

ERA

GUIDE

FOR TRADE

UNIONS ON

ENGAGING

WITH

LGBTI+

WORKERS

IN THE

WESTERN

BALKANS



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Guide for trade unions on engaging with LGBTI+ workers in the Western Balkans

Publisher:

ERA - LGBTI+ Equal Rights Association
for Western Balkans and Turkey

Authors:

Amarildo Fecanji, Executive Co-Director of ERA
Emilija Grujic, European Trade Union Confederation / Regional Trade Union Council "Solidarnost"

Editor:

Biljana Ginova, Advocacy Manager of ERA

Graphic design, preparation and printing:

Relativ, Skopje

Copies:

500

January 2022

Non-commercial publication.



LGBTI Equal Rights **A**ssociation

for Western Balkans and Turkey

DISCLAIMER:



This publication has been supported by the International Center Olof Palme and financed by the Swedish International Development Cooperation Agency, SIDA. The content of this publication is the sole responsibility of the authors and does not necessarily represent the views of International Center Olof Palme and SIDA.



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ABOUT

ERA - LGBTI+ Equal Rights Association for the Western Balkans and Turkey is a regional network association of lesbian, gay, bisexual, trans, intersex and queer organisations. Founded in September 2015 by 25 LGBTI+ organisations, the network has grown to 76 member organisations and operates in nine countries. Our mission is to inspire positive change in society and to promote and advocate for human rights of people of all sexual orientations, gender identities and expressions, and sex characteristics by facilitating co-operation and providing resources and capacity development for the movement across the region. We advocate for the advancement and protection of LGBTI+ rights on national, regional and international levels, raise awareness on the living realities of LGBTI+ people, conduct national and regional research, and provide analytical and critical knowledge on LGBTI+ rights, provide capacity development for LGBTI+ organisations and other stakeholders in the region. Finally, we work on many important issues concerning our community, highlighting here access to socio-economic rights, access to health and access to justice. We work to strengthen the resilience and sustainability of our community and movement by building dialogue and relationships with all relevant groups, stakeholders and communities in our region and beyond.





BACKGROUND

Since 2018 ERA has been dedicated to understanding and mitigating challenges that LGBTI+ people face in accessing their socio-economic rights. Studies show that workers' rights in the Western Balkans region are far from protected. They are the first in line when austerity measures, pandemics and exploitative employers hit. When the element of discrimination based on sexual orientation, gender identity or sex characteristics is added, the challenges increase. Thus, to protect worker's rights effectively, there is a need to start thinking and acting through the lenses of those that are most marginalized, including LGBTI+ people, people with disabilities, people from poor backgrounds or people coming from ethnic minorities. These groups are all an integral part of the society, of labour relations and finally of the fight for workers' rights.

The reports published by regional and international organizations show significant disadvantaged positions for the LGBTI+ workers compared to the others. The [World Bank's](#) 2018 survey shows that 41% of LGBTI+ people had witnessed negative attitudes, comments, and conduct toward LGBTI+ colleagues, 14% had personally experienced such comments or conduct, and 16% had experienced unequal treatment with respect to employment conditions or benefits. Considering the fact that only 24% of LGBTI+ workers are open about being LGBTI+ at their workplace at regional level (which is higher than in the case of Bosnia and Herzegovina, Kosovo, Montenegro and North Macedonia). Furthermore, under the influence of overall stigma, exclusion and discrimination in the society, as well as the limited political representation of the LGBTI+ people, Trade Unions in the region do not include LGBTI+ people in the programs or their internal procedures. Thus, LGBTI+ workers' rights remain unprotected even though they contribute towards the economy and development like all other workers.



In 2021, ERA in cooperation with the Solidarity Center, Solidarnost and other regional actors, has organized trainings and workshops for the trade unions in the Western Balkans. During these events, the Unions showed an openness to advance their work to better understand and represent LGBTI+ workers' needs accordingly. Furthermore, they acknowledged that most of them face a lack of resources as well as knowledge on this topic. In the period 2019-2020 ERA conducted a needs assessment with Trade Union representatives from across the Western Balkans region. Almost all of them expressed a need for resources and materials on LGBTI+ worker's issues, for trainings and workshops with the LGBTI+ community, and to know how they can help and assist the community from their perspective.

Therefore, this guide has been developed by ERA to provide easier access to information on LGBTI+ workers' rights for trade union leaders and their members in the Western Balkans region. The guide will include information on the specific needs and concerns LGBTI+ workers face and it will share global and regional good practices on union engagement with LGBTI+ rights. Such practices show that union engagement on this topic is extremely important and beneficial for both communities. And that is relevant both from a worker's rights perspective and on moral and ethical grounds because LGBTI+ people have the right to live in freedom and dignity just like everyone else.



