

NO DISCRIMINATION

a UNI guide to LGBTI+

« All human beings are born free and equal
in dignity and rights... »

-Universal Declaration of Human Rights-



INTRODUCTION

«Deeply-embedded homophobic and transphobic attitudes, often combined with a lack of adequate legal protection against discrimination on grounds of sexual orientation and gender identity, expose many lesbian, gay, bisexual and transgender (LGBT) people of all ages and in all regions of the world to egregious violations of their human rights. They are discriminated against in the labour market, in schools and in hospitals, mistreated and disowned by their own families. They are singled out for physical attack – beaten, sexually assaulted, tortured and killed.»¹

¹ United Nations Office of the High Commissioner for Human Rights
<https://www.ohchr.org/en/issues/discrimination/pages/lgbt.aspx>



Thirty years ago, the World Health Organization (WHO) declassified sexuality as a psychiatric disorder, marking a turning point in the LGBTI+ fight for rights. Still, more than 70 countries around the world penalize same-sex relationships and in seven of them, same-sex relationships are punishable by death.

People who are, or are perceived as lesbian, gay, bisexual, transgender or intersex, suffer from social stigma, exclusion and discrimination at work, at home, at school, in health institutions and in many other aspects of their lives.

Individuals are fired from their jobs and bullied at school. They are denied proper medical treatment, expelled from their homes, disowned by their parents, forced into psychiatric institutions, forced to marry or become pregnant, and subjected to attacks on their reputation.

LGBTI+ workers are regularly harassed and discriminated in their workplace, with discrimination often beginning in education. Furthermore, this form of discrimination continues throughout their lives when accessing employment and throughout the employment cycle.

The majority of LGBTI+ workers choose to conceal their sexual orientation in the workplace to avoid discrimination, but this often carries negative consequences for their productivity and career progression.

Transgender² workers appear to experience the most severe forms of workplace discrimination.

The problems they encounter include the inability to obtain identity documents reflecting their new sex and name, reluctance of employers to accept their new sex, and increased vulnerability to bullying and harassment by their colleagues. In many cases, transgender workers are completely

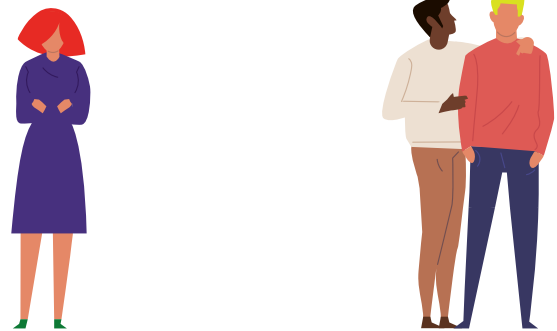
excluded from formal employment and are highly vulnerable to HIV infection³ due to many factors, including stigma and discrimination, transphobia and violence, which frequently causes them to be rejected by their families and denied healthcare services, including access to HIV testing, counselling and treatment⁴.

At UNI Global Union we firmly believe that all workers should be protected against discrimination, and that discrimination against workers of diverse sexual orientation⁵ or gender identity is no different from discrimination against other groups⁶.

Oppression against all workers including those of differing sexual orientation and gender identity is a violation of Human Rights and a central concern in UNI Global Union's fight for equality.

UNI Global Union fights for its members who are part of the LGBTI+⁷ community and for other marginalized groups and believes that a more diverse workplace makes for stronger and more equal societies.

This guide aims to provide some background information on the challenges found by LGBTI+ workers and provides some guidance on actions unions can take to tackle the issue.



² **Transgender persons:** includes persons who have a gender identity which is different from the gender assigned to them at birth and those people who wish to portray their gender identity in a different way from the gender assigned at birth. It includes those people who feel they have to, prefer to, or choose to, whether by clothing, accessories, mannerisms, speech patterns, cosmetics or body modification, present themselves differently from the expectations of the gender role assigned to them at birth. This includes, among many others, persons who do not identify with the labels "male" or "female", transsexuals, transvestites and cross-dressers. http://www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011_en.pdf

³ « Discrimination at work on the basis of sexual orientation and gender identity: Results of pilot research" ILO, 2013. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_221728.pdf

⁴ «HIV and Young Transgender People – a technical brief" – World Health Organization, UNAids and others, 2015.

