

Report of the ICTU Seminar 'Discrimination and Sexual Orientation' - 14 June 1986

The seminar on 'Discrimination and Sexual Orientation' was the first of its kind to be organised by the N. Ireland Committee of the Irish Congress of Trade Unions and follows a one-day seminar on the same topic held in Dublin in November 1985. Despite a relatively small attendance, the day was both stimulating and constructive with a number of recommendations emerging - indicating that quality and not quantity wins the day.

Roger Jeary, Divisional Officer of ASTMS and a member of the N. Ireland Committee of ICTU, introduced the day and emphasised that many unions had no general policy on sexual orientation, despite policies on other forms of discrimination, e.g. by gender, race or religion. Few trade unions even have records of complaints on the grounds of sexual orientation as many members are wary of reporting discrimination of this type, fearing the reaction of other trade unionists or even dismissal.

Lawrence Pimley, Assistant General secretary of NIPSA, followed with an outline of the different types of discrimination that operate against lesbian and gay members. Overt discrimination, for example, in appointments or promotion can be difficult to prove and covert discrimination re employment practices is also difficult to survey as many lesbians and gay men fear the repercussions of 'coming out' at work and are loth to take part in surveys that would highlight discrimination. He added that this type of discrimination has many implications for the trade union movement and went on to make the following points:

- 1) Unions must tackle the problem when it arises, in particular, if allegations or malicious complaints are made against gay or lesbian members, they should be immediately investigated. Collective agreements to bar this type of discrimination are, he said, unfortunately, not sufficient. (It was suggested that appointing a workplace rep. to deal specifically with complaints of discrimination from gay members, as is recommended in the Sexual Harassment guidelines, could be helpful.)
- 2) Education and training was important. The attitudes and stereotypes of gays and lesbians held by many trade unionists must be tackled. When discussions were first held about sexual harassment, the subject was generally treated as a joke and a marginal issue. However, since the publication of the TUC Guidelines on Sexual Harassment, complaints have started to come into NIPSA. Women have been reassured that they are not the 'problem' and feel more confident about tackling the situation when it arises. Equally, discrimination on the grounds of sexual orientation must be taken seriously and dealt with in trade union education.
- 3) In negotiating terms and conditions trade unionists should be conscious of the need for clauses relating to personal relationship leave and not just family or maternity leave. There are already clauses relating to leave for adoptive parents and further recognition needs to be given to lesbian and gay partners re children, bereavement etc.

Finally, Lawrence emphasised that employers will only take the issue seriously if we as trade unionists do likewise. For example, entertainment at trade union events should not include anti-gay or sexist jokes.



Adrian Fulford, a London barrister, addressed the seminar on legislation and proposals for reform. He stated that EEC legislation can be useful in establishing the rights of gay and lesbian workers. Article 14 of the European Convention of Human Rights enables cases of unfair dismissal to be taken to the European Court. Existing domestic legislation needs to be amended to protect gay and lesbian workers against discrimination. At the request of Jeremy Corbyn, MP, a Bill has been drafted and is ready to be presented at Westminster either as a 3 Minute Bill or as part of a Labour Government's programme of legislation.

Adrian also outlined some of the steps which Local Authorities can and, in many instances in Britain have, taken to promote equal rights for gay and lesbian workers. Given the structure of local government in the North of Ireland many of these proposals are not directly relevant but do serve as a pointer for the future. As major contractors, some Local authorities in Britain will only give contracts on the condition that suppliers meet equal opportunity requirements. Other steps have included grants to lesbian and gay groups and influencing public opinion by producing pamphlets etc on the issue.

Adrian also emphasised the importance of trade union education in dispelling the myths and stereotypes commonly held about gay and lesbian workers, particularly in relation to AIDS. Despite drawbacks and no guarantees of success, victims of discrimination should still be encouraged to take cases to Industrial Tribunals and education also has a role to play in supporting decisions to do so.

After an interesting discussion a number of recommendations were made by those attending the seminar. These may be divided broadly into the following 3 areas:

1) Changes in the Law

- (a) the Fair Employment Act should be amended to include sexual orientation.
- (b) any changes in legislation should be backed up by an Enforcement Agency.
- (c) the N.I. Committee should seek to have the term 'sex' in the Sex Discrimination Order broadened to include sexual orientation and that the NIC should support the Equal Opportunities Commission in any efforts to amend the Order.
- (d) the burden of proof in unfair dismissal cases should stay with the employer.

2) Role of the Trade Union Movement

- (a) shop steward should be aware of the issue and should approach members if they are conscious of a problem.
- (b) the Equality Sub-Committee of the N.I. Committee should, in consultation with other interested bodies, develop guidelines for trade unionists on discrimination because of sexual orientation.

3) Education

- (a) a meeting of all tutors on trade union courses should be convened to discuss the introduction of sexual orientation into course materials.
- (b) sexual orientation should be introduced into the existing 2-day



course on discrimination.

- (c) a research project should be initiated to investigate the social consequences of 'victimless crimes' (i.e. gross indecency).
- (d) the ICTU should organise courses and seminars for all trade unionists on the problems facing gay and lesbian members.

The NIC were thanked for organising the one-day seminar and it was agreed that another meeting should be held sometime in the autumn.

Ann Hope

Marie Quiery

ASTMS

28th July 1986