



Meeting of: LGBT+ Members Equality Conference

Location: INNSiDE Manchester, 1 First St, Manchester M15 4RP and online

Date: Saturday 18 November 2023, 2.00 – 5.30pm

Unconfirmed minutes

Present: In person

Omer Aijazi	The University of Manchester
Thomas Bartsch	Loughborough University
Mark Bendall	University of Chester
Gina Bevan	NPTC
David Brining	King's College London
Amanda Brunton	University of Cambridge
Peta Bulmer	University of Liverpool
David Calderwood	University of Strathclyde
Ray Campbell	Royal Holloway, University of London
Katie Cave Reynolds	Anglia Ruskin University
Martin Chivers	City, University of London
Robin Clarke	UAL - London College of Fashion
Holly Cooper	University of Oxford
Kate Davison	The University of Edinburgh
Stephen Desmond	Solent University
Jennifer Dods	Leeds Beckett University
Claire English	Anglia Ruskin London
Peter Evans	Ealing Hammersmith and West London College
Hannah Fair	University of Oxford
Carla Finesilver	King's College London
Matilda Fitzmaurice	Lancaster University
Jefferson Frank	Royal Holloway, University of London
Claire Graf	The University of Edinburgh
Dan Green	Heriot-Watt University
Gina Gwenffrewi	The University of Edinburgh
Richard Hadley	University of Worcester
Kevin Harding	The University of Manchester
Rebecca Harrison	The Open University
Kirsty Harvey	Lakes College West Cumbria
Daryl Hodge	University of Liverpool
Ruth Holliday	University of Leeds
Bee Hughes	LJMU

Philip Inglesant	London Retired Members Branch
Jane Irwin	Royal Northern College of Music
Mary Esther Jennings	Eastern Region Retired Members Branch
Daniel Keeler	Canterbury Christ Church University
Henry Kirby	Leeds Beckett University
Jennie laura	Luminate Education Group
Berrisford Lewis	York St John University
Jacqui Lovell	Liverpool John Moores University
Sophia Lycouris	The University of Edinburgh
Moona Ma	University of Northumbria
Rubi Mahmood	University of Derby
Ronan McCoy	University College London
Justine Mercer	University of Warwick
David Murphy	Lancaster University
Shakthi Nataraj	University of Lancaster
Sara Novo Loureiro	Wales Adult Community Education
Katherine O'Brien	The University of Manchester
Robyn Orfitelli	University of Sheffield
Carlie Pendleton	Goldsmiths, University of London
Mark Pendleton	University of Sheffield
Arad Reisberg	Brunel University
Patricia Roche	Blackpool and the Fylde College
Nico Rosetti	London School of Economics
Chris Sheehy	North West RMB
Pip Sutton	University of Portsmouth
Jo Taplin-Green	London School of Economics
Carol White	Nous
Damon Young	University of Strathclyde
Yashi Yuan	University College London

Present: Online

Eleanor Blair	University of Cambridge
Julie Canavan	University of Brighton
Simona Capisani	Durham University
Isabel Gotti	Durham University
Joe Lickens	South Thames College - Wandsworth
Naomh McKee	NOVUS
Levent Piskin(he/him)	Guest Speaker / University of Dundee
Martin Pitchers	City College Norwich
Mini Saxena	SOAS
Alan Whitaker	Southern RMB

In attendance

Seth Atkin
Swati Patel
Jenny Sherrard

Equality Support Official
Equality Administrator (Minutes via online)
Head of Equality and Policy

1 Welcome and housekeeping

- 1.1 Peter Evans, Chair of LGBT+ Members Standing Committee (LGBT+MSC) welcomed all the delegates to the conference, both online and in person as the conference was taking place in a hybrid format.
- 1.2 Peter Evans outlined some housekeeping rules, code of conduct during conference as well as the role and function of the conference.
- 1.3 It was noted that Justine Mercer (President) was attending the conference as an observer.
- 1.4 The ballot paper for nominations for LGBT+MSC had to be completed and placed into the ballot box before the end of the break. The votes were for 5 candidates to be nominated for the 2 year seat and for 1 candidate to be nominated for a 1 year seat.