LGBTIQ+ MAIN DEFINITIONS AND CONCEPTS

The acronym LGBTIQ+ stands for lesbian, gay, bisexual, trans, intersex and queer people.

There is a distinction to be made between sexual orientation (lesbian, gay, straight, bisexual, asexual), gender identity and expression (cis, trans, non-binary) and sex characteristics (intersex). Other acronyms are also used such as:

- » SOGIEE: Sexual Orientation and Gender Identity and Expression
- » SGM: Sexual and Gender Minorities

Sexual orientation refers to a persons' enduring capacity for profound romantic, emotional, and/or physical feelings for, or attraction to, person(s) of a particular sex or gender. It encompasses hetero, homo and bi-sexuality and a wide range of other expressions of sexual orientation. The term Queer is used as an umbrella terms that includes LGBTIQ+ people and others.

A **lesbian** is a woman who predominantly has the capacity for romantic, emotional and/or physical attraction to other women.

A **gay person** is a man who predominantly has the capacity for romantic, emotional and/or physical attraction to other men.

Heterosexual, or straight, is a person who is attracted to individuals of a different sex and/or gender identity from their own.

Bisexual, is a person who has the capacity for romantic, emotional and/or physical attraction to person(s) if the same sex or gender, as well as to person(s) of a different sex or gender.

Gender identity refers to the personal sense of one's own gender. Gender identity can correlate with a person's assigned sex or can differ from it.



Gender expression refers to the way we show our gender to the world around us, through things such as clothing, hairstyle, mannerisms etc.

Masculinity and femininity are possessions of the socially, historically and politically constructed qualities associated with men and women, or maleness and femaleness, in a society at a particular time. These definitions change over time and are different from place to place. Although they seem to be gender specific, women perform and produce the meaning and practices of the masculine, and men perform and produce that of the feminine as well.

Cis-gender is a term used for people whose gender identity is in alignment with the sex assigned to them at birth. (Cis meaning “in alignment with” or “on the same side”).

Transgender is a person whose sex assigned at birth does not match their gender identity. The term “trans” is often used as shorthand.

A **trans man** is a person whose sex assigned at birth was female, but who identifies as male.

A **trans woman** is a person whose sex assigned at birth was male, but who identifies as female.

Homophobia is the irrational fear, hatred or intolerance of homosexual people as a social group or as individuals. It also describes discrimination on the basis of sexual orientation.

Biphobia is the fear, hatred or intolerance of bisexuality and bisexual people as a social group or as individuals.

Transphobia is a set of ideas and phenomena that encompass a range of negative attitudes, feelings, or actions toward transgender people or transgender. Transphobia can include fear, aversion, hatred, violence, anger, or resentment toward people who do not live up to societal gender expectations. It is a form of prejudice and discrimination, similar to racism and sexism.

LGBTIQ+ people make up a percentage of society in every part of the world, and unlike some prejudices, they are not “a thing of the western world” or “a new phenomenon”. LGBTIQ+ people do not constitute a homogeneous community and belong to all types of social, cultural, ethnic and religious groups. Being LGBTIQ+ (just like being heterosexual and cisgender) is a deeply ingrained characteristic of a human being and as such it demands understanding, respect and acceptance.





LGBTI+ RIGHTS IN THE WESTERN BALKANS

The countries of the Western Balkans have a sound legal framework and some policies in place for the human rights of LGBTI+ people. Laws against discrimination based on sexual orientation and gender identity, and in some cases even sex characteristics, in addition as hate crime laws, have been passed across the region, in the last decade only. In 2020 Montenegro became the first non-EU country to pass same-sex union legislation. Several governments of the region are working on draft laws to recognize same-sex couples as well as legal gender recognition.

A major challenge across the region, however, remains the inadequate and poor implementation of said laws and policies. LGBTI+ organisations report a lack of initiative and political will from governments, parliaments as well as public and private institutions. Hate speech from politicians, the clergy, journalists and the general public via social media is rampant and only getting worse. Law enforcement, prosecutors and judges are failing to identify the hate element in bias motivated crimes. Despite civil society's regular reports of hate speech and hate crimes, many incidents are not followed up thoroughly, creating a sense of impunity among the perpetrators and the general public. Public attitudes towards LGBTI+ people are still very negative, showing the Western Balkans as the among the least tolerant countries in the wider European region.

