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RESEARCH ARTICLE



An intersectional Foucauldian analysis of Canadian national sport organisations' 'equity, diversity, and inclusion' (EDI) policies and the reinscribing of injustice

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ABSTRACT

National Sport Organisations in Canada have increasingly been incentivised to create their own equity, diversity, and inclusion (EDI) policies within the framework of national inclusive sport mandates. However, many people from equity-denied groups – including this article's authors – continue to experience erasure, denial, and ignorance when engaging within Canada's sporting system, not despite such policies, but sometimes because of them. Our Re-creation Collective of passionate practitioners and scholars from various equity-denied groups analysed all (143) Canadian national-level EDI sport policies available online. From this analysis, we created a model that explains common ways that EDI policies can serve to reproduce the very exclusions they seek to address. Our first theme, *Reproducing the Status Quo*, includes subthemes *Alleging Inclusivity*, and *Refusing Accountability*. In our second theme, *Reproducing the Excludable Other*, we discuss the subthemes *Erasing*, *Problematising*, and *Hedging*. We end with a critical discussion and knowledge mobilisation links aimed towards building better EDI policies.

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Introduction

Equity, diversity, and inclusivity (EDI) policies and initiatives as a subject of academic study, have increasingly become a part of sport culture internationally (Spaaij *et al.* 2014, Gardner *et al.* 2022). Scholars, for example, have researched EDI sport policy across equity-denied groups, for single national sport organisations, offering evidence of (in)consistencies and tracing governing logics (Turconi *et al.* 2022). Scholars have also offered deeply insightful analyses of various EDI policies across a single national context around one equity-denied group, for example LGBT+ or racialised participants (Gardner *et al.* 2022, Spurdens and Bloyce 2022). Recently, Spaaij *et al.* (2020) offered an important multi-sport investigation into forms of resistance engaged by sport leadership in Australia in relation to creating and enacting meaningful EDI policy. This multi-sport, single-country analysis offered immensely helpful insights into the ways that (anti-)EDI discourses and practices circulate through specific national contexts, offering broad learnings and opportunities for contextually-

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specific interventions. In particular, they clearly demonstrate how sporting organisations ‘invoke diversity as an institutional value’, sometimes as a means to avoid or undermine substantive equity shifts (Spaaij *et al.* 2020, p. 364). Inspired by this recent study, our project takes on a multi-sport, single country analysis into how Canadian national sport EDI policies serve to reproduce inequity. Our major contribution to this conversation is to leverage our research team’s broad lived and research expertise to develop a theoretical lens for applying intersectional analysis that can account for the shared and differential workings of equity discourse across multiple axes of oppression.

Canada offers an important context for such an analysis, because there has been ongoing, robust scholarly and policy interventions into Canadian sport equity for decades, but as recent highly publicised incidents suggest (e.g. Hockey Canada), it represents a massive failure of such initiatives to translate into equitable practice. For decades, EDI policies have been implemented as a way for Canadian sport to respond to historical and contemporary social conditions of significant inequity, exclusion, harm, and injustice, including colonial, racial, ableist, sexist, homomistic,¹ and transmissic injustices, and their intersections (Sport Canada 2002). Various scholars have strongly suggested Canadian national sport organisations develop and implement their own social inclusion policies since they have the most capacities and resources (Livingston and Tirone 2012, Frisby *et al.* 2014).

Exclusion in sport is underpinned and (re)created by structural mechanisms such as power imbalance, cultural norms, and economically-driven policies, wherein dominant groups maintain control of the management and organisation of sport, often reproducing institutional exclusion (Spaaij *et al.* 2014, Chen and Mason 2019). Some exclusionary factors include the architecture of physical sporting structures (Peers 2012); barriers related to socio-economic status (McGuire-Adams 2017); the valorisation of hyperability, hypermasculinity, and aggression (Peers 2012, Rice 2019); the reproduction of whiteness and racial exclusions (Joseph *et al.* 2012, Gauthier *et al.* 2021); and norms of abuse, bullying, and harassment (Mishna *et al.* 2019, Jewett *et al.* 2020). It is worth noting that most research on sport exclusion has focused on the exclusion experienced along one – or at most two – axes of identity or oppression.

The stated hope of collected EDI initiatives in sport across Canada, is to: reduce exclusion (Frisby and Ponc 2013), increase participation (Spaaij *et al.* 2014), and to limit self-selection out of participation (Shahzadi 2018). However, these policies have often not translated into experiences of greater inclusion or affirmation. Many of our Collective’s experiences of EDI policies and processes have felt much more like ‘erasure, denial, and ignorance’ (quoting Collective member Janelle Joseph). Such EDI policies often lead to experiences of exclusion and marginalisation that are all the more insidious because they are done in the name of inclusion. As a response, our Collective of intersectional scholars undertook this Foucauldian discourse analysis of Canadian sport EDI policies in order to inductively theorise *how* EDI policies can serve to reinscribe exclusion and inequity in sport.

Sport ‘inclusion’ policies

In an overview of sport, exclusion, and public policy in both Global North and South contexts, Spaaij *et al.* (2014) identified three broad themes: policy aiming at (1) increasing access to sport; (2) creating safe and inclusive sporting environments; and (3) utilising sport as a vehicle or tool to achieve broader government objectives. In a critical review of Canadian sport policy, Frisby and Ponc (2013, p. 380) noted the emergence of the term ‘social inclusion’ (rather than just ‘inclusion’), likely associated with Canada’s increasingly diverse population and the broader structures requiring change. However, evidence suggests that these policies have not been very successful in achieving the desired goal of ‘social inclusion’, due to a host of challenges.

For example, Sam (2009) noted the inherent contradictions between commercialisation and elitism versus addressing ‘diversity issues’ in sport policy making. While pressures for public accountability, democracy, and ensuring a greater voice of underrepresented groups in sport increase, so too do the demands for efficiency and corporate models of governance. Indeed, many sport organisations may mobilise EDI discourses or policies not out of a desire for more socially just sport

experiences, but rather because (seeming like they are) doing so is a strategic business response to '[p]olitical, economic, legislative, and social pressures, as well as evidence that diversity can enhance organisational performance' (Turconi *et al.* 2022, p. 1).