2 Conference business

- 2.1 Minutes of LGBT+ members' conference 2022
- 2.2 Minute 4.13 – The second sentence should read the documentary has several trans exclusionary speakers not the documentary has a far-right anti trans speaker.
- 2.3 Apart from the above amendment, the minutes of the LGBT+ Members' Annual Conference 2021 were agreed as a true and accurate record.
- 2.4 Annual report of LGBT+MSC
- 2.5 Peter Evans thanked Bee Hughes, the previous chair of LGBT+MSC.
- 2.6 Peter Evan highlighted some points from the annual report from LGBT+MSC. The language in use CPD has been well attended and been very successful.
- 2.7 The LGBT+ webinars were proving to be very successful covering a range of issues, with a range of speakers pertinent to LGBT+MSC.
- 2.8 UCU has had presence in various Prides and a UCU delegation attended the Pride event in London.
- 2.9 The LGBT+ Research conference was well attended and was a useful conference.
- 2.10 TUC LGBT+ Workers Conference which took place in Congress House in London was attended by a full UCU delegation representation.
- 2.11 The final part of the annual report outlined the names of the LGBT+MSC committee members for 2022-2023.

3 International Panel

- 3.1 David Morphy, who is on the TUC LGBT+ Committee, introduced the international panel of speakers. The topic was about LGBT+ internationally in the context of increasing repression of LGBT+ population globally, with harsh

draconian laws introduced in several countries and how that links to historical colonialism and influences from large organisations such as evangelical churches in USA. In Uganda this year legislation was brought in, which criminalises same sex conduct, including the death penalty for those convicted of aggravated homosexuality. The session is on how to respond to this situation as trade unionists and LGBT+ people.

- 3.2 **Mini Saxena** has studied law and worked as a lawyer across multiple jurisdictions. She obtained her law degree in India, after which she started her career at a law firm in London, subsequently moving to a non-profit organisation in India and finally transitioning into academia. She is currently pursuing her PhD at SOAS while also working as a Graduate Teaching Assistant. Her work focuses on the intersections of gender and the law, including areas such as feminist legal theory, sex equality, gender identity and sexual orientation.
- 3.3 The presentation was on queerness and the Indian judicial system. This is to do with the movement in India, which has led to decriminalisation of consensual same sex acts that happened in 2018 through the Supreme Court.
- 3.4 Homosexuality and consensual same sex acts were criminalised as part of the criminal legislation which is part of Indian penal code, drafted in 1860s when India was still a British colony. Section 377 of Indian penal code outlawed sexual acts against the order of nature against any man, woman or animal. There is no mention of consent.
- 3.5 In 2009 under the Naz Foundation case, the Delhi High Court decriminalised consensual same sex acts and used articles 14, 15 and 31 from the Constitution of India. The Delhi High Court judgement was appealed in 2013 under the Koushal case which overruled the Naz foundation judgement and recriminalized same sex acts.
- 3.6 In 2018 the case was heard again, at the Supreme Court under Navtej Johar case and the 5-judge bench decriminalised consensual same sex acts. The final judgement of Johar which decriminalised consensual same sex acts was largely based on the idea of privacy.
- 3.7 The Naz Foundation is a non profit organisation with a focus on public health which works with men who have sex with men. In the Naz Foundation case they argued that criminalisation of consensual same sex act makes their work more difficult because it drives their work underground. In order to make this argument they had to make arguments, such as the queer population is more vulnerable to AIDs and sexually transmitted diseases. The decriminalisation therefore was through the lens of public health and stigmatisation.
- 3.8 In reality the effect of Section 377 happens in very public spaces. Section 377 is usually used for trans or sex workers or lower caste street based activities and not the privileged people who can afford the right to privacy. Those who can demonstrate their queerness in private spaces are not targeted by Section 377.
- 3.9 The Johar and to some extent the Naz Foundation judgements said that the right

to privacy is a fundamental right on which basis, consensual same sex acts were decriminalised. This decriminalisation was based on spatial privacy ie on the idea that as long as these things happen behind closed doors it is absolutely fine as it is not posing a threat to society.

