

# ***EXTENDING EQUALITY***

TRADE UNION ACTIONS TO ORGANISE  
AND PROMOTE EQUAL RIGHTS, RESPECT  
AND DIGNITY FOR WORKERS REGARDLESS  
OF THEIR SEXUAL ORIENTATION AND  
GENDER IDENTITY

**Report of ETUC conference  
by Dr Jane Pillinger**

This report is based on the proceedings of a conference organised by the European Trade Union Confederation (ETUC). The conference 'Extending equality: trade union actions to organise and promote equal rights, respect and dignity for workers regardless of their sexual orientation and gender identity' was held in Brussels, 29-30 January 2008.

The conference was organised in partnership with ILGA-Europe, and was attended by some 80 participants from trade unions and non-governmental organisations across Europe.

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The views expressed herein are those of the participants of the seminar and can in no way be taken to reflect the official opinion of the European Commission. The European Commission is not liable for any use that may be made of the information contained in this report.

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## **Preface**

The European trade union movement is at the forefront in defending human rights and trade union rights. This fight must include a commitment to equal treatment, respect and dignity for lesbians, gay men, bisexuals and trans-gendered people. However, we have to admit that to date, the rights and realities of lesbians, gay men, bisexuals and trans-gendered people have been given insufficient attention, both inside and outside the trade union movement.

Diversity helps to build good teams. Respect is the basis for individual input and commitment. Social support is the environment everybody needs in order to be productive and to contribute. Black or white, man or woman, young or old, and heterosexual or homosexual: we all benefit when there is respect, dignity and equal treatment, in trade unions, in society at large, and certainly at the workplace.

The EU legislation, and notably the employment framework directive, which includes discrimination on grounds of sexual orientation, provides a legal basis for a more active approach. But research has shown that there is little knowledge or awareness throughout Europe - including in trade unions- that sexual orientation is one of the non-discrimination grounds recognized at EU level. In many Member States, implementation is not taken actively on board. In addition, hardly any awareness seems to exist about discrimination on the basis of gender identity.

While an effective set of laws against discrimination is an essential tool to help stamp out unfair treatment, on their own, laws are not enough.

The ETUC at its congress in Seville in May 2007 adopted a 4 year Action Programme, in which it commits itself to invest in awareness raising activities on these issues, to take more effective action on prejudices that may be present in trade unions and among their members, and to step up its actions and activities to encourage an exchange of experiences and best practices which promote diversity and non-discrimination on grounds of sexual orientation and gender identity in trade unions and in the workplace.

The ETUC is aware that while some progress has been made in a few trade unions regarding anti-discrimination and the inclusion of lesbians and gay men in the trade union structures as well as in the workplace, little has been done to date at the European level. We have therefore, as a first step towards redressing this, launched a project with our member organisations to develop a clearer picture of what is happening at national level in this regard, to encourage an exchange of best practice, to gather examples of collective agreements which promote diversity and anti-discrimination in the workplace and to facilitate networking among trade unionists and with NGO's across Europe. In developing this project we have greatly benefited from the expertise of ILGA-Europe.

This conference provided an excellent opportunity to share experiences with some 80 trade unionists, experts from NGO's and policy makers and to discuss ways to improve trade union attractiveness and performance in this area.

Trade unions can, and should be, a strong ally for lesbians, gay men, bisexuals and trans-gendered people, because they are powerful players in the field of work and employment policies.

Together we can make a difference.

**John Monks**  
General Secretary ETUC

**Catelene Passchier**  
Confederal Secretary ETUC



## Explanation of terms

**LGBT** lesbian, gay, bisexual, transgender (explained further below)

**Lesbian** a woman who is sexually and emotionally attracted to women

**Gay** a person who is sexually and emotionally attracted to members of the same-sex

**Bisexual** a person who is sexually and emotionally attracted to people of the same and the different sex

**Transgender** people whose gender identity and/or gender expression differs from the sex they were assigned at birth. Many transgender people wish to change their name and personal details and live as a member of the gender with which they identify. This may involve hormone therapy and surgery. The process is referred to as ‘gender reassignment’ or ‘transitioning’.

**Sexual orientation** a person’s sexual and emotional attraction to people of the same and/or different sex; in colloquial language often described as lesbian, gay, straight or bisexual

**Gender identity** a person’s sense of conformity between their biological and psychological gender. This is the individual’s gender concept of self, which does not necessarily depend on the sex they were assigned at birth.

**Transgender** people whose gender identity and/or gender expression differs from the sex they were assigned at birth. The term may include, but is not limited to: transsexuals, intersex persons, cross-dressers, and other gender variant people.

**Gender reassignment** the process of transitioning from the gender assigned at birth to the gender the person identifies with. This may (or may not) involve medical / surgical procedures

**Direct discrimination** a situation where a person is treated less favourably than others on grounds of his or her sexual orientation. Unfair treatment can be based on a range of factors, such as age, ethnic background, disability or sexual orientation.

**Indirect discrimination** where an apparently neutral provision or practice would put persons having a particular sexual orientation at a disadvantage compared to others.

**Harassment** any act or conduct that is unwelcome to the victim, which could be regarded in relation to the victim’s sexual orientation as offensive, humiliating or intimidating.

**Heterosexism** attitudes, behaviour or policies and practices that arise from the assumption that everyone is heterosexual

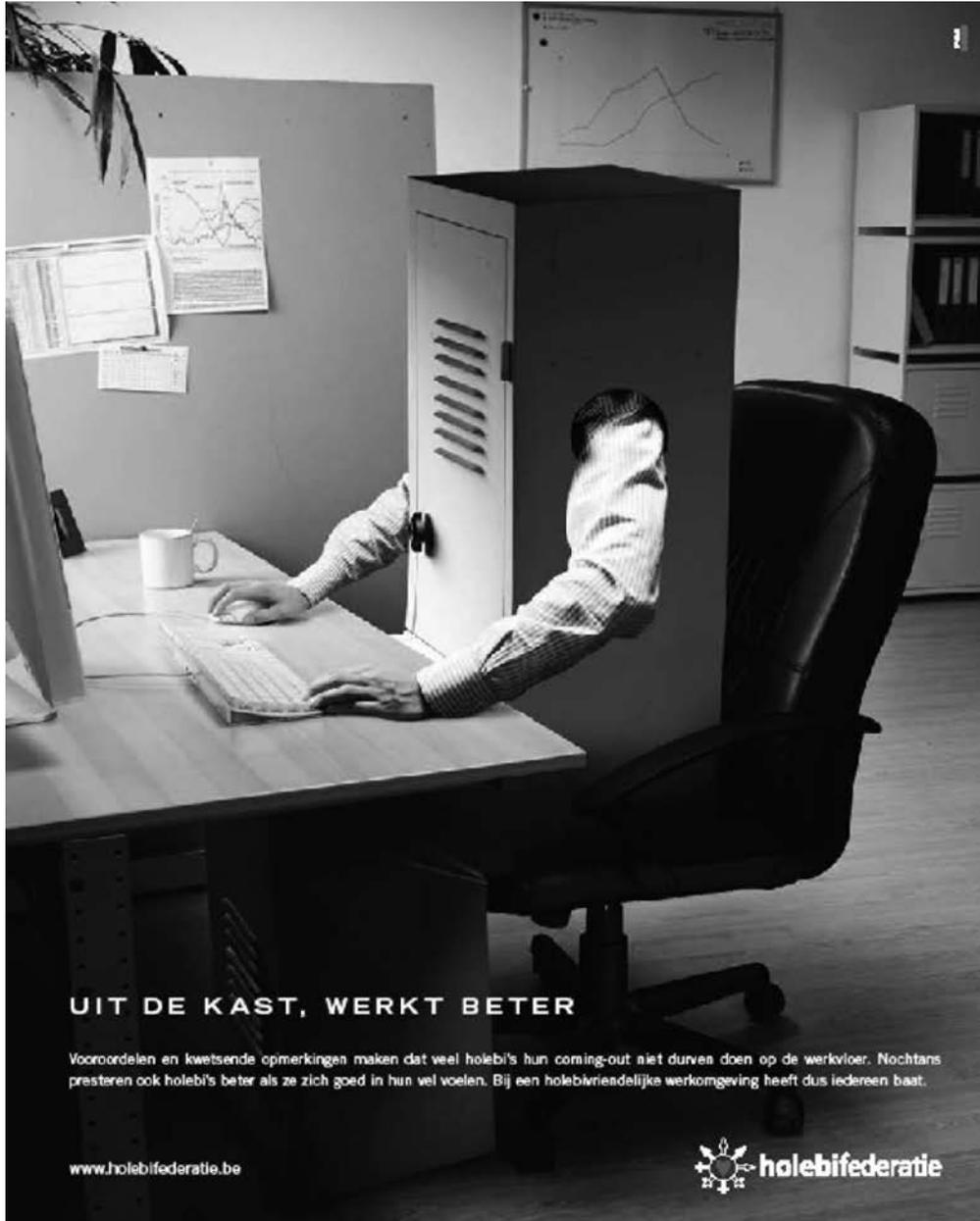
**Homophobia** prejudice, hatred or fear of LGB people and same-sex attraction

**Transphobia** prejudice, hatred or fear of transgender people

**Gender roles** describes socially determined sets of behaviours and roles (i.e. “masculine” or “feminine”) assigned to people based on their biological sex (i.e. male or female)

## Out of the closet works better!

Poster from Holebifederatie an umbrella organisation of LGBT groups as part of a project run in partnership with Belgium trade unions and employers organisations, named LGBT@work



**UIT DE KAST, WERKT BETER**

Vooroordelen en kwetsende opmerkingen maken dat veel holebi's hun coming-out niet durven doen op de werkvloer. Nochtans presteren ook holebi's beter als ze zich goed in hun vel voelen. Bij een holebivriendelijke werkomgeving heeft dus iedereen baat.

[www.holebifederatie.be](http://www.holebifederatie.be)



# 1 Introduction

Equality on the grounds of sexual orientation and gender identity has in recent years become a priority for many trade unions. Often working in collaboration with NGOs, lesbian, gay, bisexual and transgender (LGBT) trade union and community based activists have been stressing that LGBT rights are trade union rights and that it is critically important that LGBT equality issues are dealt with in the workplace.

This report draws on a two-day conference held on 29-30 January 2008 Extending equality: trade union actions to organise and promote equal rights, respect and dignity for workers regardless of their sexual orientation or gender identity. This was the first Europe-wide trade union conference on LGBT rights and was attended by over sixty representatives of trade unions and NGOs across Europe. The conference was organised by the European Trade Union Confederation (ETUC) with the European Region of the International Lesbian and Gay Association (ILGA-Europe). A steering Committee composed by trade union representatives of organisations member of the ETUC contributed with the definition of the methodology. Two surveys were also carried out to gauge awareness of LGBT issues in trade union organisations and also to highlight the challenges facing trade unions and good practices that can be shared across Europe. This report summarises the conference proceedings, conclusions and recommendations, as well as the results of the surveys, to point the way forward for trade unions and NGOs in their work on LGBT equality in the workplace.

The objectives of this report are as follows:

- ▶ To raise awareness of lesbian, gay, bisexual and transgender (LGBT) issues in trade union organisations
- ▶ To highlight the importance of making the connection between LGBT rights and trade union rights
- ▶ To present good practices that can help trade union organisations to develop policies, initiatives and actions in collective bargaining and in the workplace on LGBT rights
- ▶ To make suggestions about how LGBT equality initiatives can be integrated into trade union policies and practices
- ▶ To show how collaboration between NGOs and trade unions can result in positive outcomes for the promotion of LGBT equality in the workplace and in wider society

“Equality is central to the trade union agenda. The union as a whole suffers if there is inequality and combating discrimination is as important as other areas of trade union work. Any union that treats another as second class suffers....We need to combat prejudices that have evolved historically and at a societal level. The ETUC has made a good start in the area of gender equality and it is important to recognise the progress that has been made. This conference is ground breaking for us; let's go on to build LGBT rights across Europe”.

**Conference opening speech by John Monks, General Secretary, ETUC**

Sexual orientation and gender identity are covered in the EU's legal framework on equality in the Framework Directive on Equal Treatment in Employment and Occupation (2000/78/EC). The EU is also implementing a new directive which will extend rights, currently provided for in the Directive on race equality, in areas such as access to services to other grounds, including the ground of sexual orientation. The ground of gender identity is covered through the gender equality directives (See below).

## Michael Cashman MEP, Opening Statement to the conference

“The only thing that we should do in our movement is to speak what we feel is right. Our laws have changed and our lives have become better and we must remember that the European Union grew out of the ashes of the second world war and out of people’s lives and dreams so that no one group would be persecuted. The development of a common market has led to standards and principles. This started with Article 13 of the Treaty of Amsterdam which provided the legal basis to combat discrimination on the grounds of sexual orientation. What it also does is to remind us of the multiplicity of discrimination – to ignore one ground for discrimination undermines the good work done in the area of other grounds of discrimination. The Race Directive came about as a result of the need to tackle extremism and particularly the extremism shown in the 2000 Austrian elections. Since then there has been the enlargement of the EU and there has been a rise of xenophobia and racism across Europe, and some governments and the European Council have remained silent on the issue.

It is important that the proposed new Directive extends the rights provided under the Race Directive. “We have a huge battle to get Member States to accept the directive. What we don’t want is for our demands to be treated as part of an a la carte menu where each equality ground is treated separately. If we do that we go back to a divide and rule approach where one form of discrimination is considered to be superior to another. We can’t be bought off at the expense of other groups. We must ensure that human rights are at the top of the agenda and not threatened. We can only make the demands and arguments if we work together to get legal equality. Our laws set a benchmark that has to be maintained. This also requires social change through education, awareness raising and information”.

### PROGRESS MADE, BUT STILL A LONG WAY TO GO

There has been a lot of progress achieved in recent years in many European countries. Examples of this are the introduction of anti-discrimination legislation that explicitly includes LGBT people, the passing of legislation on marriage equality and same-sex civil partnership in some countries, and a growing acceptance of LGBT people in public positions and in leadership positions, for example, in politics, as senior managers, as trade union leaders, and as people working in the arts and media.

LGBT people today enjoy rights to non-discrimination by virtue of European Union legislation. National legislation has also extended rights for lesbians and gay men, for example, in the Netherlands, Belgium Spain, and Norway marriage is open to both opposite-sex and same-sex partners, while in a larger number of countries lesbians and gay men have rights to registered partnership that enables them to enjoy many of the rights that exist in marriage. These progressive laws have enabled lesbians and gay men to have the right to equality in their lives and in the workplace.

There continue to be many barriers to LGBT visibility. Many LGBT people experience inequality, harassment and homophobia in the workplace. A sense of a lack of rights and respect means that many LGBT people experience great difficulty at times in disclosing their sexual orientation. In many countries there are still significant problems in progressing LGBT rights in the workplace.

Trade unions are increasingly looking at how they can recruit and organise new members; this is particularly important at a time of declining trade union membership in some countries and sectors of the economy. For this reason trade unions have to reach out to all groups seeking equality in society and address important workplace issues for LGBT workers. This report shows that unions can adopt policies, practices and procedures for workplace equality and strategies for recruiting and organising LGBT members. It gives guidance and makes some suggestions about how unions can work to support LGBT workers, raise awareness about LGBT rights, campaign for and bargain on behalf of LGBT members.

## Discrimination in the workplace takes many forms

Discrimination in the workplace based on sexual orientation and gender identity can take many forms:

- ▶ LGBT people experience a refusal of employment and dismissal, as well as discrimination in access to employment, training and promotion
- ▶ LGBT people are often invisible and fear 'coming out' in case they are discriminated against in areas such as promotion, career development and access to training etc. This can also result in self-exclusion, whereby a LGBT person may avoid certain jobs or employment for fear of discrimination.
- ▶ Homophobic bullying and harassment is not an uncommon experience for LGBT people at work and workplace equality actions are important to ensuring that there is a workplace culture of respect and dignity.
- ▶ Benefits that are enjoyed by heterosexual partners are denied same-sex partners, for example, paternity and parental leave, relocation, caring for a sick partner or bereavement leave, educational or other benefits for employees and their families, goods and services provided free of charge or at a discount, survivors pension schemes or benefits from life insurance, and health-care insurance for employees and their families.