The positive legal framework is also in stark contrast with the lived realities of LGBTI+ people. Research conducted in 2018 by the World Bank, IPSOS and ERA in 8 countries of the Western Balkans, shows that LGBTI+ people live their lives with the harmful consequences of discrimination, exclusion, harassment and even violence. A majority of LGBTI+ people hide their status and speak openly only to a select few people. Many of them are afraid of certain public spaces and almost none of them show any affection to their partner in public. LGBTI+ people in the Western Balkans experience discrimination and violence in higher rates than those in the EU. Eight in ten transgender people have personally experienced discrimination in the last year only. Nine out of ten LGBTI+ people report that their country is intolerant towards them. LGBTI+ people, especially those in non-EU countries, remain largely invisible and the safe spaces where they can freely express themselves (such as



bars, clubs and community centres) are limited to certain neighbourhoods of capital cities. Due to security reasons, in many cases those spaces and venues are not widely known by the general public. This means also that, in practical terms, LGBTI+ people are extremely marginalized and can freely express themselves only in self-created ghettos.

It is important to understand also that inequalities and disparities exist within the LGBTI+ community itself. People with intersectional identities and experiences, who belong to more than one minority group, (such as religion, disability, ethnicity, economic status, geographic location etc.), report even harder living and social realities. The research quoted above shows that trans people and lesbian women far worse than all other communities within the LGBTI+ spectrum in terms of discrimination, violence, harassment and exclusion. In particular, gender based violence affects all women in society; straight, lesbian, queer and trans.

Other research and surveys conducted in the last few years in the region, show that the path to equality and acceptance of LGBTI+ people in the Western Balkans region is very long, and full of uncertainties. To make things harder, in the last several years the Western Balkans (just as most of the rest of the world) are witnessing strong polarization and division of communities along ideological, political, religious and cultural lines, fuelled mostly by big social media networks, and online media portals, whose main focus is to attract as big an audience as possible, overlooking ethical aspects of their work. Identity and politics are becoming more and more intertwined, and this is putting many LGBTI+ people in the middle of a cultural and political conflict. Far right political groups, religious extremists and many others are using LGBTI+ people as scapegoats to gain popularity and rally people against minorities.

As such, promoting tolerance, understanding and acceptance of LGBTI+ people as a minority group is now even more important than ever, and unions have an equally important role to play in this regard.



LGBTI+ WORKERS' RIGHTS IN THE WESTERN BALKANS

LGBTI+ people in the Western Balkans face widespread discrimination and many other challenges in the workplace. LGBTI+ workers face widespread prejudice, discrimination, harassment and many other challenges in the workplace. A 2018 research shows that two-thirds of LGBTI+ people always hide their status at work. This is primarily due to fear of losing the job, fear of alienation and discrimination from other colleagues, fear of violence, fear of administrative sanctions and fear of exploitation (more work in exchange of tolerating you for being LGBTI+). 40% have witnessed negative attitudes and conduct towards LGBTI+ colleagues, 14% have personally experienced such comments, 16% have experienced unequal treatment with respect to employment conditions. Most severely discriminated are trans and gender non-conforming workers, men perceived as feminine and lesbians. Transgender people are more likely not to get hired, not to get promoted, to get harassed and fired. Almost in all cases trans people have to choose between transitioning or their job. In the Western Balkans lack of Legal Gender Recognition means that trans people cannot live freely in accordance with their gender; In the Balkans, being openly trans, more often than not leads to extremely limited employment opportunities. Many have as sole means of survival transactional sex or sex work.

Even in countries with sound legislative frameworks that protects worker from discrimination as well as from harassment at the workplace based on sexual orientation and gender identity, the way to a solid labour market without discrimination is still thorny and long. Despite the adoption of the Employment Equality Directive by the EU 20 years ago, that prohibits discrimination on grounds of religion and belief, age, disability and sexual orientation, by covering fields of employment & occupation, vocational training, membership of employer and employee organisations, employment continues to be an area of life where LGBTI+ people experience high rates of discrimination.

A new Employment Equality Directive, that will be published in 2022, aims to bring more equality into the world of work and encourage the EU states, as well as those on the way to the EU, to improve legal protections and the implementation of existing labour rights of LGBTI+ workers in order to be able to work in decent conditions and safe environment where the rights of all workers are respected. The rule of law, although different across the countries in the Western Balkans region, remains a key challenge.



Human rights are at the top of the trade union movement agenda. Equality is the main principle in the labour world. A dignified, diverse, decent, safe & healthy work environment affects the wellbeing of all workers. Positive work cultures affect productivity and foster growth. Great workplaces make the inclusive world of work possible. The list of actions published by the European Commission (2016-19) aimed at combating LGBT discrimination and harassment in the workplace also includes support for companies and jobs that are inclusive for LGBT workers.

