




Trade union policy

**against discrimination at work
on the basis of sexual orientation
or gender identity**

The Swedish Trade Union Confederation



»It must be just as natural for our trade union elected representatives to fight for members who are discriminated against for their sexual orientation as for any other reason. This must be second nature for the elected representatives.«

WANJA LUNDBY-WEDIN, PRESIDENT OF LO
[THE SWEDISH TRADE UNION CONFEDERATION]

The trade union attitude to discrimination at work

LO previously produced the policy document »Trade Union Feminism« concerning the conditions of women and men at work and in society. LO has also carried out extensive integration work. Now it is time to take another step in the struggle to achieve workplaces that are free of discrimination and fair, with the focus on everyone's equal value and rights.

In 2007 and 2008, a cross-union group worked on LO's attitude to discrimination at work on the basis of sexual orientation or gender identity. The unions represented were **Grafiska Fackförbundet – Mediafacket** (the Graphic and Media Workers' Union), **Handelsanställdas förbund** (the Union of Commercial Employees), **Hotell och Restaurang Facket** (the Hotel and Restaurant Workers' Union), **Industrifacket Metall** (IF Metall – the Industrial and Metalworkers' Union), **Kommunalarbetareförbundet** (Kommunal – the Municipal Workers' Union), **Livsmedelsarbetareförbundet** (the Food Workers'

Union), **Målareförbundet** (the Painters' Union) and **SEKO** (the Union of Service and Communication Employees).

A common feature of all types of discrimination at work and in society is that there are deep-seated norms that, in practice, cause people to be attributed different value, with the result that they risk being treated worse than those who conform to the norm. We live by many norms and some of them reinforce one another. In our society, heterosexuality and a traditional approach to the female and male gender roles are the norm, with the result that homosexuals, bisexuals and transgender people suffer injustice and discrimination both at work and in society at large.

LO's most fundamental task is to ensure that all employees have equal rights and obligations at work and that employees are not played off against each other by employers. It is undoubtedly a core trade union issue to ensure that all employees have equivalent conditions and opportunities regardless of their sexual orientation and gender identity.

Collective agreements are the most important tool in the struggle for equivalent conditions and for minimising the scope for arbitrary treatment. It is extremely important for the trade union movement to strive to conclude collective agreements that are free of discriminatory

wording. This also applies to our collective insurance policies.

The trade union movement must, with increased knowledge of and insight into democratic values, create the preconditions for more intensive trade union work to counter and fight all types of discrimination at work. The trade union work must change the everyday lives of individual members.

Responsibility is shared

Everyone is entitled to a working climate that is welcoming and free of discrimination, harassment and bullying. Everyone is entitled to be treated with respect at work.


Employers have an obligation to prevent discrimination occurring. They also have an obligation to investigate any cases of discrimination and harassment that come to their attention. Employers are also responsible for ensuring that all employees have equivalent opportunities to benefit from skills development and can perform their tasks on equal conditions.

Although employers have the supreme responsibility for the environment at the workplace being free of



discrimination, it is obvious that work to improve the working environment must take place in cooperation with the trade unions. This is stipulated in the Swedish Work Environment Act. Trade unions have a natural responsibility to ensure that the working environment is good for everyone at the workplace. Trade unions also have an obligation to safeguard the interests of all members. It must be natural for members to contact their trade union if they feel bullied, harassed or discriminated against at the workplace, whatever the reason.

In respect of LGBT, there is much to indicate that subtle forms of harassment (that are therefore hard to deal with) by colleagues, employers and trade union representatives constitute a big problem at workplaces: »Harassment has consisted of bad jokes, whispers, scorn, ridicule, innuendo, allusions to HIV/AIDS and being oversexed



Under the Swedish Sexual Orientation Discrimination (Employment) Act, the sexual orientations are homosexual, bisexual and heterosexual.

Homosexuals are those who are emotionally and/or sexually interested in people of their own gender.

Bisexuals are those who are emotionally and/or sexually interested in people of both their own gender and the opposite gender. Heterosexuals are those who are emotionally and/or sexually interested in people of the opposite gender.

Discrimination on account of transgender identity or expression will be added from the beginning of 2009. In the meaning of the Act, this means not meeting social expectations of expression in, for example, clothes and behaviour on the basis of a given division of gender roles or not identifying with the gender registered at birth or identifying with the opposite gender. The inclusion of the new grounds for discrimination will protect transgender people whose gender identity and/or gender expression differs from the norm for behaviour and will promote a climate in which people's equal value does not depend on their will or ability to conform to narrow gender roles.

and similar types of bullying. Other types of harassment have also been reported, for example information withheld at the workplace, disassociation, exclusion from the community at work or from social activities outside work, sudden silences and knowing looks when the homosexual person enters the coffee room, etc.« At many workplaces, it is not the negative attitudes, the jargon or the gay jokes that are the problem. It is the silence and being made to feel invisible.

One example is that many people who are open about their homosexuality tacitly know that it is not something they should talk about. In contrast to heterosexuals' natural right to talk about their partners or to openly show their love, this is often a taboo for homosexuals [Forsberg et al, 2003].

