

## LGBTIQ rights are trade union rights!

### ETUC position on the EU Strategy for lesbian, gay, bisexual, trans, non-binary, intersex and queer (LGBTIQ) equality 2020-2025

Adopted at the Executive Committee Meeting of 3-4 June 2021

---

On 12 November 2020, the European Commission published its first-ever [EU Strategy for lesbian, gay, bisexual, trans, non-binary, intersex and queer \(LGBTIQ\) equality](#). The following position is the response of the European Trade Union Confederation (ETUC) to the European Commission's initiative.

According to the Strategy, the European Union “*has to be at the forefront of efforts to better protect LGBTIQ people's rights,*” at a time when “*discrimination on the grounds of sexual orientation, gender identity/expression and sex characteristics is actually increasing in the EU*” and “*there is a worrying trend in parts of the EU of more frequent anti-LGBTIQ incidents such as attacks on LGBTIQ public events including Pride marches, so-called declarations of ‘LGBTIQ ideology-free zones’*” and “*the rise of the anti-gender (and anti-LGBTIQ) movement*”.

It sets out a series of targeted actions across four pillars:

- Tackling discrimination against LGBTIQ people.
- Ensuring LGBTIQ people's safety.
- Building LGBTIQ inclusive societies; and
- Leading the call for LGBTIQ equality around the world.

The document highlights equality and non-discrimination as core values and fundamental rights, and the shared responsibility of EU institutions and Member States “*to protect fundamental rights and ensure equal treatment and equality for all.*” The Commission recognises the existence of, and increase in, discrimination against LGBTIQ people throughout the EU in all spheres of life, work included, and commits to be “*at the forefront of efforts to better protect LGBTIQ people's rights*”.

- To improve the situation at the workplace the European Commission proposes implementing, or fostering, the following actions:
- Promote inclusion and diversity in the workplace through the EU Platform of Diversity Charters;
- Promote the use of the European Social Fund Plus to improve the socio-economic position of the most marginalised LGBTIQ people;
- Gather evidence regarding the barrier to equality in the workplace and social protection;
- Foster the exchange of best practices between Member States;
- Continue to support measures under the gender equality strategy;

- Promote a European action plan for social economy in 2021 that will foster the development of social enterprises and the social economy at large, which can be “on the frontline in the tackling of anti-LGBTIQ discrimination”; and
- To lead by example as an employer (new human resources strategy).

### **ETUC assessment**

ETUC strongly supports the European Commission's commitment to LGBTIQ equality. **The equality strategy is a welcome proposal and deserves support, however the Trade Union (TU) movement notices, with disappointment, that the strategy did not mention TUs as partner for cooperation, nor does it recognise their important role when it comes to registering progress in eliminating discrimination at the workplace.**

ETUC firmly believes that there is an urgent need for the EU and national governments to step up their efforts to improve and enforce legal protection for LGBTIQ people against discrimination, to ensure their safety and guarantee their fundamental rights. To this end we urge the Slovenian, French and Czech presidency of the Council of the European Union, and the relevant institutions, to re-open the discussion about the so-called Horizontal Directive and to move towards its long overdue adoption.

The timing of this initiative is an important signal in view of the increased blatant attacks on the rights of LGBTIQ people, be it through online hate-speech or physical attacks on LGBTIQ people.<sup>1</sup> Progress of anti-discrimination legislation has stopped, and the existing protection and rights, not exclusively but especially regarding pathways to legal gender recognition, are eroding due to a backlash from forces of intolerance.

Among the important EU action in this regard, we welcomed the “strengthened instrument to combat hate crime, hate speech and violence directed at LGBTIQ people. The extension of the list of EU crimes to all forms of hate crime and hate speech would be a big step in the right direction.

ETUC calls on additional financial resources for the Member States and for Social Partners to enhance their capacity building activities and for campaigns that could contribute to the sensibilisation and also effectively target concrete issues and respond to attacks on LGBTIQ people on the national and local level.

It is encouraging to see that the European Commission commits to make an effort to reflect the diversity of LGBTIQ people and their experiences. Anti-discrimination legislation must be extended to cover all grounds of discrimination faced by LGBTIQ people. In addition, safe ways to legal gender recognition must become a reality in all Member States.

---

<sup>1</sup> ILGA Europe annual review 2020: highlights a “sharp increase in online hate-speech and physical attacks on LGBTI people, many of the latter premeditated and brutal”.

It is unacceptable that the recognition of parenthood and marriage status varies from Member State to Member State and that same sex couples and rainbow families cannot enjoy their fundamental right of moving freely in the EU. ETUC welcomes the proposed horizontal legislative initiative on the mutual recognition of parenthood between Member States, as laid out in the strategy. The resulting obstacles to freedom of movement of workers have also serious impacts on the individual chances of improvement of the working conditions.

LGBTIQ asylum seekers are an especially vulnerable group and face specific challenges. It is a positive sign that the Commission vows to support Member States in training asylum officers and to improve the conditions of LGBTIQ asylum seekers. ETUC encourages the Commission to do further work in member states to enlarge and coordinate the list of grounds for asylum seeking linked to sexual orientation in Europe (for example including bisexuality). Recognising the particularly vulnerable statute of this group, Trade Unions are ready to assist Member States in providing safe jobs to LGBTIQ asylum seekers.

ETUC welcomes the Commission's commitment to mainstream LGBTIQ issues in all policy areas. It is time to apply an intersectional view of lived discriminations and to take into account overlapping forms of discrimination.

The ETUC asks for the full transposition of proposed initiatives, involving trade union in monitoring, supporting and promoting actions in all Member states. All actors (including trade unions') must be supported to develop awareness raising, formal and informal education and training initiatives, exchange of good practices on LGBTIQ civil and labour rights.