## LGBT rights are trade union rights

- ▶ LGBT rights are human rights and these are central to trade union activities; it is impossible today for trade unions to ignore these issues
- ▶ Recruiting and organising LGBT workers helps to make unions strong and representative of all of their members and workers
- ▶ Discrimination against LGBT workers is no different from discrimination against other groups
- ▶ All workers have the right to be protected against discrimination
- ▶ LGBT people are often invisible in the workplace and their rights may be denied them.

### Irish Congress of Trade Unions

The Irish Congress of Trade Unions has argued for equality for LGBT people. In their response to the ETUC survey they state that the lack of legal recognition for same-sex partnerships also disadvantages LGBT people and their families in a whole range of areas, including:

- > **Families and children:** Many people in single sex relationships have children who have no legal relationship with both partners.
- > **Immigration:** Lack of recognition of same sex relationships in immigration regulations presents huge problems for LGBT people in relationships with persons from outside the EU.
- > **Financial:** difficulties encompassing pensions, taxation transfer of property, protection of the family home upon death, social welfare etc.
- > **Next of kin:** Serious issues arise in cases where a partner is confined to hospital, or is incapacitated, or is incapable of making judgements about crucial medical choices. Some hospitals accept the stated wishes of the patient around visits etc. but are often less willing to allow a nominated partner to be involved in serious decisions. Others are reluctant to allow any but familial next-of-kin.
- > **Access to reproductive/fertility:** This most obviously affects lesbian couples who face significant barriers in accessing such services.
- > **Force Majeure Leave:** Only recently has the Parental Leave (Amendment) Bill 2004 included a provision for the extension of force majeure leave to same-sex couples to care for each other in cases of injury or illness.

ICTU are organising a national LGBT trade union group and they plan a series of seminars to raise awareness. They work in partnership with the national Gay and Lesbian Equality Network to campaign for better legal protection for LGBT workers, including same-sex partnerships.

ICTU has produced a guide to negotiators on LGBT workplace issues:

[http://www.ictu.ie/download/pdf/gay\\_lesbian\\_leaflet.pdf](http://www.ictu.ie/download/pdf/gay_lesbian_leaflet.pdf)

For further information: [www.ictu.ie](http://www.ictu.ie)

Discrimination in the workplace is often a mirror of discrimination in the wider society. Prejudice and discrimination are real experiences for many LGBT workers. We have seen in the wider society that LGBT people are denied access to some services and rights on an equal basis and they are regularly the victims of hate crimes and homophobic bullying.

In some countries political leaders, employers and trade unions have shown their hostility to promoting LGBT rights. The banning of Pride marches in the last couple of years in Poland, Latvia, Russia and Moldova, is a reflection of this homophobia. Trade unions have joined with LGBT organisations in many of these countries to protest against negative statements made by politicians and the lack of progress towards LGBT equality. For example, in Poland, trade unions and LGBT activists have held public protests against the government's discrimination against LGBT teachers and the prohibition of the promotion of homosexuality in Polish schools; and in 2007 the European Court of Human rights ruled that the ban on the Warsaw Parade for Equal Rights was illegal and discriminatory.

### **The ETUC condemns discrimination based on sexual orientation**

Press statement, 8th June 2006, Brussels

The European Trade Union Confederation (ETUC) expresses its serious concern about inflammatory statements made by far right politicians, including Ministers, against lesbians and gay men. We condemn this dangerous populism, which attempts to scapegoat minority communities.

We reaffirm:

- > our opposition to discrimination on the basis of sexual orientation; and our support for the rights of all citizens, including Lesbian Gay Bisexual Transgender (LGBT) communities, to organise and to demonstrate publicly.

*<http://www.etuc.org/a/2455>*

The ETUC is also committed to progressing equality on the basis of sexual orientation and gender identity. An example of this is that LGBT rights are named in the ETUC's Seville Congress Document which sets priorities for 2007-2011.

### **The ETUC commits itself to progress equality on the basis of sexual orientation and gender identity**

The ETUC's Seville Congress Document set out the strategic priorities for 2007-2011. One of the priorities contained in the ETUC's commitments to equality is that there will be "more awareness raising and actions and activities to address discrimination on the basis of sexual orientation and gender identity". The ETUC states that:

"Recent research by the European Commission (Eurobarometer 2007) on the occasion of the European Year of Equal Opportunities for All has shown that it is little known throughout Europe including in trade unions that sexual orientation is one of the non-discrimination grounds recognised at EU level. In many Member States, implementation is not taken actively on board. It is therefore urgent to invest in awareness raising activities and to take more effective action on prejudices that may be present in trade unions and among their members".

"The ETUC and its affiliates will therefore step up their actions and activities, to develop a clearer picture of what is happening at national level, and encourage an exchange of experiences and best practices which promote diversity and non-discrimination in trade unions and effective protection of workers' rights in the workplace, including the setting of clear objectives and targets regarding diversity and non-discrimination, and explore possibilities to develop guidelines or codes of conduct with employers' organisations at European level".

See: *<http://www.etuc.org/a/3683>*

## LGBT rights and international organisations

LGBT rights are also being taken up by international and human rights organisations. For example, the ILO's 2007 global report on discrimination Equality At work: Tackling the Challenges, highlighted the importance of LGBT rights for achieving equality for all. This is the first time that LGBT rights at work have been signalled by the ILO. The report states that: "international and national human rights institutions and mechanisms are attaching increasing importance to fighting discrimination based on sexual orientation [many countries] have adopted legal provisions prohibiting discrimination at work based on sexual orientation".

ILGA-Europe recently gained consultative status at the United Nations Economic and Social Council (ECOSOC) along with the Danish National Association for Gays and Lesbians and the Lesbian and Gay Federation of Germany.

Trade union federations at the International level are also arguing that LGBT rights are trade union rights. The Public Services International and Education International have developed specific actions in this area.

### Public Services International

"Lesbian and gay workers throughout the world are confronted with various types of oppression and discrimination on the basis of their sexuality/sexual orientation; hostility towards and discrimination towards lesbians and gay workers by their colleagues, clients and managers constitutes harassment and is a legitimate trade union issue...the tasks of trade unions include active prevention of and struggle against discrimination at work, on whatever basis, and improvements of the working conditions and working climate for all workers".

*Resolution passed at the PSI World Congress 1993*

### Global trade unions have been working together to promote LGBT rights.

The Public Services International and Education International have been working together to promote LGBT rights at work. Both global unions have always fought discrimination against members in the workplace and society. In the 1990s both PSI and EI recognised that the rights of lesbian and gay workers are fundamental trade union and human rights. Both PSI and EI have passed strong resolutions at their conferences in support of lesbian and gay workers. They give global endorsement to LGBT rights as core trade union issues and they acknowledge that campaigns for equal rights for LGBT workers will be strengthened if they are integrated successfully into broader rights campaigns at national, regional and international level. PSI/EI have carried out a number of joint activities, which have included two global forums on LGBT rights and the publication of a manual *Trade Unionists together for LGBT Rights*. Their LGBT Forum website <http://lgbt.world-psi.org> contains information and resources on LGBT rights at work.

# 2 Evidence from surveys on LGBT equality issues

## Introduction

In 2007 two surveys were carried out to assess attitudes to and awareness of LGBT issues in the workplace and in trade unions at a confederal level as well as a sectoral level.

- ▶ One survey was carried out among the ETUC affiliates and was completed by 44 trade union confederations from 21 European countries<sup>1</sup> (this also included responses from some affiliated unions at the sectoral level).
- ▶ Another survey was carried out by ILGA-Europe among its member organisations and was completed by 32 organisations in 22 European countries<sup>2</sup>.

These two surveys together provide a very valuable picture of attitudes to and awareness of LGBT issues. The overall findings show that there is a growing level of awareness and actions to support LGBT workplace equality issues in some countries and in some trade unions.

- ▶ Those countries with the highest level of awareness and that have introduced initiatives in the workplace can be found in Western European countries, especially Northern European countries, while the lowest levels of awareness and workplace initiatives exist in countries of Eastern and Central Europe.
- ▶ The surveys found that there are significant differences between unions. Some have a long history of campaigning for LGBT rights in the workplace, while others have only just recently begun to deal with the issues. Some of the new member states of the European Union are at a very early stage in addressing LGBT issues and have experienced difficulties in getting issues raised on trade union agendas. All unions were at an early stage in developing actions on the rights of transgender workers, and in many cases there was a low level of awareness about the issues faced by transgender workers.
- ▶ Many of the responses from confederations show that there is a lack of awareness of the policies and activities of their affiliates on LGBT issues.
- ▶ The lack of awareness of LGBT rights in the workplace is reflected in a general lack of information and data on the experiences or situation of LGBT people, since very few unions have undertaken surveys on LGBT issues or have consulted with LGBT trade union members.
- ▶ It is interesting to note that the unions that are most active on LGBT issues have developed strong alliances with LGBT NGOs, where good examples of partnerships and joint activities have been pursued.
- ▶ In some countries, where there is no awareness and no commitment to taking up issues concerning LGBT equality in the workplace, trade unions are active in raising awareness about the issues.

<sup>1</sup> ETUC questionnaires were received from the following countries: Belgium, Bulgaria, Croatia, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

<sup>2</sup> ILGA-Europe questionnaires were received from the following countries: Austria, Belgium, Bulgaria, Belarus, Czech Republic, Cyprus, Germany, Denmark, Spain, Estonia, Finland, France, Hungary, Italy, Malta, the Netherlands, Poland, Portugal, Russia/Ukraine, Slovenia, Turkey, United Kingdom.

- ▶ A large number of European countries have anti-discrimination legislation that outlaws discrimination on the grounds of sexual orientation. In Germany there has been a very controversial debate about anti-discrimination legislation, with strong opposition from liberal and conservative parties and some employers' organisations who view the legislation as adding to bureaucracy. In UK, progressive laws have been introduced in recent years, including the Gender Recognition Act 2004, which gives transgender people full legal recognition of their new gender and the right to change their gender on their birth certificates.

## **Awareness of non-discrimination on the grounds of sexual orientation**

Awareness of non-discrimination on the grounds of sexual orientation and gender identity was found to be highest in the leadership of trade union organisation, but lower amongst trade union members, and even lower amongst employers. This can be seen in Chart 1.

### **AWARENESS OF EMPLOYERS**

Respondents stated that there are generally low levels of awareness amongst employers. Of the 44 organisations responding to the ETUC survey 5 organisations stated that there was a high awareness amongst employers, while 18 organisations stated that there was very poor awareness. Of the 32 organisations responding to the ILGA-Europe survey, 7 organisations found awareness to be high or very high, 13 to be average, and 12 to be poor or very poor.

### **AWARENESS IN LEADERSHIP OF TRADE UNIONS**

The highest levels of awareness were found in the leadership of trade unions, although this awareness still tends to be very low in some countries. Of the 44 organisations responding to the ETUC survey 26 organisations stated that awareness in the leadership of their trade unions was high or very high, while 13 stated that it was poor or average. Of the 32 organisations responding to the ILGA-Europe survey, 13 organisations found awareness in trade unions to be high or very high, 8 to be average, and 11 to be poor or very poor.

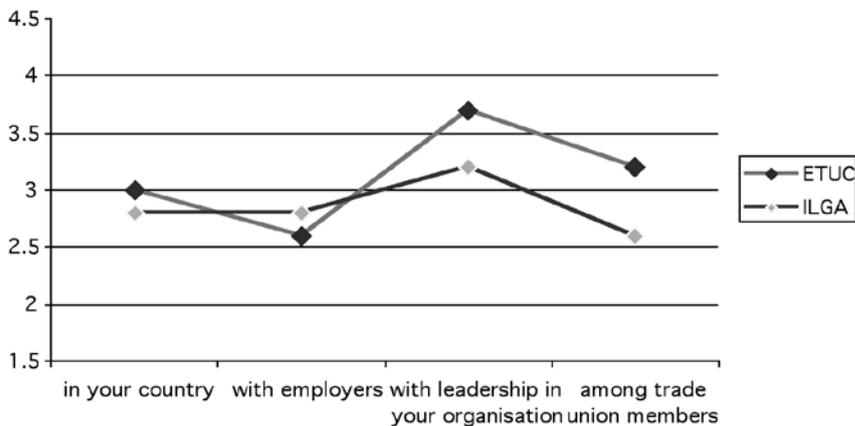
### **AWARENESS OF TRADE UNION MEMBERS**

Awareness amongst trade union members was found in both surveys to vary from country to country, although awareness tends to be fairly low. Of the 44 organisations responding to the ETUC survey 14 organisations stated that awareness amongst trade union members was high or very high, while 17 stated that it was average, and 8 poor or very poor. There were slightly lower levels of awareness amongst trade union negotiators than ordinary trade union members, with 13 organisations stating that awareness was high or very high, 17 average and 8 poor or very poor. Of the 32 organisations responding to the ILGA-Europe survey, 6 organisations found awareness amongst trade union members to be high or very high, 8 to be average, and 18 to be poor or very poor.

### **IN THE WORKPLACE**

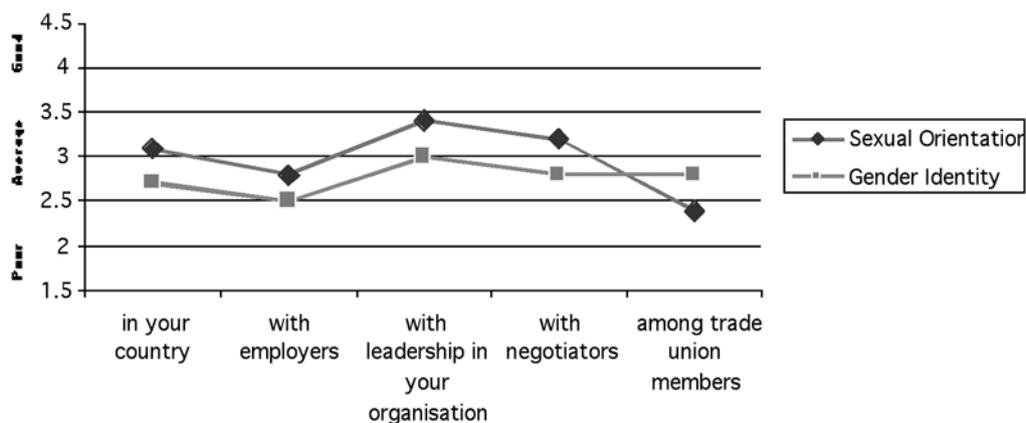
The surveys found very low levels of awareness of sexual orientation and gender identity in the workplace. Of the 32 organisations responding to the ILGA-Europe survey, only 3 organisations found awareness to be high or very high, while 9 were average, and 20 poor or very poor. These findings are similar to other surveys carried out in a number of countries which find that LGBT people are unwilling or not able to 'come out' in the workplace because of a fear of rejection by work colleagues, being isolated at work or discriminated against by employers in access to promotion or training.

**CHART 1: SEXUAL ORIENTATION IS ONE OF THE NON-DISCRIMINATION GROUNDS PROHIBITED BY EU LAW. IN YOUR OPINION, HOW MUCH AWARENESS OF NON DISCRIMINATION ON GROUNDS OF SEXUAL ORIENTATION IS PERCEIVED IN THE FOLLOWING GROUPS?**



Source: ETUC and ILGA-Europe surveys, 2007

**CHART 2: HOW EASY OR DIFFICULT IS IT TO DISCUSS DISCRIMINATION ON THE GROUND OF SEXUAL ORIENTATION / GENDER IDENTITY?**



Source: ETUC survey, 2007

**DISCUSSING SEXUAL ORIENTATION OR GENDER IDENTITY**

The general low level of awareness means that it is very difficult for LGBT employees to discuss discrimination on the grounds of sexual orientation or gender identity with employers and in trade unions. As Chart 2 shows in both the ETUC survey and the ILGA-Europe survey it was found that LGBT people find it particularly difficult to discuss these issues with employers, trade union members and negotiators, while it is generally found to be easier to discuss these issues with trade union leaders. The ETUC survey found, for example, that 22 of the 44 organisations responding to the survey found it easy to discuss these issues with the leadership of the organisation, compared to 31 organisations who found it hard to discuss these issues with employers.