Specific issues faced by LGBTI+ workers in the Western Balkans

At present, it is very difficult to give any reliable data on labour statistics for LGBTI+ workers in the Western Balkans region since the statistical visibility depends on the visibility of the community. Nevertheless, the Slovenian Mladi Plus (“Youth+” ZSSS) Trade Union did ask for the inclusion of a 3rd gender into a regional survey on the effects of the Covid-19 pandemic on young workers. Including LGBTI+ workers in the research work of trade unions is very important in order to produce more accurate data and statistics.

Meanwhile, LGBTI+ organisations that operate in the field for almost two decades, report that some of the main challenges faced by LGBTI+ workers in the Western Balkans region are:

- » Discrimination when trying to get employment as well as discrimination in the workplace;
- » Lack of LGBTI+ inclusive contracts and policies, that take into account the specific needs of LGBTI+ people;
- » Lack of inclusive healthcare practices that are specific to the needs of LGBTI+ persons;
- » Lack of parental and family rights similar to opposite sex couples and families.

To the above list we should also add the impact of the Covid-19 pandemic and the accompanying restrictive measures. ERA’s 2020 assessment with its member organisations showed that LGBTI+ people were faced with interruption of essential health services by state institutions, decreased access to community services, heightened levels of homelessness (especially among youth), increased incidents of domestic violence, closure of LGBTI+ businesses, a significant loss of jobs and rising mental health problems. In times of the pandemic these rights were even more under threat, due to lack of legislative protection and underrepresentation in workplaces and society in general.

A trade union is created by workers whose rights are also LGBTI+ rights. Every person has the right to work. The Regional Cooperation Council “Solidarnost” / Balkan Trade Union Network, together with its umbrella European Trade Union Confederation, are strongly supporting equal treatment, respect and dignity for all workers regardless of their sexual orientation or gender identity. “Solidarnost” is the first and a unique model of cooperation of trade unions in the



region, the only cross-sectoral, transnational Trade Union Network focusing on the EU accession process (i.e. doing capacity building for strengthening union's involvement in the EU accession process). The key mission of the trade union movement is to ensure social justice, equality and protection for all workers. Equal rights and equal opportunities for employment are one of the core parts of decent work. Decent work is reflected in the aspirations of working people to earn a fair income through a quality job. Safe, healthy and secure work needs to provide social protection for families. At the same time, decent work is associated with better prospects for personal development and improvement, i.e. career advancement and social integration that enables people to enjoy equal opportunities, rights and services. Work worthy of people is also to be seen in the freedom of workers to express their needs and concerns, organise in a union and participate in decisions concerning their lives.

However, in order to be able to negotiate for labour rights, better working conditions, healthy working and living environment and equal treatment and opportunities, the concerns and priorities of LGBTI+ workers need also to be expressed and heard. It is very difficult to negotiate for a minority group that is not unionised, practically invisible and not provided with space or a focal point within the union to express their needs (similar to youth or women sections). LGBTI+ workers' rights are currently not an issue for most Trade Unions in the Western Balkans, although LGBTI+ workers although they face huge discrimination. There is a broad awareness, however LGBTI+ issues have never ever been substantially dealt with inside the trade union movement in the Western Balkans.

LGBTI+ workers could bring change by joining the unions and advocating for labour rights and LGBTI+ rights from within by jointly improving the tripartite (government, employers and TUs) and bipartite (employers and TUs) social dialogue, as well as the position of this minority group and generally other vulnerable social groups such as youth and women.

In conclusion some of the main demands of the LGBTI+ community with regards to their socio-economic rights are the following:

- » Governments should improve access to the labour market and employment of LGBTI+ people;
- » Civil servants working in employment offices should increase their capacities on how to better assist LGBTI+ people to find jobs;
- » Employers should improve their anti-discrimination policies referring to sexual orientation and gender identity in their workplace;
- » Civil society organisations should be supported in identifying tools for economic empowerment of LGBTI+ people with different methodologies including social contracting, licensing, social entrepreneurship etc;
- » LGBTI+ workers should be encouraged to join the union movements in their countries, and spaces should be available to them to advocate for their needs and demands.





THE ECONOMIC COST OF HOMO/Bİ/TRANS PHOBIA

Homophobia, biphobia, transphobia have a huge impact not only on the economic wellbeing of LGBTI+ workers and their rights but it can also have a huge economic cost for a country, especially in terms of competitiveness, market size and economic growth. For example, a 2015 World Bank study in India found that discrimination against LGBTI+ persons cost the country approximately 1.7% of its GDP, equal to 32 billion US dollars each year. A study in Kenya showed that exclusion, discrimination and criminalisation of homosexuality has an annual cost of 1 billion USD. According to a UNAIDS study in 2017, the global cost of LGBTI+ discrimination goes up to 100 billion US dollars each year.



