and volunteers.				
Staff demonstrate an understanding of gender and sexual diversity by using inclusive language, recognising diverse relationships, sex characteristics, and impacts of intersectionality.				
Policies and procedures address bullying, abuse or inappropriate behaviour, including derogatory comments about someone’s body, sexuality or gender diversity.				
Bathroom facilities, internally and when using external venues, provide options to access gender neutral or all-gender toilets.				

ORGANISATIONAL INTAKE, COMMUNICATION AND EVALUATION PRACTICES

Phase 3 National Accreditation Scheme Standards 2, 8, 9, 13, 14, 15 and 17

Intake processes, ongoing communication and service delivery; Supporting LGBTIQ+ clients to feel comfortable disclosing information; Ensuring staff are responsive to the individual needs of LGBTIQ+ clients; Continually evaluated, monitored and developed accessibility strategies.

INDICATOR	MET	PARTIALLY MET	NOT MET	COMMENTS/ACTION
<p>LGBTIQ+ information included in intake forms, includes:</p> <ul style="list-style-type: none"> • pronouns • other names • sex variations • diverse gender categories • LGBTIQ+ community • sexual identities • diverse relationship/families <p>Omit unnecessary questions.</p>				
Client conflict check strategies recognise sensitivity of disclosing and provide discrete data entry processes for previous names, esp. for trans and gender diverse clients.				
Clients are informed about Privacy and Confidentiality policies.				
Pronoun diversity is promoted with acknowledgement of pronouns during introductions, at events and is an optional addition to email signatures.				
Community legal education materials include LGBTIQ+ inclusive language, images and examples where relevant.				
LGBTIQ+ client, community members and community-led organisations consulted in regular service review, evaluation and quality improvement planning.				
Include LGBTIQ+ demographics in reporting categories to identify and monitor service impact for LGBTIQ+ community members.				
Evaluates diverse promotion strategies to increase LGBTIQ+ service access.				
Monitoring and evaluation strategies regularly review inclusion, accessibility and diversity strategies and promotes LGBTIQ+ inclusion in service review.				

STAFF DEVELOPMENT AND WORKFORCE PLANNING

Incorporating Phase 3 NAS Standard 1 and 3,

Staff, volunteers and Board members understand their responsibilities towards LGBTIQ+ clients and are able to participate in LGBTIQ+ training and development; Embedding sustainable LGBTIQ+ inclusive practices.

INDICATOR	MET	PARTIALLY MET	NOT MET	COMMENTS/ACTION
The organisation's strategic plan, vision, purpose, objectives, values and philosophies promote LGBTIQ+ inclusion.				
Recruitment and selection processes incorporate inclusion statements that recognize LGBTIQ+ people, such as <i>"We are an inclusive, equal opportunity employer and encourage First Nations, LGBTIQ+, people living with disabilities, culturally diverse people and people of all ages apply."</i>				
Gender affirmation (GA) policies are developed with appropriate GA leave provisions.				
Policies and procedures developed and reviewed in consultation with LGBTIQ+ staff (if they choose to participate) and/or paid external LGBTIQ+ consultation.				
LGBTIQ+ staff, volunteers and Board members are recruited, which could include possible partnerships with other agencies.				
LGBTIQ+ inclusive practices, language and relevant research is up to date to improve service delivery.				
All Board members, staff and volunteers regularly undertake intersectional LGBTIQ+ training.				
Resources provided to all staff, volunteers and Board members to increase LGBTIQ+ inclusive practice and organisational culture.				
Workplace is free of discrimination and harassment, supports equal opportunity and promotes culture of understanding, sensitivity and inclusion.				
Provides reasonable adjustments for staff and volunteers who require it in accordance with the <i>Equal Opportunity Act</i> and <i>Disability Discrimination Act</i> .				

ORGANISATIONAL RISK MANAGEMENT

Incorporating Phase 3 NAS Standard 5

The organisation manages risk to ensure the safety of LGBTIQ+ clients, staff, volunteers and Board Members

INDICATOR	MET	PARTIALLY MET	NOT MET	COMMENTS/ACTION
Risk management frameworks identify and include potential risks and risk mitigation strategies affecting LGBTIQ+ people.				
Grievance processes identify and respond to breaches of organisational policies.				
Client complaints process is publicly available and includes external phone numbers to report a complaint or breach of a policy.				

