

LGBTI+ WORKERS RIGHTS AND PERCEPTIONS REPORT



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LGBTI+ WORKERS RIGHTS AND PERCEPTIONS REPORT

“Trade unions stand up and fight for workers’ rights. We cannot have fair wages or decent work without fair and equal societies for all, free from any form of discrimination and violence. And discrimination on the basis of sexual orientation and gender identity cannot be tolerated.”

Christy Hoffman
UNI Secretary General



INTRODUCTION

LGBTI+ workers all around the world continue to face different forms of violence and discrimination despite efforts to eliminate discrimination on the basis of gender and sexual orientation in the workplace.

From lack of opportunities, unequal treatment and access to promotions, discrimination in job applications, to violence -- LGBTI+ workers are still facing bias and prejudice at work.

Eighty-one countries¹ around the world prohibit discrimination on the basis of sexual orientation at work, yet researchers estimate that almost half (46%) of LGBTI+ workers in the United States² are closeted in the workplace. In the UK, 35% of LGBTI+ workers³ and 51% of transgender employees hide their identities for fear of discrimination.

Workers have a right to feel safe at work and to be open about who they are without any fear of prejudice and/or violence.

UNI Global Union has been at the forefront in the fight against all forms of violence and harassment in the workplace through its “Breaking the Circle”⁴ campaign.

In 2018, at its World Congress in Liverpool, UNI Global Union adopted a groundbreaking resolution to combat discrimination and to develop a plan to address the issues faced by LGBTI+ workers.

The motion came to fruition with the creation of the UNI LGBTI+ network in 2020. The launch of the UNI LGBTI+ Manual the LGBTI Workers platform showed the unity of global unions on this issue and fostered a more inclusive global trade union movement. By creating and strengthening LGBTI+ union structures and encouraging the development of fair workplace policies, global unions are fighting for LGBTI+ rights.

In 2021, UNI invited its affiliates to participate in a survey to map the needs and issues faced by LGBTI+ members, as well as how LGBTI+ rights are perceived. This information is key to understanding the current situation and will assist UNI and its affiliates to develop strategies and tools to protect LGBTI+ workers around the world.

1- Mendos, L. R., Botha, K., Lelis, R. C., López de la Peña, E., Savelev, I., & Tan, D. (2020). State-sponsored homophobia: Global legislation overview update. ILGA World.

*The list includes countries such as: Australia, Canada, France, Germany, Mexico, Switzerland, UK, U.S. and the Netherlands.

2- Fidas, D., Cooper, L. (2019). A workplace divided: Understanding the climate for LGBTQ workers nationwide. Human Rights Campaign Foundation.

3- Bachman, C., Gooch, B. (2018). LGBT in Britain – work report. Stonewall.