- 3.10 This notion of privacy completely ignores intersectionality and looks at the queer population in a uniformed manner.
- 3.11 There is also the question whether queer lives are safe within the privacy of their own home, as it is often the privacy of the home which is a threat to queer people's lives and physical safety.
- 3.12 In 2020 Anjana Harish, a Keralan woman came out as being bisexual and was forced into conversion therapy by her family. She committed suicide. Queer people therefore continue to be policed, coerced and medicalised irrespective of the Johar judgement. Thus in reality the question is what has actually been achieved by the decriminalisation judgement which hinges on the right to privacy.
- 3.13 The three judgements take a very homonormativity view. Homonormativity was popularised by Lisa Duggan who talks about the imposition of heteronormativity on queer individuals.
- 3.14 Any intimacy which falls outside the traditional imagination of queerness ie long term monogamous or marriage like relationships are still left out despite the three judgements, just like queerness as a whole used to face.
- 3.15 Johar has led to a change for queer intimacies which are monogamous, long term, stable, marriage like relationships but not change for any other type of queer relationships.
- 3.16 Society has a lot of anxiety around making sure that non procreative sexual acts are acceptable as long as they are marriage like relationships and not promiscuous acts. There is a lot of scare once limited rights are given to queer intimacies and relationships. Vision of queerness needs to be expanded to include different types of intimacies.
- 3.17 **Levent Piskin** is a lawyer in Turkey and an LGBT+ activist. He was actively involved in campaigns and advocacy work for LGBT+ rights, minority rights and the fight against impunity. As a human rights lawyer he has represented a number of human rights defenders and political activists over the years. Levent Piskin is an honorary member of the Paris Bar Association. Levent Piskin is currently doing PhD in public international law at the University of Dundee.
- 3.18 Earlier this year there was an election in Turkey and President Erdogan missed no opportunity to attack LGBT+ community. He employed a strong hate campaign against LGBT+ community in his campaign trails.
- 3.19 Since the election of Erdogan in 2015, there has been an attack on LGBT+ rights by his government. This attacks on LGBT+ people have been in the form of insulting, defaming and beating up of LGBT+ people including at Pride marches

across Turkey.

- 3.20 The LGBT rainbow flags are banned in Turkey at demonstrations or gatherings.
- 3.21 Police detain or attack LGBT+ people who attend Pride marches and are threatened by Islamist or ultra nationalist organisations.
- 3.22 In Turkey there is a Russian like anti-gay propaganda law without having legislation in force. The council of Europe data shows that Turkey has the second worst anti LGBT+ rights after Russia.
- 3.23 During the pandemic the attacks on LGBT+ people increased by 200% especially after the Directorate of Religious Affairs used his traditional sermon to blame the covid pandemic on LGBT+ people and people living with HIV / AIDs. According to the Directorate of Religious Affairs, homosexuality is the same thing as paedophilia and that LGBT+ rights causes a threat to freedom of speech.
- 3.24 Recently they tried to criminalise being LGBTI+ individual. They claim that LGBTI+ people are working for different foreign countries or a terrorist organisation imported by Western countries to decay the Turkish culture, Turkish family structure and Turkish nation.
- 3.25 This year some leaflets were distributed by Islamist and nationalist organisations advocating stoning LGBT+ people to death.
- 3.26 Anti LGBT+ family marches are held in Istanbul and several other cities, and they are publicised on national TV with a video showing LGBT+ as a virus.
- 3.27 A leading LGBT+ organisation put out a video on social media platforms and all the actors, advertising agency and everyone involved in the video was threatened by the government officials and by civilians. After two days of the video sharing, the video had to be removed from all social media platforms. This took place about two months ago.
- 3.28 In 2021 more than 500 people were detained for attending Pride marches.
- 3.29 The situation for LGBT+ rights in Turkey is getting worse every day, but it is not only limited to Turkey. It is getting worse in many other countries including USA, UK, Russia, Hungary, Poland and many other European countries.
- 3.30 Attacking trans rights in UK is the same thing as what is happening in Turkey. We as the LGBT+ community need to strengthen solidarity internationally and across the borders. This type of conferences and statements of solidarity by trade unions contribute to improving the struggle and solidarity.
- 3.31 **Hongwie Bao** is an associate professor in Media Studies at University of Nottingham. He is actively engaged in queer activism and anti-racism activism in UK and internationally. As community organiser, he has organised the Transnational Radical Film Cultures conference, Nottingham Chinese Independent Film Festival, Queer Chinese Arts Festival, Queer Zine Making Project and Drag Up Community Art Project. He writes and edits a queer film column titled "Queer Lens" for Chinese Independent Film Archive in Newcastle.

