

Recently, seven players from the Manly Sea Eagles, a team in Australia’s National Rugby League competition, refused to play in a jersey that featured rainbow trim. The design, called the “Everyone in League” kit, was intended to be worn by the team as a one-off to celebrate inclusivity, but it became known as a “pride jersey”, supporting the LGBTIQ+ community, due to the use of the rainbow palette. The seven players cited religious and cultural objections to wearing the jersey and, because the rules of the National Rugby League require all players in a team to wear an identical jersey, opted not to play the match in which the jersey was worn.

The story made headlines and was widely talked about across Australia. Instead of uniting the rugby league community to promote inclusivity, the issue divided the Manly Sea Eagles team, rugby league fans and the general population. While some argued that a sporting club has no right to force a particular ideology on its players, others argued that wearing the jersey was just part of their “job”.

The “pride jersey” controversy highlights an important message for all organisations that want to foster diversity, equity and inclusion (DEI) – even initiatives implemented with the best of intentions can have unintended consequences. With that in mind, and taking inspiration from other events in the world of sport, we have developed some “rules of play” for organisations to follow to lessen the risk of inadvertent outcomes.

What Is DEI?

DEI is now considered a crucial element in any organisation. Broadly speaking, DEI is typically used to describe the initiatives of an employer or other organisation to improve and maintain the fair and equitable treatment of all people, including those who have historically been underrepresented or subjected to discrimination.

DEI is now more than just ticking boxes in order to comply with anti-discrimination legislation. Embracing DEI initiatives is said to enhance brand reputation, increase innovation and improve business performance. In addition, employers that embrace DEI are reported to have higher employee satisfaction levels and lower incidences of unconscious bias, bullying and harassment.

Reading the Play

One of the biggest lessons to come out of the dispute about the Manly Sea Eagles jersey is that consultation is key. The players who refused to wear the jersey for religious reasons cited disappointment that there had not been consultation with the entire playing group about it being worn. It has been reported that the players found out about the jersey and their need to wear it in a media release and the boycott was not entirely about the jersey itself, but also the lack of consultation about the players’ religious and cultural beliefs.

In effect, despite the Manly Sea Eagles’ best intentions, its decision to implement a DEI initiative that would appeal to the masses was unsuccessful because it failed to consider how it might impact others who would be affected. The club has noted it has learnt from the experience and will consult players more broadly if the initiative is undertaken again. All organisations should similarly look to engage in a consultation process with a cross-section of stakeholders and, if possible, allow those who would be affected by the initiative to opt out if they do not feel comfortable participating.

On the Field

As DEI evolves, so too do expectations about the suitability of clothing and apparel that may have previously been considered acceptable. In 2021, the Norwegian beach handball team refused to wear the regulation bikini bottoms that had for years been the official competition uniform. Upon wearing shorts, rather than the bikini bottoms that were to be “a close fit and cut on an upward angle toward the top of the leg”, the team was fined €1,500 due to an “improper clothing” ruling by the European Handball Federation. Following public scrutiny, the International Handball Federation determined to change the regulations to require women to wear “short tight pants with a close fit” when competing.

To embrace DEI, uniforms and other attire cannot be one-size-fits-all. Organisations should look to ensure that they do not impose requirements that do not allow individuals to embrace their culture, sexuality or beliefs. Just as Netball NSW has created guidelines for inclusive uniforms (permitting uniforms that can cover additional body surface, including the legs, arms and/or head) to create “more welcoming and inclusive netball environments”, organisations should ensure that they do not impose requirements on employees that do not allow them to embrace their culture, sexuality or beliefs.

Celebrating the Win

Following the Australian cricket team’s win in the 2021/2022 Ashes Test Series against England, Usman Khawaja, a Muslim who does not drink alcohol, left the podium when the celebrations began to involve the spraying of champagne. Upon noticing his absence, several players, including the Australian captain Patrick Cummins, told teammates to put the champagne bottles down and invited Khawaja back to the podium. Millions of people watching at the time had probably never considered that such “traditional” celebrations would mean that certain players would be unable to participate.

A matter I worked on many years ago involved a workplace complaint of discrimination made by a young Muslim woman. She felt as though she was being treated differently by her peers, saying she often felt excluded from workplace activities. One such activity was the monthly office barbeque at which sausages were cooked on the premises and served for lunch. The company had considered this activity one that would bring its employees together on a Friday afternoon, but it had the opposite effect for the complainant who ate a halal diet and did not drink alcohol. In many circumstances, such as this one, there will be a relatively simple and inexpensive way to prevent people from feeling uncomfortable or ostracised.

The Rules of Play

While DEI will mean different things to different organisations, some steps to improve DEI in an organisation may include:

- Ensuring that employees understand, through education and training, what DEI means and why DEI initiatives are important
- Developing and implementing policies that promote DEI, including anti-discrimination, harassment and bullying policies
- Involving a diverse cross-section of employees when developing workplace initiatives
- Not forcing DEI initiatives on employees where those initiatives may contradict personally held values or beliefs
- Looking to establish a DEI committee that is tasked with considering initiatives through a DEI lens
- Setting measurable DEI targets around company demographics, retention rates and engagement scores
- Revisiting employee policies and benefits to ensure that they are not discriminatory and promote a DEI culture
- Analysing pay data to identify pay gaps and take action to close any gaps that exist
- Making senior executives and managers accountable and ensuring they “walk the talk”

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