Other costs for employers

Recruitment: When employers bypass talented individuals because of characteristics such as sexual orientation, gender identity and expression, or sex characteristics the employer ends up having a less qualified workplace, diminishing its chances of success. A recent study in the United States of America found that women whose CV's made it clear that they were LBT, were called 30% less than their hetero/cis counterparts.

Inability to stay in the job: Discrimination forces qualified LGBTI+ people to quit their jobs, which creates unnecessary recruitment and training costs for a company. A study in the United States of America found that LGBTI+ people who are not out and feel isolated in the workplace, have 73% more chances, compared to LGBTI+ employees who are out, to quit their job.

Job performance: Discrimination and prejudice in the workplace affects productivity, contributes to absence from work and decreases motivation, and commitment to work. For example a study in the United States found that 27% of LGBTI+ workers, who were not out, said that hiding their identity at work prohibited them from raising their voice or sharing their ideas.

Brain drain: A 2020 study in Hungary, Poland, Ukraine and Slovakia found that LGBTI+ people are migrating to countries which are accepting and respectful to them.





UNION ENGAGEMENT WITH LGBTI+ WORKERS

Trade unions have the potential to lead the transformation of the labour movement by organizing LGBTI+ workers. Although the EU Employment Equality Directive, different Anti-Discrimination acts as well as the Istanbul Convention (which aims to prevent and fight gender based violence) have brought some improvement in the legal position of LGBTI+ people in the labour market, equality has not been achieved. Solidarity with LGBTI+ workers is needed in order to make the workplace a space free from discrimination and harassment. The entire work lifecycle needs to be reformed and adapted to these requirements starting with education, access to employment, working conditions and security of employment.

LGBTI+ workers are especially discriminated against by employers who deny them benefits such as parental leave, pensions and health care programs. It is important to note that violations of labour rights are particularly common in cases when workers are not organised into a union, when they are not aware of their legal rights and do not know how to protect those rights, particularly in the areas of sexual orientation, gender identity and expression and sex characteristics.

Discrimination in the workplace is a very common issue across the Western Balkans and it affects many communities and individuals. LGBTI+ workers are equally affected. In order for unions to start advocating for the rights of LGBTI+ workers it is important that safe spaces are created for these communities to know each-other and understand the issues that trade unions face in general and those that LGBTI+ people face in particular. First, trust needs to be established and built between union representatives and LGBTI+ workers.

Trade unions as social partners could fight discrimination within the social dialogue system together with LGBTI+ workers. They are the ones who are negotiating with employers and governments and can be supportive and protective when trade union members are exposed to discrimination at the workplace. The ETUC continuously supports the fight for equal treatment and non-discrimination, respect and dignity through collective agreements. In times of the pandemic crisis, LGBTI+ workers' rights are even more under threat, due to lack of legislative protection and underrepresentation in workplaces and society in general.



Major investments in human capital are needed. The prerequisite for an inclusive labour market is the investment in education. A high number of young people not engaged in employment, education or training (NEETs) calls for special dedication leading to improvement of labour market participation especially of young people, women, non-standard workers, discriminated against and disadvantaged minority groups, such as LGBTI+ people. Addressing the needs of marginalized groups and especially young people in times of crisis should result in higher employment. The EU Youth Guarantee should deliver perspectives and lower brain drain by providing young workers with employment, further education, an apprenticeship or a traineeship. More attention should be given to building the capacities of social partners and the development of social dialogue and collective bargaining culture.

The recognition of marital or family status is still a long term process in the region although Montenegro recognised same sex unions in 2020. Families of LGBTI+ people are still not legally recognised in many countries of the region. The fact that they are practically invisible in the Balkans trade union movement makes this issue very hard to tackle. Nevertheless, 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 and children's rights. Common shortcomings in the legislation can be seen in the example of Slovenia, an EU member state from the Western Balkans, mainly related to the provisions regarding the impossibility of absence from work of an employed partner if they have to take care of a sick same-sex partner and loss of income due to family member care. Furthermore, there are other discriminatory conditions for LGBTI+ workers concerning the voluntary inclusion of partners in unemployment insurance and financial compensation for unemployment if a person quits their job due to the relocation of the partner. Similar disadvantaged working conditions can be found in other EU countries.



