



ETUC actions and activities on promoting equal rights, respect and dignity for workers regardless of their sexual orientation or gender identity

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Introduction

The European Trade Union Confederation is at the forefront in defending human rights, trade union rights and equality for all workers. This commitment also includes the fight for equal treatment and non-discrimination, respect and dignity for lesbians, gay men, bisexuals and trans-gendered workers (LGBT).

As is said in the ETUC Congress document adopted in Seville in 2007:
Equal treatment is a powerful concept, embedded in the European Treaty in various ways, in Directives approved in 2000, and in international labour standards of the ILO notably. Its implementation demands a strong connection with social policies and positive actions to provide for the conditions that allow workers and citizens to really enjoy equality of opportunity. It is also important to recognize that in a Europe of 27 or more member states it is increasingly important to recognise and respect diversity as a positive characteristic of European societies. Rather than seeing equality and diversity as mutually exclusive concepts, ETUC sees equality and diversity as complementary and strives for equal rights and opportunities while respecting and valuing diversity.

ETUC believes that recognising the value of diversity helps to build good teams and, at the same time, 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 legal framework

The EU provides for a legal framework to protect workers that are discriminated against on the grounds of their sexual orientation or gender identity.

First, art.13 of the Treaty of Amsterdam gave the EU the competence to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, within and outside the work place.

In addition, two Directives are already binding in all EU Member States: the Framework Directive on Equal Treatment in Employment and Occupation (2000/78/EC) – which covers the ground of sexual orientation – and the Directive on the principle of equal treatment of men and women in employment (2006/54/EC) which prohibits discrimination against people who have undergone gender reassignment.

However, a Euro barometer research launched by the European Commission on the occasion of the 2007 “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, including in trade unions. In addition, hardly any awareness seems to exist on the basis of gender identity. According to this Eurobarometer survey, a large majority of European citizens believe that being homosexual is a disadvantage and that it is difficult for a worker to come out about his/her sexual orientation in the workplace. It is clear that in such circumstances it is very problematic for LGBT workers to stand up against discrimination.

The ETUC strongly supports the current EU legislation on the field of non-discrimination and strives for a far-reaching implementation of the two directives. But while an effective set of law against discrimination is an essential tool to help stamp out unfair treatment, it is obvious that laws on their own are not enough.

The Seville Manifesto and ETUC project “Extending equality”

ETUC actions in this specific field has been scattered over the years. But a clear commitment was taken by the European trade union movement through the adoption of the Seville Congress Manifesto. The 4-year Action programme in fact also includes among its priorities for action, a specific commitment to address LGBT workers’ rights. In particular, more effective action was deemed necessary in order to invest in awareness raising activities and to take more effective measures on prejudices that may be present in trade unions and among their members towards lesbians, gay, bisexuals and trans-gendered people.

As a consequence of this commitment, the ETUC as a first step launched the project “Extending equality” with its member organisations and in partnership with ILGA-Europe¹ 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 antidiscrimination in the workplace and to facilitate networking among trade unionists and with NGO’s dealing with LGBT issues across Europe.

The findings of a survey addressing all ETUC member confederations and European industry federations were presented and discussed at a two-day conference held in January 2008. This was the first Europe-wide trade union conference on LGBT rights.

It provided an excellent opportunity to share experiences between trade unionists, experts from NGO’s and policy makers and to discuss ways to improve trade union attractiveness and performance in this area.

Important messages were endorsed in the conclusion of this event:

- LGBT rights are human rights and these are central to trade union activities. It is impossible today for trade unions to ignore these issues;
- LGBT people are often invisible in the workplace and their rights are often not recognised or denied to them;
- Discrimination against LGBT workers is no different from discrimination against other groups; all workers have the right to be protected against discrimination; as workers who are discriminated are often in a very vulnerable situation, it is important that they can be supported by a union and their cases taken up, as appropriate, as individual cases or in the framework of a collective approach;
- Recruiting and organising LGBT workers helps to make unions strong and representative of all of their members, and workers in general.

The conference proceedings as well as the results of the ETUC survey were published in a report that was published and sent to ETUC members².

Furthermore, a leaflet was produced in 22 different EU languages containing suggestions on what trade unions can do to promote LGBT equality in the workplace.

¹ ILGA-Europe: European Region of ILGA, the International Lesbian and Gay Association
<http://www.ilga-europe.org>

² Extending equality, trade union actions to organise and promote equal rights, respect and dignity for workers regardless of their sexual orientation and gender identity, ETUC website:
<http://www.etuc.org/a/5244>

One recommendation of the conference was that the ETUC would take part in the Euro-pride March in Stockholm in August this year. This has been taken up by the ETUC President, Wanja Lundby-Wedin, representing both ETUC and LO-Sweden, and Catelene Passchier, confederal secretary of ETUC, who also both participated in a seminar on LGBT rights and trade union rights which was organised during the Euro-pride event.

The ETUC in the past year has also strongly lobbied for a new Directive to prevent and combat discrimination outside employment. The ETUC has argued in favour of a broad initiative that would include discrimination on grounds of age, sexual orientation and religion. This would, in the ETUC's view, be a clear case of 'better regulation' to avoid different rules governing different grounds of discrimination, giving rise to legal and practical inconsistencies. This could also cause problems in situations of multiple discrimination. In ETUC's view, a broad directive covering all the grounds mentioned in Article 13 of the Treaty would give a strong message to the Member States of the EU and their citizens that we cannot build a modern and cohesive society on discrimination. With the ageing of our populations, the growing diversity of our societies in terms of ethnic origin and religion, and the increasing intolerance against people because of their different sexual orientation, a strong and coherent body of law - protecting all our citizens from discrimination wherever they are in the EU – should be the priority target.