In some countries the introduction of legal protection and better support for equal rights at the national level has helped to raise awareness in society more generally. This has had a positive impact on trade unions and employers. Half of the trade unions responding to the ETUC survey had been active in promoting LGBT rights in the workplace for over ten years and in these unions there was a good awareness of existing legislation and a high awareness amongst unions at the leadership level.

This is seen partly as a reflection of greater visibility of LGBT people in the media and in society generally, and also because there exist legal protections against discrimination on the ground of sexual orientation.

A large number of trade unions stated that there exist significant cultural and religious barriers which makes it difficult to get unions to take LGBT issues seriously at the leadership level and in trade union policies. Some respondents stated that there are deep seated prejudices amongst some communities, religious and faith groups.

- ▶ The TUC has sponsored an initiative and conference in 2007 on the theme of Religion, Homophobia and Human Rights. The conference brought together people of faith to develop strategies for dealing with homophobia in religious organisations and to tackle homophobia in religious organisations.
- ▶ In the Netherlands there has been a similar ‘dialogue’ on homophobia organised through meetings between religious groups, trade unions and LGBT organisations. The aim has been to have a conversation about homophobia. For many groups this was the first time that they had a conversation on this issue and often the outcome has been positive. The process has been to raise awareness and have a conversation and this has been spread to wider groups. The outcome is that there has been a better respect for human rights and understanding of LGBT issues.

### **Holebifederatie, Belgium**

Katrien Van Leirberghe from the Flemish federation, Holebifederatie<sup>3</sup>, an umbrella organisation of LGBT groups, spoke at the ETUC conference about a project named LGBT@work. She said: “The project has addressed a number of workplace issues including the wage gap between heterosexual and homosexual workers and LGBT rights in the workplace. The project began when the union ABVV approached the organisation to run and organise a diversity day. This led to a series of workshops on diversity for ABVV, for other unions, union members and the Ministry of Employment. The first project began in 2006 and this led to the creation of a trade union network in order to convince unions and employers of the need to work on LGBT equality issues. A second project in 2007-2008 led to the creation of specific LGBT networks within companies. Companies involved in this are Ford Globe and IBM. Work was also carried out in collaboration with the Belgium Business Association and this resulted in the introduction of a ‘rainbow award’ for companies showing best practice in the employment of LGBT people. The project has undertaken a number of other activities including a survey, conference, poster campaign “out of the closet works better” and the publication of a brochure.

### **GENDER IDENTITY**

The ETUC and the ILGA-Europe surveys both show that there is a very low level of awareness and a lot of ignorance of “gender identity”. Those trade unions that have addressed the issues of discrimination on the basis of gender identity have only done so very recently. In many cases it was found in the survey that there was a very low level of awareness of gender identity as a concept and it was often confused with gender equality issues. This lack of awareness and understanding can result in inappropriate actions. For example, in some cases transgender people are sometimes obliged to use toilets for disabled people in the work place. There appears to be no awareness that transgender issues are covered by the gender equality legislation. In the ETUC survey 10 organisations stated that it was easy to discuss discrimination on the grounds of gender identity with employers, while 29 organisations stated that it was difficult or very difficult. While there is also a low level awareness on gender identity issues amongst trade union members, negotiators and leaders, the survey found that levels of awareness were slightly higher than those of employers. The survey found that there are few or no examples of trade unions negotiating with employers on transgender issues.

<sup>3</sup> <http://www.holebifederatie.be/>

## Evidence from other surveys across Europe

There is also a wealth of evidence of discrimination against LGBT people in surveys across Europe, some of which have been carried out by trade unions.

- ▶ Evidence from the 2007 Eurobarometer survey on sexual orientation found 64% of Europeans believed that discriminations are widespread in their country and that 51% think that not enough is being done to combat the problem. The Eurobarometer survey also showed that almost half of Europeans believe that homosexuality is still a taboo in their country, while a further 31% of Europeans believed that discrimination on the grounds of sexual orientation has increased over the last 5 years. In Southern Europe, particularly in Cyprus (86%), Greece (85%) and Portugal (83%) the majority of the population see homosexuality as a taboo. Spanish results are different from this geographically with 46% seeing it as a taboo, which is on a par with the European average of 48%<sup>4</sup>.
- ▶ In 2003 the Swedish Institute for Working Life carried out a study for the trade union “All Clear” project on openness in the workplace, working conditions and vulnerability in the workplace<sup>5</sup>. Of the 14,000 responses it was found that there are different experiences of negative opinions and stereotypes, that LGBT people tend not to be open to their colleagues and even fewer are open towards their customers and clients. It was found that heterosexual and homosexual people have very different experiences in the workplace and many are not open about the sexual orientation or gender identity and are not “out” at work. Of those that were not open about the sexual orientation at work, 40% did not take part in conversations with colleagues for fear of being “outed”. 60% of those that were not open thought that most of their colleagues knew that they were lesbian, gay or bisexual anyway.
- ▶ An Internet survey carried out in Germany by Ver.di in 2006 had 2,700 respondents<sup>6</sup>. It was found that whereas in 1996 67% of lesbians and gay men kept their sexual orientation secret, this had only reduced to 52% in 2006. This is a surprising finding given that in the decade between the two surveys there have been substantial improvements in the legal conditions for lesbian and gay workers. Around three-quarters of respondents had experienced discrimination or had been disadvantaged on the basis of their sexual identity; one in ten reported physical violence or psychological terror. The survey also asked colleagues and managers to evaluate their responses to people coming out at work. 85% of managers and 92% of work colleagues responded positively to this.
- ▶ Fifty two per cent of members responding to a recent survey in the UK by UNISON<sup>7</sup> had experienced harassment or other discrimination because of their sexual orientation and 50% concealed their sexual orientation at work. Experiences of discrimination included not being appointed to jobs, verbal and physical abuse and threats from co-workers, managers or service users, unfair work allocation or over-supervision, prejudiced and discriminatory attitudes about their suitability to work with children and other vulnerable groups, false allegations, not being considered for training or promotion, and non-recognition of families and denial of benefits available to other workers. 10% of LGBT people had changed their jobs because of discrimination in the workplace – this exists even when the law is in place.

<sup>4</sup> See : <http://www.stop-discrimination.info/7530.o.html#42274>

<sup>5</sup> See: <http://www.frittfram.se/default.asp?lid=1>

<sup>6</sup> See: [www.regenbogen.verdi.de](http://www.regenbogen.verdi.de)

<sup>7</sup> See: [www.unison.org.uk/out/index.asp](http://www.unison.org.uk/out/index.asp)

- In Slovenia research carried out in 2001<sup>8</sup> showed that over twenty per cent of respondents experienced discrimination in the workplace because of their sexual orientation or gender identity. Research of the Lesbian Section ŠKUC - LL of the Students' Cultural Centre in Ljubljana, carried out in 2001, found that over twenty per cent of lesbian and gay respondents had already experienced discrimination at work, based on their sexual orientation. Over half of respondents hide their sexual orientation at work. Discrimination is manifested in various forms: hiding of sexual orientation at workplace, harassment from co-workers and of superiors (abusive language, mockery, insulting remarks, comments, jokes, observations) and sexual harassment and physical violence. The survey also found that there was discrimination during the recruitment process, denial of promotion, unjustified dismissal, the refusal of pension, social and health insurance for civil partners, dependant care leave and parental leave, and a refusal of job benefits available to other workers.

In some countries there has been little progress made in implementing rights for LGBT people at work. The examples from speakers from Turkey and Poland at the ETUC's conference show that there is still a lot that trade unions need to do in order to progress the rights of LGBT workers.

### Turkey

Speaking at the ETUC's conference, Kursad Kahramanoglu, from the LGBT NGO KAOSGL, stated that in Turkey there is no anti-discrimination legislation and a political climate exists that is hostile to LGBT and trade union rights. In his presentation he said: "There remains a lot to be done to win the argument that LGBT rights are trade union rights. Because there is no protection under the law it is important that trade unions are there to argue for and defend LGBT rights. Trade unions need to make visible commitments to LGBT rights, to be present in Pride marches and for them to be seen to be welcoming of LGBT people. There are two major challenges facing unions in Turkey: resources and the political climate facing trade unions. Changes need to be made in the political climate and in the mentality, culture and attitudes of trade unionists. Many trade unionists have questioned what has homosexuality got to do with trade unions. We need to show that LGBT workers experience homophobia and harassment in the workplace. For example, a worker can lose his/her job, they can fail to be promoted, or not be invited to attend training courses. These are examples of why LGBT rights are trade union rights. Trade union leaders must stand up and say LGBT rights are trade union rights. When they do that the unions will do something".

Kursad also advocated the importance of better links between trade unions on LGBT rights: "It is also important to have European as well as international links with Turkish trade unions so that trade union leaders from other countries can show Turkish trade unions that this is a trade union issue. Trade union leaders should bring the issue up in their Executives and in their public meetings and to be seen to be championing LGBT rights. The ETUC should be asking trade unions what are they doing in Turkey. LGBT activists in Turkey are working hard on LGBT issues. KAOS GL is an important NGO in Turkey which was founded by trade unionists. It produces the only national gay magazine in Turkey and has been important in raising awareness of LGBT rights. It is hoped that in the future the organisation can partner up with other trade union projects across Europe to carry out training on LGBT rights.

### Poland

Dariusz Cichón from the OPZZ trade union confederation in Poland, argued there are political and social constraints that have made the climate difficult for trade unions and also for LGBT people. In Poland, trade unions represent 20 per cent of workers and Dariusz stated that: "Most trade unions have little knowledge and awareness of LGBT equality issues and what LGBT means. The main challenges are to raise awareness, promote understanding of LGBT equality issues and change the mentality of people. There are currently no LGBT policies in any of the Polish trade unions. The actions of the previous right wing government led to the cancellation of a LGBT demonstration in Poland. However, a change of government has improved the situation and there is now a more open environment. In Poland there has been a growth of NGOs and trade unions who would like to link more closely with NGOs working with the LGBT community in the future. Trade unions are only just beginning to take an interest in LGBT issues. Trade unions have been working to promote tolerance, and tolerance towards the LGBT community is central to this. However, Poland is a very religious country, and although many people are not homophobic or intolerant, the Catholic Church does impact on everyday attitudes to homosexuality. Today there is a new space to be tolerant. In Poland trade unions have a special role in showing that the society is open and tolerant. This is particularly important because of Polish recent history".

<sup>8</sup> See: [www.ljudmila.org/lesbo/equal/](http://www.ljudmila.org/lesbo/equal/)

# 3 **European Union policies on LGBT equality**

## **Introduction**

As mentioned in the introduction sexual orientation has been included in the EU's legal framework on equality since the Amsterdam Treaty in 1997. The 2000/78/EC Directive on Equal Treatment in Employment and Occupation covers sexual orientation and the EU's gender equality directives cover gender identity as one element of gender equality.

### **Sexual orientation is covered in the framework directive on equality**

Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation "covers equal treatment in employment and training irrespective of religion or belief, disability, age or sexual orientation".

### **Gender identity is also covered in gender equality legislation**

- > Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions
- > Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions
- > Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services
- > Council Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (re-cast version) was adopted by the Commission in July 2006. (The 'recast' directive which brings all gender equality legislation into a single text,).

While trade unions in many countries have used this legislation to advocate for LGBT rights in the workplace, there is a disparity between the law and the lived realities of many LGBT people and the Employment Equality Directive has still not been fully implemented in all member states, and as a result infringement procedures are thus currently underway. For example:

- ▶ In some member states, such as, Estonia, the definition of harassment is more restrictive in national law than is required under the Directive.
- ▶ In some member states, such as, France there are no specific provisions making instruction to make it unlawful to discriminate on the ground of sexual orientation.
- ▶ In Latvia, discrimination based on sexual orientation in vocational guidance and training is not prohibited.
- ▶ In many countries national anti-discrimination bodies and committees do not cover sexual orientation.

## The need for a comprehensive legal framework

The existing EU Directives on anti-discrimination, based on Article 13 of the Treaty of Amsterdam, vary in their coverage. The protections against discrimination based on sex or race go much further than discrimination based on religion and belief, age, disability and sexual orientation. As well as being wrong from a human rights point of view, this uneven coverage can affect people's choices on whether to work, study or travel in another EU country. And it can affect business decisions on where to locate or where to offer services. The European Commission announcement of a new directive covering access to goods and services will rectify this situation. In preparing for this the European Commission has conducted an impact assessment which has included public consultation including with key European-level partners, such as the ETUC and ILGA-Europe.

Trade unions and NGOs have argued that a comprehensive approach is needed to non-discrimination. Non-discrimination outside employment is often a pre-condition for equality in the workplace – access to affordable and quality education, transport to and from the workplace, access to housing etc. has indeed strong links with the employment field.

### **LGBT Equality and European Union policy: Belinda Pyke, European Commission**

In her presentation to the conference Belinda Pyke from the European Commission highlighted the importance of the 2007 European Year of Equal Opportunities for all, which also marked 10 years since the signing of Article 13 of the Treaty of Amsterdam. It was on the basis of the Treaty of Amsterdam that improved protections against discrimination were introduced at a European level, including the outlawing of discrimination on the grounds of sexual orientation. It is on the basis of this that the European Commission has pursued equality in a number of arena, including the transposition of the Equal Treatment Directive, providing training and awareness raising on equality for EU members states and Turkey, and in arguing for a broader framework for equality that includes sexual orientation.

She argued that: "We also have to face the fact that today, despite the progress achieved in combating discrimination in Europe, the situation is still not ideal. We know that discrimination continues to prevent people from fully achieving their potential all too often. The European Union is contributing to full equality for all people, regardless of their sexual orientation and gender identity, but there is still work to be done in this area and further progress has to be achieved. In particular, the opportunities which article 13 of the Amsterdam Treaty gives us need to be developed".

"I think we have reason to be proud of what we have achieved. The 2000 EU Employment Framework Directive sent out a powerful message to LGB people – and their employers – about the fairness and respect they are entitled to expect at work. Many organisations and companies have taken positive steps as a consequence of those laws to ensure their gay staff do not face discrimination. And we have observed a growing awareness in national authorities, equality bodies, NGOs and social partner organisations of the need to include gender identity issues in their work. Court cases on discrimination on grounds of sexual orientation are now slowly being reported at the national level -in Austria, for example - but in other countries there are few or no examples of cases of sexual orientation discrimination being brought before the courts".

"The European trade union movement has a crucial role to play in the fight against discrimination and in favour of equal of opportunities. Trade unions should take full advantage of the special roles that have been given to them under Articles 7 and 11 of the Race Directive, and Articles 9 and 13 of the Employment Directive. Trade unions are clearly important to the development of peaceful, democratic, well-managed, healthy and prosperous workplaces that engage with and promote equal opportunities."

“Trade unions as channels of social dialogue can combat discrimination through various means: by negotiating with employers, by supporting victims of discrimination in securing a settlement with employers, by promoting equality and diversity in the workplace, by monitoring and documenting discrimination. Trade unions can cooperate with national equality bodies, advocate and campaign for change and challenge governments and employers when they are promoting policies which are contrary to the trade unions’ objectives. And of course they can work to change the attitudes of their members. Many national trade unions clearly take responsibility both to promote a working environment free from discrimination and to help victims of discrimination. Let me, for example, highlight the extremely valuable work UNISON is leading in the UK on the rights of transgender people at work. But I believe that we would gain much if we could make all this work more widely known and promote exchange and mutual learning. This is especially important regarding sexual orientation and gender identity which often are hidden issues in the workplace. The Commission is very willing to help in this process and will in close cooperation with the ETUC launch a comprehensive study this year aiming at identifying good practice in the fight against discrimination”.