⁵ Sexual orientation: An inherent or immutable enduring emotional, romantic or sexual attraction to other people. <https://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions>

⁶ Gender identity: One's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth <https://www.hrc.org/resources/sexual-orientation-and-gender-identity-terminology-and-definitions>

⁷ LGBT: is an umbrella term used to encompass lesbian, gay, bisexual, and transgender persons. It is a heterogeneous group that is often bundled together under the LGBT heading in social and political arenas. http://www.coe.int/t/Commissioner/Source/LGBT/LGBTStudy2011_en.pdf, 131

🌈 CAUSES OF LGBTI+ DISCRIMINATION

Discrimination against the LGBTI+ community, sometimes known as homophobia or transphobia, comes from deep-rooted prejudice in many cultures and histories around the world.

Although the reasons for the existence of this prejudice are complex, it is important to understand some of the main causes.

-Sexism: Within many societies there is an **unbalanced power structure** that favours men over women. For this structure to exist there must be a clear distinction between the male and female genders with men being superior and women inferior.

Often, within these societies, gay or bisexual men are seen as inferior because they don't fit the rigid gender roles in these societies—

namely, by adopting a 'lesser' or more passive role in relationships, reserved only for women. Lesbians face the same discrimination because they are perceived as trying to play a more dominant role which is reserved for men. Transgender persons also don't fit into these societal conventions and are therefore ostracized.

-Religious Tradition: Many religious institutions believe that sexual relations between members of the same sex is a violation of their sacred writing and tradition. Although religious institutions have the freedom to believe intercourse between members of the same sex is immoral, this does not justify the refusal to recognize the equality and basic human rights of LGBTI+ people.

-Natural Law Theory:

A justification for discriminatory beliefs is a version of natural law theory which states that the purpose of sexual intercourse is procreation;

hence any form of intercourse that does not have procreative purposes is immoral. However, if this theory were true then the use of contraceptives or an infertile couple having intercourse would be equally immoral. This pernicious version of natural law theory not only faces devastating objections but fails to realize there is more to sexual relations than procreation.

-Heteronormative Environment: Because heterosexuals are the majority, they define the structures and understandings that are often biased against homosexuals.

Because there are fewer homosexuals they are seen as outsiders and are labelled as bad. Instead of valuing diversity some people fear it.

🌈 LET'S CLARIFY SOME THINGS

Do not assume that everyone is heterosexual.

Since the majority of people are heterosexual, diversity regarding sexual orientation and gender identity remains hidden. We assume that the majority means the totality or the norm.

This has several effects:

- Many tend to think that in their different life spheres, such as the workplace, there are NO homosexual, bisexual, transgender or intersex people and therefore, that there are no problems of discrimination or abuse.
- People LGBTI+ hide their sexuality for fear of the consequences they may suffer if it becomes visible. They are not able to express freely their identity, which at the same time means that they cannot access the rights and benefits other workers have (like pensions, permits, etc).

This is why visibility is such an important tool for social normalization; in other words, it allows for a better understanding that diversity is the rule, as well as providing for respect and combating discrimination. To do this we must create safe working environments that are free of discrimination, where everyone can express their identity freely and without fear.

Do not assume that someone is gay, lesbian or transgender.

There are a number of stereotypes about LGBTI+ people that are often spread by the media. As a result, many people assume that someone is a lesbian, or gay, or transgender by the way they dress, talk, gesticulate, etc. Sometimes it is even verbalized in the form of statements like "she does not look like a lesbian".

These types of comments and prejudices makes it very hard for LGBTI+ people to freely express themselves and even challenge such observations.

The reality is that LGBTI+ people come in all ages, shapes and sizes. They can belong to any race, ethnicity and religion (or lack thereof), and like anyone else, they can have physical or mental impairments.

A firm stance against prejudice is the best way to eliminate these stereotypes and help LGBTI+ people gain the confidence they need to express themselves freely.



LGBTI+ and Gay are not synonymous.

LGBTI+ stands for "lesbian, gay, bisexual, transgender and intersex people." In different cultures other terms can be used to describe people who establish relationships with other people of the same sex and who exhibit nonbinary gender identities (ex: hijra, meti, Lala, skesana, motsoalle, mithli, Kuchu, kawein, farce, muxe, fa'afafine, fakaleiti, hamjensgara and Two Spirits).

To eliminate prejudice we should begin by understanding that "LGBTI+" is an umbrella term used to describe a group of people with diverse sexual and gender identities, living with their own unique experiences and issues.

Sexual orientation and gender identity are not a choice.

Human beings cannot choose their own sexual orientation and/or gender identity, even if they choose to adopt those stereotypes or social conventions that society has unfairly deemed "acceptable". This means that a person's sexual orientation and/or gender identity cannot be changed. What must change is the negative social attitudes that stigmatize LGBTI+ people, which contribute to violence and discrimination against them.