Further, while the majority of research examining the development of sport inclusion policies in the West focused on singular identity – which itself is important – scholars have noted the complexity of (social) inclusion policies in sport (Frisby and Ponc 2013, Haudenhuyse 2017), most notably because people have multiple identities and therefore simultaneously experience inclusion and exclusion depending on specific power relations and sporting contexts (Joseph 2017). One model that many sport scholars have adopted for theorising the lived experience and systems of oppression where multiple identities come together is Crenshaw's (1989) theory of intersectionality. Emerging from critical race interventions into American law, intersectionality describes how racial and gender-based oppression come together leading to experiences of harm that are beyond additive, and unaddressed by legal protections designed to support either gender or race. In the context of sport, intersectionality has been mobilised to argue for policy, practice, and methodological interventions that ensure those experiencing multiple vectors of oppression are not unrecognised and un(der)served by sporting opportunities and protections (Shahzadi 2018, Kriger *et al.* 2022)

The notion of 'inclusion' in the sport policy context – if not understood and approached intersectionally, with nuance, and with community leadership – can reproduce three harmful consequences. First, inclusion might imply assimilation: with historically excluded 'others' accepted when they endure the labour and self-effacement of conforming to the dominant culture (Frisby and Ponc 2013, Tink *et al.* 2020). Second, inclusion might be assumed to be beneficial when it may, instead, allow for the (marginal) insertion of previously excluded individuals into unsafe, harmful, or undesirable activities (Joseph and Kriger 2021, Fawaz and Peers 2022). Third, non-intersectional inclusion efforts are likely to privilege the least marginalised of the targeted category while many members of a group remain excluded (Ahmed 2012, Kriger *et al.* 2022). Furthermore, it is often privileged insiders who (are paid to) decide whom to include and how to include (Tink *et al.* 2020), even though they might possess little knowledge about those being excluded, lack resources, and/or have insufficient guidance to achieve desired 'inclusion' (Frisby and Ponc 2013, Haudenhuyse 2017).

History of inclusion policy in Canadian sport

In Canada, tensions have long existed between participation and high performance excellence in sport. According to Comeau (2013, p. 89), ideas of accessibility (inclusion) and equity have been present since the 1970s but were not successful in swaying policy orientation, as 'the dominant ideas and institutions present in Canada's sport system continuously subsumed them'. In 2002, Sport Canada policy turned its focus towards 'issues of inclusion and equity' (Sport Canada 2002, p. 7), recognising how 'certain groups such as girls and women, people with a disability, Aboriginal² peoples, and visible minorities continue to be under-represented in the Canadian sport system as athletes/participants and as leaders' (Sport Canada 2002, p. 8). This policy advocated for the identification and elimination of barriers to sport participation, 'making sport accessible to all' (Sport Canada 2002, p. 8). A decade later, Frisby *et al.* (2014) argued that this version of Canadian Sport Policy did not result in the desired increase of visible minorities' participation, noting the lack of impact from multiculturalism policy on sport policy. Similarly, Livingston and Tirone (2012) critiqued how Canadian sport-related policies and governing procedures had been inadequate to address the inclusion of newcomers, leaving practitioners with little idea of how inclusion can be best achieved.

Despite the minimal impact of the 2002 inclusion sport policy, Canada reaffirmed its commitment through a 2012 national policy that declared 'quality sport is dependent on ... sport programs [being] accessible and equitable and reflect[ing] the full breadth of interests, motivations, objectives, and the diversity of Canadian society' (Sport Canada 2012, p. 2). In a critical assessment of Canada's Aboriginal Sport Policy (ASP), Paraschak (2013) noted: not only did the mainstream definition of

sport and the operation of the sport system remain intact (without adequate negotiation and/or consultation with Indigenous Peoples), its narrow definition of 'who counts' as an Aboriginal participant was also not expansive enough to include the various statuses of Indigenous Peoples. Another major problem was that no financial resources were linked to an actionable plan that can be used to evaluate progress (Paraschak 2013). These tensions reflect the underlying complexity of Indigenous sport policy-making within the context of settler colonialism (Forsyth and Paraschak 2013, Te Hiwi 2014).

Frisby and Ponc (2013, p. 385) also expressed their reservation towards the development of these renewed federal sport policies that target, in particular, 'Aboriginal peoples', girls and women, and people with disabilities: 'it is not clear whether these policies have had the intended impact. In addition, policies and concrete actions related to other under-represented groups such as ... immigrants, families living on low incomes, LGBT individuals, adults and seniors are lacking'. Overall, Frisby and Ponc (2013) observed that Canadian sport policy can be seen as focusing on 'opening the doors', instead of creating systemic change. In this approach, sport policies and practices that caused exclusion are left unchallenged and unexamined, further entrenching assimilation into 'mainstream' organisational spaces.

Inductive theorisation

While there is ample research that identifies the urgent need to develop relevant policies in Canada to address how to more equitably include single-identity underrepresented or historically excluded groups, scholars have questioned how these policies might adequately address the exclusions caused by multiple, intersecting oppressions (Joseph 2017). Intersectional analysis is complex work, given the dearth of established intersectional frameworks across more than two axes of oppression. It is impossible for a single scholar, or single theory section, to encompass the range and diversity of knowledges emerging from various equity-denied communities. As such, our Collective draws from theories developed across many equity-denied communities, mobilising this broad scholarship to create an intersectional analytical framework. Included among us are: Indigenous, racialised, white, and white-presumed people; queer, straight, trans, non-binary, cismale, and cisfemale folk; disabled, non-disabled, mad, neurodivergent, fat, athletic, and non-athlete movers; as well as many other identifications and permutations of subjectification and belonging. While each of us draws deeply on the theories of our own equity-denied communities, collectively we offer ways of reading across these broad areas of analysis to operationalise the ways they are, or could be, in insightful conversation.

Given this breadth of theoretical engagement there is inadequate space to do justice to them, and to engage with them equitably, in a separate theory section. As such, we have embedded and explained key theories throughout our analysis section. A deep theoretical engagement with the framework will be the subject of a forthcoming publication. Through this Foucauldian discourse analysis we draw on our Collective's lived and scholarly knowledge of sport marginalisation to build a deeply inductive, intersectional, and applicable theoretical framework for analysing and intervening into the ways that EDI discourses differentially govern the meaningful sporting opportunities of various equity-denied groups. This project emerged out of a commitment to intersectional engagements and a series of sincere questions: Why have existing EDI policies not ushered in the kinds of changes many of us had hoped for? Why do many of us feel like such policies serve more to erase and deny our experiences of marginalisation than to change them? What kinds of analytic approaches and tools can we develop to better understand and intervene into the ways that various systems of oppressions come together to differentially enable and constrain the life and sporting chances of those who belong to one or more equity-denied communities?