The ETUC welcomes the Commission's aspiration to ensure a more rigorous application of the Employment Equality Directive of 2000 by Member States and is looking forward to contributing to the announced report on the application of Employment Equality Directive that will be published in 2022.

Finally, ETUC notices inconsistencies in inclusive language throughout the document and calls on European Commission to review the language to set the best possible example to the Member States.

The EU Strategy for lesbian, gay, bisexual, trans, non-binary, intersex and queer (LGBTIQ) equality 2020-2025 is promising, but it is only a starting point. LGBTIQ persons will need more than a kind declaration and strategy, they need immediate concrete action to be protected from discrimination. The ETUC will further engage with European Institutions, as well as Civil Society Organisations, to stress the importance of the trade union movement in the successful implementation of the strategy.

### **Fight against discrimination and LGBTIQ-phobia at the workplace**

Despite existing legal protection, the data collected in the FRA report on LGBTI equality, demonstrates a slow progress when it comes to the fight against discrimination at the workplace.<sup>2</sup>

---

<sup>2</sup> <https://fra.europa.eu/en/publication/2020/eu-lgbti-survey-results>

The ETUC and its affiliates, as representatives of workers and key players of democracy, equality and inclusion at the workplace and in society, reaffirm LGBTIQ rights are human rights and trade union rights, and should not be undermined under any circumstance. There are still too many barriers for many LGBTIQ people to be out and safe in the workplace. The ETUC fights for inclusive workplaces, where a person's sexual orientation and gender identity, gender expression or variation in sex characteristics must never be a barrier to decent working conditions and a safe working environment. Trade Unions must step up their efforts and strengthen their actions and demands to employers. The fight against discrimination should be included on the agenda of regular exchanges of the work council and should result in the adoption of concrete actions such as obligatory awareness-raising campaigns in companies, standard procedures in case of harassment as well as concrete tools to detect, fight and eliminate such behaviour at the workplace.

Discrimination does not stop at the company's doorstep and trade union representatives must be particularly vigilant in combating all forms of discrimination, including multiple discrimination. Discrimination in the labour market - whether in recruitment, in carrying out work or in career advancement - for being a woman, having/belonging to ethnic minority, being young or having a disability can combine with homophobia and transphobia and must be fought at the same level.

Improving the working conditions of LGBTIQ people needs an inclusive work environment, alert to homophobia and transphobia, recognising the diversity of sexual orientation, gender identity and expression, having visible LGBTIQ references in working life and in unions, decent wages, strong public services in health, education and housing that are inclusive for LGBTIQ people and aware of the specific challenges they face. Many LGBTIQ people are poor, in precarious employment or unemployed. Labour policies must take this reality into account, especially the vulnerable situation of intersex, trans and non-binary people, who suffer from high rates of unemployment and discrimination across Europe.

The ETUC is strongly convinced that diversity helps to build effective teams in the workplace, and, at the same time, respect is the basis for individual input and commitment. LGBTIQ people can bring diversity and knowledge into work environment, which must be harnessed as a potential for the future.

The ETUC agrees that media, culture, and sports can help promote tolerance and inclusion in our societies. The ETUC however also stresses the systemic practices of harassment and discrimination permeating these sectors, and the multiple forms of direct or indirect censorship and repression that they engender, thwarting freedom of expression and undermining their full potential.

To prevent discrimination, violence, and all form of hostility the diversity of gender and sexual identity should be included throughout education curricula from early childhood education to training and university studies Addressing these problems requires international solidarity, something that the labour movement has already taught us for many years. This solidarity must understand that LGBTIQ people are part of the labour movement and political parties and that our demands must be on the agenda of the parties, transnationally.

## **Avenues of work**

The ETUC recognises the great work that has been done by its affiliates on the national level and commits to displaying their work and good practice in the dialogue with the EU institutions. The ETUC will increase its work with national trade unions to support LGBTIQ equality at work and the labour market, and to lobby with MEPs and Ministers to get an effective LGBTIQ equality strategy adopted in the EU.

The ETUC will continue to convey online meetings of the equality and non-discrimination working group, which among other will serve as place for dialogue, exchange of the best practice and strategical planning towards the ETUC Congress 2024.

The ETUC will guide and encourage its affiliates to use the European funding to develop campaigns and training activities to raise awareness about issues faced by LGBTIQ people at the workplace, and to promote a safe working environment by including specific provisions in collective agreements.

The ETUC will continue to encourage affiliates to review the language used within their organisations to ensure it is inclusive and promoting best practice.

The ETUC will encourage relevant stakeholders behind the EU Platform of Diversity Charters to review their model charter and guidance to ensure that they are fully inclusive of LGBTIQ people.

The ETUC will encourage its members to provide effective support for workers or applicants who face discrimination on the grounds of their sexual orientation, gender identity, gender expression or sex characteristics, and co-operate with Equality Bodies or other expert organisations to seek justice and fair treatment.

The ETUC will continue to promote the demand for the formal recognition of civil rights in national legislation wherever necessary, and through collective agreements, on same-sex parenthood, transition leave, multiple parenthood, and children's rights.

Collective bargaining is a vital tool for affirming LGBTIQ rights in all spheres of private, family, social and working life. The ETUC will promote collective agreements in the broader fight against all kind of discrimination in the workplace.

In the framework of the action plan on the implementation of the European Pillar of Social Rights, the ETUC demands a rights-based approach applying to all social and labour market policies.

As contact point of the workers at the workplace and as trusted persons, trade unions representatives have a key role in providing assistance and guiding workers who are victims of LGBTIQ-phobia, they also have a supporting role to ensure affordable and effective access to courts in defence of LGBTIQ people.