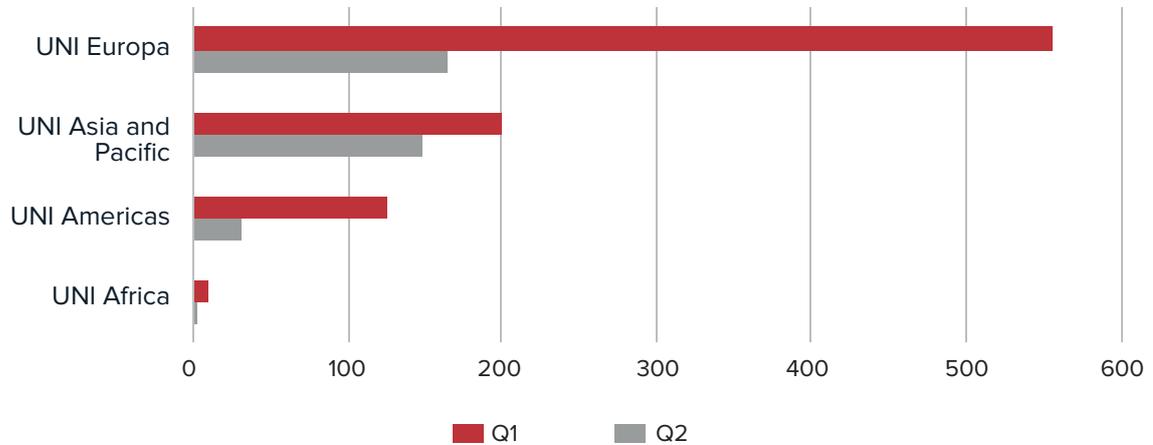
4- <https://en.breakingthecircle.org/>

THE SURVEY

GENERAL DATA

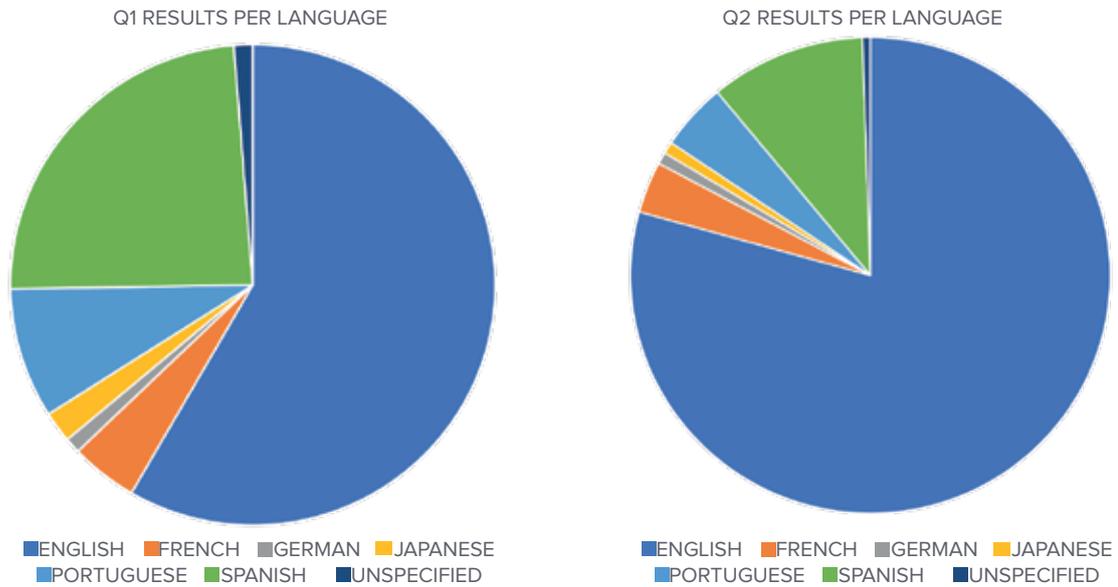
The research included two questionnaires which had been designed with the support of affiliated members who are actively engaged in the UNI LGBTI+ network. The first questionnaire (Q1) was aimed at mapping how affiliates perceive LGBTI+ rights in their countries and in their workplaces; whilst the second (Q2) aimed to have more information on the challenges faced by LGBTI+ workers in their workplaces. The first questionnaire was open to all members, whereas the second was specifically reserved for members of the LGBTI+ community. In total we received 1,327 responses from 51 countries in all UNI regions, with 958 responses for Q1 and 373 for Q2. The following shows the distribution by UNI region of each questionnaire.