There are those who try to change the sexual orientation of people through "methods" involving violations of basic human rights and causing these group of people severe trauma.

Discrimination because of sexual orientation is not a private matter.

People who are, or are perceived as lesbian, gay, bisexual, transgender or intersex suffer from social stigma, exclusion and discrimination at work, at home, at school, in health institutions and in many other aspects of their lives.

They can be fired from their jobs, bullied at school and expelled from their homes.

They are denied proper medical treatment, disowned by their parents, forced into psychiatric institutions, forced to marry or become pregnant, and can be subjected to attacks on their reputation.

Particularly at work, the impact of "coming out" can range from not achieving a promotion, to being the subject of jokes and offensive comments, to exclusion, and the non-renewal of an employment contract or unfair dismissal.

Legislation protecting the rights of LGBTI+ workers is often absent. When laws do exist, they are often poorly applied or not enforced.

This is why this is a problem that concerns the whole of society as well as all organizations that compose it.

The basic human rights of this group are at stake.

WHAT IS DISCRIMINATION OF LGBTI+ WORKERS IN THE WORKPLACE?

Discrimination, harassment and exclusion from the labour market often happen on the basis of non-conformity with preconceptions of how women and men are expected to behave. Often women who are perceived to be "masculine", or men who are perceived to be "feminine", in behaviour or appearance, suffer discrimination or harassment on the basis of their perceived sexual orientation

Anyone who is treated unfavorably over another because of their sexual orientation or gender identity is being discriminated against.

Harassment and violence can be verbal, physical, psychological and even institutional.

These types of situations have important implications on people who suffer from them: low self-esteem; psychosomatic or physical symptoms; dissatisfaction; anxiety and depression; all of which can result in self-harm or suicide.

Manifestations of discrimination based on sexual orientation at the workplace can include:

- Refusal of employment and dismissal, as well as discrimination in access to employment and training.
- Bullying and harassment in the workplace, unwanted jokes, innuendo, loaded comments, verbal abuse, malicious gossip, name calling, victimization and false accusations of child abuse, graffiti, abusive phone calls, anonymous mail, damage to property, blackmail, violence and even death threats.



- Benefits for heterosexual partners but not for same sex partners. These benefits include: health care, 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 and insurance.
- Self-exclusion (e.g. avoiding certain jobs, careers or employers for fear of being discriminated against).
- Wage discrimination towards LGBTI+ workers.
- Fear of coming-out
- Discrimination towards transgender persons

**"In my work no one discriminates."
Are you sure?**

Homophobic jokes are so integrated into the everyday that we are not even aware of them many times.

The continued existence of these type of jokes, the use of derogatory terms or expressions that denigrate the integrity of others because of their sexual orientation or gender identity, naturalizes and reinforces these attitudes and social patterns, which also generate violence and discrimination.

To be sure that we are creating equal and safe environments for all we must first review our own attitudes:

- Avoid jokes, expressions or sexist, homophobic or xenophobic gestures.
- When you are present in a situation where there is discrimination or harassment on the grounds of sexual orientation and gender identity, don't remain silent, do something!
- If homosexuality and transgender identities are unknown to you, inform yourself and do not accept stereotypes.

CAN A COMPANY TAKE ANY DECISION REGARDING WORKERS BECAUSE OF THEIR SEXUAL ORIENTATION?

No.

Any decision the company takes regarding workers must be based on job skills and never on their sexual orientation or gender identity.



WHAT CAN WE DO AS UNIONS?

We are all equal and we are all unique and different as individuals.
True belonging does not mean we must be like everyone else.
We are diverse.
We are equal.
And we are organized.

**You belong to your union –
UNI Global Union campaign**

Global Union Federations⁸ have been working on defending the rights of LGBTI+ workers for more than a decade through the adoption of resolutions, awareness raising campaigns, discussion forums, expressions of solidarity and inclusion in their work agendas.

Since 2004, UNI Global Union has worked for the protection of its LGBTI+ members by including equality and anti-discrimination clauses in all of its Global Framework Agreements⁹. In May 2016, a campaign¹⁰ was launched to raise awareness on the discrimination and violence LGBTI+ workers suffer around the world. In 2018, at the UNI World Congress in Liverpool, UNI Global Union adopted a resolution in which it vows to combat discrimination against members of the LGBTI+ community and to cooperate with other Global Union Federations to develop and coordinate actions against LGBTI+ discrimination.