Materials and methods

Data generation

In fall 2019, we generated a database of policy documents (in the forms of screen captures and downloaded electronic documents) based on the following three criteria: they had to be official national-level policies either developed by Sport Canada or by national-level sports organisations funded by Sport Canada; they had to be housed in a policy that had the explicitly articulated goal of increasing some form of equity, diversity, inclusion, accessibility, or (anti-)discrimination; they had to be accessible to the general public online through a basic internet search. Accessibility not only contributed to the feasibility of the study, but also demonstrated transparency, which is one of the key requirements for a policy to be deemed equitable (McNamee and Fleming 2007). Our sample consisted of 143 policy documents. Nine of these were national policies, acts, or frameworks (e.g. Canadian Sport Policy 2012). 134 were organisation-specific policies (e.g. Judo Canada – Gender Equity Policy). Given how quickly websites shift content and links, original documents analysed can be found in this database (<https://tinyurl.com/jptwbf79>) rather than the bibliography.

Data analysis

Foucauldian discourse analysis involves the use of analytical tools developed throughout Foucault's various archaeologies and genealogies to offer critical insights around the reinscription of dominant knowledges through, and the power-effects of, particular statements (Anderson 2003). Consistent throughout Foucault's (1972) work on discourse was the analysis of how statements can serve to (re) produce subjectivities, rationalities, and power relations. In other words, statements do not just describe our worlds and the kinds of actions and people within it, they also actively prescribe, enact, govern, and otherwise produce those worlds, actions, and kinds of people. This analytical approach to statements is highly relevant when analysing policies, since policies are often explicitly action-oriented and action-governing statements. Although discourse analysis is sometimes practiced in ways that both mobilise Foucault's analyses of discourse and deductively apply some of Foucault's theoretical concepts, we follow those who mobilise Foucault's analytic tools around discourse in a more inductive, theory-building way (e.g. Peers 2012; Tink *et al.* 2020). Inductive discourse analysis is crucial for this project because we are attempting something Foucault never did: drawing from the scholarly and embodied knowledges of a wide range of equity-denied scholars – some of whom draw off of Foucault – to theorise the overlapping and differential discursive production and governance of these groups within policies targeting them for inclusion. In so-doing we seek to provide novel theoretical tools for poststructuralist intersectional analysis of policies that are well-steeped in the immense insights various communities have established around the discourses that govern their subjectification.

We started by identifying every equity-related statement within each of the 143 policy documents. We analysed each policy statement through Foucault's (2003) subject-knowledge-power analytic triangle. That is, we analysed what kinds of subjects (e.g. the disabled person) are being (re)produced and governed through the statement and its pre/proscriptions. We analysed how dominant knowledges (e.g. charity discourse) and knowledge systems (e.g. science) are being leveraged to render the statement and its author intelligible and/or authoritative. We relied heavily on the excavation of such dominant knowledge systems within the scholarship of our respective equity-denied communities, and collaborated deeply within our team to chart the overlapping, differential, and/or bolstering uses of such knowledges amongst our communities. We then theorised the power effects of statements, with particular focus on the ways they served to (il) legitimise existing inequitable systems, (in)action substantive institutional and practice-based changes, and dis/qualify particular inclusion and equity claims.

Next, we used these same analytical tools to examine how these various statements performed within their larger contexts: that is, how they discursively mis/align with statements within the same

policy, and across similar policies from different sporting organisations. Below, we have quoted statements from a range of organisations. Our intention is not to 'call out' specific organisations as bad, but rather to provide examples that are widespread throughout Canadian sport policies, and thus to call the entire sector 'in' to creating more affirming, transparent, and accountable EDI policies.

Results and discussion

Within our chosen methodology, there is no distinction between results and discussion. In this section, we discuss how many of the EDI policies we examined reproduced and naturalised exclusions. We present our findings under two overarching themes, each with subthemes. Theme One is *Reproducing the Status Quo*, and consists of the subthemes: *Alleging Inclusivity*; and *Refusing Accountability*. Theme Two is *Reproducing the Excludable Other*, and consists of the following subthemes: *Erasing*, *Problematising*, and *Hedging*.

Theme 1: reproducing the status quo

While EDI policies are purportedly about initiating changes that create a more inclusive and diverse sport organisation for those it has historically marginalised, we found that the most common kinds of statements within EDI policies actively reproduced the status quo; primarily through policies that allege inclusivity and refuse accountability.

Alleging inclusivity

Most of the EDI policies we studied had overarching statements that declared the organisation's commitment to including a wide range of people (*i.e. inclusivity*), often without any accompanying evidence of actioning the commitment (*i.e. alleging*). Bold inclusivity statements were rarely accompanied by any acknowledgement of any existing equity problems to be solved, or any plan for significant organisational change. For example:

All persons associated with the sport will be provided with equal opportunity to participate in the sport of bobsleigh and skeleton at all levels including athlete, coach, official, volunteer and staff. (Bobsled Canada Skeleton, emphasis added)

Many overarching EDI statements, like the one above, were vague in terms of groups the policy sought to include, and acknowledged no current or historical equity issues to be addressed. Further, note how the statement stresses *equal* opportunity (rather than equity), and only for those who are *already* 'associated with the sport', ignoring the barriers that might have resulted in some groups being un(der)represented in the first place. Sarah Ahmed (2012, p. 54), draws from John Austin's book *How to Do Things with Words* (1975) and notes that such diversity statements are 'institutional speech acts' used to perform, demonstrate qualities, or make claims about an institution. Ahmed (2012) argues that diversity statements, policies, and committees often get mobilised as proof of the organisation's racial inclusiveness, which is then used to argue *against* the need for transformational policies or practices. In other words, much of the discourse around 'welcoming' and 'inclusion' constructs those already 'associated with the organization' as rightful owners of the space, while those who are provided with 'equal opportunity to participate' come to occupy space only conditionally as visitors and guests who are welcomed so long as they make themselves fit into and reproduce the status quo. EDI statements that are non-specific and declarative of current inclusion (like the one above) thus become performative acts, an organisation's affirmation of itself, rather than a commitment to act differently. In discursively performing *being* inclusive, an organisation can forego any work related to *becoming* more inclusive. This not only perpetuates systemic exclusion and inequity, but also further harms individuals in the organisation who experience inequities, by erasing and denying the validity of their experiences.

