



## Draft Transgender Policy

It is the responsibility of Pentathlon GB to regulate participation of persons as competitors in all forms of Modern Pentathlon competitions to ensure that it provides fair competition and has due regard for the safety of all competitors.

Accordingly, the organisation has produced this policy to manage the enquiries from, or about people who have legally acquired a change in their birth gender. Transsexual and transgender people are protected by legislation against discrimination and can obtain legal recognition of their acquired gender. In England this involves the right to obtain a Gender Recognition Certificate.

### 1. Policy Terms:

**Competitive Activity:** Any activity run under the auspices of Pentathlon GB involving any or all of official timing/results, qualification, or rankings and involving participants of 12 years of age or greater.

**Gender:** The UK government defines gender as:

- a social construction relating to behaviours and attributes based on labels of masculinity and femininity; gender identity is a personal, internal perception of oneself and so the gender category someone identifies with may not match the sex they were assigned at birth.
- where an individual may see themselves as a man, a woman, as having no gender, or as having a Non-Binary gender – where people identify as somewhere on a spectrum between man and woman.

**Gender Affected Sport:** The Equality Act 2010 defines a Gender Affected Sport as a sport, game, or other activity of a competitive nature in circumstances in which the physical strength, stamina, or physique of average persons of one sex would put them at a disadvantage compared to average persons of the other sex as competitors in events involving the activity.

**International Events:** Any elite or Age-Group Pentathlon related event run under the auspices of the International Olympic Committee or UIPM for which PGB has jurisdiction for.

**Non-Binary:** Non-binary (an umbrella term that includes genderfluid, genderqueer and other labels): not fitting neatly or exclusively into one of the binary gender categories. A non-binary person may have: a single fixed gender position other than male or female, no gender, a combination of male and female or other genders, or move between male, female and other genders – or they might not identify or agree with the concept of gender entirely.

**Recreational Activity:** Any activity run under the auspices of Pentathlon GB or regions which is not competitive. A non-exhaustive list of examples would include club activity, coached sessions, events that do not have timing, results or prizes.

**Sex:** The UK government defines sex as:

- referring to the biological aspects of an individual as determined by their anatomy, which is produced by their chromosomes, hormones, and their interactions
- generally male or female
- something that is assigned at birth

**Pentathlon:** All forms and permutations including but not limited to Biathle, Triathle, Biathlon, Triathlon, Tetrathlon and Pentathlon.

**Transgender:** A person whose gender identity is different from their physical sex at birth. Those people who, as defined by the Equality Act 2010, share the protected characteristic of gender reassignment, and are described as transsexual people under the legislation.

## 2. Introduction

Pentathlon GB believes pentathlon can be enjoyed by anyone and aspires to support and regulate an environment that is truly inclusive but also provides a fair and safe environment for all.

The science illustrating the physiological, biological and subsequent sporting performance advantages that adult males enjoy over adult females - due to the effects of testosterone during male puberty – is unequivocal.

In addition, the scientific community broadly agrees that the *majority* of the physiological/biological advantages brought about by male puberty are retained (either wholly or partially) by transwomen post transition (Hilton & Lundberg, 2020 [<https://link.springer.com/article/10.1007/s40279-020-01389-3>] and Harper et al., 2021 [<https://bjsm.bmj.com/content/55/15/865>]).

The scientific research examining whether those retained physiological/biological advantages translate into a retained *sporting performance* advantage for transgender women post transition (compared with pre-transition and/or cis women) is somewhat limited. However, the science that does currently exist strongly challenges the idea that testosterone suppression alone sufficiently removes the retained sporting performance advantage of transwomen (when compared with pre-transition and/or cis women).

Pentathlon GB is determined that the transgender community can access pentathlon without fear of discrimination or prejudice. People who identify as transgender have the right to be treated with dignity and respect and Pentathlon GB operates a zero-tolerance policy on homophobia, biphobia, and transphobia.

## 3. Legislative Framework and Pentathlon

3.1 The Gender Recognition Act 2004 (the “Act”) allows trans people to change their legal gender if they wish to. Pentathlon GB is fully committed to providing support, advice and guidance to its staff, clubs, committees, coaches, volunteers, and participants to ensure trans people can continue their participation in pentathlon, whilst and after transitioning.

3.2 In practical terms, legal recognition will have the effect that, for example a trans woman, will legally be recognised as a female in English law. Applying for a Gender Recognition certificate allows for trans people to be legally recognised in their affirmed gender and to be issued with a new birth certificate. It is against the law to disclose someone's trans history. Anyone who has transitioned and feels their history has not been treated confidentially or has experienced transphobia whilst involved in pentathlon (in any capacity), can contact Pentathlon GB for advice and support.

3.3 The Act makes specific provision for sports organisations to restrict participation by trans people as competitors in an event, or events, involving a gender-affected sport. A sport is considered 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.

3.4 Such prohibition or restrictions can only be made in order to secure fair competition or the safety of competitors at the event or events. Pentathlon GB will support organisations involved with the delivery of events and competitions to ensure fairness and will investigate fully any complaints relating to unfair exclusion from pentathlon.