On the 2nd July 2008, the Commission adopted indeed a broad proposal for a directive, which provides for protection from discrimination on grounds of age, disability, sexual orientation and religion or belief beyond the workplace. This new directive would ensure equal treatment in the areas of social protection, including social security and health care, education and access to and supply of goods and services which are commercially available to the public, including housing. The proposal is now discussed by the European Parliament.

ETUC commitment for the years to come

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 and new forms of partnership and family arrangements have been recognized by legislation on marriage equality and/or same-sex civil partnership in some countries. Also, there is a growing acceptance of LGBT people in public posts and in leadership positions, for example in politics, as senior managers, as trade union leaders, and as people working in the arts and media.

These developments have enabled lesbians and gay men to have the right to equality in their lives and in the workplace.

Furthermore, the ETUC survey has shown that equality on the grounds of sexual orientation and gender identity has in recent years become a priority for several trade unions. Lesbian, gay, bisexual and transgender trade union activists have been stressing, often working in collaboration with NGOs, that LGBT rights are trade union rights and that it is critically important that LGBT equality issues are dealt with in the workplace, in collective bargaining and in social dialogue.

However, there is still a long way to go. There continue to be many barriers to LGBT visibility, acceptance and respect. Many LGBT people experience inequality, harassment and homophobia in the workplace. This means that many LGBT people experience great difficulty in disclosing their sexual orientation. In many countries there are still significant problems in progressing LGBT rights in the workplace and in society at large.

Trade unions should be at the forefront in tackling these issues, at the workplace and in all their actions and activities. They must be visible and recognized as the workplace actors when it comes to equality.

Therefore, trade unions have to reach out to all groups seeking equality in society and address important workplace issues for LGBT workers. Unions can adopt policies, practices and procedures for workplace equality and strategies for recruiting and organising LGBT members. They have a role to play to support LGBT workers, raise awareness about LGBT rights, campaign for and bargain on behalf of LGBT members.

One more reason to do so is that unions are increasingly looking at how they can retain current members and recruit and organise new ones; this is particularly important at a time of declining trade union membership in some countries and sectors of the economy.

Actions and activities

In order to give a follow up and continuity to the work started in defending LGBT workers' rights, the ETUC and its member organisations should take the following actions and develop the following activities:

- ETUC should continue lobbying the European Institutions on the full recognition of LGBT rights in employment and social policies, and for extending equality legislation to the fields outside employment;
- ETUC and its member organisations should take up a leadership role in publicly advocating equality for LGBT people in general and LGBT workers in particular, while recognising the value of diversity and the

right to be 'different'; a strong message should be sent to trade unions and their members across Europe that LGBT rights are trade union rights;

- Programmes should be developed on information, dialogue, awareness raising and LGBT rights at all levels. In particular, the ETUC through the education department of the trade union institute (ETUI) could promote specific training on instruments and practices to help trade unions in supporting LGBT workers' rights; special attention should be paid to addressing discriminatory and prejudicial attitudes that may be present within trade unions themselves; examples of good practice should be gathered and disseminated;
- ETUC and its member organisations should mainstream LGBT equality issues into all areas of their work so that it is recognized in all relevant policy documents, progressed through decision-making bodies and in collective bargaining. Collective agreements should recognise the rights of LGBT workers to benefit from partner-benefits, pensions, family leave and family benefits on the same footing as heterosexuals;
- The ETUC and its member organisations should put LGBT workplace issues on the agenda of their discussions and negotiations with employers, as a part of wider equality policies.

Improving the working lives of LGBT workers can best be achieved by working with employers to tackle discrimination and harassment in the workplace.

- ETUC should support the work by its affiliates in progressing LGBT equality issues through an informal (e-mail)network of LGBT trade union contacts and activists that will be established shortly, and via the dedicated LGBT section on the ETUC website that is currently under construction;
- ETUC member organisations should consider promoting the setting up of an LGBT trade union network or group to allow LGBT members to meet and help their union to develop policies, procedures and practices on equality and workplace rights for LGBT workers, including trade union actions to support LGBT workers who are faced with discrimination. Providing resources for a newsletter, e-mail list and website, holding of seminars, workshops and conferences can help raise awareness and give visibility to LGBT workers and their rights within trade unions.
- ETUC should cooperate closely with ITUC and develop joint activities in the PERC. It would be important to jointly contribute to the next ILO

global report on discrimination, foreseen for 2011; ETUC and its affiliates should ask from the EU and its Member States to make a formal commitment to the ILO, whereby they extend the ratification obligation of Convention 111 at least to all the grounds of discrimination covered by the EU's own legal framework;

- ETUC and its member-organisations should continue to work at all relevant levels with NGOs active in the LGBT field, who are interested in jointly advancing workers rights;
- Participation in national and European Pride-marches is one occasion on which commitment can be shown; another specific occasion that should be taken up for further public advocacy are the so-called 'World Outgames' (an international sports- and cultural event for LGBT people), which will be organised next year in Copenhagen.
