

BARGAINING DEMANDS FOR **LGBTI** WORKERS' RIGHTS

A RESOURCE AND GLOSSARY OF TERMS FOR **IUF** AFFILIATES

Collective bargaining has been a vital tool for securing rights in the labour movement's long fight for equality and justice. Collective bargaining can protect and advance the rights of lesbian, gay, bisexual, transgender and intersex people we represent – and have a positive impact on advancing these rights more widely.

In this brochure, we identify key issues to include when negotiating a collective agreement to secure and advance the rights of LGBTI workers.



The first meeting of the LGBTI Workers and Allies' Steering Group was held in Vienna, Austria, 18 + 19 October 2018.

A short video of the meeting was produced by PRO-GE and can be found at <https://youtu.be/zjeuVcNecbM>



KEY GOALS FOR COLLECTIVE BARGAINING AGREEMENTS:

- Include gender identity, gender expression and sexual orientation as prohibited grounds of discrimination and harassment.
- Include strong anti-harassment and violence prevention and zero tolerance language that addresses homophobia, transphobia and heterosexism.
- Treat same-sex and different-sex relationships the same. LGBTI workers and their families should have entitlements equal to other workers under benefits, pensions, leave (family, bereavement, marriage, parental), tuition subsidies, relocation expenses, travel passes, legal services and other policies, programs and clauses related to partners and dependents. Qualifying rules like proof of relationship and length of cohabitation must not discriminate.
- Cover prescribed medication, treatments and medical leave for in vitro fertilization, insemination, hormone therapy and other reproductive health issues.
- Provide safe change rooms, washrooms and other spaces.
- Use gender-neutral or gender-inclusive language where appropriate. Ensure that the worker's chosen name and pronoun are used in the workplace and workplace-related documents.
- Ensure that dress codes, uniforms and other clothing rules do not have a negative impact on LGBTI workers.
- Develop and implement mandatory training for co-workers and managers on LGBTI workers' rights.
- Protect the confidentiality of LGBTI workers, prohibiting anyone from sharing information about a worker's identity without the express permission of the individual.

EXAMPLES OF THE EXPANSION OF NON-DISCRIMINATION LANGUAGE IN COLLECTIVE AGREEMENTS

IUF affiliates are increasingly negotiating the insertion of gender identity, gender expression and sexual orientation in existing non-discrimination clauses and thus expanding references to gender, age, race, color, religion, creed and political views.

UFCW — Cargill in the US

“The Company and the Union agree that they will not discriminate against any employee or applicant for employment because of race, sex, color, creed, nationality, age, religion, veteran status, handicaps, national origin, sexual orientation, gender identity and gender expression.”

UNITE HERE — TNC’s in the hotel sector in the US and Canada

“Equal Opportunity: Neither the Employer, the Union nor any employee shall in any manner discriminate against any employee or applicant for employment on the basis of race, color, religion, creed, sex, sexual orientation, marital status, national origin, age, sensory or physical handicap, gender identity, or any other reason prohibited by applicable law.

Gender: Where masculine or feminine gender is used in this Agreement, it is used solely for the purpose of illustration and shall not be construed to indicate the sex of any employee or job applicant.”

UFCW 832 – Granny’s poultry hatchery in Canada

“Harassment means any improper behaviour by a person that is directed at and is offensive to another individual and which the person knew or ought reasonably to have known to be unwelcome. It comprises objectionable conduct, remarks, gestures, and displays made on either a one (1) time or continuous basis that demean, belittle, intimidate, or cause personal humiliation or embarrassment to an individual. Without limiting the foregoing, harassment includes discrimination based on race, national or ethnic origin, colour, religion, age, sex (including pregnancy, the possibility of pregnancy, or circumstances related to pregnancy), gender determined characteristics, marital status, sexual orientation, political belief, physical or mental disability, family status and conviction for an offense for which a pardon has been granted, and any act of intimidation or threat.”

Unite the Union — Model language for agreements on Lesbian, Gay and Bisexual Equality in the UK

The Union and the Employer are committed to equality and opposed to discrimination on the grounds of sexual orientation. Lesbians, gay men and bisexuals will be treated equally and with dignity and respect by Management and work colleagues. This is in line with Employment Equality (Sexual Orientation) Regulations 2003.