UNI Global Union firmly believes that trade unions, as promoters of decent work for all workers are essential in generating policies and actions that will help create inclusive work environments.

As trade unionists we can help this fight by:

- Learning more about the activities carried out by our unions regarding equality.
- Asking our union representatives about the organizational structures that address this issue. You can also contact the headquarters of your union.
- Many unions have equality offices, committees or structures where LGBTI+ issues can be addressed accordingly.



- Designing policies aimed at non-discrimination, equality and the promotion of LGBTI+ rights. Make sure they are advertised well and easily accessible.¹¹
- Conduct online surveys of union members to learn what actions, the union might need to take to address concerns members might have concerning LGBTI+ issues.
- Providing educational resources to members discussing LGBTI+ rights and how they apply to Trade Unions.
- Creating support groups or networks within our unions to promote LGBTI+ rights
- Updating our union websites to include an equality section as well as one that discusses Sexual Orientation and Gender Identity and the union's actions.
- Creating flyers, posters, or leaflets to advertise commitment to LGBTI+ rights, groups and other initiatives.
- Creating or participating in educational workshops that promote LGBTI+ rights.
- Expressing our solidarity. Every May 17th, we celebrate the International Day against Homophobia, Transphobia and Biphobia (LGBTI+ phobia). It was on this day back in 1990 when the World Health Organization excluded homosexuality from its list of pathologies.

It is important to remember that when expressing our solidarity, we need to listen to the LGBTI+ communities within the country where solidarity has been requested and only to speak on their behalf if specifically requested.

⁸ 1998 - EI adopted a Congress resolution to protect the rights of its LGBTI+ workers

2001 - ETUC included the protection of the rights of LGBTI+ workers in its agenda

2004 - EI and Public Services International (PSI) set up an EI-PSI LGBT forum made up of representatives from affiliates of the two organizations

2014 - for the first time, the International Trade Union Confederation (ITUC) at its international congress recognised explicitly the equal right of LGBT trade unionists to full inclusion in the global trade union movement and the responsibility of trade unions to advance and protect the right to equality of LGBT+ workers and LGBT+ communities

⁹ See Annex 1

¹⁰ <http://en.breakingthecircle.org/>

¹¹ The European Trade Union Confederation (ETUC) created a Model statement of equality that may be used as a starting point:

http://www.etuc.org/IMG/pdf_ETUC_inside-2.pdf

WHAT WE CAN DO AS WORKERS

If someone in your work (or you) is being discriminated against or harassed because of sexual orientation or gender identity you can:

- Find out about your company's complaint procedures and equality policies to know how to file a complaint.
- Keep a log of events related to your case.
- Contact your union representative to raise the issue and seek advice.
- Find out about social or community organizations that address these issues.
- Contact your supervisor and report the problem.
- Review and create Bargaining Agreements to promote LGBTI+ Rights, particularly in regards to the non-discrimination, anti-harassment, benefit, bereavement, and leave clauses¹².

On a larger scale you can:

- Send letters to politicians and other organizations, praising actions that promote LGBTI+ rights and condemning those that do not.
- Participate in your local Pride and other events that support LGBTI+ Rights.
- Partner with regional or national LGBTI+ NGOs¹³.



¹² CAW (National Automobile, Aerospace Transportation and General Workers Union of Canada) has created a checklist and suggested contract language which are tools for bargaining committee members, LGBT activists, and our allies. See more here: <http://www.caw.ca/en/9207.htm>

¹³ Some examples of LGBTI+ NGO's:

- ILGA (International Lesbian, Gay, Bisexual, Trans and Intersex Association <http://ilga.org/>)
- Amnesty International <http://www.amnesty.org/en/sexual-orientation-and-gender-identity>
- ARC International <http://www.arc-international.net/>
- International Gay and Lesbian Human Rights Commission <http://www.iglhrc.org/cgi-bin/iowa/home/index.html>



LGBTI+ GLOSSARY¹⁴

GENERAL

Binary – In relation to sex and gender, binary refers to the traditional understanding of sex and gender as two distinct, opposite and disconnected forms of male/masculine and female/feminine.

Non-binary – Is a spectrum of gender identities that are not exclusively masculine or feminine, identities that are outside the gender binary. Non-binary people may identify as having two or more genders; having no gender (agender, nongendered, genderless, gender free or neutrois); moving between genders or having a fluctuating gender identity (genderfluid); being third gender or other-gendered (a category that includes those who do not place a name to their gender)¹⁵.