- 3.32 Hongwie Bao started by saying that as he is not a lawyer, he did not feel qualified to speak about LGBT+ rights in China. At present there is a proliferation of Chinese students in different UK educational sectors. The immigration policy has not been very friendly towards Chinese students.
- 3.33 However UK's higher and further education sector needs Chinese students. Hongwie Bao's talk focussed on the LGBT situation in China and the difficulties Chinese students may face and how these students can be supported.
- 3.34 Homosexuality is not illegal in China. However LGBTQ+ people face a lot of pressure as the Confucious culture and the socialist system following Maoism, has cultivated a culture of conformity, thus you are seen as a troublemaker if you do not conform to the culture. China has in recent times cracked down on LGBT+ activism as western imported influence.
- 3.35 In Chinese language there are different spelling forms but pronounced in the same way which makes it more convenient to address gender neutral people or inclusion of gender sexuality.
- 3.36 In 1997 LGBT+ was removed from criminal law which is not the same as decriminalisation. Decriminalisation means it is not a criminal offense. The term homosexuality seldom appears in Chinese law but the term hooliganism appears for homosexual acts. In the past the same sex acts were punishable under the term hooliganism which was removed in 1997.
- 3.37 The term hooliganism was removed in 1997 because Chinese legislators realised that this term is not applicable in the international standard. They wanted more specific term but did not realise that by removing the term hooliganism which has been used to prosecute LGBT+ people has also disappeared from Chinese law.
- 3.38 There are a lot of restrictions for LGBT+ people. In the media there is not open representation of LGBT+ issues.
- 3.39 In mainland China there have been short periods of relative tolerance of LGBT+ issues. During this period a lot of LGBT+ organisations, community centres and festivals were set up. Since the current government came into power in 2012, LGBTQ and feminist issues became the target for government intervention.
- 3.40 LGBTQ and feminist activists were put into prison or interrogated by the police. Thus most big LGBT+ events have disappeared or gone underground in China.
- 3.41 In 2021 the Shanghai Pride was shut down and in 2023 there was the closure of Beijing LGBT+ centre which was one of the few places for LGBT+ people.
- 3.42 Thus for LGBT+ people there is lack of friendly and supportive environment. The younger generation tend to be more open minded around sexual issues.
- 3.43 Chinese students who identify as LGBT+ seek to study abroad and UK is one of the popular destinations. Increasingly Chinese students from China come out whilst studying in UK.