FIGURE 1



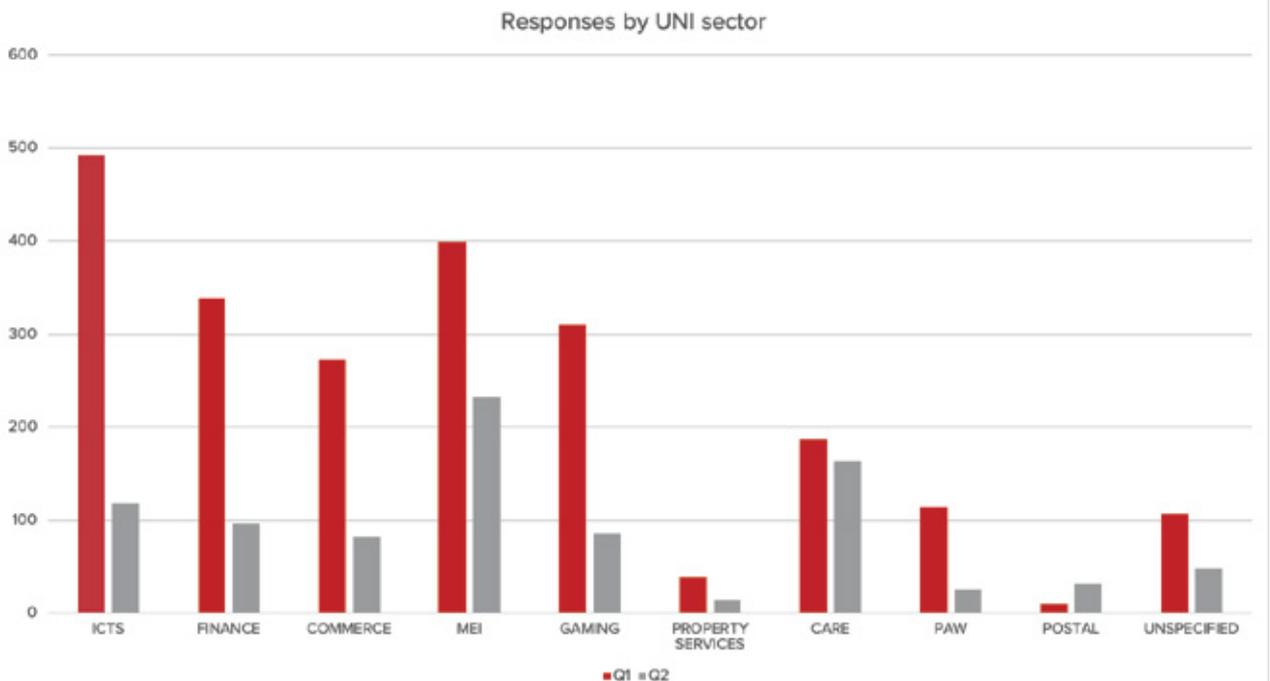
The questionnaires were translated into six languages: English, French, Spanish, Portuguese, Japanese and German.

FIGURE 2



More than 120 unions in different UNI sectors participated in the surveys. Figure 4 shows the distribution of answers according to each survey and UNI sector. Due to the fact that many respondents belong to unions that represent more than one UNI sector, their responses were ascribed to the sectors the union declares it belongs to.

FIGURE 3



THE SURVEY RESPONSES

A) LGBTI+ RIGHTS AT WORK AND AROUND US

The perception amongst the respondents to both questionnaires varies in different degrees. In Q1, where the target group included all workers in UNI affiliated unions, the general feeling was that there have been advances in the last years to enshrine in national law protection for LGBTI+ people.

In Q2, which was aimed at workers who identify themselves as members of the LGBTI+ community, the perception was different, with many describing the laws as insufficient thus making them “insignificant” or “invisible”.

Respondents to both questionnaires agreed that there is room to improve in terms of legal protection. Participants agreed that in order for these frameworks to generate lasting change, we need education and campaigns to raise awareness about the different forms of discrimination and violence faced by LGBTI+ workers.

Respondents to both questionnaires agreed that legal and policy frameworks vary according to country/area and cultural/religious background. This is further supported by research on legislation around the world concerning same-sex relationships⁵.

B) DISCRIMINATION AND VIOLENCE TOWARDS LGBTI+WORKERS IN THE WORKPLACE

Out of 958 responses to Q1, which aimed to gauge the general understanding of LGBTI+ rights in both society and the workplace, 68% of all respondents expressed seeing, hearing or experiencing some form of discrimination, harassment or violence towards LGBTI+ workers. Verbal violence was attributed as the leading form of discrimination, followed by various other forms of bias and harassment.

5- In 2020, the ILGA World’s Global Legislation Overview section on State-Sponsored Homophobia (<https://ilga.org/ilga-world-releases-state-sponsored-homophobia-December-2020-update>) provided data that shows that 69 countries around the world continue to criminalize consensual same-sex activity and the rise of “LGBT-free zones” where states are seeking to give new boost to ‘conversion therapies’.