LGBTI+ – An acronym for same sex attracted, transgender/gender diverse and intersex people. LGBTI+ is short for Lesbian, Gay, Bisexual, Transgender and Intersex. The + stands for all other forms of sex, gender and sexual diversity. It is not intended to be limiting. Other terms such as LGB, LGBT, or LGBTIQ (the Q representing “Queer” or “Questioning”) are commonly used.

SEX

Biological sex – An individual’s biological sex characteristics, which can be described as being female, male or intersex.

Intersex – A term for a broad range of congenital physical traits or variations that lie between stereotypical ideals of male and female. Intersex people are born with physical, hormonal or genetic features that are neither wholly female nor wholly male, or a combination of female and male. Being intersex does not pre-determine any particular gender identity. Although some intersex individuals identify their gender and legal sex as X, the majority of intersex people identify their gender as either M or F.

Legal sex – An individual’s legal sex according to documents such as their birth certificate, passport, Medicare record and other government documents. In a growing number of jurisdictions, an individual’s legal sex may be recorded as M, F or X. An individual’s legal sex may or may not reflect their biological sex or gender identity.

GENDER

Gender expression – The way in which a person externally expresses their gender, which may, or may not, align with their biological and/or legal sex.

Gender identity – An individual’s sense of identity, appearance, mannerisms or other gender-related characteristics. Individuals may identify themselves as male, female, both female and male, or neither female nor male.

Gender transition – A process undertaken by some transgender people to live in accordance with their gender identity. This may, or may not, include social aspects (e.g. changing the way they dress, their hairstyle, the pronouns

they use to refer to themselves or prefer people to use when referring to them), legal aspects (e.g. changing their name or legal sex on documents), or medical aspects (hormonal or surgical procedures).

Transgender – An umbrella term used to refer to individuals whose gender identity and/or gender expression differs to their sex assigned at birth. Transgender individuals may identify as female, male, both or neither.

Transphobia – The fear and hatred of, or discomfort with, individuals who are transgender.

SEXUAL ORIENTATION

Asexual – An individual who does not experience sexual attraction.

Bisexual – An individual who is romantically, emotionally, physically and/or sexually attracted to more than one sex/gender.

Biphobic – The fear and hatred of, or discomfort with, individuals who are bisexual.

Gay – An individual who is romantically, emotionally, physically and/or sexually attracted to individuals of the same sex/gender. It is a term most commonly applied to men, but it is also applied to women, although less frequently.

Heterosexual – An individual who is romantically, emotionally, physically and sexually attracted to individuals of the opposite sex/gender.

Homophobia – The fear and hatred of, or discomfort with, homosexual people.

Homosexual – An individual who is romantically, emotionally, physically and sexually attracted to individuals the same sex/gender. Gay and/or lesbian are common terms used to describe homosexual people.

Lesbian – A woman who is romantically, emotionally, physically and/or sexually attracted to other women.

Queer – Is an adjective used by some people whose sexual orientation is not exclusively heterosexual. Typically, for those who identify as queer, the terms lesbian, gay and bisexual are perceived too limiting and/or fraught with cultural connotations and they feel don’t apply to them¹⁶.

Questioning – This term is used to describe someone who is questioning their sexual orientation or gender identity.

Sexual Orientation – An individual’s sexual orientation towards persons of the same sex, persons of a different sex, persons of any sex, or persons of neither sex.

¹⁴ As adopted by the Australian Human Rights Commission

¹⁵ Beemyn, Brett Genny (2008). "Genderqueer". *glbtq: An Encyclopedia of Gay, Lesbian, Bisexual, Transgender, and Queer Culture*. Chicago: glbtq, Inc.

¹⁶ «What is LGBTQ» The Center – The Lesbian, Gay, Bisexual and Transgender Community Center. <https://gaycenter.org/about/lgbtq/#queer>

ANNEXES

1. UNI Global Union Document: Equality Clauses for LGBTI+ workers in Global Framework Agreements

2. UNI Global Union: UNI World Congress Liverpool 2018 Resolution No. 5

3. UNI Global Union: Break the Circle Campaign! – 10 facts you should know about sexual diversity at work

<http://en.breakingthecircle.org/descargas/en/lgbt/lgbt-and-working-environment-en.pdf>

4. UNI Global Union: Break the Circle Campaign! – Union practices to achieve an egalitarian workplace

<http://en.breakingthecircle.org/descargas/en/lgbt/lgbt-sindicatos-en.pdf>