We believe that lesbians, gay men and bisexuals have the right to be openly ‘out’ at work and will work positively to encourage a work environment that welcomes this. We also recognise the right of lesbians, gay and bisexual workers not to have their sexuality disclosed, without their permission by others in the organisation.



TRANSGENDER WORKERS

Transgender workers are a particularly vulnerable group in workplaces. Collective bargaining language can provide practical and clear protections of their rights and dignity. Examples of language for use in collective bargaining agreements is shown below.



Goals for collective bargaining:

Health insurance policies must address and protect the needs of all workers, including transgender workers.

In the absence of inclusive public health coverage standards and policies, the employer and the union shall mutually agree on the following measures to apply to transgender workers and workers intended or going through a gender reassignment transition, with or without surgery or therapy:

- Utilizing the latest version of the WPATH (World Professional Association for Transgender Health) protocols in designing standards of care and clinical guidance;
- A way to notify co-workers of the worker's status or transition (the parties' discussions will include the worker);
- Creating safe work areas for the worker;
- Designating at least one unisex restroom; and
- If either party considers it advisable, developing a training for co-workers and managers, including the schedule for and frequency of the training.

The Company will issue instructions:

- Notifying all workers that transgender workers may use the restrooms and changing rooms designated for the gender they identify with; and
- Requiring everyone at the workplace or engaged in the Company's business to speak or refer to transgender workers by the names they choose and the pronouns they identify with.

In consultation with the transgender workers:

- The Company will change all records to reflect the name and pronoun transgender workers identify with.
- The Company will also update any photographs, including identification badges.

The Company will also administer the jointly-agreed training for managers, supervisors and workers.

LGBTI workers are in all IUF sectors. The IUF calls on affiliated organizations to organize, fight and win on LGBTI workers' rights and union issues and to speak out against injustice against LGBTI workers. The IUF LGBTI Workers and Allies' Committee will continue to add its voice, collective power and resources to the movement for full LGBTI equality for all workers and their families.

We encourage you to spread this document and share your experiences in bargaining with companies on LGBTI workers' rights with the IUF Secretariat at iuf@iuf.org





LGBTI terms and definitions are always evolving and changing as people find new ways of expressing their subjective experiences.

The IUF has provided a **glossary of terms** below as a starting point for discussion and to provide support to affiliates in order to better understand the relevant terminology as they seek to secure and advance the rights of LGBTI workers.

Ally — A (typically straight or cisgender) person who supports and respects LGBTI persons.

Asexual — A person who may experience romantic or emotional attraction, but generally does not experience sexual attraction to anyone.

Bigender — Having two genders, exhibiting cultural characteristics of masculine and feminine roles.

Bisexual — A term that describes people who have the capacity for romantic, emotional and/or physical attraction to person(s) of the same sex or gender, as well to person(s) of a different sex or gender.

Cisgender — A term that describes people whose gender identity and gender expression match the sex they were assigned at birth and the social expectations related to their gender.

Coming-out — The process of revealing the identification of a lesbian, gay, bisexual, transgender or intersex person.

Different-sex relationship — Different-sex relationship is a relationship containing people of two different sexes. This term is preferential to opposite-sex, a term to be avoided as it is based on the wrong assumption that there are only two possible sexes and that they are immutable.

Gay — A man whose enduring romantic, emotional and/or physical attraction is to other men.

Gender — Whereas “sex” refers to biological and physiological characteristics, “gender” refers to the socially and historically constructed roles, behaviors, activities and attributes that a given society considers appropriate for individuals based on the sex they were assigned at birth. Gender is hence strongly linked to society’s expectations and is not exclusively a biological matter.

Gender expression — Refers to people’s manifestation of their gender identity, and the one that is perceived by others. Typically, people seek to make their gender expression or presentation match their gender identity/identities, irrespective of the sex that they were assigned at birth.

Gender identity — Refers to each person’s deeply felt internal and individual experience of gender, which may or may not correspond to the sex they were assigned at birth or the gender attributed to them by society. It includes the personal sense of the body and expression of gender, including dress, speech and mannerisms.