Another problematic situation may arise in connection with recruitment when heterosexuality is taken as a given. Although employers do not directly ask questions about sexual orientation, questions are often asked about applicants' family situation. The strategy that most non-heterosexuals seem to choose is to conceal their sexual orientation at job interviews and then to »come out« when they have got to know their colleagues and managers. [Forsberg et al, 2003]

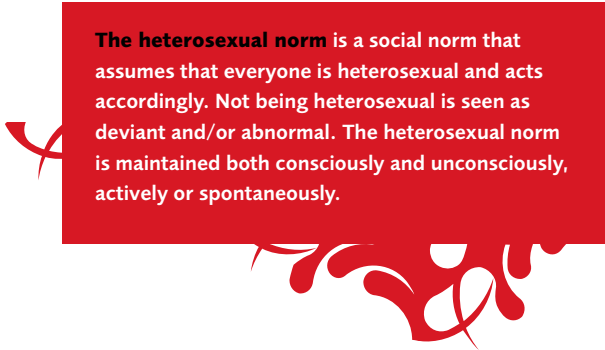
In the coffee room, where we talk about things other than work, unpleasant situations can arise for anyone who is a secret homosexual or bisexual as it is mostly assumed that everyone is heterosexual. It is up to everyone at a workplace to ensure that all common areas have an atmosphere in which everyone can relax and be themselves. Instead of asking whether a new colleague has a husband or wife, it is possible to ask whether he or she has a partner or is with anyone. This is an easy way to signal that it is OK to be who you are and it may make it easier for someone who is unsure about coming out [*Fritt fram/All Clear*].

In many occupations, you come into contact not only with colleagues but also with customers, users, etc. Even if you are respected and popular in the workplace, you may be subject to harassment from society at large. Everyone is responsible for changing this, not least by »...supporting colleagues who land in situations in which they have to defend their identity or in which they are overlooked and made the object of suspicion on account of their orientation«. [*Fritt fram/All Clear*]

The work of trade unions to achieve equal value and equal rights for all at work

Trade unions must include everyone and not exclude anyone. There is confidence in trade union representatives based on the fact that knowledge is the basis on which situations are handled. Elected representatives have an obligation to undergo training in LGBT issues, just as in other issues relating to labour law. It must be natural to contact a trade union when someone at the workplace is subject to discrimination. This means that there is a need for more elected trade union representatives who have a deeper knowledge of discrimination against homosexuals, bisexuals and transgender people at work.

It is essential to carry out preventive work. Safety representatives, together with other elected representatives, should ensure that there is frequent discussion of the attitudes and values prevailing in the workplace. It is important for questions about treatment and well-being to



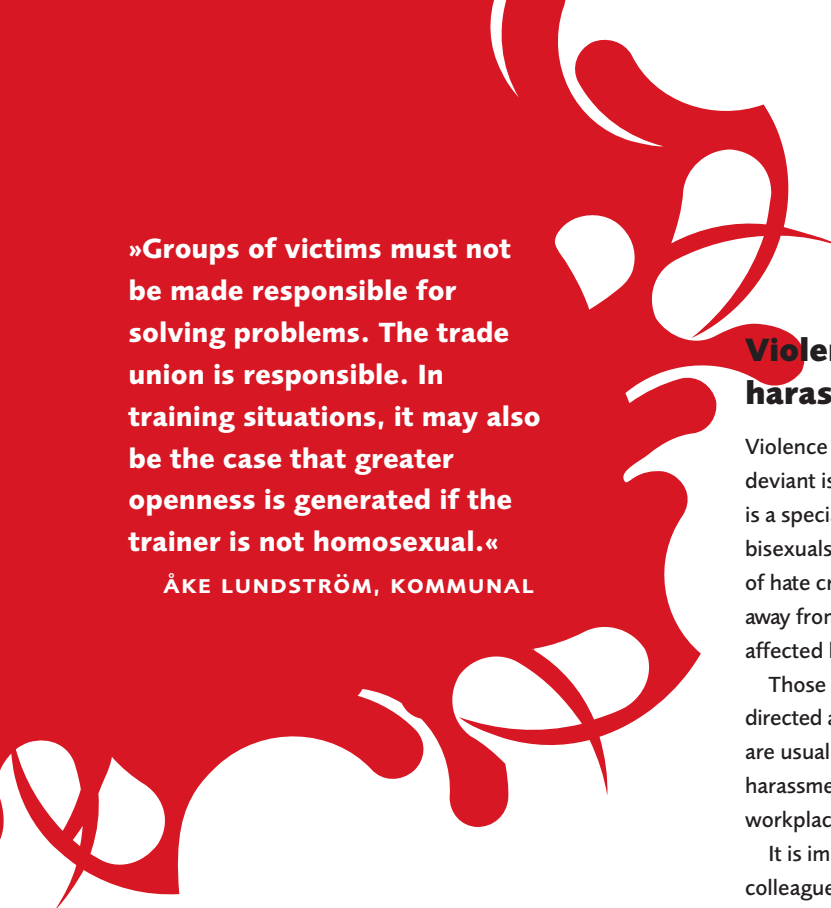
The heterosexual norm is a social norm that assumes that everyone is heterosexual and acts accordingly. Not being heterosexual is seen as deviant and/or abnormal. The heterosexual norm is maintained both consciously and unconsciously, actively or spontaneously.

be included at meetings, safety inspections and workplace meetings. The work of elected representatives also includes checking job advertisements, party invitations, etc. to ensure that they are not discriminatory.