- 3.44 However UK institutions are not equipped to support them. In fact there is little recognition that these students are vulnerable students and they need support.
- 3.45 A short video was shown which highlighted that 5% of Chinese population is LGBT+. Many emperors liked to have same sex partners. However in China homosexuality is still considered as a foreign concept with homosexuality being viewed as perverse or impediment. Same sex marriage is still illegal in China. In this conservative society there is huge pressure to get married. Homosexual men are often married to women and there are fake marriages between gay men and lesbians. Many young LGBT+ people move abroad to countries where same sex marriage is legal.
- 3.46 However more and more LGBT+ people are daring the challenge the system.
- 3.47 The situation in China at present for LGBT+ people is very grim as they are targeted and many LGBT+ organisations have shut down or run underground.
- 3.48 When Chinese LGBT+ people go to study in Europe or North America, they establish their own societies and organisations. These provide support for LGBT+ students.
- 3.49 Since Covid because of the racist discrimination towards, Chinese and south east Asian students, more organisations and groups have been set up to counter the south east Asian racism. Many queer students are involved in these organisations. Not all Chinese or south east community organisations are LGBT+ friendly.
- 3.50 Hongwie Bao then outlined organisations which support LGBT+ people from Chinese and South East Asian background in UK. It was NOTED that the slides with these organisations would be circulated after the conference.
- 3.51 The speakers were thanked.
- 3.52 **Q&A**
- 3.53 Q. There was a comment about the fragility of rights and how they can be taken away. The fight for trans rights is urgent but all equality strands are facing the same issues and LGBT+ rights are not unique or different from the rest of the equality strands. UCU as a union needs to think and advance how to connect the different equality strands and the different groups need to come together to provide support to each other.
- 3.54 Q. The pursuit of heteronormative goals for LGBT+ liberation can be a step forward whilst having debate within the LGBT+ community about intersectionality and further inclusion or would this be detrimental?
- 3.55 A. If we want to live in a society then it is best to start from the beginning in a radical way rather than marking out different steps. There is an argument to be made for certain rights that are quite heteronormative to be granted to LGBT+ people who want those rights such as marriage. It is important to get these rights but not lose the overall goals which is to have a much more radical view of queerness kinship. The radical view should not be confined to LGBT+

community but should be made very public.

- 3.56 Q. Students coming from authoritarian countries are at risk for attending courses like sexual orientation, gender identity and gender and how do they navigate themselves when they go back.
- 3.57 Q. As we acknowledge the limits of decriminalisation, the heteronormative boundaries still pertain after decriminalisation. Also it is important to remember the heroes of decriminalisation.
- 3.58 A. The individuals who fought for decriminalisation must be recognised. In the case of the Indian system the lawyers who took on the cases on behalf of LGBT+ individuals or organisations took over the discourse to an extent. The lawyers are upper caste and have a certain amount of privilege to take on these legal battles. The people who were aggrieved in the 2018 case were also from privileged background. This then hinges the granting of rights on respectability, whereas granting of rights would be most useful to those who are located precariously economically, socially and culturally, rather than graduates of top institutions.
- 3.59 A. Chinese students are motivated to learn about LGBT+ and feminism courses. Students should be made aware of the risks when they are in class and then let them make their own decisions. Students are more familiar with the context and have more background information than lecturers about their own countries.
- 3.60 Q. The cultural shift has become a precarious situation for staff. Post Covid lectures are often recorded and they can be weaponised against staff. How can staff speak about authentic issues but also be safe as members of staff.
- 3.61 Q. What happened to LGBT+ rights in Hong Kong once it went back to China.
- 3.62 A. LGBT+ rights in Hong Kong are deteriorating year by year. At the moment LGBT+ societies and studies still exist in universities. The only way to counter bias is to critique theories.
- 3.63 A. It is important not to censor yourself because students misinterpret your lecture but one consideration is to think about whether your institution backs you.
- 3.64 David Murphy thanked the three speakers and for the questions from the floor.