Good practices

In many EU countries, unions have been proactive for many years in combating discrimination and harassment at work. German trade unions are active in promoting equal rights for LGBTI+ workers, especially at the sectoral level. For example, German United Services Trade Union, Ver.Di, launched an initiative aiming to increase salaries of predominantly female workers as a way of combating gender inequality in the labour market. According to their analysis, in Munich, lesbian women had a 12% lower probability of being invited for a job interview compared to heterosexual women. Additionally, Ver.Di established an online forum for LGBTI+ trade union members, which is used to exchange information related to their specific needs as workers. The platform has reported frequent cases of discrimination against employees due to their sexual orientation.

Ver.di together with its LGBTI+ working group and other partners, is leading a campaign to influence legislative decisions concerning LGBTI+ workers and seeks to create an LGBTI+ friendly working environment that enables workers to go public with their challenges at work. Ver.Di is pushing towards the creation of legal mechanisms that will lower the gender pay gap and bring the state bodies to implement equality and social justice in the labour market, through collective bargaining and influencing policies in the social dialogue system. Building trust among workers is possible if the trade unions are willing to provide space and give a hand of solidarity to all workers, especially minority and vulnerable groups.

The EU member states have different laws when it comes to any protection, same-sex civil union, same-sex marriage, adoption by same-sex couples, since this area is not a competence of the EU, but of the national member states. The EU does have a shared competency with member states when it comes to employment, social and economic affairs.

When speaking about homophobia in the workplace, Slovenia is scoring well as opposed to many others, especially new member states or candidate countries. One of the members of the regional Trade Union Council “Solidarnost”, the Slovenian Confederation and the umbrella organisation ZSSS together with its branch unions and the Mladi Plus (Youth+) trade union, lead an inclusive trade union policy, which is reflected in the fact that in every internal policy paper, research and survey divisions into Male and Female incorporate also “Other” and “Rather not say”. The latest encompassing survey on the effects of Covid-19 on young people in the WB initiated by the CATUS/SSSS has been conducted in Slovenia with the integration of the 3rd gender.

The Slovenian social partners (ZSSS, SVIZ and ZDS) and other civil society organisations took part at various trainings and workshops for non-discrimination and managing diversity in the workplace where they developed best practice manuals. The **latest podcast** of ZSSS Mladi Plus was dedicated to LGBTI+ rights in the workplace.



There are good practice cases in the region of Western Balkans as well. The programme “Safe and Equal: inclusive labour market for an inclusive society” was implemented in North Macedonia in 2016 and in 2015 in Serbia.

ERA, its member organisations and TUC Nezavisnost from Serbia started dialogue meetings in 2020 which aimed to present issues faced by LGBTI+ workers, analyse the current situation and identify needs and priorities of workers. This cooperation will be followed by additional workshops and trainings, which will also involve local LGBTI+ organisations and communities, addressing the position of LGBTI+ people in the workplace and how trade unions and LGBTI+ associations can jointly target LGBTI+ equality in the workplace and contribute to building workplaces free from discrimination. A corridor for dialogue has been set and initiated by a training on what trade unions are, what kind of legal assistance and social protection mechanisms trade unions can provide to LGBTI+ workers, and last but not least how can trade unions improve promotion of inclusive labour movement and advocacy of labour rights for all especially vulnerable social groups.

Testimonial from a LGBT trade union member in the region

“I am one of the few LGBTI+ people who is active in the union. The biggest issue is in smaller communities where LGBTI+ discrimination is the easiest and most elusive. Change in unions can happen if LGBTI+ workers give a hand to unions and help in combating discrimination in the workplace. Another way could be pressure from above and strong personal connections of LGBTI+ people inside and outside the union in order to bring about a change in the TUs themselves. Trade Unions should be open to all workers. LGBTI+ workers are potential TU members. In my trade union you have few people who are ready to talk about social inclusion and LGBTI+ rights, but do not have a function or a decision-making position and the TU is predominantly male and old. LGBTI+ issues could be a topic if the TU recognizes the potential of LGBTI+ people or if they have an agenda that pays off for them. The start should be made within the youth sections/committees and women’s sections/networks as potential partners. At the end of the day it all starts with a joint action. The starting point is called solidarity.”



Standards and practices of union engagement with worker's rights of LGBTI+ people

Below we have enlisted some internationally recognized and applied practices and standards of union engagement with LGBTI+ workers. These are not to be seen in hierarchical order or be applied in equal measure. Each union has its own opportunities and challenges, and everyone should aim to apply those policies and practices that are possible for them, while aim for the rest to be implemented gradually and in a longer, more strategic term. We strongly encourage you to get in touch with ERA and our local member organisations in your respective countries, where you can discuss and explore these options and policies in greater depth.