Some EDI statements, however, did name specific equity groups or protected grounds. Although some named just two or three groups, one of the longest was from Gymnastics Canada, who expressed a commitment to:

Promoting fair treatment and purposeful inclusion of all participants regardless of age, race, colour, gender identity or expression, sexual orientation, language, religion, national or social origin, property, birth, physical or developmental abilities, athletic ability or other status.

Unlike the previous example, this statement alludes to some of the potential criteria by which people might encounter unfair treatment. However, it stops short of acknowledging that any inequitable treatment exists, or has ever existed, within the organisation. Further, it focuses on the 'treatment' of individual participants rather than the transformation of structural barriers or systemic inequities. The term 'regardless', meaning without regard/attention, repackages the varied and intersecting systemic oppressions and barriers that each equity-denied group faces—as well as core affirmative and collective identities—into a 'laundry list' of diverse individual qualities or identities. Further, 'fair treatment regardless' comes dangerously close to an assimilationist and post-racial equation of fairness with 'not seeing' or 'seeing past' race or disability (Yogeeswaran *et al.* 2021). Policy statements like this similarly serve more to declare the status quo inclusive while focusing institutional attention to the assimilation-style inclusion of excluded *kinds* of people, rather than identifying and rectifying systemic exclusions within the organisation.

Some policies we studied acknowledged inequity by using the term 'underrepresented groups' in their statements, sometimes in conjunction with a list of protected grounds. For example, Triathlon Canada 'endeavors to especially support, encourage and ease participation of under-represented populations in all facets of triathlon'. Similarly, Sport for Life commits to: 'Supporting equity and access for under-represented groups (including Newcomers, women, Indigenous [sic], and people with disabilities)'. Unlike the approaches to fairness 'regardless' of identity or status discussed above, describing 'under-represented' groups acknowledges a problem of historical origin: that is, the long-standing exclusion or minimal inclusion of certain groups. Explicitly acknowledging (there is) a problem enables the possibility of equity-based solutions: enabling differential, affirmative action targeted at reversing historic trends of underrepresentation. Although the latter two examples still have room for improvement – as we will discuss – they importantly acknowledge inequity, and potentially enable a host of policy and practice interventions that seek not just inclusion, but equitable opportunities.

Refusing accountability

For the most part, general inclusion statements were rarely paired with statements that prescribed or enacted significant changes to organisation practices, procedures, decision-making, or funding, for which an organisation could be held accountable. The vast majority of actionable statements that we did find were explicitly only applicable to the category of 'women'. Note the inclusion, in each quote below, of specific goals, new processes, or accountability measures:

That U SPORTS be sensitive to and seek out opportunities for gender balance when identifying members for committees to reach an objective of *no less than 40% representation of any one gender*(USports, emphasis added).

'... ensure that a *gender analysis is conducted at least once in the three-year program cycle*. . .and that programs, projects as well as strategic plans are informed by the results of the analyses' (Right to Play, *emphasis added*).

Softball Canada is committed to the *equitable allocation of financial resources and provision of services for both genders* as outlined in the organization's corporate priorities and official plan(Softball Canada, *emphasis added*).

The category of women in most of these policies was presented in the narrowest sense of the term: as a binary, (presumably cis-) identity in opposition to men, and as an identity with no intersecting oppressions needing to be accounted for. Indeed, the only mention of intersectionality in our database was the national guiding policy document, *Actively Engaged Women and Girls*, which clarifies:

For some women – namely those who are part of another socio-economically disadvantaged group such as Aboriginal Peoples or persons with a disability – these challenges are compounded.

Despite being in the guiding policy since 2009, this recognition of intersectionality does not appear to have informed the gender policies of a single national sport organisation. Even under policies that sought to protect members of a wide range of equity seeking groups ‘regardless’ of identity, the only statements that contained detailed actions were only applicable to ‘women’, without any acknowledgement of overlapping identities. For example, Water Ski and Wakeboard Canada claim that it is ‘an equal opportunity employer’ and that it ‘will not associate with organisations that discriminate against persons by gender’. Thus, while the policy starts off as a general declaration of equitable treatment across all equity-denied groups, the only actionable component takes issue with discrimination only on the basis of gender. While there were some measurable, accountable, action-oriented policies for ostensibly white, non-disabled, straight, settler cis-women, there were no targets set, and very few actionable statements in relation to, other equity-denied groups.

Alongside a dearth of actionable or accountable policies, many EDI documents included statements that off-loaded the labour and responsibility for change onto front-line workers and those being marginalised. Fencing Canada’s most actionable strategy, for example, is to ‘encourage Under-Represented Groups to act as role models for young participants’.. In particular, many of the anti-harassment statements within EDI policies offloaded the labour and risks onto those who are experiencing discrimination and harassment. For example, the Coaching Association of Canada (CAC) suggests that:

A person who thinks he or she has been subjected to conduct which constitutes harassment under this Policy (the ‘Complainant’) is encouraged to make it known to the person responsible for the conduct (the ‘Respondent’) that the behaviour is unwelcome, offensive and contrary to this Policy.

While the responsibility and labour of ending exclusion and harassment is offloaded onto ‘role models’, ‘complainants’, and workers with less institutional clout, all decisions around complaints, allotment of resources, and organisational changes remain squarely under the control of leadership management and boards. For example, the Sport Information Resource Centre (SIRC) has the following strategy for creating more inclusive work environments:

employees are invited to bring forward ideas or observations about practices or policies that may be creating systemic discrimination. In these cases, employees should provide to the President & CEO, in writing, full details on the observed practice together with thoughts on how such a practice might be changed without placing undue hardship on the organisation.

This policy creates significant responsibility and labour for employees especially employees facing systemic discrimination (who are already undertaking the labour of navigating power structures in addition to executing their professional responsibilities). Despite the immense labour and risk borne by those experiencing discrimination, the focus of the policy is on avoiding ‘placing undue hardship on the organization’. Meanwhile decisions around enacting change (or not), according to this policy, remain the sole purview of the President and CEO.