Forms of violence shared by the respondents include:

- **Verbal violence** – such as the use of derogatory terms, jokes, catcalling, offensive banter, negative comments about the use of pronouns, etc.
- **Physical violence** – particularly towards trans persons and gender non-conforming people; including beatings, physical aggressions, etc.
- **Religious violence** – LGBTI+ workers banned from religious gatherings and worship
- **Discrimination** – comments about how each gender should act (gender conformity); discrimination towards trans people; exclusion; intentional misgendering; lack of adequate bathroom spaces for trans persons; etc.
- **Harassment** – increased by the lack of support in their workplaces (e.g following up on claims); verbal harassment for deeming that clothes are inappropriate for the person’s “perceived gender”; etc.
 - Bullying
 - Psychological violence
 - Sexual harassment

“ I have multiple coworkers who are transphobic and don't support transwomen as real women. I have recently started to come out as non-binary and I've decided not to come out to most of my coworkers or union leadership because of their biases and active lack of support.
USA respondent, MEI sector

“ Name calling, like “I won't let that fag serve me” or “he might be contagious, don't get too close”, referring to HIV.
Norwegian respondent, Commerce sector

“ 33 years ago I lost a job as a result of being outed. I lost my job, my friends and support network. I was out of work for 3 months and whilst I found another job my health was affected through stress. It has made me wary of organisations and I don't trust that my rights or wellbeing will be protected or respected.
New Zealand respondent, Care sector

“ It has damaged and affected my career in incalculable ways. I have experienced trauma and lifechanging impacts as a result of bullying, harassment and violence to the point that if I didn't have to work (to live) I wouldn't. I wish I didn't have to work but have little choice if I want to lead a decent life outside of work.
New Zealand respondent, Care sector

Although discrimination in the workplace as a result of sexual and/or gender orientation is illegal in many countries around the world⁶, 8% of all LGBTI+ workers who responded to Q2 answered that they have found it hard to find a job as a result of their sexuality and/or gender identity.

The perception on how welcoming the workplace is for LGBTI+ workers also varies between both questionnaires. In Q2 many LGBTI+ respondents expressed the feeling that their workplaces were not welcoming to LGBTI+ workers. “To ‘come out’ is now fashionable, but it is still not assimilated in practice,” shared one respondent from Spain, whilst another respondent from New Zealand added that in terms of sexuality, some workplaces are “ok” but when it comes to gender identity “it seems too much for them to handle.”

From the responses gathered, the biggest issues for LGBTI+ workers which prevent them from feeling welcome in the workplace include:

- Lack of awareness on sexual and/or gender orientation
- Existence of microaggressions, particularly verbal violence
- Lack of understanding from older colleagues
- Lack of opportunities
- Lack of diversity