“Trade unions are also well placed to work in partnership with NGOs in order to achieve shared aims – the project the ETUC has been carrying out with ILGA-Europe is an excellent example of this. It is my strong belief that NGOs can indeed become a resource for trade unions in their work. Full equality for LGBT people can only be achieved if the wider political climate works in its favour. We know that discrimination is often a case of individuals discriminating against other individuals but, over the last years, here and there, certain statements revealed institutionalised discrimination and sometimes even homophobia. To combat homophobia, we have to use all tools available, combining legislative measures with more long term measures to change stereotypes and behaviour. Remaining prejudices will not disappear by themselves”.

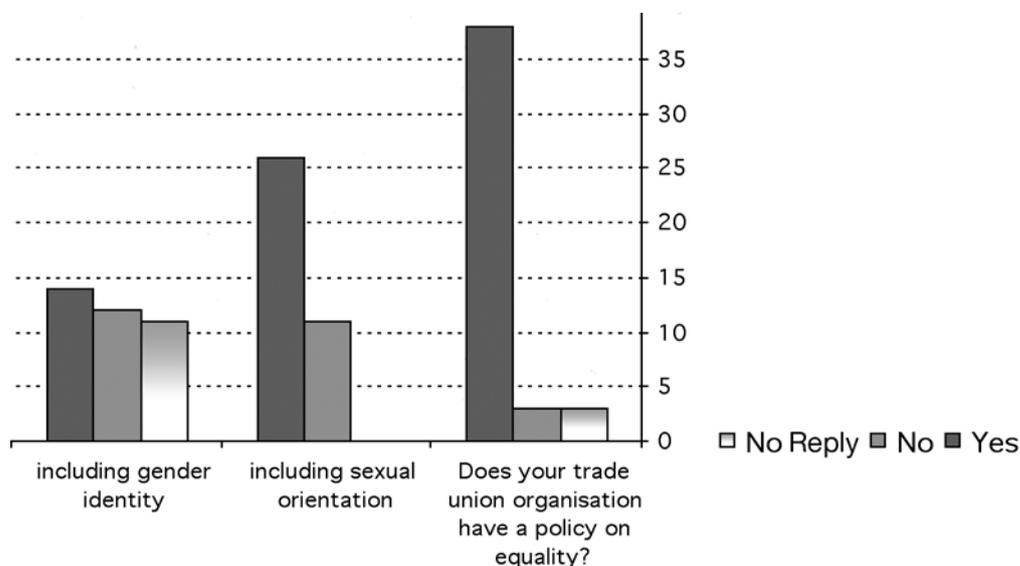
# 4 Trade union policies on LGBT equality

## Introduction

A starting point for trade union action on LGBT equality is to develop specific union policies. Trade union policies can have the effect of creating a positive climate and a visibility to LGBT issues. Of course it is central that trade unions as employers themselves should have explicit policies to promote LGBT equality, so that they can show themselves as model employers.

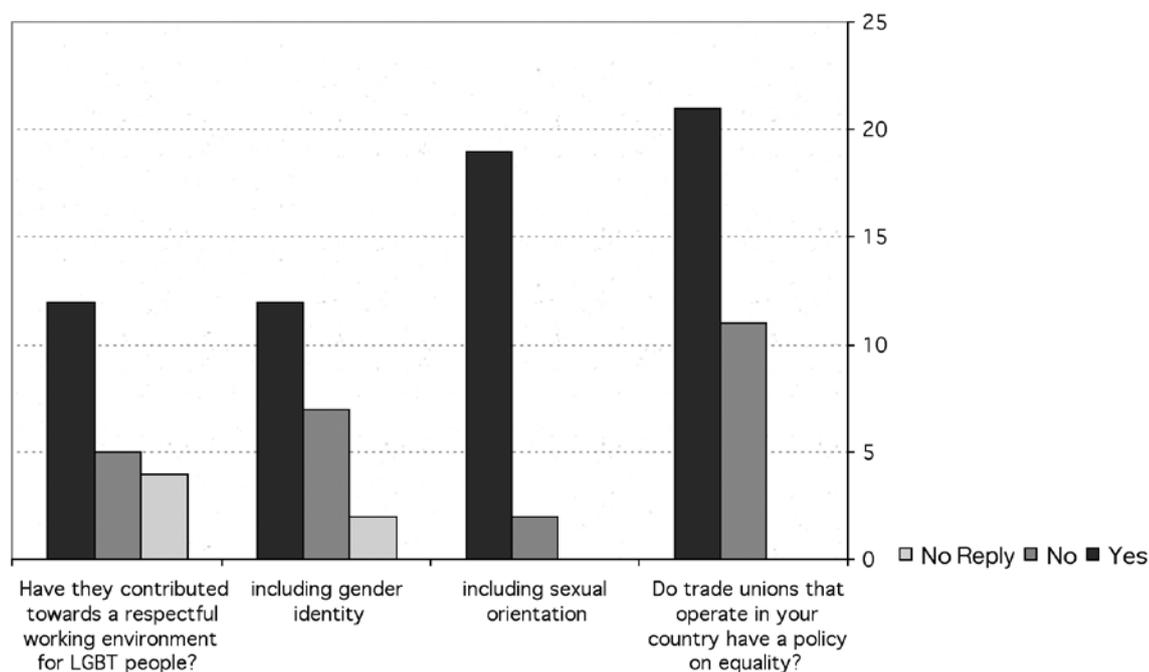
The ETUC survey found that a growing number of trade unions have developed specific policies on LGBT rights in the workplace. Chart 3 shows that while 38 organisations out of 44 respondents (86%) have an existing policy on equality, not all of these include sexual orientation or gender identity explicitly; 26 organisations (70%) include sexual orientation in their equality policies, and very few make reference to gender identity. These results mirror those from the ILGA-Europe survey which can be found in Chart 4; 21 organisations out of 32 stated that trade unions in their countries have equality policies, 19 of which included sexual orientation, and 12 of which included reference to gender identity. The survey also found that despite this policy development only 13 organisations believed that the policies had contributed to a respectful working environment for LGBT people.

CHART 3: TRADE UNION POLICIES: ETUC SURVEY



Source: ETUC Survey, 2007

CHART 4: TRADE UNION POLICIES: ILGA-EUROPE SURVEY



Source: ILGA-Europe survey, 2007

## What can trade unions do to develop and implement policies on LGBT equality?

- ▶ Raise LGBT issues in local branches and in workplaces and use this as a basis for gaining support for LGBT equality policies at the national level
- ▶ A precondition is that LGBT workers act themselves as a driving force for LGBT equality issues
- ▶ Ensure that LGBT issues get onto the policy making agenda by adopting resolutions on LGBT rights at trade union congresses and conferences
- ▶ Adopt and implement policies to eliminate discrimination within trade union structures at the local, regional and national levels
- ▶ Where policy commitments already exist, ensure that there are resources and commitment to publicise and implement the policy widely
- ▶ Mainstream of LGBT equality issues in collective bargaining
- ▶ Use the experiences of countries that have well-established policy frameworks on LGBT equality as a model.

## What could be included in a union policy on LGBT equality?

- ▶ Make a clear statement setting out the union's commitment to LGBT equality at all levels of the organisation and that LGBT equality is a trade union issue.
- ▶ Identify how the union will progress LGBT equality issues, for example, through the development of an LGBT network or self-organised group, through education and training programmes, through positive action programmes and through awareness raising across the union.
- ▶ Highlight how the policy will be publicised to union members and employers, for example, through union newsletters, media coverage, seminars, conferences and meetings.
- ▶ Set out how the union will implement and mainstream LGBT equality issues into collective bargaining.

- ▶ Ensure that there is a clear organisational and reporting structure for LGBT equality issues. This may include a designated officer or specific responsibilities being placed on officers at local, regional and national levels. It could also include specific mechanisms for representing LGBT members on union decision making committees.
- ▶ Make sure there are clear mechanisms in place for LGBT equality issues to be mainstreamed into the work of union decision-making bodies including local branches and national union decision-making and executive bodies.
- ▶ Identify the mechanisms for reporting on progress to implementing the policy and for regularly monitoring the policy.

### **FNV, Netherlands**

Lucia van Westerlaak from the FNV in the Netherlands spoke at the ETUC conference about the three political priorities that the FNV has established in its work on LGBT equality. First, is the creation of a platform for members and union officers who deal with LGBT issues, second, is pressure on union leaders and politicians to integrate LGBT issues in collective agreements and laws, and, third, are measures to improve the climate on the shop floor and political climate regarding LGBT rights. She stated that: "Many unions have been working actively to enable LGBT workers to meet and in providing training at the shop floor level. The FNV and its affiliated unions have participated in and sponsored LGBT events such as Pride marches in order to raise the visibility of trade unions working in this area. Unions have also campaigned for equality in the law for LGBT people, equal treatment in pensions, parental leave and other workplace rights. However, despite this there continues to be a hostile climate in the wider society and on the shop floor. The FNV is starting a new project in 2008 to address isolation, bullying and harassment on the shop floor. The intention is to draw up codes of practice and policies. At the same time opinion leaders and trade union leaders will be asked to talk about these issues and raise awareness of discrimination and harassment in the workplace".

In the UK the TUC first adopted a policy on LGBT equality in 1985. In 2005 a TUC equality audit found that:

- ▶ 70% of unions made provision for LGBT workers
- ▶ A majority had issued guidance on LGBT employment rights and negotiation
- ▶ 50% had published materials for LGBT workers and members
- ▶ 75% had publicity on bullying and harassment in the workplace, half of which specifically referred to sexual orientation.

### **Example: National Union of Teachers, UK**

The National Union of Teachers in the UK has developed guidelines on Tackling Homophobic Bullying in Schools. The guidelines state that homophobic bullying is a significant problem in schools and involves the targeting of individuals on the basis of their perceived or actual sexual orientation. Many LGBT young people experience bullying which might include physical acts of aggression, name calling, teasing, isolation and ridicule. Practical strategies for tackling homophobic bullying include developing anti-bullying strategies and equal opportunities policies to prevent homophobic bullying, staff training and awareness and effective procedures and monitoring of policies.  
[http://www.teachers.org.uk/resources/pdf/Tackling\\_Homophobia.pdf](http://www.teachers.org.uk/resources/pdf/Tackling_Homophobia.pdf)

# 5 Organising LGBT workers

## Introduction

Unions that are committed to LGBT equality are also ones that have developed strategies for organising LGBT workers. Organising LGBT workers can reap many benefits for trade unions. It can send out a message that trade unions are committed to equality and non discrimination as a part of trade union rights and this can have the benefit of assisting the union in its recruitment of new members.

There are a number of ways in which unions can organise LGBT workers. The following are ten steps that can be taken to achieve LGBT equality in your union:

## Ten steps to getting LGBT equality in your union

- ▶ **Step one** show that the union is committed to LGBT equality by making a policy statement to that effect. Show your commitment by attending local Pride events.
- ▶ **Step two** put in place measures to raise the union's profile and visibility so that groups and individuals can see that joining a union could have positive benefits.
- ▶ **Step three** create a climate in the union that enables LGBT workers to 'come out' in the union; this will be important to engaging LGBT people to help the union promote LGBT rights at work. Provide opportunities for LGBT members to meet and network.
- ▶ **Step four** work closely and build alliances with NGO and community based LGBT organisations and reach out to people at local levels.
- ▶ **Step five** put in place a union policy on LGBT rights and get this mandated in all union decision-making bodies and at all levels of the union.
- ▶ **Step six** publicise union policies and commitments to LGBT equality in union journals, newsletters and in the general media.
- ▶ **Step seven** produce campaigning materials on LGBT equality issues that can be used in organising and recruitment
- ▶ **Step eight** participate in LGBT and community based campaigns, for example, for legislative changes, or specific events such as International Day Against Homophobia (17 May), or local campaigns for community facilities and services.
- ▶ **Step nine** attend, fund and publicise union activities at Pride marches and other LGBT events. This could include providing sponsorship for a Pride march and having a presence at Pride with banners, campaigning materials and union information.
- ▶ **Step ten** put in place resources and a named officer to support LGBT members.

Finally, don't forget the 'T' in LGBT rights. Often the rights of transgender people slip off union agendas. Start by putting in place a positive statement on transgender rights in the workplace, and then develop specific policies and actions so that the 'T' is not left behind!

## Trade union action in organising LGBT workers

### Germany: Ver.di LGBT group

Claus Brandt and Colin de la Motte-Sherman from Ver.di, the German united services union spoke at the conference about the role of the Ver.di LGBT group. They described how the group “organises education seminars and agitates inside and outside of the union with the aim of influencing the union’s leadership. It publishes information in printed form and on its web site. It has taken part in LGBT street festivals and Gay Pride parades and has raised awareness about LGBT issues in the media and in the union in order to counter stereotyped thinking on LGBT issues. It has campaigned for the implementation of regulations against discrimination in the workplace and has suggested model company agreements against workplace discrimination”. The group has also been active in supporting LGBT members in the neighbouring country, Poland. A meeting on the theme of Human Rights and Homophobia in Poland, was held in 2006 with representatives from Ver.di’s LGBT group and Amnesty International. They have also supported the human rights movement in Russia on LGBT equality. The national LGBT group in Ver. di was awarded the Prize for Civil Courage at the Berlin Gay Pride in 2007. Claus described how the Ver.di LGBT group has been “successful in ensuring that LGBT issues are mainstreamed into the union’s activities and decision-making structures”. An example of this is a report of work carried out by delegates on the decisions from the 2003 congress and how these decisions have been realised, with the title Respect Diversity: Oppose the discrimination of gays, lesbians, bisexuals and transgender people. Specific demands have been made to ensure that the law and wage negotiations end discrimination against LGBT people, and for integrating LGBT work through all levels of the union. In the 2007 a Special Conference was held by the national LGBT group: Human Dignity demands respect for Diversity - Lesbians, Gays, Bisexuals and Transgender people at their workplace. The conference preceded the Ver.di Congress and had the aim to prepare motions and propose union policies on LGBT workplace equality. Issues discussed were the implementation of the General Law on Equality of Treatment and addressed the weaknesses in the legislation; the implementation of equality for same-sex partnerships in wage negotiations and taxation; trade union action against discrimination of people with HIV and AIDS; the active participation of LGBT people in the design of the diversity process; the inclusion of LGBT people in the equality paragraph of the Constitution and international work by trade unions for the rights of LGBT people. These texts can be found in Germany on the web site of the national LGBT group [www.regenbogen.verdi.de](http://www.regenbogen.verdi.de)

Many trade unions are active in Pride marches – some sponsor the marches. By setting up a stand on LGBT workplace rights, marching with a union banner or handing out publicity and campaigning materials, unions will show that they are visible and committed to LGBT rights. Unions can also play a proactive role at Pride events by raising workplace equality issues with NGOs and local groups.

When UNISON in the UK first sponsored the London Pride March a few years ago there was significant union opposition from within the union to spending money on what appeared to some to be an irrelevant activity. However, the presence of the union at the march and the visible commitment to LGBT paid dividends in terms of the number of new union members that were recruited. The initial investment, through sponsorship, paid off!

### Organising for LGBT Equality, Nick Crook, UNISON, UK

“Equality starts inside the union. LGBT equality is a workplace issue and unions have to make an explicit commitment to LGBT equality before they can work effectively on LGBT issues”

UNISON is a public service union in the UK representing 1.3 million members. Equality has been one of the central objectives of the union since it was created in 1992 following a merger of three unions. UNISON believes that LGBT members are entitled to expect that their union will advance the economic, social, cultural and political rights. In the last two years UNISON has worked specifically on transgender issues. The union has had a commitment to organising LGBT workers and believe that organising LGBT workers is just like organising all disadvantaged workers. It requires commitment, time and resources. A central issue is the importance of bargaining for LGBT workers.

Lesbian, gay, bisexual and transgender people are still denied equality in the workplace – too often we face discrimination and harassment instead of a fair deal... Lesbian, gay, bisexual and transgender members organise locally and nationally to support each other, to identify and challenge discrimination, to increase awareness of LGBT rights and to campaign for change. Every year the union organises a national Lesbian, gay, bisexual and transgender conference, it organises and runs training for union representatives, staff and managers on sexual orientation and gender identity equality.