Notably, nearly every policy reserved for the established leadership (boards and CEOs, or a designate of their sole choosing) the role of determining which complaints would be considered ‘legitimate’ or ‘reasonable’. For the most part, this reservation was made without any evidence of mandated additional training. For example:

the concerned person (complainant) should make a complaint to the President (or designate) in writing within a reasonable period of time. The President (or designate) shall conduct a neutral, unbiased investigation and take all possible steps to resolve the complaint. (Sport Information Resource Centre)

The assumption that sport leaders in Canada – even those with the best intentions – could make neutral and unbiased decisions regarding discrimination and harassment is deeply naive in that it misunderstands how systemic privilege and discrimination works. Those who have occupied

positions of national-level leadership in the sport system are unlikely to have adequate lived experience with (or education about) many forms of systemic oppression to be able to recognise injustice (Tink *et al.* 2020). Further, they are likely to naturalise, value, and become deeply invested in the sport culture that has privileged them (Frisby and Ponio 2013). Furthermore, it is unlikely that anyone is incentivised to make ‘unbiased’ decisions about, for example, racism in the organisation they lead, given the probable social, organisational, and career implications of ‘finding’ discrimination. Finally, the articulation that one person could ‘resolve’ the complaint assures that the complaint – even if found to be ‘legitimate’—will be treated as an individual or personal problem unrelated to any systemic or structural issues. This is another means by which policies preemptively refuse accountability for how the organisation in question may be complicit in the reproduction of systemic exclusions, inequities, and harms.

Theme 2: reproducing the excludable other

While many of the overarching EDI policies served to reproduce the status quo, statements that targeted specific equity-denied groups often served to reproduce or naturalise their exclusion. Drawing on our Collective’s wide ranging expertise across systems of oppression, we were able to identify various discursive techniques through which equity-denied groups were differentially reproduced as legitimately excludable: erasing, problematising, and hedging.

Erasing

One of the most significant forms of marginalisation we found within EDI policies was the glaring absence of specific statements that addressed particular equity-denied groups, despite these groups being included in overarching inclusion statements. Terms like *race*, *creed*, *religion*, and *culture* made it onto the ‘laundry list’ (alongside, gender, sexual orientation etc.) of many overarching inclusion and anti-harassment statements. However, the ‘commitment’ often ended there. There were no specific policies in the vast majority of organisations for *how* or *where* to provide access or change existing inequalities for almost all axes of marginalisation other than (cis)gender women. For example, AthletesCAN claims that it:

welcomes the involvement and provides access to all persons in its decision-making, employment, programs and services regardless of race, ancestry, colour, ethnic origin or place of origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences (for which a pardon has been granted), disability, marital or family status, geographic location, language or any other prohibited ground of discrimination under the Ontario Human Rights Code.

Certain ‘prohibited grounds’, such as gender discrimination, were widely discussed beyond such overarching statements, including with actionable policies and specific goals discussed above. Meanwhile other grounds, such as racial discrimination, were entirely ignored when it came to specific actions or goals. Indeed, there were a number of somewhat action-oriented policy statements that sought to target multiple equity-denied groups that erased race completely. The Coaching Association of Canada, for example, aims to ‘[d]evelop specific programs or projects which target the specific needs of women, persons with a disability, and Aboriginal peoples’. Although ‘visible minorities’ is a protected category within Canadian Human Rights Law, along with the three groups mentioned in this policy, race is rendered ‘invisible’ in such policies. Katherine McKittrick (2014, p. 19) suggests erasing visible minorities is neither new, nor accidental, and intentionally uses the term ‘invisible’ to name specifically the ‘unspeakable, the unwritten, the unbearable and unutterable, the unseeable and the invisible, the uncountable and unindexed’ Black body that is often left out of policy in Canada. Within social systems that depend on ‘the interlocking data of black erasure, unfreedom, and anti-black violence’ (McKittrick 2014, p. 19), resistance must include noticing and naming in order to undo erasures.

When it came to actionable policies, in every single case, race was either entirely dropped from the list, or was reduced to attempt to diversify representation or punish explicitly racist individuals. Combating systemic racism, instead, was never a consideration.³ For example, the Canadian Broomball Federation declares that it 'shall use gender appropriate language for all publications, videos and advertisements including a balance of men, women and minority group images'. Similarly, the Canadian College Athletics Association will 'Promote non-traditional sports with respect to the cultural heritage of indigenous [sic], ethnic and visible minority groups'. The promotion of culture and images of different people is important, but does not address racist exclusions within an organisation that may have actively contributed to the underrepresentation of racialised groups in the first place. The only policy area where racism was explicitly addressed was within a few of the anti-harassment policies. In these policies, racism is only acknowledged as the possible harmful racist acts of aberrant individuals: 'Discriminatory, racist and/or sexist comments' (Canadian College Athletics Association); 'Displaying of sexually explicit, racist, or other offensive or derogatory material, sexual, racial, ethnic, or religious graffiti' (Coaching Association of Canada); 'Racist or sexist humour; racial or ethnic slurs' (Own the Podium). Reducing racism to individual actions and/or behaviour allows for the continuation of institutional and systemic racism, for example, in hiring policies and practices, uniform and costume policies, and lack of anti-racism training for coaches and referees.

Erasure played out in different ways for different equity-denied groups. We identified 40 'group-specific' policies that aimed to make changes to increase equity in sport for a specific systematically-excluded group. Of these 'group-specific' policies, nine focused specifically on women and girls and offered the most precise, action-oriented policies. As mentioned above, almost all of these explicitly referred to gender as a binary. For example, Karate Canada commits to 'Providing equal opportunities and resources for male and female athletes'. The Shooting Federation of Canada will be 'compiling statistics on the status of both genders'. These binary logics not only created an assumed homogeneity within particular categories, they failed to acknowledge a wider spectrum of gender identities (including non-binary, trans and intersex people), even in organisations that had relatively robust trans policies. Softball Canada, for example, has a trans inclusion policy, but still refers to 'both females and males' in their gender inclusion policy. Very few organisations emulated the approach taken by AthletesCAN, which commits to 'Providing equal opportunities and resources for athletes of all genders'. Although trans and intersex people are largely erased within the 'gender inclusion' policies, there were 19 policies that focused on transgender athletes. The degree to which these were 'inclusive' will be discussed under the *hedging* subtheme. We note here, however, that in many of the transgender inclusion policies, intersex and non-binary athletes were erased from the actionable portions of the policies.