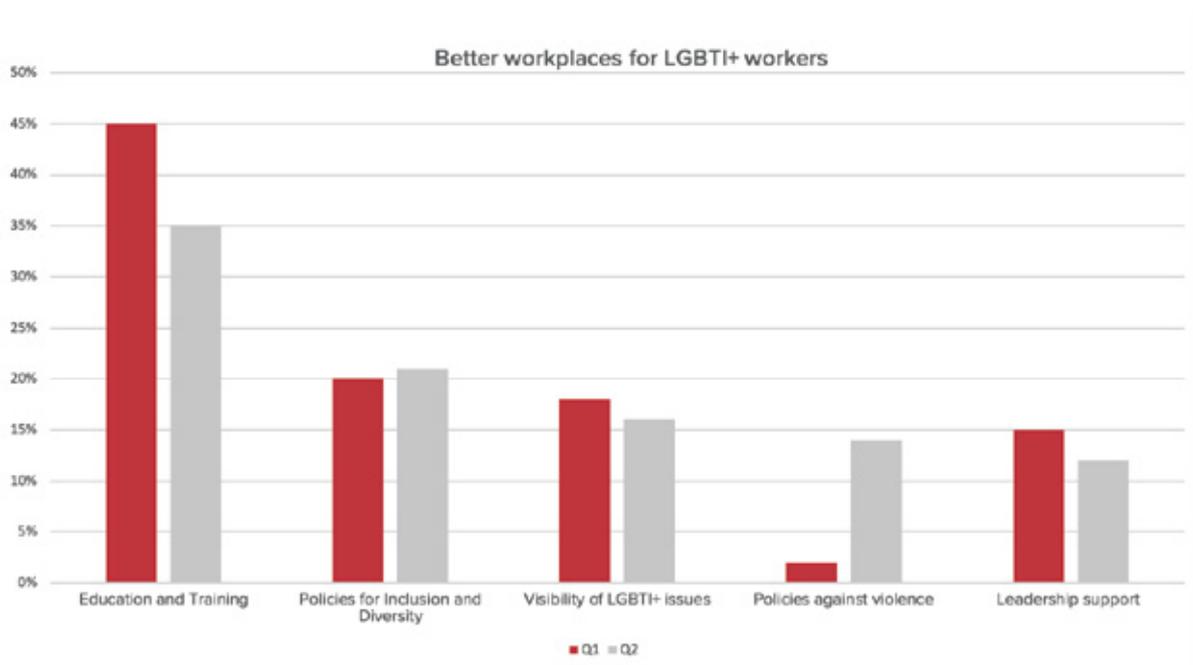


6- At the European level, more than 13 pieces of legislation have been adopted with the aim of ensuring that both men and women get equal and fair treatment at work (<https://ec.europa.eu/social/main.jsp?catId=158&langId=en>). In June 2020, the U.S. Supreme Court ruled that employment discrimination based on sexual orientation or gender identity is illegal under Title VII of the federal Civil Rights Act, which prohibits discrimination based on sex in employment. As a result of this ruling, LGBTQ people across the country can continue to file complaints with the federal Equal Employment Opportunity Commission (EEOC) and seek recourse for discrimination in the workplace through federal courts (https://www.lgbtmap.org/equality-maps/employment_non_discrimination_laws)

Respondents to both questionnaires were also asked to share their ideas on what would make workplaces more welcoming to LGBTI+ workers. A large percentage of respondents to both questionnaires saw Education and Training as one of the most important ways to help build more inclusive workplaces. This was followed by policies for inclusion and diversity; raising the visibility of LGBTI+ issues; policies against violence towards LGBTI+ workers and leadership support.

It is important to note the difference between Q1 and Q2 on the importance of having policies against violence and harassment in the workplace. Whilst in Q1 this issue was seen by 68% of all respondents (see above) as an issue in the workplace, only 2% saw it as necessary in creating more welcoming workplaces. For respondents in Q2, who identify as LGBTI+ workers, the creation of such policies is crucial.

FIGURE 4



Some specific suggestions presented by respondents to both questionnaires include:

- Gender neutral bathrooms
- Correct use of pronouns
- Engagement in LGBTI+ activities
- More diversity in hiring processes



C) UNIONS AND LGBTI+ WORKERS

The role of unions was another aspect included in the questionnaires. From what unions are already doing to what unions can do to protect workers.

Whilst 48% of Q2 respondents expressed that their unions were working to protect the rights of LGBTI+ workers, there was still a large percentage (32%) that had no information or had no knowledge. The remaining 20% responded negatively.

For those who answered the question affirmatively, unions across the world are taking some of the following measures to improve working conditions for LGBTI+ workers:

- Advocacy for those suffering discrimination
- Representation and visibility of LGBTI+ activities such as Pride events
- Mobilization against conversion therapy and support for legal gender recognition⁷
- Anti-bullying workplace measures
- Policies on adoption and equal pay rights
- Support for trans workers
- Education and training
- Clauses for partners to gain access to health and social security coverage, as well as access to partner's life insurance
- Creation of gender-neutral facilities
- Diversity among shop stewards and union officials

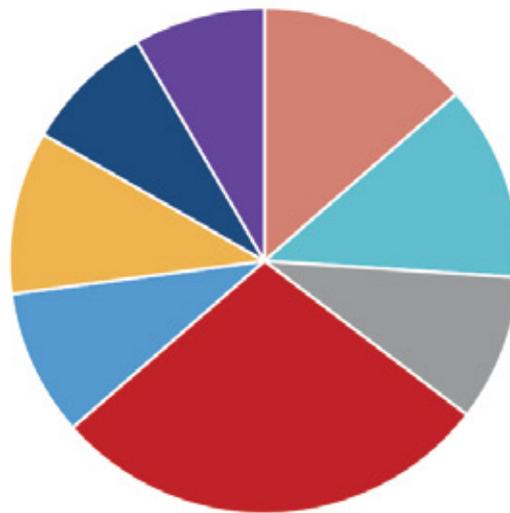
7- LGR is the procedure through which an individual can change their name and gender marker in official registers and documentation. This may allow an individual to access a new gender marker that matches their gender identity. The conditions for the procedure vary widely between countries and may encompass a range of medical, judicial, civil and/or administrative requirements

https://ec.europa.eu/info/sites/default/files/legal_gender_recognition_in_the_eu_the_journeys_of_trans_people_towards_full_equality_sept_en.pdf