Disparaging statements, prejudice and jokes about homosexuality, bisexuality and gender identity may also come up round the coffee table or at staff parties and in similar situations. Trade union representatives, in particular, have a responsibility for speaking out, although there is also a personal responsibility to do so. »Everyone has the opportunity to do something about negative attitudes in the workplace. You just need to decide to

speak out. Sometimes it can be enough for some people to show that they do not accept jokes and negative attitudes for someone to dare to be open.« [*Fritt fram/ All Clear*]. The same applies, of course, to prejudicial attitudes to women or immigrant colleagues. Homophobic, racist or sexist jokes are not acceptable.

A trade union's elected representatives are always responsible for acting fast if anyone in the workplace is subject to discrimination, which also applies to cases of discrimination on the basis of sexual orientation or gender identity. It is important for cases not to be protracted and for treatment to be professional. One of the tasks of an elected representative is to support the member who has been subject to discrimination from the beginning to the end, for example by listening, investigating what happened, making a report about what happened and negotiating in the case. It is an advantage for several elected representatives to be responsible for discrimination cases so that there are several people for victims to choose from.



»Groups of victims must not be made responsible for solving problems. The trade union is responsible. In training situations, it may also be the case that greater openness is generated if the trainer is not homosexual.«

ÅKE LUNDSTRÖM, KOMMUNAL

Violence, hate crime and harassment

Violence against those who are seen to be different or deviant is expressed in many different ways. Hate crime is a special category of crime that affects homosexuals, bisexuals and transgender people. Being the victim of hate crime is not something that can be isolated to life away from the workplace. A victim is, naturally, also affected by this at work.

Those who commit hate crimes or other harassment directed at transgender people, homosexuals and bisexuals are usually employees somewhere themselves. Violence, harassment or hate crime can, therefore, also occur at workplaces and be expressed both verbally and physically.

It is important for elected representatives and colleagues to realise that violence, hate crime and harassment of this type are not a matter of bad attitudes or ignorance. They are oppression pure and simple. It is important not to individualise such oppression and never to ignore it if or when someone is a victim at work.

Power and influence

Having power and influence basically means being able to affect your own life. One way of affecting your situation in life is to be active in your trade union and affect the conditions at work. Being a member of a trade union and being active in a trade union give us greater ability to exert influence as we are stronger when we join together. In order for the idea of collective strength and power to be credible, all members need to have equal opportunities to be active in the trade union and to be elected representatives. Your gender, ethnic affiliation, sexual orientation, gender identity, disability or age should be no hindrance if you want to get involved in a trade union. In fact, it should be an asset.

In terms of representation, those who deviate from the traditional image of who can be an elected representative have not enjoyed the same opportunities for trade union influence. Trade unions need to improve their work on strategies to counter structures in which heteronormativity rules and instead safeguard trade unions as organisations

for all members in which the aim is equal conditions and opportunities for everyone to participate and exert influence.

For trade unions, it is important to widen the image of who can be an elected representative in order to boost the image that trade unions are open and there for everyone. The relevant factor is not that all elected representatives look the same but that elected representatives are good examples. Democracy in trade unions proceeds from representative democracy, all members' equal right to represent their trade union and all members' equal right to be represented by their trade union.

It is also essential for trade unions' working methods to be such that they entice all members to participate in trade union work. If there is scope to suspect that some members and/or groups of members do not have the opportunity to exert influence solely on account of their background or affiliation, there is a risk of undermining the credibility of the trade union movement.

What must trade unions do?

- In the work on discrimination issues, both collective agreements and legislation must be the focal point.
- Work to ensure that collective agreements are in place at all workplaces.
- Ensure that collective agreements are free of discriminatory wording.
- Ensure that discrimination issues are always included in trade union training.
- Be clear that discrimination and harassment in the workplace are not acceptable.
- One important task of the trade unions is to work with employers to prepare action plans and routines to prevent discrimination or harassment on the basis of sexual orientation or gender identity from occurring.
- Systematic work to improve the working environment provides the tools for profiling and raising issues relating to the mental and social working environment.
- There must also be action plans and routines for how to act if something has already happened. They must contain descriptions of how this must be tackled, investigated, remedied, etc.
- Provide information on action plans, routines and work to improve the working environment so that everyone in the workplace knows what applies. This creates both security and clarity.
- Arrange subject meetings, study circles, workplace meetings, etc. relating to discrimination issues. For example, involve experts from RFSL (the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights), HomO (the Office of the Ombudsman against Discrimination on Grounds of Sexual Orientation) or anyone else who can provide deeper knowledge.
- Order and use training and information material, for example Fritt Fram (see information box), to boost trade union knowledge of LGBT issues.

Information and material are available here:
www.homo.se | www.frittfram.se | www.rfsl.se



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