Nine group-specific equity policies targeted disability inclusion. All but two of these were employment-related accessibility clauses required by the Ontarians with Disabilities Act (requiring, for example, accessible versions of communication, if demanded). Although important, these were in no way adjusted to account for the inclusion of disabled people as sporting participants or leaders. Of the two disability-related policies that were not only employment-related, one specifically states that it includes 'persons with physical or mental disabilities' (Canada Artistic Swimming). However, when it came to leadership, this same sport organisation only aims to 'encourage and advocate representation from aboriginal [sic] persons and persons with *physical disability* within the Committees and Board of Directors' (*emphasis added*). The specificity of physical disability (while erasing other disabilities) makes it clear that only some people are to be included in decision-making around sporting opportunities. Since within the current system leadership is responsible for 'resolving' discrimination (as detailed above) it is especially important to create and implement policies to diversify leadership.

Only three policies specifically addressed Indigenous participants (often overlapping with disability or other groups). However, *which* Indigenous people are included or erased varies between policies. For example, Canada Artistic Swimming claims that 'Aboriginal [sic] People: Includes all

persons of Canadian first nations'. This definition erases all Métis, Inuit and otherwise non-status Indigenous people. Most notably, zero group-specific, actionable policies focused on those who are newcomers, those who experience poverty, or those who experience discrimination due to their culture, language, or religion.

Problematizing

When national sport EDI policies do not erase those they have marginalised, they sometimes represent marginalisation as though it is an inherent quality of particular groups of people, rather than an effect of particular choices and structures of sports organisations. For example, entire 'populations' are defined as 'under-represented' or 'vulnerable' rather than as groups who have been historically marginalised or excluded by sport organisations. We alluded to this issue under the very first theme, when describing how a number of policies had statements similar to Triathlon Canada, which 'endeavors to especially support, encourage and ease participation of under-represented populations in all facets of triathlon'. Although we applaud the acknowledgement of inequality and exclusion, 'under-representation' – in statements like these – is grammatically mobilised as an adjective (a quality of, and therefore problem within, excluded 'populations', not a verb or noun (problematic (in)actions by sport leadership, or the effects thereof). As a result, such policies tend to construct the organisation as a benevolent helper who 'facilitates, encourages, and eases' the participation of 'under-represented populations', rather than 'facilitating' and 'encouraging' changes to the structures of their organisations that have marginalised, excluded, or harmed particular communities.

This construction of problematic 'populations' needing to be helped by, or fixed through, sport, is rampant within government sport inclusion policies related to disability and Indigeneity, but not to (cisgendered) girls and women. For example, Canada's National Sport Policy for Women and Girls (2009) states that

Canadian Heritage is committed to a sport system that provides quality sport experiences, where women and girls are actively engaged and equitably supported in a full range of roles. In doing so, women and girls should have meaningful opportunities to become involved in and develop in sport according to their interests, abilities, talents and choices, throughout a lifetime's involvement (n.p.)

And further,

The objective of the policy is to foster sport environments – from playground to podium – where women and girls, particularly as athlete participants, coaches, technical leaders and officials, and as governance leaders are provided with: Quality sport experiences; and; Equitable support by sport organizations (n.p.)

The discourses within this policy clearly target the *sporting system* as the point of intervention, with an aim to fully support the equitable and meaningful participation of girls and women at *all levels* of sport, with the ultimate outcome being quality, equitable, and meaningful sport experiences in themselves.

This is not, however, the primary target or valued outcome of 'inclusive' policies for some other equity-denied groups. For example, Sport Canada's Policy on Sport for Persons with a Disability spends significant space justifying disability participation in sport not as a right or an end unto itself, but as a means for personally therapeutic and or public health interventions:

Health Canada stresses that physical activity brings about physical, social, and personal benefits for persons with a disability. Persons with a disability participating in sport and physical activity also overcome social isolation and become more self-reliant (Sport Canada's Policy on Sport for Persons with a Disability, 2006, n.p.).

Rather than focusing on sport's structural inaccessibility and ableism, this statement elevates sport to saviour of 'persons with a disability' who are constructed as needing sport in order to *overcome* their own social isolation, and to cease being a burden (i.e. self-reliant).

The construction of disability as an inherent and problematic deficit of an individual's body-mind is nothing new. In Western contexts, pathologisation has been the primary sense-making structure

for any form of human variation that proves unproductive or culturally undesirable (Withers 2012). This base assumption has led to medical, eugenic, and charitable stories of disability becoming culturally dominant, all of which share the logic that the social exclusion, marginalisation, and harms experienced by disabled people are primarily due to their inherent deficits (Titchkosky 2003, Withers 2012). Such discourses not only reproduce offensive stories about disabled people, they also tend to absolve, or worse heroise, organisations who are complicit in reproducing these harms and exclusions (Titchkosky 2003).

Such problematising discourses are not reserved for disability, however. Problematising also reifies white saviorism, in relation to which Indigenous peoples are similarly constructed through a deficit and disparity lens. See, for example, the Canadian Policy on Aboriginal Peoples Participation in Sport (2005):

Aboriginal People in Canada experience a profound disparity in health status. For example, Canada is reacting to a crisis in the general population of Type II diabetes, yet the prevalence in First Nations communities is significantly higher. For instance, the prevalence among Canadian women 55–64 years of age is 5.4% but among First Nations women in the same age bracket the prevalence is a staggering 34.1%. Today's Aboriginal youth—one of the fastest growing segments of the Canadian population— are challenged by rising rates of illness, such as Type II diabetes, heart disease, and fetal alcohol syndrome, and suffer from higher rates of incarceration, substance abuse, suicide, racism, and a sedentary lifestyle. Accordingly, the Mills Report highlighted the positive role played by sport and recreation in strengthening the emotional, mental, physical, and spiritual aspects of Aboriginal life (p. 4).