Changing from within

- Adopt a union policy on LGBTI+ equality and define how will it be mainstreamed in the work of the union;
- Create and adopt policies that enable unions to act in accordance with the specific needs and concerns of LGBTI+ workers (for example. LGBTI+ workers should not need to come out to be protected, and a trans person should not come out as such to receive the support that they need);
- Unions should create space for LGBTI+ people to set their own priorities;
- The policies should be reviewed regularly to ensure they are up to date;
- Unions should take LGBTI+ concerns into the collective bargaining process.

Organizing LGBTI+ workers

- Unions should demonstrate their commitment to LGBTI+ equality by working jointly with LGBTI+ organizations and take active part in LGBTI+ events, such as in prides and festivals;
- Unions should develop inclusive cultures within their own organizations (they can hold trainings, lectures and presentations to better understand LGBTI+ rights);
- Union leaders should demonstrate support and dedication towards LGBTI+ equality.



Bargaining and negotiating for LGBTI+ workers

- Collective bargaining should include LGBTI+ workers as it helps advance processes of social and political reforms;
- Unions should develop comprehensive LGBTI+ equality action plans with employers;
- Policies to include a framework for combating SOGI-based harassment and hostile environment, which is one of the biggest problems and challenges faced by LGBTI+ workers;
- Collective bargaining priorities are significantly different for LGB and Transgender workers and those should be taken into account in negotiating processes;
- LGBTI+ workers should be able to access all benefits available to heterosexual counterparts, including family friendly and work/life balance policies;
- Transgender workers should be treated as the gender in which they live, which should also be reflected on their personnel records;
- Unions should negotiate on behalf of transgender workers for the time off for transition to be recognised as a sick leave.

Working internationally and regionally

Things are changing fast globally and in the last 15 years a lot has changed for the better. Unions can rely on the international standards and mechanisms to support their work. Those include, but are not limited to:

- UN mechanisms;
- [Recommendation CM/Rec\(2010\)5](#) of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity;
- [EU LGBTI+Q Equality Strategy 2020-2025](#);
- ILO engagement on LGBTI++ rights;
- [The Yogyakarta Principles](#) and [Yogyakarta Principles +10](#);
- [ERA's Online Resource Centre](#) and expertise on the status of LGBTI+ people in the Western Balkans and Turkey; .



Cooperation between Unions and LGBTIQ+ organisations

- Establishing cooperation and dialogue through MoUs or other tools;
- Holding dialogue meetings, presentations and trainings to understand the needs of LGBTIQ+ workers;
- Identifying work-related discrimination cases, reporting them and following cases legally
- Increase number of LGBTIQ+ people working with a contract;
- Identifying jointly existing legal gaps and fighting for improved legal framework in employment and worker's rights.

The above shows clearly that trade unions can play a crucial role in protecting the rights of LGBTIQ+ workers including here protection from discrimination and exclusionary practices, increasing employment opportunities and contributing to an LGBTIQ+ friendly workplace environment.



CONCLUSIONS AND RECOMMENDATIONS

LGBTI+ workers seek help and support from social partners, trade unions who are open for cooperation and whose sectoral trade unions are guided by the principles of inclusion and solidarity. It is important to build up trust in the workplace in order to build a diverse and inclusive culture where workers will feel a sense of belonging. Trust helps in creating a safe workplace environment where colleagues/unionists feel comfortable sharing ideas, as well as asking and expressing their opinions. LGBTI+ workers can be individual members despite the legal provision that only employed persons could be trade union members. One of the prerequisites for mutual action is a trade union membership. Sustainable long-term cooperation is reflected in trade union membership.

Recommendations for the trade unions can include, but not be limited to:

1. Addressing SOGI-based discrimination and hostile working environment to ensure safe space for LGBTI+ workers where they can give their full potential;
2. Make it known that trade unions are dedicated in protecting the workers' rights of all employees regardless of their sexual orientation, gender identity and expression, or sex characteristics;
3. Trade unions need to hear the concrete concerns that LGBTI+ workers have due to their identity and to include those in the negotiation processes and collective bargaining;
4. Join in collaboration and partnership with the LGBTI+ organising to exchange expertise and resources and to support each other's efforts in building better working conditions for all workers including LGBTI+;
5. Amend internal policies and to reflect on inclusiveness of all the workers regardless of their sexual orientation, gender identity and expression, or sex characteristics, age, ability, ethnical background, religion or health status;





ANNEX 1: A TRAINING AGENDA FOR UNIONS ON LGBTIQ+ WORKERS' RIGHTS

As part of its efforts to increase dialogue and cooperation between TUs and LGBTIQ+ organisations ERA, and its member organisations across the region, are happy to offer on-site or online workshops/trainings to Trade Unions on the specific needs of LGBTIQ+ workers. Below is a typical training agenda which can be adapted to be half-day, one-day or two-day events. All Trade Unions operating in the Western Balkans and Turkey region are welcome to contact us and we will be happy to plan events together.



