

# BARGAINING DEMANDS FOR **LGBTI** WORKERS' RIGHTS

## A RESOURCE 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 opposite-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 affirming 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 ad hoc 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](mailto:iuf@iuf.org)**