Both groups of respondents were asked to provide examples or ideas on how unions can further help to protect and support LGBTI+ workers. Here are the most popular solutions:

FIGURE 5

How can unions create more inclusive workplaces



- Advocacy and campaigns ■
- Policies against discrimination and violence ■
- Visibility ■
- Education and Training ■
- Creating inclusive environments ■
- Vigilance ■
- Specialized union representatives and dedicated networks ■
- Policies for LGBTI+ workers ■

C) UNIONS AND LGBTI+ WORKERS

“ *Continue to work with employees for support and be a sounding board about current challenges for employees. Provide positive case studies and examples to workplaces who are less inclusive. Show them how it can be done, and work with them to improve and move forward. Celebrate the good stories of employers who are doing the right thing.*

New Zealand, MEI sector

“ *Be there for them when they need help. Back them up when something happens. Offer courses for businesses about how it is to live when you're LGBTQIA+/non-binary etc and how cis- straight people can be allies. Also talk about what's okay to say/do, and what's not okay. Teach businesses how they can be more welcoming and accepting, teach them how to be true allies, not just performative allies (that can be as dangerous as outright homophones sometimes).*

Also offer businesses help when it comes to making rules that actually punish bad behavior. Help make sure there are consequences for treating another person badly. That includes making sure the environment is safe enough that the bad behavior will actually be reported. Too much doesn't get reported because the victim doesn't trust the people that should be there to help them.

Norway, Commerce sector

“ *Closer engagement with leadership/those in management positions to educate them on inclusivity and creating safe spaces. This could include educating them on calling out discriminatory behaviour and comments, understanding heteronormativity and the common reliance on gender binaries, providing assistance in implementing small changes to the office to make it more inclusive.*

New Zealand, Care sector -

“ *Unions must show that they support these communities to be more accessible to these people, so that they do not have any apprehension about contacting a union. Unions must be LGBTI friendly.*

France, Commerce sector

“ *Being a reference to go to if needed. Promoting specific measures in the Equality Plans. Periodically conducting psychosocial risk assessments to detect situations of risk of discrimination. Updating the protocols for the prevention of sexual discrimination, incorporating specific measures for the LGBTI+ group.*

Spain, Finance sector

“ *Advocate for the changes suggested in this survey response. Consult with LGBTQIA+ organisations when making decisions about what to negotiate for or how to advocate. Use gender inclusive language. Treat LGBTQIA+ rights as a minimum expectation. Advocate against policies that might force LGBTQIA+ people to out themselves in unsafe workplaces.*

New Zealand, Care sector



“

I think for the most part we need to protect transgender and non-binary union employees from workplace prejudice as there is nothing that protects them from discrimination, other than being under the umbrella of LGBTQIA+, however trans people face a different type of discrimination and homophobia, and they also face it from within the community as well. I think this would be beneficial to the entire community and to the union because it is progress, it's beneficial because anything that empowers disenfranchised people is something worth doing.

Canada, MEI sector

“

Create clauses within collective labor agreements, with protections for these workers, as well as communication, guidance and even specialized care for those who suffer violence.

Brazil, Commerce sector

“

Represent the topic more effectively so that LGBTI+ employees are visible. This promotes acceptance, eliminates ignorance and thus also creates willingness to stand up for the LGBTI+ colleague. Increasingly offer the topic in trade union educational work.

Germany, various sectors

“

I think it is important to create a system where union members can consult about anything.

Japan, Graphical sector

“

More diversity is needed in unions to give LGBTI+ people a bigger platform and better support to them. Also support NGO projects.

Austria, Postal sector

“

Diversity trainings, creating a policy specifically around LGBTI+ workers that sets up a zero-tolerance policy on harassment/even "benign" jokes, calling it out myself when I see it.

USA, Postal sector -



D) ON GENDER: TRANS, QUEER AND NON-BINARY WORKERS

It is important to understand that sexual orientation and gender identity refer to two separate things and the issues experienced by people belonging to each of these umbrellas, require specific attention.

Sexual orientation⁸ makes reference to 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; whilst **gender identity**⁹ is 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.