Problematising is a strategy used to cast a marginalised person as the source of the problems, exclusions, and marginalisation they face, without any acknowledgement of the ongoing role systemic exclusions, oppression, and colonialism have in creating such problems. In the quote above, pathologisation – and disability, or threat thereof – is used to construct inherent Indigenous deficit. Such diverse experiences as Type II diabetes (a disease), high rates of incarceration (social injustice), racism (white supremacy), and sedentary lifestyle (supposedly due to individual choice) are paralleled within the same list, as though these are all equivalent and inherent to the 'health status' of the 'population'. Note the lack of recognition of structural or systemic causes. Note the construction of Western sport as medicine and saviour for inherent, emotional, mental, physical, and spiritual weakness. In these ways, the widely excluded Indigenous 'populations' are constructed as problems that sport can and should benevolently fix, rather than as people against whom Western sport, and its interlocking structures of oppression within the settler colonial state, have perpetrated systemic exclusion and discrimination.

The Indigenous Long Term Participant Development pathway from Sport for Life and Aboriginal Sport Circle similarly constructs Indigenous youth as the inherently problematic source of their own exclusion:

Today's children are not playing and moving as much, so they are not developing their movement abilities, and this makes them inclined to move even less. As a result, as Aboriginal people become less active, we see increases in diabetes and other chronic diseases. It is time to teach Aboriginal youth to begin moving early, so they have the best chance to live the healthiest life possible. (p. 29)

Indigenous health scholars (Ahenakew 2011, McGuire-Adams 2017) clarify that health, educational, and other socio-economic disparities experienced among Indigenous peoples are the direct result of ongoing colonialism, assimilation, and dispossession of Indigenous peoples from their land. By constructing the marginalised person as someone who is choosing to not play or move, choosing to be the problem, settler sport systems absolve themselves of any responsibility to address their part in the overall structures of colonialism, assimilation, and exclusion. Instead, the sport industry constructs itself as the saviour and teacher of those who would succumb to ill health, much like settlers have since they first arrived on Turtle Island. Both colonisation and eugenics, after all, have always gained legitimacy by constructing a population as inherently problematic, so that self-serving violence can be accomplished in the name of care. If Indigenous peoples and disabled people are

continually positioned as ‘the problem’ in need of fixing, then past and present harms by sports organisations will continue to be obscured by discourses of care and help, and policies, funding, and decisions related to these groups’ sporting opportunities will remain primarily in their ‘caretaker’s’ hands.

Hedging

Hedging was a discursive strategy in EDI policies that gestured towards the inclusion of certain groups, while guarding against any significant structural or functional changes that would enable their full and meaningful inclusion. To hedge, in this context, refers to how policies purportedly targeting inclusion have built within them limitations, qualifications, exceptions, or conditions not required of other participants, which function to significantly delimit opportunities.

One form of hedging that organisations used with respect to disability was to specifically delimit the scope of accessibility and human rights legislation to one or two aspects of the organisation’s mandate or operations, often to the exclusion of disability participation in sporting activities. For example, the Canadian Olympic Committee (COC), is clear that there is no intention of providing disability access or equity in terms of sports programming, only in terms of the legal requirements around their employment practices:

The purpose of this Policy is to set out the principles that guide the Canadian Olympic Committee (“COC”) on our path to achieving accessibility and inclusion for persons with disabilities and specific compliance with the ... (collectively referred to as “Codes”). This Policy applies to all COC workforce members, including permanent full-time and part-time employees ... [and] persons who provide services or facilities on behalf of the COC and/or at COC premises.

Even more limited in scope, the following is the full and complete ‘Accessibility Policy’ (in the form of a webpage) for ParticipACTION:

ParticipACTION is committed to providing an online environment that is accessible to everyone, including individuals with disabilities. We are striving to hit level 2 accessibility. If you cannot access content or use features on any ParticipACTION website due to a disability, please contact us.

It is notable here that an organisation whose mandate is promoting national health through increasing widespread participation in physical activity and sport has a one-clause accessibility policy delimited solely to working towards a website that is readable for people with impairments. As one of the authors – who is a wheelchair user – notes, even their mandate to help ‘Canadians sit less and move more’ (<https://www.participaction.com/en-ca/about>) —as though these are mutually exclusive – seems to predict this hedging away from participatory disability access.

A very small number of organisations articulated a desire to promote equity around disability participation, despite a significant number of our analysed policies coming from the official National Sport Organisation for a Paralympic sport (e.g. Swimming Canada is the NSO for paraswimming). When they did so, organisations often constructed participation around disability – and sometimes other equity groups – as optional, conditional, and paired with reasonable criteria for exclusion. For example, Canada Artistic Swimming is very clear in its gender policy about its ‘*responsibility* ... to abide by *gender equity*. Synchro Canada is *committed* to provide equal opportunity to both genders [sic] for the duration of the athletes’ careers’ (*emphasis added*). However, rather than this strong commitment to protecting rights and ensuring equitable access for other equity seeking groups, this same organisation:

will *encourage and advocate* for aboriginal [sic] persons and persons with disability to participate *as fully as possible* as athletes, coaches and volunteers, *with due consideration being given to meeting the criteria for qualification and safety* at high performance competitions. (emphasis added)

While the organisation ‘commits’ to (binary) gender equity, it only ‘encourages’ equity for disabled and Indigenous participants. Further, for Indigenous and disabled participants, there is the additional hedging clause that begins, ‘with due consideration’, which offers a list of allegedly legitimate

reasons for exclusion, including concerns about ‘qualification and safety’. The discriminatory assumption that Indigenous and disabled high performance athletes are particularly likely to be unqualified or unsafe is precisely the kind of discrimination sport organisations need to refuse rather than enshrine in their policies.

If strong, specific, actionable language is a means of enhancing equity, Cricket Canada will likely meet its equity goals for cisgendered women. The organisation ‘is committed to providing a fair and equitable treatment of both sexes [sic] in its day-to-day activities, athletic events, and support programs’. However, when it comes to issues of colonialism and structural racism, Cricket Canada only ‘*endorses the principle of equal access for aboriginal [sic] and visible minority athletes, coaches, officials, volunteers and leaders*’ (*emphasis added*). This policy does not give those who run activities, events, or programmes any specific guidance with respect to their responsibilities. Cricket Canada takes this hedging further when it comes to disability, around which it ‘*endorses the policy to provide, where possible, equal access to persons with a disability as athletes, coaches, officials, volunteers and leaders*’ (*emphasis added*), offering an easy out for coaches or administrators to declare disability inclusion impossible given inaccessible structures (rather than requiring a change to inequitable structures to create possibility). This resonates with Titchkosky’s (2003) research on Canadian disability policy, which suggests that the construction of disabled people as the source of their own exclusion enables the construction of inclusion initiatives as conditional, charitable choices as opposed to legal equity commitments. In this way, disability inclusion policies tend to reproduce disabled people as those who can legitimately be excluded if they cannot meet the arbitrary and normative conditions of programmes and structures built for non-disabled people.