LGBT workers face discrimination in the workplace in number of ways. This can include refusal of employment, dismissal, lack of promotion, harassment and bullying, denial of benefits to same-sex partners, and self-exclusion in the workplace.

A survey by UNISON found that 52% of LGB members had experienced discrimination at work and half of transgender workers had changed their employer or were forced to change their employer because of intolerable working conditions.

Discrimination takes place in the workplace because of a culture that either encourages or tolerates differences between workers and even in those countries that have full legal protection surveys have shown that 50% of LGB workers conceal their sexual orientation at work. LGBT workers therefore should expect their trade unions to tackle the discrimination they face.

Unions have to change if they are to ensure that there is equality and if they are to successfully negotiate for their LGBT members. There are a number of things that unions need to do.

- > First, this requires the adoption of explicit union policies on LGBT equality; policies should include a framework for combating bullying and harassment in the workplace, which remain the biggest issue for LGBT workers. Policies should include issues related to recruitment and selection, family friendly initiatives and work-life balance, sickness and absence, discipline and grievance procedures, career development and job evaluation.
- > Second, unions need to create space for their LGBT members to meet and organise. This can include self-organised groups, specific resources for LGBT networking and conferences. Organising LGBT workers is a key element of UNISON's work and this requires commitment, time and resources. It starts with a public commitment from the union and joint working with LGBT organisations, adverts in the LGBT press and participation at LGBT events, such as Pride. It also requires material aimed at LGBT workers. UNISON has found that the best way to recruit members is to use recruiters who are like them.
- > Third, unions need to look at their own employment policies and ensure that they do not discriminate against LGBT officers and staff.
- > Fourth, LGBT issues must be fully integrated into union work, especially collective bargaining.
- > Fifth, union activists and officers need to be made aware of LGBT issues.

Unions need to develop comprehensive equality action plans with employers and central to this is that there should be an equal opportunities statement with specific reference to sexual orientation and gender identity. Unions must also negotiate guidance on the implementation of the plans leaving as little as possible to the attitudes and judgements of individual managers. Plans need to include publicity campaigns and the monitoring of how they are implemented.

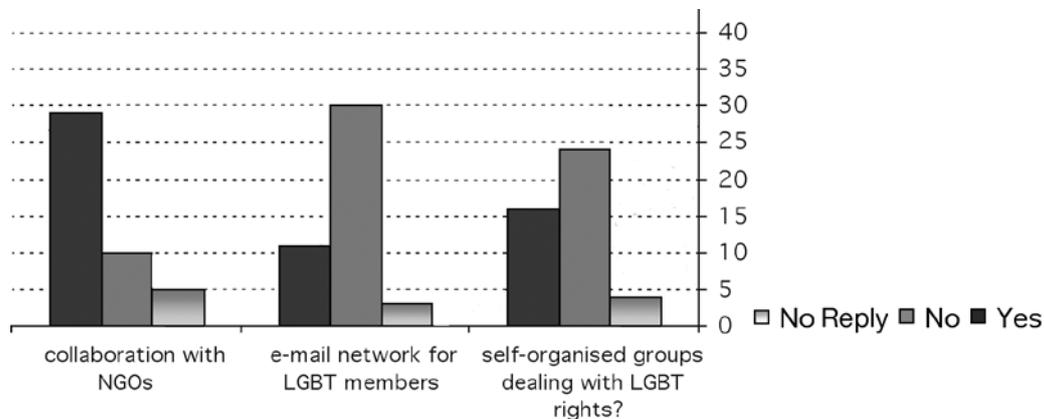
Transgender workers experience specific forms of discrimination and they should be treated as the gender in which they live, which should be reflected in their personnel records. Unions should negotiate time off for transition where this is necessary.

# 6 Trade union activities to end workplace discrimination

## Introduction

The ETUC survey found different ways in which trade unions have carried out LGBT activities. Chart 5 shows that around 15 organisations responding to the survey had developed some form of self-organised group dealing with LGBT issues, 11 had developed an e-mail network for LGBT members, and 9 had collaborated with LGBT NGOs on equality issues.

CHART 5: TRADE UNION ACTIVITIES



Source: ETUC survey, 2007

Examples of trade union activities cited in the ETUC survey:

- ▶ Awareness-rising conferences and seminars have been organised by a large number of unions responding to the survey. In some cases unions have created their own self-organised LGBT groups. This is the case in Ver.di in Germany and Unison in the UK. In some cases LGBT conferences are held prior to the main union congress, as is the case with Ver.di in Germany.
- ▶ A large number of unions responding to the ETUC survey have put in place information, web sites, email lists, newsletters and other ways to enable LGBT workers to network and gain information. The ETUC survey found that a small number of unions have dedicated web sites or web pages on discrimination based on sexual orientation and gender identity (UGT-P, Portugal; CGIL, Italy; Ver.di, Germany; ABVAKABO-FNV, Netherlands; and UNISON, UK).
- ▶ A number of unions responding to the ETUC survey had also developed specific LGBT newsletters and recruitment leaflets on LGBT workers (UNISON, ASLEF, UK; ABVAKABO-FNV, Netherlands; Ver.di, Germany). CCOO Enseñanza in Spain have a Blog on LGBT issues
- ▶ Several unions have developed training courses and training materials that include LGBT issues in collective bargaining (for example, LPSK, Lithuania; ABVAKABO-FNV, Netherlands; UNISON, UK; and TUC, UK).
- ▶ Unions that have created publications on anti-discrimination laws include CITUB, Bulgaria; CGIL, Italy, and UNISON, UK.
- ▶ Specific charters / policies on LGBT rights have been developed in a large number of countries. One example is the Charter on diversity in the bank sector: CGSLB Diversity Plan, developed by CGSLB, Belgium.

## CGIL, Italy

Salvatore Marra and Maria Gigliola Toniollo from CGIL in Italy gave a presentation to the ETUC conference of the work that has been taking place in CGIL to promote LGBT rights through the establishment of a “New Rights” Section<sup>9</sup> to progress human and social rights and freedom. They stated that: “The trade union commitment and efforts to work against discrimination of LGBT people has its roots in the objective of achieving autonomy, State secularism and individual freedom. Trade unions have actively taken up LGBT issues and this has ensured that there has been trade union action. The 1995 CGIL Congress voted for the union to take an anti-discrimination role which includes sexual orientation and the CGIL Statue now recognises full equality in rights and duties for all of its members without discrimination based on sexual orientation and gender identity”. They highlighted one of the barriers to progressing LGBT rights is the influence of the Vatican: “The Italian decree in compliance with Directive 2000/78/EC is the first act in Italy which explicitly prohibits discrimination on the ground of sexual orientation and gender identity in the workplace. However, there are a number of serious problems in the way that the Directive has been interpreted, which CGIL considers to be major breaches of the terms of the Directive. CGIL has campaigned for the full implementation of the Directive through political lobbying and the organisation of hearings with members of parliament and they distributed twenty thousand post cards to be sent to the Prime Minister’s office. The union has participated in national and local gay pride parades, with a visible presence. At the local level there has also been activity”.

“The establishment of the New Rights Office is designed to unveil prejudices and fight stereotypes. It represents a good practice inside the trade union of collaboration between CGIL and associations. The office is not just open to trade union members but for all of those wanting assistance on sexual orientation and gender identity issues. The aim is to tackle problems in the workplace and raise awareness about LGBT rights. The New Rights Section of the union focuses on rights and sexuality, genetics, free speech and the fight against homophobia and transphobia. The objective, through its offices in several cities across Italy, is to ensure that workplace discrimination is eradicated. This includes fighting prejudice in relationships with colleagues and managers, which can cause isolation and bullying, and limitations on career development and possible loss of a job; as well as partner’s benefits which affect social security and access to health care.

CGIL calls on all unions to end discrimination against LGBT workers and to include in their education strategies and programmes information and training on the elimination of discrimination based on sexual orientation, gender identity and gender expression. In particular, the rights of transgender people need to be addressed, as there is a great deal of misinformation about and prejudice against transgender people. CGIL has been campaigning for effective protection and support for transgender people and measures to prohibit discrimination on the ground of gender identity. Other areas of campaigning include the equal rights of same sex and de facto couples, and the need for workplace policies in the area of HIV and AIDS”.

## Tackling workplace discrimination

Trade unions are increasingly taking measures to tackle workplace discrimination and build inclusive and equal workplaces. Trade unions and NGOs stated in both the ETUC and ILGA-Europe surveys and during the ETUC conference that one important element is for trade unions to tackle homophobic bullying and harassment in the workplace. According to a large number of surveys across Europe this continues to be a major issue and priority.

However, there are wide variations across Europe on the types of measures being adopted. While trade unions in some countries have made LGBT equality in the workplace high on their agendas, in other countries trade unions have not begun to tackle the issues or have faced problems in getting the issues onto trade union bargaining agendas and in union policies. Those trade unions that have progressed LGBT equality issues are often those that have strong national legislation banning discrimination against LGBT people at work and in society at large.

Harassment at work leads to poor work performance and attendance, which in turn may lead to dismissal, with the root cause - homophobia - never being acknowledged. Many lesbian, gay, bisexual and transgender workers seek to avoid discrimination by concealing their sexual orientation.

<sup>9</sup> <http://www.cgil.it/org.diritti/index.htm>

But such concealment comes at great personal cost. Because many LGBT people fear ‘coming out’ at work in case they miss opportunities for promotion and career development, it is important that a culture of respect and dignity is created in the workplace. This can be helped if there are senior managers who are champions for LGBT equality, and company policies that are explicitly designed to tackle workplace discrimination and promote a positive and inclusive organisational culture.

There are many different ways in which workplace discrimination can be tackled:

- ▶ Where anti-discrimination legislation exists, trade unions can campaign to ensure that the legislation is fully implemented and that employers are aware of the legislation and introduce policies to rule out workplace discrimination.
- ▶ In those countries where there is no legislation referring explicitly to LGBT people, trade unions can campaign to ensure that legislation is introduced and they can build alliances with NGOs to build a movement to raise awareness about the need to tackle LGBT equality issues in the workplace.
- ▶ Trade unions can be at the forefront in promoting a culture that is inclusive and that will not tolerate discrimination and harassment, and that will protect the safety and dignity of all workers irrespective of their sexual orientation and/or gender identity.

Trade unions can show employers by creating a positive and dignified workplace culture this will help to recruit and retain staff, improve performance and ensure that every worker reaches their potential.

In addition, it should be general practice that workplaces take active steps to prevent discrimination in recruitment by putting in place practical measures such as:

- ▶ Advertising jobs in LGBT media
- ▶ Making a statement in job advertisements that the company is an equal opportunities employer, with explicit reference to LGBT equality
- ▶ Ensuring that recruitment procedures are inclusive of all groups of workers

### **CGT, France**

Marie-Pierre Iturrioz from the CGT in France gave examples of how trade unions and LGBT organisations are working together to end discrimination in the workplace. She argued that: “One example is that trade unions support Pride marches across the country and LGBT organisations also participate in trade union demonstrations and actions. Another example is to make sure that all collective agreements take into account LGBT issues where this is relevant, for example, in the area of family or parental leave or in ensuring that homophobic bullying is eradicated in the workplace”. However, Marie-Pierre stated that there are still some difficulties regarding attitudes and awareness: “Trade unions are not perceived as being legitimate to defend LGBT interests. For this reason LGBT people often do not go to their trade union shop stewards if they experience discrimination in the workplace; they are more likely to contact an LGBT group or NGO first. Trade unions in the past have had a macho and heterosexual image, this culture continues to exist to some extent”.

“The challenge is to continue the work on LGBT rights. For instance, the CGT undertakes a huge amount of work in the area of anti-discrimination and it was at the request of the metal workers that LGBT rights were put on the agenda. Most of the problems faced by LGBT people in the unions exist at the local levels, whereas the senior levels of the union are committed to progressing LGBT rights. This means that the main challenge is to raise awareness, hold events, and ask questions about how same-sex couples are treated in workplace collective agreements. Issues that are important include the rights to family leave, carers leave and holiday leave. Trade unions have to ensure that all agreements do not disadvantage LGBT people. Trade unions need materials and information to promote LGBT rights in the workplace and in unions. One of the difficulties is that the CGT is a decentralised union and this means that many decisions about resources and activities are made at local level that the national union has no control over. A priority is to continue to raise awareness across the union by providing placements in the union for LGBT people and working to raise the awareness of staff representatives at the workplace level”<sup>10</sup>.

<sup>10</sup> See: [http://www.cgt.fr/spip.php?page=article\\_dossier&id\\_article=1353](http://www.cgt.fr/spip.php?page=article_dossier&id_article=1353)

## Associação Ilga and UGT, Portugal

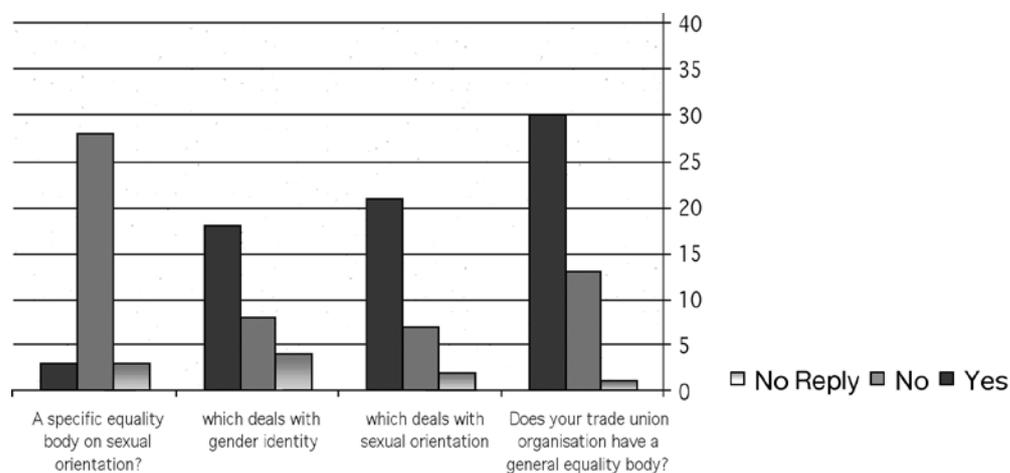
Paulo Corte-Real from the Associação Ilga Portugal, speaking at the ETUC conference showed how there have been some important measures introduced in Portugal in recent years to progress LGBT rights. "For example, in 2001 civil unions were introduced for same-sex partners, the 2003 Labour Code forbids direct and indirect discrimination, and harassment and in 2004 the Portuguese Constitution was changed to forbid discrimination based on sexual orientation. However, this has not guaranteed full equality and LGBT organisations have been campaigning for same-sex marriage, adoption rights for same sex couples, medically assisted procreation for lesbian couples, gender identity legislation and the explicit inclusion of gender identity in all non-discrimination provisions". He went on to show that: "In the statute of the UGT Portugal there is a statement that equality exists regardless of sexual orientation. As a social partner the UGT has campaigned for equality and non discrimination regarding the transposition of the European Employment Equality Directive. The UGT has developed a special site for LGBT work.

The new labour code now includes reference to non-discrimination according to a person's sexual orientation in areas such as promotion. Under Article 22 no worker can be denied any rights, and Article 23 strengthens the principle that employers may not directly or indirectly discriminate because of sexual orientation. The Labour Code also includes provisions that same-sex partners have the same holiday benefits as opposite sex couples. This was achieved by making no specific definition of sex in the Code. In 2007, 40 collective agreements were signed that dealt with LGBT rights and regarding recognition of same-sex couples, which includes a broad definition of the family to include all family types. However, there continues to be discrimination in the workplace and to date there have been no cases in the courts. It is important to see action to change attitudes and enhance the visibility of trade unions at Pride events and LGBT conferences. Trade unions and LGBT NGOs in Portugal believe that partnership is a necessary condition for success in anti-discrimination".