4 LGBT+ Rights in UK now

- 4.1 Mark Pendleton HE NEC LGBT+ rep introduced Flora Renz the speaker for this session.
- 4.2 Flora Renz is a Senior Lecturer in Law at Kent Law School and an early career researcher working in the area of gender, disability, feminism and the legal regulation of identities. Flora Renz is currently a Co-Investigator on the ESRC funded project, the Future of Legal Gender and is working on how decertification would impact single sex spaces.
- 4.3 There has been immense progress around LGBT+ rights over the last 25 years

which has led to introduction of civil partnerships, same sex marriage in 2013 and legal recognition of gender through the Gender Recognition Act in 2004 which was one of the most progressive framework in the world.

- 4.4 However over the last few years it is difficult to feel positive about the state of LGBT+ rights in UK, particularly around legal protections.
- 4.5 There has been a sustained backlash against LGBT+ rights played in small part by the government and the wider media. There is increase in discrimination rights and hate crime rates against LGBT+ people, both of which had been falling previously for a number of years.
- 4.6 Flora Renz outlined that the talk will focus on the legal protections which do exist for LGBT+ people, with focus on same sex marriage and anti-discrimination legislation in an employment and service context, as well as the general rules around discrimination framework and the Equality Act 2010.
- 4.7 Equality Act 2010 is the main anti-discrimination law in UK. It was created to harmonise different anti-discrimination laws for different characteristics which existed at the time.
- 4.8 The Equality Act 2010 includes 9 protected characteristics which covers grounds for discrimination. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
- 4.9 With the exception of disability, for all protected characteristics there is provision against discrimination either indirect or direct, harassment and victimisation, discrimination by association or discrimination based on perception.
- 4.10 It is established through case law and guidance provided by government to go with legislation, that covers physical transition and social transition for gender reassignment.
- 4.11 The news and political discourse covered over the last few years has been around anti-discrimination for trans people use of single sex spaces particularly women only spaces.
- 4.12 In line with the history of women only spaces and women's activism, Equality Act 2010 does not prevent the creation or maintaining of single sex spaces or services within the legal framework.
- 4.13 Under Equality Act 2010 the creation of single sex spaces is permissible as long as there is a genuine reason for them to have this kind of space, if carrying out the function would not be possible otherwise.
- 4.14 Flora Renz then outlined a couple of tribunal cases which have focussed on gender reassignment as a protected characteristic under the Equality Act. The first is Taylor v Jaguar Land Rover whereby Taylor claimed she had experienced harassment due to gender reassignment characteristic. The tribunal sided with Taylor in that she had experienced discrimination on the basis of the protected characteristic of gender reassignment.

- 4.15 In a recent discrimination case of Kensington upon Thames V AB, whereby a trans employee gave her employers eight months' notice of transitioning, so that the employers could take steps to ensure that systems were in place to support the transition. AB brought this case because AB felt that the employer failed to provide any support or duty of care or implemented appropriate policies. AB brought a direct discrimination case on the grounds of gender reassignment. The tribunal agreed with AB and found that the council had failed to implement the Equality Act obligations into its internal policies for staff. The tribunal found that the policies should be produced and implemented proactively by the Council rather than waiting for a trans member of staff to request these.
- 4.16 Sexual orientation discrimination is receiving less attention at the moment because of gender related issues. Existing data shows that the LGBT+ people continue to experience discrimination in work places at higher rate than straight people and outside the work context, hate crime has continued to increase at an alarming rate.
- 4.17 It is well established that it is not permissible for those holding religious beliefs which stigmatises LGB people to act on these in the context of work place or when providing services. The most high profile case is Ladele v London Borough of Islington which pre dates the Equality Act. In this case it was held that employers can discipline staff for refusing to carry out essential secular parts of their job. In this case the Registrar could not refuse to carry out same sex civil partnerships despite her Christian belief that same sex relationships were sinful.
- 4.18 In the case of Taylor both the Tribunal and the employer accepted that there was hostile environment and harassment aimed at sexual orientation. The tribunal stated that management had a legal obligation to ensure that the harassment ceased immediately.
- 4.19 In the case of Metropolitan Police v Maxwell, the defendant heard homophobic jokes and slurs being made not about him specifically but others. The Tribunal ruled that this was a case of harassment and any responsible employer should take appropriate steps, otherwise risks violating the legal principles under the Equality Act.
- 4.20 Litigation is time consuming and expensive. Relying on litigation alone to achieve change in short or long term is not a good strategy.
- 4.21 Public Sector Equality Duty (PSED) contained within the Equality Act requires public bodies to take pro-active steps rather than reactive steps. To ensure the inclusion of all protected characteristics is by eliminating unlawful discrimination in their institutions. PSED does apply to universities and FE colleges in UK.
- 4.22 In practice universities and FE colleges should consistently collect equality data, carry out equality impact assessment of policies and any policy changes and monitor the composition of their work force along the lines of protected characteristics set out in the Equality Act. This is sometimes done through the charter mark schemes. The recent decision of some institutions to opt out of the Stonewall equality scheme raise concern about their ability to meet the needs of