Another form of hedging that was common in EDI policies was the creation of long lists of limitations and conditions for trans participation, under the guise of ‘trans inclusion’. There were some newer trans inclusion policies that do not hedge, but rather reduce significant barriers to participation (e.g. Wheelchair Basketball Canada). However, just under half of the transgender inclusion policies in Canada consisted of multi-clause documents listing a host of responsibilities, procedures, conditions, and disclosures that an athlete was required to meet in order to participate. We offer a short excerpt from the six-page (single-spaced) trans policy for Judo Canada:

5.4.2 Post-puberty MTF post treatment – Individuals who are in the process of undergoing sex re-assignment become eligible to compete as a female athlete only when these conditions are met through a certification by a medical specialist who has significant knowledge of endocrinology and transgender patients that:

- i) The athlete must demonstrate that her total testosterone level in serum has been below 10 nmol/L for at least 12 months prior to her first competition (with the requirement for any longer period to be based on a confidential case-by-case evaluation, considering whether 12 months is a sufficient length of time to minimize any advantage in women’s competition).[. . .]

5.4.3 Post-puberty MTF during treatment – Individuals who are in the process of undergoing sex re-assignment must compete as a male athlete until completing a documented hormone suppression therapy administered by a medical specialist who has significant knowledge of endocrinology and transgender patients. Female tournament rules respecting underwear and T-shirt applies to MTF on a case-by-case basis.

We first note the extremely transmissive language, including referring to transwomen as ‘MTF’, and making them compete ‘as a male athlete’. Further, in this policy, the burden of action and proof falls primarily on the athlete, not the organisation. Hedging, here, takes the form of multiple, invasive, difficult-to-meet conditions for participation. For example, an athlete must provide certification from a ‘medical specialist who has significant knowledge of endocrinology and transgender patients’, despite the lack of such specialists in many jurisdictions, and that such expertise far exceeds the recommended standard of care as outlined by the World Professional Association for Transgender Health. They must submit themselves to significant medical intervention and psychological evaluation for over a year before they can participate. However, trans healthcare in Canada often requires

years of doctors' appointments, and transgenic gatekeepers, before being put onto long waitlists for such specialists. The sport-required hormone therapies are expensive and not covered by healthcare, which is a major barrier due to discriminatory un(der)employment and often lack of parental support (Harrison *et al.* 2012). Further, such rules may coerce athletes to undergo undesired treatments at great physical, psychological and financial expense. Even if an athlete successfully meets this criteria, such policies do nothing to reduce widespread transgenic harms within sport, which are often compounded by racism and ableism.

Concluding thoughts

The purpose of this article is to provide a critical, Foucauldian analysis of EDI policies in Canadian NSOs and give others a framework for doing so. The first theme of our framework, 'Reproducing the Status Quo', demonstrates how EDI policies can serve as a discursive technology for performing inclusion, without any challenge to existing inequitable power and decision-making structures. The status quo is upheld through 'Alleging Inclusivity', that is, declaring one's organisation inclusive without enacting substantive changes towards inclusion. It is also upheld through 'Refusing Accountability', which offloads inclusion labour and responsibility onto those with less institutional authority, while maintaining the decision-making authority with the existing leadership. Our framework's second theme, 'Reproducing the Excludable Other' demonstrates how existing inequities are naturalised and reproduced through the differential erasure and problematisation of equity-denied people, and discursive hedging within any policies and practices that could otherwise have offered meaningful inclusion.

Our analysis demonstrates how many 'inclusion' policies reproduce and naturalise the inequitable status quo, and erase, problematise, and exclude (through hedging) those whom these policies claim to support. Each point of our critique, however, is also a point of intervention and possibility for more affirming, inclusive, equitable, and accountable policies. Indeed, we also briefly discussed some gender and trans inclusion policies that promise to reduce inequities in ways that do not erase, problematise or hedge those whom the policy targets, nor abdicate or absolve the organisation of responsibility. Many enacted explicit organisational responsibilities, actions, transparencies, and goals that could enable accountability, such as: financial reporting, facilities requirements, hiring targets, and administrative processes. Promising policies: acknowledge historical harms, engage clearly and accountably with ongoing (un)intended harms, remove barriers, and increase the chance of affirmative experiences. The specificity of organisational commitments, and the requirement to include equity-denied people in implementation and monitoring, can ensure organisational responsibility, while sharing decision-making power: a model of accountability that counters findings from our 'reproducing the status quo' section. There is an immense opportunity for us to work deeply with knowledge holders from communities our sports have historically excluded and marginalised, so that we can build the blueprint for real, equity-related change across the sector.

Based on our learnings, we have developed and already widely-shared some practitioner-focused resources that offer these critiques alongside promising policy alternatives (available at this link: <https://www.recreation-collective.com/sport-policy.html>). Through this knowledge-sharing, we have already learned how useful our developed framework can be for analysis within and beyond the Canadian sport system. It has already been adopted by scholars and practitioners to meaningfully analyse, intervene into, and write EDI policies within the recreation, education, and health sectors. This research, its resulting framework, and its demonstrated efficacy beyond this project, demonstrate how inductive and deeply intersectional approaches to Foucauldian analysis can offer tools to target discursive technologies beyond those theorised by Foucault himself. In future research, we hope we and other researchers will apply and adapt this framework to EDI contexts beyond sport, and utilise these theoretical tools to build more robust justice and equity-oriented policy in the sport and recreation sectors.

Notes

1. The suffix 'misia' replaces the sanist use of 'phobia' in naming social injustices.
2. The authors note that in Canada 'Aboriginal peoples' is a dated term to refer to First Nation, Inuit and Metis peoples. Rather, it is more common to use Indigenous peoples. (see link for more information: <https://animiki.com/news/why-we-say-indigenous-instead-of-aboriginal>).
3. This analysis was completed just prior to a wave of Canadian sport organisations acknowledging Black Lives Matter movements, and sometimes racism, in their social media. Further research is needed to analyse the degree to which this has led to actionable anti-racism policies.

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