## Equality bodies and interests of LGBT workers

The ETUC survey found that the majority of trade union organisations responding to the survey had established a general equality body. Chart 4 shows that a lower number dealt specifically with sexual orientation in these bodies, and only a small minority with gender identity. In the majority of cases sexual orientation and gender identity were dealt with in cross-cutting equality committees or bodies, or through women's committees. Only three organisations responding to the survey had developed a specific body on sexual orientation. The survey found that trade unions bodies dealing specifically with LGBT issues either as part of an equality committee or an LGBT committee exist in the following unions: Ver.di, Germany, CGSLB, Belgium; ICTU, Ireland; ABVAKABO-FNV, Netherlands; CCOO Enseñanza, Spain; TUC, Unison and ASLEF, UK.

CHART 6: TRADE UNION BODIES



Source: ETUC survey, 2007

## UNISON National LGBT Committee

The National LGBT Committee of UNISON states that “Our Ambition is to use every means necessary to place LGBT equality on the agenda of the union so that every branch, region, service group – and all our own work – recognises the need to challenge discrimination in all its forms”. The union has recently focussed its work on increasing representation from women members and from transgender members.

The work of regional and branch groups have put in place a range of resources to promote LGBT rights at work – websites, newsletters, word of mouth, community events, joint seminars, equality and training events. Information and networking takes place through the newsletter OUT in UNISON, a monthly e-bulletin and a national website. [www.unison.org.uk/out](http://www.unison.org.uk/out)

## CREATING A PLATFORM FOR FURTHERING THE INTERESTS OF LGBT WORKERS

An important role for trade unions is to ensure that there are opportunities for LGBT members to meet and network to develop LGBT policies and to monitor their implementation. Examples of activities include:

- ▶ Establishing a self-organised group or network of LGBT members. This can exist at local levels as well as at the national level. By taking on a self-organisation role the group can ensure that they take an active role in policy development, while also ensuring that people who do not want to be ‘out’ can participate without having to fear ‘coming out’.
- ▶ If the union has an Equality Committee or Women’s Committee, ensure that there is representation from LGBT members and that LGBT equality issues are mainstreamed in the committee’s work.
- ▶ Set up a member’s network through email, Internet discussion forum, or through a dedicated web site. This can be organised and moderated by LGBT members.
- ▶ Develop specific conferences, seminars and workshops to enable LGBT members to discuss LGBT equality issues, develop strategies, highlight areas for policy development and campaigns, and to enable LGBT members to support each other in their union work.

## Education and training on LGBT equality issues

Trade unions have a key role to play in raising awareness and training union members, staff and managers in the workplace about the LGBT workplace issues. The ETUC and ILGA-Europe surveys highlighted the importance of education and training activities to raise awareness of LGBT issues, and this was reiterated regularly during the ETUC conference.

### Sweden: “All Clear” awareness raising project

In her presentation to the ETUC conference Dolores Kandelin Mogard from SACO spoke about the “All Clear” (Fritt Fram) project. The project aims to raise awareness about sexual orientation in the workplace and is funded through the EU’s EQUAL programme, 2002-2007. The project carried out research, strategic dissemination and engagement, and education, with the aim of creating open and inclusive workplaces and a vision: “To create a working environment where every single individual is respected and has equal rights and opportunities regardless of their sexual orientation. The issue of open and inclusive working life free of discrimination is an important trade union issues that is based on human rights and equal treatment for all”.

Dolores said that one of the successes of the project was the unique partnership developed by the Akademikerförbundet SSR / Union of Professionals in Sweden, in collaboration with LGBT organisations and NGOs, employers associations, a municipal a State government body, the Ombudsman against Discrimination on grounds of sexual orientation”. The project created a training tool “All Clear”, consisting of a training pack and a DVD, and which provides educational resources, methodologies for raising awareness and training materials for training employees and employers in the workplace. Training sessions have been held with nearly 20,000 participants in the workplace, including employees and managers. The project has also engaged in research and has gained visibility through awareness raising activities through the media, conferences, seminars and trade fairs.

The training programmes include exercises on personal values, on terms and concepts, the role of the heteronorm and heteronormativity, and the importance of being open. The training provides a framework for employers and employees to work in cooperation with different organisations, and that structures and norms, as well as practical initiatives, can help to change the culture of the workplace. The ending of the project in 2007 led to the creation of a network of sixteen trade unions in Sweden as well as the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights as a way of extending and progressing the issues developed during the project. Further information on the project can be found on: <http://www.frittfram.se/default.asp?lid=1>

### **Example: CCOO, Spain**

In Spain, Comisiones Obreras, the national trade union centre, and the Federacion Estadual de Lesbianas y Gays (FELGT) have signed a cooperation agreement to tackle discrimination in the workplace and challenge homophobia in schools. FELGT and the Federacion de Ensenanza of the Workers's Commission have also developed on-line training programmes.

### **Example: Out at Work: TUC Resource Book**

The TUC in the UK has drawn up a TUC Education Workbook on LGBT people in the workplace: Out at Work. It has been funded by the European Union's EQUAL initiative. It provides learning resources for union workplace representatives about the lives of LGBT people at work and in the trade union movement so that they become better equipped to address workplace issues. The resources contain information, advice and reference points on LGBT issues, as well as tutor briefings. It covers the historical and legal context of issues affecting LGBT members, key social and employment issues facing LGBT members, the workplace representative's role in relation to LGBT issues, and why these issues are trade union issues. [www.unionlearn.org.uk](http://www.unionlearn.org.uk)

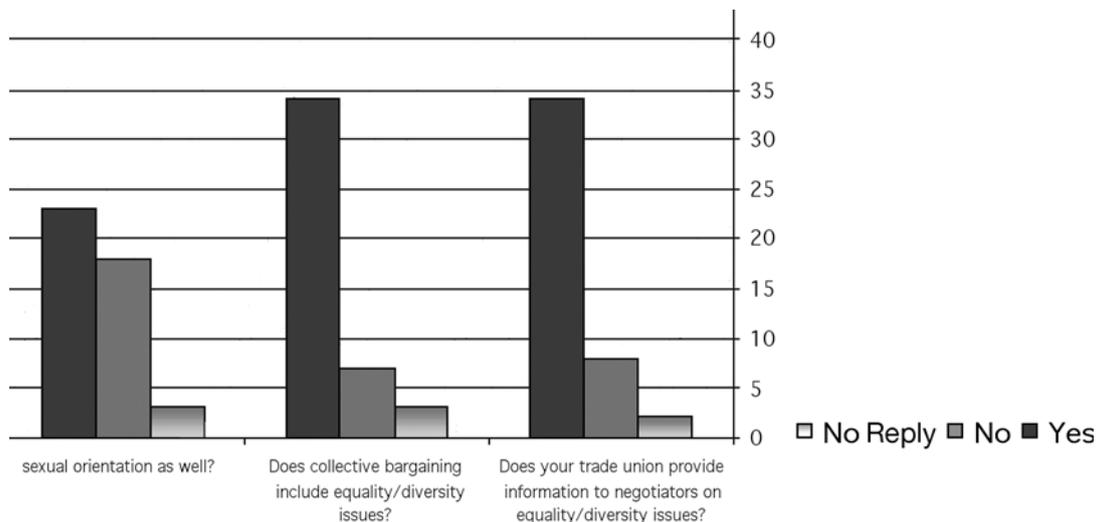
# 7 LGBT equality as a collective bargaining issue

## Introduction

Collective bargaining plays a central role in ensuring equality for LGBT workers. It can also help to give visibility to union work on LGBT equality issues, which in turn can benefit union recruitment and organising.

Chart 6 provides the results from the ETUC survey, which found that 34 of the 44 respondents stated that their trade unions provided information to negotiators on equality and diversity issues, while 33 organisations included equality and diversity issues in collective bargaining. However, a smaller number, 23 trade unions, included sexual orientation in collective bargaining.

CHART 7: COLLECTIVE BARGAINING



Source: ETUC survey, 2007

## Why is LGBT equality a bargaining issue and how can collective bargaining be responsive to LGBT equality issues?

There are a number of ways in which unions can bargain for LGBT equality and mainstream LGBT rights through their collective bargaining:

- ▶ Bargain for workplace equality action plans that explicitly include sexual orientation and gender identity (this can be similar to gender equality action plans developed in some countries for achieving gender equality in the workplace)
- ▶ Negotiating teams should identify the way in which company policies discriminate against LGBT workers, for example, regarding benefits available to other workers, or in relation to promotion and career development, to company benefits in kind, family benefits and leave arrangements, etc.
- ▶ Bargaining needs to take into account the impact of prejudicial attitudes, for example, regarding the suitability to work with young people or other vulnerable groups, over-supervision at work or the unfair allocation of work.

- ▶ Other issues include the need to ensure that LGBT equality is part of dignity at work and an inclusive workplace; this means that harassment, verbal and physical abuse from co-workers, managers and customers / service users are dealt with.
- ▶ Bargain for recognition of same-sex family relationships, for example, through equal access to parental leave, company benefits such as transport allowances, holiday allowances, health benefits and insurance etc.
- ▶ Negotiate policies with employers on creating an inclusive workplace with measures for combating harassment in the workplace
- ▶ Include specific measures for transgender workers so that they are treated in the gender in which they live, and ensure that this is reflected in personnel records and facilities in the workplace.
- ▶ Negotiate time off for people in transition where this is required.

## Developing an equality action plan

One example of how LGBT workplace issues can be brought into the bargaining agenda is to draw up an LGBT equality action plan. This could be part of a broader equality plan, gender equality plan or it could be a separate plan. In some countries there has been a good experience of developing equality action plans in the area of gender equality. The following are issues that can be incorporated into an equality action plan in the workplace:

- ▶ Develop a partnership approach with employers to agree measures to address prejudice and discrimination in the workplace.
- ▶ Review all policies, procedures and practices at company level to highlight where there may be unintended discrimination, and change policies to ensure there is equality for LGBT people in the workplace.
- ▶ Consult with LGBT workers and the users of services to identify specific problems and in the development of new policies.
- ▶ Draw up and publicise policies on LGBT equality and include LGBT equality issues in training programmes
- ▶ Establish methods for regular reporting, monitoring and evaluation of the plan.

## Workforce monitoring

In the areas of sexual orientation and gender identity there are important confidentiality issues when it comes to monitoring the workforce. Many people fear coming out at work and this is not surprising given that the most common problems faced in the workplace are homophobia, harassment and abuse. For this reason being out at work can be very difficult and the trade unions that are working on LGBT equality issues stress the importance of guaranteeing the confidentiality of LGBT workers and their right not to 'come out'. This is particularly important if an organisation is undertaking workforce monitoring. The TUC in the UK has established a set of principles for workforce monitoring:

- ▶ There should be an LGBT equality policy in place, with a specific action plan on how to implement the policy
- ▶ Be clear about why monitoring for sexual orientation and gender identity is being carried out and what will be done with the results
- ▶ Consultation with LGBT people about the purpose of the exercise and how it will be used
- ▶ Guarantee confidentiality regarding all information that is collected.

## **Guidelines for the mainstreaming of LGBT rights in the collective bargaining agenda (based on EI/PSI, UNISON and TUC guidelines)**

### **Lesbian, gay and bisexual workers**

*Equal opportunities policies* should explicitly include sexual orientation and gender identity as equality grounds covered in the policy. The equal opportunities policy should be the overarching policy for all policies in the workplace.

*Harassment and bullying* is a common experience in the workplace and specific policies and awareness raising activities need to be developed to create a working environment based on dignity and inclusion. Lesbian, gay and bisexual people should be named and included in overarching policies on harassment in the workplace, there should be a confidential complaints procedure and systems for treating cases with confidentiality.

*Family friendly policies and work-life balance* important to equality in the workplace and to providing a workplace that is inclusive. This can help to retain staff and improve company loyalty. Often it is assumed that LGBT people have no family life and therefore no need to access rights to maternity leave, maternity support leave or dependent leave care. Bargaining in this area needs to be inclusive, for example, through the wording of policies on leave for bereavement. Childcare policies should refer to the role of parents rather than mother and father; leave around the time of the birth of a child should be referred to as maternity support leave rather than paternity leave; references to marriage should also include civil partnership or civil unions where they exist; benefits offered to unmarried couples opposite sex couples should be available to same-sex couples.

### **Transgender workers**

*Transgender workers* face specific issues in the workplace and evidence from unions working with transgender workers have highlighted the difficulties experienced for people during and after the process of transition. Discrimination can take place in the recruitment process or in access to promotion and career development. Transgender workers often experience verbal and physical harassment at work and have been forced out of their jobs by managers and co-workers.

*Recognition of the gender identity:* Specific guidelines for the inclusion of transgender workers in collective bargaining should include as a starting point recognition of the gender in which transgender people live.

*Training and awareness raising* is an important component of an inclusive workplace. Training of staff, managers and co-workers is essential if there is to be an understanding of the process of transition. This is particularly important at a practical level regarding access to single-sex facilities such as toilets and changing areas. Including transgender people in the development policies and what issues need to be included in awareness raising activities can help to break down ignorance of these issues in the workplace.

*Time off for transition* is crucial to equality and to ensuring that people going through transition have the right to negotiated special leave or sickness absence. Where possible time off should be paid leave.

*Personnel records* should be amended to record a transgender worker's new gender identity when this is requested. Personnel records and references should not mention a person's previous gender, unless this is agreed by the worker themselves.

*Harassment and bullying* policies and statements should specifically refer to transgender people, in recognition that transgender people are vulnerable to abuse, harassment and bullying in the workplace. There should be confidential complaints procedures.

# 8 **Taking full account of the 'T' in LGBT rights**

## **Introduction**

Transgender workers experience specific forms of discrimination and as the ETUC and ILGA-Europe surveys have shown, transgender equality is a relatively new issue for many trade unions.

## **Trade union guidelines on transgender workers**

The Scottish Transgender Alliance and UNISON has produced a guide to gender identity. The guide states that gender identity is not the same as sexual orientation. A person's gender identity is their internal sense of where they exist in relation to being boys/men or girls/women. A person's gender expression is their external gender-related clothing and behaviour (including interests and mannerisms). Put simply, gender refers to who you are, while sexual orientation refers to who you are attracted to. Transgender people can be straight, gay/lesbian or bisexual just the same as everyone else. The guide highlights the fact that many trans people face harassment and discrimination throughout their daily lives - while walking in public places, while being customers and service users, and in employment. For this reason all trade union representatives need to be willing and able to assist trans members to get equal and non-discriminatory treatment at work. One example of how transgender people have been supported in their union is the establishment in UNISON of a confidential National Transgender Caucus which any trans member can join.

The guide "Gender Identity: An introductory guide for trade union reps supporting trans members", May 2008, Scottish Transgender Alliance and UNISON National LGBT Committee, can be downloaded from: <http://www.unison.org.uk/file/A3919%202008%20STA%20UNISON%20Booklet%20fr%20Trade%20Union%20Reps.pdf>

UNISON has produced a specific factsheet on transgender workers. It is estimated that there are 5,000 transgender people in the UK and for this reason UNISON believes that it is important to protect the rights of transgender people in the workplace in areas such as recruitment, advertising, records and confidentiality, redeployment and retirement, harassment, single sex facilities, dress code, benefits at work, pensions, insurance, and medical treatment whilst at work. The factsheet states that:

"UNISON believes that transgender people have the right to equal treatment, protection from discrimination and full support from the union. Transgender members have the right not to be discriminated against by UNISON policies, practices, members or officers. Allegations of discrimination will be taken very seriously. UNISON's rule book states as one of its aims 'to seek to ensure equality of treatment and fair representation for all members and to work for the elimination of discrimination on grounds of race, gender, sexuality, gender identity, disability, age or creed'.