Introductions	Participants will get to know each other, understand the program for the day and ask any questions or make any comments they might have.	Presentation of participants and trainers, introduction of agenda and technical issues (working time, venue, meals etc.)
Understanding LGBTI+ community and concepts	Participants will better understand the LGBTI+ community, concepts, definitions, facts and myths as well as issues and challenges they face in different areas of their lives.	Participants will interact with LGBTI+ activists who will not only provide them with knowledge on the community but also share personal experiences and stories, through which they can better understand the living reality of the community. Research information and statistics will also be provided.
Understanding LGBTI+ worker's situation and needs	Union representatives will understand the specific challenges faced by LGBTI+ workers due to their identity as well as the specific issues that unions need to address to protect their rights.	Presentation, testimonies from activists and community, group discussion
Understanding the legal context for LGBTI+ workers' rights	Union representatives will better understand the legal context for LGBTI+ rights which pertain not only to their rights as workers but also the additional rights (especially family rights or those pertaining to trans and intersex people)	Presentation of legal context, testimonies from the community, group discussion.
Exploring the role of unions in protecting LGBTI+ workers' rights: trade unions explain the collective bargain process and how unions are organized. Unions explain how contract terms are negotiated and that can lead to brainstorming if or how LGBTI+ specific clauses can be negotiated.	Participants will have a good understanding of their role in protecting LGBTI+ workers, and the type of actions they can undertake alone as well as in cooperation with other partners, such as LGBTI+ organisations. LGBTI+ organisations will have a better understanding of collective bargaining and negotiating contract terms.	Presentation, group work and exercises, group discussion.
Exploring future cooperation between LGBTI+ organisations and trade unions. Discussing union membership for LGBTI+ people	Participants will explore and have identified areas and types of cooperation as well as union membership for the LGBTI+ community.	
Evaluation and feedback (closure)	Participants will have a collective reflection on the training.	Participants will be asked to share their thoughts on the process and what they have learned about the process.



ANNEX 2: RESOURCES AND FURTHER READING

- » <https://www.lgbti-era.org/sites/default/files/pdfdocs/LGBTI%20Enlargement%20Review%202020.pdf>
- » <https://www.lgbti-era.org/sites/default/files/pdfdocs/0354%20Life%20on%20the%20Margins%20Survey%20results%20of%20the%20living%20experiences%20of%20lgbti%20people%20in%20south%20eastern%20europe-ilovepdf-compressed.pdf>
- » https://www.etuc.org/sites/default/files/ETUC_inside-2_1.pdf
- » <https://blogs.worldbank.org/europeandcentralasia/life-margins-experiences-lgbti-people-southeastern-europe>
- » [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690601/EPRS_BRI\(2021\)690601_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690601/EPRS_BRI(2021)690601_EN.pdf)
- » <https://www.helvetas.org/en/eastern-europe/about-us/follow-us/helvetas-mosaic/article/June2021/Off-the-books-work-in-Western-Balkans-offers-a-dangerous-social-safety-net>
- » <https://www.eurofound.europa.eu/es/publications/report/2016/eu-member-states/working-life-experiences-of-lgbt-people-and-initiatives-to-tackle-discrimination>
- » [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/652719/IPOL_BRI\(2020\)652719_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/652719/IPOL_BRI(2020)652719_EN.pdf)
- » <https://blogs.worldbank.org/europeandcentralasia/life-margins-experiences-lgbti-people-southeastern-europe>
- » <https://onthewaytoeu.net/en/news/solidarity-with-lgbti-workers-a-meeting-of-trade-union-and-lgbti-organizations-representatives-in-the-western-balkans>
- » <https://onthewaytoeu.net/en/news/the-position-of-young-people-during-the-covid-19-pandemic-in-the-social-dialogue-system-december-16-2020>
- » https://www.mladiplus.si/2017/06/30/nehvalezni-skeptiki-5/?fbclid=IwAR0R1ynP8rXz-FrhAVYumgO-q0lgKQ9VU8o0-v9M6jGEJFX1vJhyLVRLY_9M
- » <https://www.lgbti-era.org/one-stop-shop/recommendation-cmrec20105-committee-ministers-member-states-measures-combat-0>
- » https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combating-discrimination/lesbian-gay-bi-trans-and-intersex-equality/lgbtiq-equality-strategy-2020-2025_en
- » <http://yogyakartaprinciples.org/>
- » <https://www.lgbti-era.org/online-resource-center>