3.5 The Equality Act (2010) makes discrimination, directed at a person who identifies as transgender (whether directly or indirectly), against the law. Unwanted conduct (harassment) directed towards trans people and victimisation, someone making a complaint about trans discrimination and being treated less favourably, is also against the law. Please refer to Pentathlon GB's Equality and Diversity Policy for more information on our commitment to providing equal access to opportunity.

3.6 In November 2021, the International Olympic Committee published a new draft framework, to come into effect after the Beijing Games. In summary, this framework suggests transgender women should no longer be required to reduce their testosterone levels to compete in a women's sport category and says there should be no presumption that trans women have an automatic advantage over natal women. This guidance, when implemented, will replace the 2015 guidance with which many IFs align and will place responsibility on IFs to develop evidence-based policies. At this time, it is not clear when the IOC will implement this new framework. In the meantime, the 2015 guidance appears to remain current but has clearly been superseded in fact by the outcomes from the substantial further work that has been done in the area since 2015.

3.8 This Policy has been developed in accordance with the Gender Recognition Act 2004, the Equality Act 2010 and Sport Council Equality Group (SCEG) guidance. It recognises the right of an individual who has transitioned to participate in sport in their affirmed gender whilst ensuring that such participation does not unfairly affect competition and does not affect the safety of fellow competitors.

#### **4. Sex and Gender**

Pentathlon GB recognises and acknowledges each individual's right to define their own gender, regardless of their sex at birth. We also fully support their right to choose if, when and how to reveal that gender to others.

#### **5. Membership**

If an existing Pentathlon GB member wishes to change the gender marker on their membership, they are able to do this within the 'My Profile' section of their membership account. Where a

prospective member would like to obtain membership in a gender other than their sex at birth, they will be able to choose their identified gender freely when obtaining their membership.

## **6. Recreational Activity**

Pentathlon GB encourages Transgender and Non-Binary participants to take part in Recreational Activity in the Gender they identify as. As there is no competitive element to Recreational Activity, participants are able to take part in Pentathlon GB club activities in their self-identified Gender, without providing any additional evidence.

## **7. Competitive Activity**

### 7.1 Categories

Where a race/event organiser provides a Competitive Activity, they must provide the following categories of competition:

### 7.2 Application to compete in a Female category:

Only people who are the female sex at birth will be eligible to compete in the Female category. To be selected for Great Britain in International Events in the female category, only people who are the female sex at birth will be eligible.

### 7.3 Application to compete in an Open category:

Transgender (and all other individuals) will be eligible to compete in the Open category. Such individuals will be issued with an Open Professional License, which can then be used to enter races in the Open category in the UK or Open/male categories for events staged overseas.

## **8. Volunteering and employment**

This policy does not affect transgender people in any aspect of volunteering or employment and Pentathlon GB will strive to ensure that the culture of the sport and workplace is supportive and welcoming throughout any transitioning process or as a transgender person.

In accordance with our Equality & Diversity Policy, and other key policies such as the Anti- Bullying & Harassment Policy, any discriminatory behaviour or treatment will be taken seriously, and action taken in accordance with the Disciplinary Procedures.

Pentathlon GB will work to meet the individual needs of each person to ensure that they have a positive experience of their volunteering and/or employment.

## **9. Roles and Responsibilities**

All Participants are bound by the Pentathlon GB Code of Ethics and Conduct, and this should be upheld at all times. These policies lay out what is expected of all Pentathlon GB employees, members, volunteers, affiliate clubs and participants.

## **10. Data Protection**

Pentathlon GB, as a data controller, must ensure that any personal data processed in relation to this policy is in compliance with data protection laws and its own internal Data Protection Policy.

In particular:

The collection of data must be necessary, proportionate, and relevant to the particular purpose and circumstance. Where data is collected for verification purposes and does not need to be retained, it should be deleted as soon as practicable. Where information does need to be retained this should be in line with Pentathlon GB's Data Retention Policy.

Pentathlon GB must be clear and transparent at the outset about why this data is being held and for what purpose. Any additional purposes for processing this data must be communicated to the individual before the processing commences.

Access to this information should be tightly controlled and on a strictly need to know basis. Pentathlon GB will only share necessary information with international competition organisers for the purposes of verifying the status of the trans person. Pentathlon GB will agree with the trans person how information is to be shared with others if this is absolutely necessary; this may include a change of name and title, and this should be accommodated without prejudice or aggravation.

Pentathlon GB will complete and keep under review a Data Protection Impact Assessment (DPIA) for this processing due to the potential privacy risks involved.

### **Contact Details and Reporting**

Pentathlon GB welcomes feedback on its Transgender Policy and also urges any person involved with triathlon who has experienced transphobic abuse to report it immediately. Please contact us via [safeguarding@pentathlongb.org](mailto:safeguarding@pentathlongb.org)

Concerns regarding non-compliance with this policy can also be sent to [safeguarding@pentathlongb.org](mailto:safeguarding@pentathlongb.org)

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