The factsheet recommends that branches negotiate with employers to ensure:

- ▶ gender identity and gender reassignment are included in equal opportunities policy and practice and there is well publicised compliance with the gender reassignment regulations
- ▶ staff are trained and informed about transgender people - that harassment and discriminatory behaviour will not be tolerated
- ▶ there are clear procedures for members undergoing transition
- ▶ workers undergoing gender reassignment have paid leave from work for specialist medical appointments and for surgery
- ▶ all records are kept up to date, old records destroyed and confidentiality is practised scrupulously
- ▶ transgender people who have not acquired Gender Recognition Certificates are advised of the legal implication of their status re-pensions and other benefits.

Branches should ensure:

- ▶ all members are clearly informed that discrimination on grounds of gender identity and gender reassignment will not be tolerated by the union at any level
- ▶ training and information is provided to those who have a role in advising and representing members
- ▶ union records are kept up to date, old records destroyed and the highest levels of confidentiality ensured
- ▶ transgender members are given information about support groups, including our own self-organised groups.

The factsheet can be found at: <http://www.unison.org.uk/acrobat/B1260.pdf>

## **What can trade unions do to support transgender workers?**

- ▶ Include transgender workers in equality policies. Policies that refer to discrimination on the grounds of sex can also include discrimination against transgender people.
- ▶ Negotiate recruitment policies and procedures that are explicit in stating that discrimination against transgender people is not tolerated. Recruitment advertisements, for example, can state that transgender people are welcome to apply.
- ▶ Ensure that transgender people have the right to confidentiality, for example, in personnel records.
- ▶ All workers are treated as the gender in which they live and work, irrespective of their legal sex. A transgender worker should have access to 'men only' or 'women only' areas according to the gender in which they attend work.
- ▶ Union negotiators should consider negotiating time off required for medical treatment during gender reassignment, as normal sick leave.
- ▶ Unions can provide education to members and officers on the rights of transgender people, and particularly in dealing with harassment and discrimination at work.

## Malta: transgender people in the labour market

In Malta an EQUAL project has been established on the inclusion of transgender people in the labour market by the Malta Gay Rights Movement. The project has included research to identify the employment and training needs of transgender people and a training programme for transgender people with a view to increasing their basic skills in areas such as lifeskills, literacy and information technology. Training has also been established for transgender people on equal opportunities legislation in Malta in order to empower transgender people and facilitate their access to social rights. In response to the research into attitudes towards transgender people a programme of training has been established for trade union officials and human resources personnel in the public and private sectors in order to raise awareness of the needs and rights of transgender people, as well as to raise awareness amongst employers about their obligations under equal opportunities legislation.

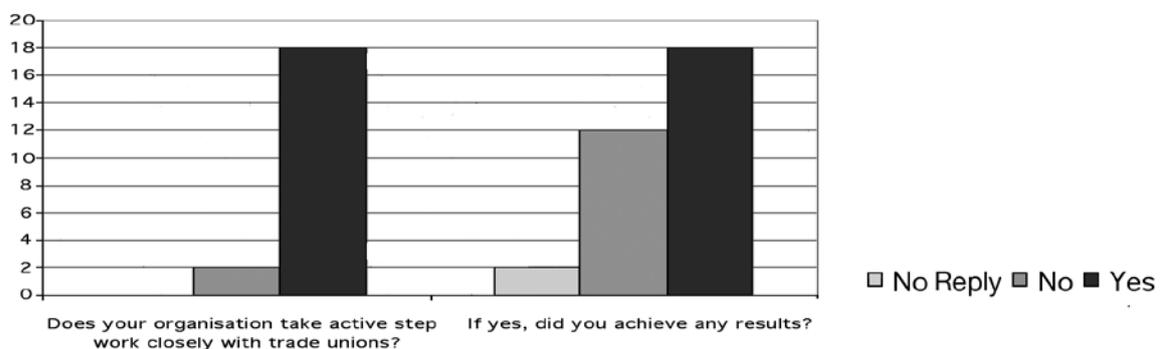
The research carried out in the project surveyed over private and public entities employing over 20 employees on their awareness of and attitudes to transgender people in the workplace. Forty six full responses were received and this was followed up with in-depth interviews with 15 public and private entities and trade unions. Of the 46 entities that responded, around three-quarters had an equal opportunities policy, although in many cases this was not a written policy. Generally employers did not see gender reassignment as a necessary medical procedure, with only 10.9% allowing transgender employees to make use of sick leave and 28.3% allowing them to make use of annual leave. Seventy seven per cent of respondents stated that they would grant unpaid leave for gender reassignment surgery. Fifty-eight per cent of respondents stated that employees who were about to undergo gender reassignment surgery would need added protection from harassment from their colleagues, and 42% stated that they would need this protection from harassment from clients. Those responding to the survey tended to be positive about transgender rights and consequently the survey found that 97% of respondents would treat a transgender person equally with other people in an interview. The in-depth interviews with human resources managers found that the larger the company the more tolerance was shown towards transgender people. However, there was a general lack of awareness on transgender issues and a general lack of tolerance in some areas, such as use of toilets and the wearing of uniforms of the assumed gender. Recommendations emerging from the project include the need to provide training on LGBT issues to union officials and workers' representatives so that they will be well equipped to deal with these issues; to work closely with LGBT organisations as they have the necessary expertise and experience; and to develop a section dealing specifically with LGBT issues to help raise the visibility of the issue<sup>11</sup>.

<sup>11</sup> See: <http://www.maltagayrights.net/node/48> and <http://www.maltagayrights.net/node/47>

# 9 Collaboration between NGOs and trade unions

The ILGA-Europe survey found that there was good collaboration between NGOs and trade unions in some countries. Chart 8 shows that 18 out of 32 LGBT organisations had developed active steps to work closely with trade unions. All of these organisations stated that they had achieved positive results from this collaboration. ILGA-Europe’s survey found that collaboration with trade unions is very important and that trade unions have a vitally important role to play.

CHART 8: NGO COLLABORATION WITH TRADE UNIONS



Source: ILGA-Europe survey, 2007

Working in partnership with NGOs is therefore very important to improving the way that unions engage with LGBT issues. LGBT NGOs often have good community contacts, have expertise and knowledge of LGBT equality issues.

Why is working in partnership with NGOs good for trade union work on LGBT equality?

- ▶ Working in partnership can help trade unions to make links with LGBT union members and the LGBT community.
- ▶ It can improve the understanding and awareness of trade unions and enable trade unions to respond in appropriate ways.
- ▶ It can help to raise the profile of the union and therefore encourage new union membership and strengthen the roles of existing members from the LGBT community.

## Extending Equality, Patricia Prendiville, Director, ILGA-Europe

In her presentation to the conference Patricia Prendiville stated that the cooperation between the ETUC and ILGA-Europe was a very important step. She argued that solidarity and working together is a core principle of the work of trade unions, while ILGA-Europe works on the key principle of equality for all, and that within that equality for LGBT people. She argued against a hierarchy of rights, and that LGBT rights are integral to the rights of all people. This is important because LGBT rights intersect with the rights of other groups and often people hold multiple identities and LGBT people also experience discrimination because of age, disability, religion or belief, gender, race and ethnic origin. In this sense there is a need for LGBT organisations to work closely with trade unions in order to make rights more of a reality.

“Having the possibility to enjoy rights requires a culture that supports equality and human rights for all...Working together we can make it happen, working for equality for all will make for a society based on true equality”. In Irish we say “Ni neart go cur le cheile” which means there’s no strength until we work together, our strength is when we work together.

Many of the original founding members of ILGA came from a trade union background. “We want a world based on equality for all, not just sexual orientation and gender equality, but based on a framework of indivisible human rights for all. Today this equality agenda is based on multiple identities and multiple discrimination; this strengthens our approach in arguing for equality for all.

In my home country, Ireland, the Irish Congress of Trade Unions first put out a leaflet on the rights of lesbian and gay employees in 1988; but it took ten years before legislation was introduced. The point is that trade unions have played a key role in highlighting the needs of groups of workers that have needs. Making changes in the workplace also links to having a society based on equality. It is important to have wider societal changes and a social commitment to each other, rather than just focussing on economic issues. A key issue is how we can take forward good practices, particularly where the representatives of the LGBT community in trade unions and NGOs work in cooperation. This conference is a huge step and we need to be implementing our work at the national, regional, local as well as the European levels.

Patricia highlighted some issues that need to be addressed in future work, particularly because trade unions in some countries have not been supportive to LGBT rights. One important issue in the workplace is the recognition of same sex families since often employment policies deny LGBT people specific rights because there is a lack of recognition of LGBT families. For example, this includes family benefits, rights to flexible working time, parental leave, holiday entitlements and so on.

In the workplace negative attitudes, stereotypes and prejudices can lead to discrimination. In this context it is important to think about a framework agreement similar to that for Race and Hate Crimes so as to address the violence that is directed to older people, people with disabilities, LGBT people and people with differing religious and ethnic backgrounds. It is particularly important to address hate crimes and homophobic speech, behaviours and attitudes. However, many of these issues are difficult to progress in a negative economic and political environment. But the possibility of a new European directive that covers issues outside of employment and access to services is important to the promotion of equality in the workplace and the full enjoyment of equality in society.

There are a number of ways in which LGBT equality issues can be progressed through international human rights standards and especially those on employment in International Labour Organisations conventions and policies, through the European Social Charter of the Council of Europe and through the Social Dialogue between unions and employers at the national and European levels equality issues can be firmly embedded in Social Europe. Other mechanisms include progressing discussions on social inclusion and social protection in the European Union to include anti-discrimination and equality. For example, homophobia in society needs to be linked to broader health issues including occupational health and health and safety at work. In the area of education it is critically important that the school curriculum and school culture is one that is based on principles of equality and inclusion, and where measures to address homophobia and homophobic bullying are linked into school policies and the training of professionals.

Examples of good collaboration that exist between trade unions and NGOs include:

- ▶ LGBT training programmes provided by LGBT NGOs to trade unions, for example, this has been carried out by Austrian LGBT NGOs to trade union officials in Austria, and there have been projects in Belgium, Malta and Sweden that have organised training in the workplace and for trade union officers.
- ▶ The development of an Equal Opportunities Code of Practice between trade unions and NGOs in Bulgaria.
- ▶ Collaboration between NGOs and trade unions in projects funded by the EQUAL programme in Finland, France<sup>12</sup>, Slovenia and Lithuania<sup>13</sup>.
- ▶ Establishment of LGBT groups within trade unions in Ver.di, Germany and Unison in the UK.
- ▶ Collaboration, and in some cases funding, on LGBT Pride events in Portugal, France, Sweden, the Netherlands and the UK to name a few.

<sup>12</sup> See for instance CFTC France project, “Mixité, Egalité et Qualité au travail - MAQ Project” (only in French) <http://cftc.fr/ewb.pages/a/actualite-5890.php>

<sup>13</sup> See for instance : [http://www.atviri.lt/index.php/about\\_trace\\_transnational\\_cooperation/about\\_trace/1277](http://www.atviri.lt/index.php/about_trace_transnational_cooperation/about_trace/1277)

How can trade unions collaborate and work in partnership with NGOs?

- ▶ Organise a meeting with LGBT groups and ask them what they think the union could do to promote LGBT rights. Consulting with LGBT people is very important to ensuring that unions get the issues right.
- ▶ Set up an ad-hoc joint union-NGO LGBT group in order to advise the union on policies, practices, procedures and structures that can be put in place.
- ▶ Establish joint conferences, seminars and training events.
- ▶ Carry out joint surveys and collect data in partnership with LGBT organisations to enable your union to be better informed about workplace issues.
- ▶ Fund and support LGBT events, such as Pride, and be visible at these events by having a stand with trade union information and publicity materials, as well as a banner on the pride marches.

## Spain

Alejandro Alder Izquierdo from the FELGBT NGO in Spain gave examples in his presentation to the ETUC conference of how trade unions and LGBT organisations have been cooperating very well. He stated that: "There have been meetings and participation in key events and congresses organised by the two main trade union confederations in Spain: CC.OO and UGT. Trade unions are also invited to attend the annual pride demonstrations in Madrid and across the country. Pride has been an important event to highlight the need to defend workers against homophobia and transphobia. A LGBT equality group has also been established with equal representation of women and men from the LGBT community and from the trade unions. This has been very important to alliance building and to awareness raising. This alliance has also led to work with the Teachers Workers Federation which has developed a booklet on how teenagers can come out the closet and how to manage gender diversity and equality in the school environment.

After same-sex marriage was introduced in Spain the most important challenge has been to educate the general public and trade unions about respect and equality. Today the issue is no longer about tolerance but about respect. A priority is to keep developing agreements and policies, but without resources it is very difficult to be visible in trade unions and in the workplace. Trade unions need more work to be carried out in the area of awareness raising and in networking across Europe by sharing our experiences, resources and materials.

## Project to end homophobia in the workplace: Slovenia

The project EQUAL - Partnership for equality was established between the Lesbian Section ŠKUC-LL of Students' Cultural Centre in Ljubljana, the Association of Free Trade Unions of Slovenia (ZSSS), and the Association of Employers of Slovenia (ZDS). It is a pioneering contribution to the development of equal opportunities and protection against discrimination in employment. This is the first time that there has been a joint project between the social partners and an NGO on discrimination on the ground of sexual orientation and gender identity.

In Slovenia homophobic discrimination in employment is hidden, difficult to recognize, underreported and statistically underrepresented. LGBT people often live under constant pressure of losing their jobs and the confidence of their co-workers and superiors, and for this reason they hide their sexual orientation and gender identity at work. LGBT people are exposed to a higher risk of social exclusion and to a higher level of poverty and they need an assurance from their employers and from trade unions that their rights are equally protected, while offenders must know that a violation of personal integrity and dignity of workers based on their sexual orientation or gender identity is destructive and illegal. The majority of LGBT hide their sexual orientation or gender identity at work; for this reason trade unions can play a vital role in creating safe and inclusive workplaces.

Discrimination in employment, based on sexual orientation, has not been systemically recognized as a problem by the social partners in Slovenia. For this reason project aimed to introduce anti-discrimination employment policies to prevent inequality and to increase integration of those disadvantaged on the basis of sexual orientation, as well to stimulate the culture of mutual respect at work, and a safe and healthy workplace. The model of awareness raising, education and training of trade unions for the adoption of anti-discrimination policies is seen as transferable to combating all forms of inequality, e.g. based on gender, age, disability, race, ethnic origin, etc.

Project activities have included:

- > A programme of regional seminars carried out between September 2006 and April 2007 with the trade union network of ZSSS.
- > A guidebook "Measures against Discrimination in Employment for Trade Unions" with the aim of helping trade unions recognize that LGBT rights are trade union rights. A guidebook was developed also for employers. Both manuals are the first of this kind in Slovenia, and are a new tool for anti-discrimination policy. They review fundamental notions and attitudes, review national and EU legislation, and introduce good practices for monitoring, preventing inequality in employment, and measures that need to be introduced in the case of violations.
- > An "Action Plan for Equality 2007-2011" in ZSSS; this is the only trade union to date that has demonstrated their commitment to LGBT equality.
- > Surveys on attitudes to discrimination at work were also carried out in the networks of ZSSS and the ZDS. The surveys showed that while awareness of discrimination exists, there are differing levels of awareness of individual types of discrimination.
- > An international conference "Employment Equality" was held in April 2007 in Ljubljana with the aim of raising awareness of homophobic discrimination. Two publications came out as a result of cooperation between Sweden, France, Lithuania and Slovenia: "Norms at Work" and "Open Up Your Workplace".
- > A video and a non-commercial TV slot "Stop homophobia! A safe workplace for all" has also been produced. This is the first of its kind in Slovenia. The video aims to raise awareness of diversity in society and shows six LGBT activists in their six professions. The music comes from a Roma group. It was short-listed in the program of the international advertising festival "Golden Drum 2007" and the annual national advertising festival "SOF 2008".

More info about the project can be found on: [www.ljudmila.org/lesbo/equal/](http://www.ljudmila.org/lesbo/equal/) and "Open up your workplace: challenging homophobia and heteronormativity".

[http://www.homo.se/upload/homo/pdf\\_homo/HelaOpenupyourworkplace.pdf](http://www.homo.se/upload/homo/pdf_homo/HelaOpenupyourworkplace.pdf)

# 10 **Recommendations to trade unions and NGOs**

The ETUC conference workshops and discussions during the conference highlighted a number of key national and European level actions that need to be progressed through trade unions.