Gender-neutral or gender-inclusive language — Avoids bias towards a particular sex or gender.

Genderqueer/Third Gender/Non-binary — An umbrella term that describes people whose gender identity falls outside the male-female binary; can also describe persons who identify as both male and female (bigender), don’t identify with any gender (agender) or identify as a mix of different genders (e.g. male, female and agender on different days).

Gender reassignment — Refers to the process through which people re-define the gender in which they live in order to better express their gender identity. It is often referred to as a process that may involve medical assistance including hormone therapies and surgical procedures that transgender people undergo to align their body with their gender. This process, however, also includes some or all of the following social and legal adjustments: coming out to family, friends and colleagues; dressing and acting according to one’s gender; changing one’s name and/or sex on legal documents; and meeting other legal or judicial procedures depending on national law.

Heterosexism — The assumption that all people are or should be heterosexual. Heterosexism excludes the needs, concerns, and life experiences of lesbian, gay, bisexual and queer people while it gives advantages to heterosexual people. It is often a subtle form of oppression, which reinforces realities of silence and erasure.

RESOURCES:

This glossary was developed using the resources of ILGA-Europe; UC Davis and the UN HCR

<https://lgbtqia.ucdavis.edu/educated/glossary>

https://ilga-europe.org/sites/default/files/ilga-europe_glossary_final_170714_www.pdf

<https://emergency.unhcr.org/entry/221506/lesbian-gay-bisexual-transgender-and-intersex-lgbti-persons>

Heterosexual — A term that describes people whose enduring romantic, emotional and/or physical attraction is to person(s) of a different sex or gender (also referred to as “straight”).

Homophobia, Biphobia or Transphobia — Fear or hatred of gay or lesbian people, of bisexuality or of transgender individuals. May manifest in exclusion, discrimination or violence.

Homosexual — People are classified as homosexual on the basis of their gender and the gender of their sexual partner(s). When the partner’s gender is the same as the individual’s, then the person is categorized as homosexual. It is recommended to use the terms lesbian and gay instead of homosexual. The terms lesbian and gay are being considered neutral and positive, and the focus is on the identity instead of being sexualized. Lastly, the term homosexual has for many a historical connotation of pathology.

Intersex — A term that relates to a range of 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; or neither female nor male. Many forms of intersex exist; it is a spectrum or umbrella term, rather than a single category. Intersex people may grow to identify themselves with the gender corresponding to the sex they were assigned at birth, or with a different gender.

Lesbian — A woman whose enduring romantic, emotional and/or physical attraction is to other women.

LGBTI — Acronym for lesbian, gay, bisexual, transgender and intersex people.

LGBTIQA+ — An evolving acronym that stands for lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual and many other terms (such as non-binary and pansexual) that people use to describe their experiences of gender, sexuality, and physiological sex characteristics.

Outing — When a person’s identification as lesbian, gay, bisexual, transgender or intersex person is revealed without consent.

Pansexual, Omnisexual — Terms that describe people who have the capacity for romantic, emotional and/or physical attraction to persons of all gender identities.

Queer — An umbrella term that describes a range of sexual orientations and gender identities. Queer theory is challenging heteronormative social norms concerning gender and sexuality, and claims that gender roles are social constructions. For many LGBTI persons, the term “queer” has negative connotations as it was traditionally an abusive term, however many LGBTI persons are now comfortable with the term and have “reclaimed” it as a symbol of pride.

Questioning — The process of exploring one’s own gender identity, gender expression, and/or sexual orientation.

Rainbow — A symbol celebrating the uniqueness and diversity within the LGBTI community. The flag has six stripes, each a different color, ranging from purple to red.

Sex — The classification of a person as female, male or intersex. Infants are usually assigned a sex at birth based on the appearance of their external anatomy. A person’s sex is a combination of bodily characteristics, including their chromosomes, their reproductive organs and their secondary sex characteristics.

Sexual orientation — Refers to each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a particular sex or gender.

Transgender — An adjective used most often as an umbrella term and frequently abbreviated to “trans.” Identifying as transgender, or trans, means that one’s internal knowledge of gender is different from conventional or cultural expectations based on the sex that person was assigned at birth.

Transition — see Gender reassignment.