Transgender¹⁰ and **non-binary**¹¹ are terms used to refer to gender identity. On the other hand, **queer**¹² describes sexual and gender identities other than straight and cisgender . Lesbian, gay, bisexual, and transgender people may all identify with the word queer. Queer is sometimes used to express that sexuality and gender can be complicated, change over time, and might not fit neatly into either/or identities, like male or female, gay or straight.

In both questionnaires, respondents expressed their concerns regarding trans, queer and non-binary workers.

From a lack of information on the difference between sexual orientation and gender identity, to policies for making workplaces more welcoming to trans, queer and non-binary people, respondents to both questionnaires highlighted the need to address these issues.

8- NO DISCRIMINATION – A UNI guide to LGBTI+ (<https://en.breakingthecircle.org/>)

9 - 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.

10- Is a term used to describe people who feel their gender cannot be defined within the margins of gender binary. Instead, they understand their gender in a way that goes beyond simply identifying as either man or woman.

11 - <https://www.plannedparenthood.org/learn/teens/sexual-orientation/what-does-queer-mean>

12- Denoting or relating to a person whose sense of personal identity and gender corresponds with their birth sex.

This observation can be further supported with additional research, such as the McKinsey report on *“Being transgender at work¹³”* which states that *“... some employers focus more on supporting sexual-orientation diversity in the workplace than on gender identity or expression. All too frequently, the transgender experience may not even register on the radars of employers when they work on corporate diversity, equity, and inclusion efforts”*.

Respondents to both questionnaires included the following recommendations to provide further support to this group:

- Work on policies that ensure pay transparency and fight the existing pay gap for LGBTI+ workers¹⁴
- Inclusion of mental health in Health and Safety policies at work
- Negotiate policies for paid time off for gender affirming care
- Gender neutral uniforms
- Gender inclusive facilities
- More education and visibility¹⁵

13- November 2021 (<https://www.mckinsey.com/featured-insights/diversity-and-inclusion/being-transgender-at-work>)

14- According to the McKinsey report, cisgender employees make 32 percent more money a year than transgender employees even when the later have similar or higher education levels

15- Ibid. People who identify as transgender feel far less supported in the workplace than their cisgender colleagues do. They report that it’s more difficult to understand workplace culture and benefits, and harder to get promoted. They also feel less supported by their managers

E) YOUTH AND LGBTI+ RIGHTS/WORKERS

A large number of respondents highlighted the need for young people to engage and push on this topic.

Some respondents expressed opinions that trade unions are not adapting to the needs of younger people. From outdated leadership: *“it has to be led by another generation”* - (Spain), and support for new leaders *“...more LGBTI+ youth advancing to leadership roles not just as ‘token queer’ but as genuine deserving leaders and thought innovators”* (New Zealand). The survey revealed discontent as to how things have been managed so far in terms of LGBTI+ workers *“changing the minds of older generations can feel like a lost cause”* – (New Zealand). With a whole new generation of workers entering the workforce, this issue is more relevant than ever for trade unions. According to a Gallup survey carried out in February 2021, 1 in 6 adults in Generation Z (2000-2010) in the US identifies as belonging to the LGBTI+ community, a trend that will significantly increase in the coming years according to this study.

“Educate union reps in workplaces about the importance of this matter. Many of them are older/have never learned about LGBTI+ rights. That makes people think it's somebody else's responsibility to know” – (Norway)

16- <https://news.gallup.com/poll/329708/lgbt-identification-rises-latest-estimate.aspx>



CONCLUSION

Although there has been significant progress in terms of making LGBTI+ issues visible, unions must work hard to truly represent all of their members and to achieve fair treatment and inclusion for LGBTI+ workers.

From establishing education and training for affiliates, to supporting the inclusion of LGBTI+ workers in the development of workplace policies and trade union actions; trade unions must engage effectively with LGBTI+ networks to better understand the issues that affect their members.

The rigid lines between sexuality and gender are eroding, and with new generations and a better understanding of their fluid nature, LGBTI+ issues will continue to gain importance on the trade union agenda.

The UNI LGBTI+ survey results can be used as a tool by our UNI LGBTI+ network members, affiliates and allies as an opportunity to delve deeper into the issues that impact our workers, exchange best practices and make progress in creating more inclusive and diverse trade unions for all.



equal
opportunities

<https://uniglobalunion.org/>

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