## **National level actions**

- ▶ Trade unions can give high visibility to LGBT issues and this needs to be championed by trade union leaders.
- ▶ LGBT rights can be linked into employer and union social agendas, in areas such as equality and diversity, solidarity and social responsibility.
- ▶ Trade unions need to develop the understanding that if there is discrimination against one member of workforce you weaken the whole workforce. The advantages gained will apply to the whole workforce. One group cannot be excluded from collective guarantees, if that happens it will fragment the whole workforce.
- ▶ Trade unions can work closely with NGOs and associations, who have a lot of experience of LGBT rights issues and are ready to share this with trade unions.
- ▶ LGBT rights at work are also connected to LGBT rights in the broader society. Trade unions should also be arguing for better access to public and private services, for example, access to health care for transgender people.
- ▶ Trade unions have a major role to play in breaking the silence, sharing a commitment to equality and LGBT rights will be important to trade union plans for political visibility in the future.
- ▶ Member States should introduce measures to eliminate discrimination on the basis of sexual orientation and gender identity in employment, in access to vocational training, recruitment, promotion, dismissal, working conditions and pay.
- ▶ Develop training and awareness raising to counter discriminatory and prejudicial attitudes.
- ▶ Support LGBT people to organise in their own associations so that they can advocate and campaign for LGBT rights.
- ▶ Trade unions need to argue clearly the business arguments for LGBT equality in the workplace, in areas such as retention and recruitment of staff, staff loyalty and productivity.
- ▶ LGBT equality issues need to be progressed through equality committees or women's committees. It is not necessary always to create a separate committee, but use the structures that currently exist in order to make equality a transversal issue.

## European level actions

- ▶ The ETUC and Industry Federations need to be developing programmes of information, dialogue, awareness raising and training, and ensuring that these issues are integrated into the European social dialogue.
- ▶ LGBT rights could be placed on the agenda of ETUC for discussion at the ETUC Executive.
- ▶ The ETUC needs to send a strong message to trade unions across Europe that LGBT rights are trade union rights.
- ▶ The ETUC could work closely with affiliates to support them in progressing LGBT equality issues through their own confederations and affiliated unions in the future.
- ▶ The ETUC could participate in Euro-Pride 2008 and send a strong signal to the event that trade unions take LGBT rights seriously.
- ▶ A network of LGBT trade union contacts and activists could be established so that there can be an exchange of information and good practice across Europe.
- ▶ More emphasis needs to be placed on awareness raising activities in Central and East Europe. In these countries homophobia and discrimination are not visible and there is evidence of a backlash.
- ▶ The ILO global report on discrimination 2007 for the first time raised the issue of sexual orientation. The next global report will be produced in 2011. During this time there could be alliance building in trade union and shadow reports and studies to make the issues more concrete.
- ▶ The ETUC and ILGA-Europe could continue to work together on LGBT issues and develop joint activities.
- ▶ The ETUC could also assist with promoting LGBT equality and awareness through networking, for example, through the development of a LGBT section in its website (under the equality section).
- ▶ The ETUC through their trade union education institute could provide information and training on how to develop LGBT initiatives in trade unions.
- ▶ The ETUC and Industry Federations could be more active in these issues in lobbying the European Parliament, the European Commission and the leadership of national trade unions.

## **Ten things unions can do to promote LGBT equality in the workplace**

- 1** Raise awareness in your trade union that sexual orientation is one of the non-discrimination grounds protected under EU law, and that LGBT rights must therefore be explicitly addressed in the framework of their broader equality agenda. LGBT workers' rights must be recognized and defended as trade union rights.
- 2** Make sure that there is a clear commitment from the senior levels of your union on LGBT equality.
- 3** Draw up specific policies on LGBT workplace rights and ensure that LGBT issues are explicit and visible within your union's equality policies. This could include specific policies on addressing workplace bullying and harassment.
- 4** Make it a goal to organise and recruit LGBT people into your union. This also means increasing the visibility and participation of LGBT members at all levels of the union.
- 5** Set up a LGBT trade union network and group in your union to bring together LGBT members so that they can help the union to develop policies, procedures and practices on equality.
- 6** Provide resources for a newsletter, email list and web site to raise awareness of your union's role in promoting LGBT equality. Hold seminars, workshops and conferences on LGBT issues to give visibility to your union's work in this area.
- 7** Mainstream LGBT equality issues into all areas of your union's work so that it is progressed through your decision-making bodies and in collective bargaining. Collective bargaining should also recognise the rights of same-sex partnerships vis-à-vis partner benefits, pensions, family leave/benefits etc.
- 8** Ensure that LGBT rights and equality are included in your union's education and training programmes. Ensure that trade union representatives and negotiators are trained on LGBT rights.
- 9** Make LGBT workplace issues a part of equality policies that can be discussed with employers. Improving the working lives of LGBT workers can only be achieved by working with employers to tackle discrimination and harassment in the workplace.
- 10** Work in partnership with LGBT community organisations and NGOs and hold joint campaigns and community based events.



# **Appendix 1 Model Statement on LGBT Equality and Model LGBT Equality Policy**

## **Model Statement on Sexual Orientation and Gender Identity**

(UNISON: <http://www.unison.org.uk/file/B2307.pdf>)

This statement has been jointly agreed by management and the trade unions, who are equally committed to its implementation.

### **1. (NAME OF EMPLOYER) RECOGNISES AND VALUES THE DIVERSITY OF ITS WORKFORCE.**

- ▶ We are committed to creating an environment where the sexual orientation and gender identity of all workers and service users are respected, and where all are afforded dignity and equal rights.
- ▶ We also recognise and value the diversity of lesbian, gay, bisexual and transgender (LGBT) people themselves, who are of every age, race, nationality, religion, disability, occupation, and family situation.

### **2. (NAME OF EMPLOYER) RECOGNISES THE EXISTENCE OF DISCRIMINATION AND PREJUDICE**

- ▶ We recognise that false assumptions, prejudice, discrimination and stereotyping are widespread in society and that to achieve our aim, we must take steps to actively promote equality and combat prejudice, discrimination and harassment.
- ▶ We will not make assumptions about people's sexual orientation, gender identity, relationships or caring responsibilities.
- ▶ We will not discriminate either directly or indirectly against job applicants or workers on grounds of sexual orientation or gender identity, including in recruitment, selection, promotion, training, pay, conditions, leave or benefits.
- ▶ We will not discriminate either directly or indirectly on grounds of sexual orientation or gender identity in the delivery of our services.
- ▶ We will not discriminate on grounds of sexual orientation, gender identity or marital/Civil Partnership status in the provision of family benefits or facilities for job applicants, workers or service users
- ▶ We will not tolerate prejudice or harassment.
- ▶ We will take seriously and investigate any complaints of discrimination or harassment, using the agreed procedures and respecting confidentiality.

### **3. (NAME OF EMPLOYER) RECOGNISES THE NEED TO TAKE POSITIVE STEPS TO PROMOTE EQUALITY AND TACKLE DISCRIMINATION**

- ▶ We will work with the trade unions to take positive action to redress past and present discrimination, both individual and institutional. All policies, procedures and practices will be regularly reviewed in consultation with the trade unions, for their impact on equality on grounds of sexual orientation and gender identity.
- ▶ Our literature, language, publicity and images will reflect the diversity of the workforce, including LGBT members
- ▶ We will work to provide services accessible and appropriate to the diversity of LGBT service users.
- ▶ We will consult LGBT workers and service users on steps to equality.

### **4. (NAME OF EMPLOYER) RECOGNISES PEOPLE'S RIGHT TO BE OPEN ABOUT THEIR SEXUAL ORIENTATION/ TRANSGENDER IDENTITY AND THEIR RIGHT TO KEEP THIS CONFIDENTIAL**

- ▶ We aim to provide a supportive environment for LGBT workers and service users who wish it to be known they are LGBT and respect the confidentiality of those who do not.
- ▶ We recognise that to out someone without their permission is a form of harassment and we will treat it as such.
- ▶ We recognise that this has implications for record keeping, for how some rights can be accessed

and for how complaints of discrimination are reported and investigated.

- ▶ We will support workers undergoing gender reassignment and work with them and their trade union representative to agree a process for this in the workplace.
- ▶ We will ensure that workers who have undergone gender reassignment are treated in all respects as the gender in which they live.

#### **5. (NAME OF EMPLOYER) IS COMMITTED TO EFFECTIVE IMPLEMENTATION AND MONITORING OF STEPS TO EQUALITY**

- ▶ We will publicise this statement widely and include it in our equality strategy and equality action plan.
- ▶ We will work with the trade unions to monitor and report on progress in achieving our aims.
- ▶ We will establish clear lines of responsibility and accountability and make sure they are well publicised.
- ▶ We will include these equality issues in existing training programmes, and run specific training where necessary.
- ▶ We recognise that effective implementation requires the full participation of the trade unions.
- ▶ We will make clear to contracting companies and external agencies that they are expected to demonstrate compliance with our equalities policies.

### **Model LGBT Equality Policy**

This policy has been jointly agreed by management and the trade unions, who are equally committed to its implementation.

[Name of employer] supports the principle of equality of opportunity in employment for all workers, regardless of their sexual orientation or gender identity. We are committed to equality and non-discrimination for LGBT in the workplace and we believe that equality is in our organisation's best interest and that equality makes good business practice.

We recognise that in order to achieve equality in the workplace for LGBT people certain actions need to be put in place. In order to put our commitment to LGBT equality into practice we will carry out the following actions:

- ▶ Examine our existing and future workplace and human resources policies and practices to ensure they include reference to LGBT equality.
- ▶ Inform employees of these policies and practices and ensure that everyone is committed to their implementation.
- ▶ Communicate the policy to clients, customers, business contacts and service providers.
- ▶ Provide training and guidance for staff at all levels of the organisation, with a priority on training managers and supervisory staff involved in decisions employment and human resources.
- ▶ Discuss and agree the policy with LGBT employees and trade unions.
- ▶ Establish an equality committee and an equality officer, who will champion LGBT rights in the workplace.
- ▶ Develop specific procedures to ensure that there is equality of opportunity in recruitment and selection processes, including advertising. It is our policy to avoid displaying intentionally or unintentionally, advertisements or wordings that suggest, implicitly or explicitly, that jobs are not open to LGBT people.
- ▶ Integrate LGBT equality issues into training, work experience and employment counselling opportunities.

- ▶ Develop LGBT equality of opportunity in promotions and progression including job regrading or reclassification. It is our policy to encourage promotion and progression of staff within the organization regardless of their sexual orientation or gender identity.
- ▶ Evaluate, monitor and review the LGBT equality policies and practices on a regular basis.

We intend through the above actions to avoid discrimination and harassment in the workplace, to realise the potential of all staff and thereby to increase efficiency, productivity and competitiveness, and enhance the organisation's reputation and image.

## **APPENDIX 2 LGBT Equality - Bibliography and further resources**

### **WEB SITES**

ETUC web site: [www.etuc.org](http://www.etuc.org)

ILGA-Europe web site: [www.ilga-europe.org](http://www.ilga-europe.org)

UNISON LGBT 'Out' web site: [www.unison.org.uk/out](http://www.unison.org.uk/out)

TUC equality web site, which includes LGBT equality [www.tuc.org.uk/equality/index](http://www.tuc.org.uk/equality/index)

PSI/EI LGBT web site: <http://lgbt.world-psi.org>

Ver.di LGBT group web site: [www.regenbogen.verdi.de](http://www.regenbogen.verdi.de)

Swedish "All Clear" project (Fritt Fram) web site, including the resource book "All Clear 2.0. Gay, Lesbian, Bi and Hetero at Work": <http://www.frittfram.se/default.asp?lid=1>

Lithuanian LGBT project: [www.ljudmila.org/lesbo/equal/](http://www.ljudmila.org/lesbo/equal/)

EQUAL project "Open up your workplace: challenging homophobia and heteronormativity". <http://www.homo.se/upload/homo/pdf.homo/HelaOpenupyourworkplace.pdf>

Maltese project on equality for transgender people at work: <http://www.maltagayrights.net/node/48> and <http://www.maltagayrights.net/node/47>

ICTU Lesbian, Gay and Bisexual Rights in the Workplace: A negotiators guide [http://www.ictu.ie/download/pdf/gay\\_lesbian\\_leaflet.pdf](http://www.ictu.ie/download/pdf/gay_lesbian_leaflet.pdf)

### **EU WEBSITES**

DG Employment and Social Affairs, "Action against discrimination, Civil Society" [http://ec.europa.eu/employment\\_social/fundamental\\_rights/index\\_en.htm](http://ec.europa.eu/employment_social/fundamental_rights/index_en.htm)

EU Campaign "For diversity – against discrimination" <http://www.stop-discrimination.info/>

### **Other publications**

Gender Identity: An introductory guide for trade union reps supporting trans members, May 2008, Scottish Transgender Alliance and UNISON National LGBT Committee <http://www.unison.org.uk/file/A3919%202008%20STA%20UNISON%20Booklet%20ofr%20Trade%20Union%20Reps.pdf>

Barnett, Phil & Gittens, Dr Ian & Deane Helen (Dec 2006) Equality & Sexual Orientation: The Leadership Challenge for Further Education, The Centre for Excellence in Leadership (CEL). Sexual orientation equality is highlighted as an underdeveloped policy area. The report sets out to provide a policy focus on this area of equality and diversity to enable education sector to take steps to bring it to an equal footing with other equality issues. Also sets out legal guidelines and responsibilities for education sector to manage and implement.

Hunt, Ruth & Cowan, Katherine & Chamberlaine, Brent (Undated) Being the Gay One: Experience of lesbian, gay and bisexual people working in the health & social care sector, Stonewall & Department of Health. This report looks at homophobia in the health and social care sector. It notes that there is deep-rooted discrimination, but also areas of good practice.

National Trade Union of Teachers (Undated) NUT Policy Statement on Preventing Sexual Harassment and Bullying; Policy Statement on sexual based harassment (sexuality, gender, sexism & homophobia) in schools; Supporting Lesbian, Gay, Bisexual & Transgender Students: An Issue for Every Teacher, The Membership Department of the National Union of Teachers; Negotiating for Equality: Supporting LGBT Members: A Trade Union Issue, The Membership Department of the National Union of Teachers.  
[http://www.teachers.org.uk/resources/pdf/Tackling\\_Homophobia.pdf](http://www.teachers.org.uk/resources/pdf/Tackling_Homophobia.pdf)

PSI / EI (2007) Trade Unionists together for LGBT rights. A manual and resource book on international trade union action on LGBT equality with suggestions for union campaigns and actions, and examples of union campaigns. <http://lgbt.world-psi.org>

Quinn, Sheila & Paradis, Evelyne (2005 & 2007) Going Beyond the Law: Promoting Equality in Employment, The European Region of the International Lesbian & Gay Association. This report commissioned by ILGA-Europe looks at the reality behind the Directive 2000/78/EC. It argues that legislation is not enough and that further measures are needed to implement equality and change attitudes. Good practice case studies from companies across Europe are also presented in the report.

‘Lesbian, gay and bisexual workers: equality, diversity and inclusion in the workplace’ – a qualitative research study by the Comparative Organisation and Equality Research Centre at London Metropolitan University, 2006 <http://www.unison.org.uk/file/A2742.pdf>

Unionlearn (Jan 2007) Out at Work: A Unionlearn/ TUC Education workbook on LGBT people in the workplace, Unionlearn. Workbook and guidelines for workplace representatives and union branches in respect of LGBT members within an historical and legal context of social and employment issues, the role of representatives and why this area is important to trade unions. [www.unionlearn.org.uk](http://www.unionlearn.org.uk)

## **APPENDIX 3 List of Participants**

### **ETUC Conference “Extending equality: trade union actions to organise and promote equal rights, respect and dignity for workers regardless of their sexual orientation or gender identity”.**

#### **Brussels, 29-30 January 2008.**

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