PSED when it comes to either sexual orientation or gender reassignment.

- 4.23 Unions play a key role in ensuring that employers who are subject to PSED and those who are not, meet all requirements under the Equality Act in regards to marginalised communities. UCU's LGBT+ Charter provides a very useful example of how this can be done at a union level and can be applied to employers themselves by giving examples of how employers can be lobbied to make changes.
- 4.24 It is important that both UCU branches and employers have clear equality policies which are not generic policies to comply with the Equality Act but multiple policies for different characteristics that deal with common issues different protected groups face. For LGBT+ people it may be adoption or parental leave and how it can be accessed fairly and equitably.
- 4.25 Policies need to be reviewed regularly and updated to reflect key legal changes to include non-binary and gender fluid people. Data collection is important to track work force composition or union membership and it is important for people to update their personal data straightforwardly and ideally across all systems at one time so that it is not burdensome.
- 4.26 LGBT+ issues should be conveyed in all contexts. It is not appropriate for LGBT+ committee to exist only as a tick box exercise but its recommendations should permeate throughout the institution through appropriate policies.
- 4.27 Flora Renz was thanked for the talk.
- 4.28 Peter Evans pointed out that there is an equality reps training available for equality reps.
- 4.29 **Q&A**
- 4.30 Q. What counts as gender reassignment under the law and when do trans people start getting legal protection?
- 4.31 Q. When is positive discrimination proportionate and how to deal with trans exclusion communication?
- 4.32 Q. How do you counter homophobic and transphobic remarks made by colleagues?
- 4.33 A. As long as you have verbalised that you are a trans person, that is sufficient to be legally protected. You do not have to legally change anything to be protected as a trans person.
- 4.34 A. The law takes a long time to change and it is difficult to get legal reform through. At present it would not be appropriate to try to improve the Equality Act, as the risk is that the present government keeps threatening to get rid of the Equality Act or at least parts of it which are inconvenient to it.
- 4.35 A. It is common that legislation is framed in ways in an outdated manner but the interpretation is often much more progressive for all protective equality characteristics.

- 4.36 A. The examples given by the person who posed the question would qualify for legal action as a form of harassment so it would be appropriate to speak to the line manager about the discriminatory language being used by colleagues. Line managers have a duty to set the tone in the workplace. Micro discrimination is considered seriously within the law. The other way of countering it is by personalising the feelings of how the language being used causes hurt to a colleague with the protected characteristic.
- 4.37 Q. How high is the burden for hostile working environment and how to deal with a transphobic working environment?
- 4.38 Q. A young person transitioning encounter issues when dealing with service organisations. An example was given whereby a young person was told that their name was not masculine enough. Is there some way of redressing these issues under the PSED?
- 4.39 Q. Is there any legislation surrounding intersections of different protected characteristics? Western paradigms of gender and the legacy of Western European colonialism imposes parts of gender which does not reflect or support cultural diversity. There are grounds for the intersection of gender and sexual orientation as a lot of trans people are discriminated against by micro aggression. Is there any legislation and are there any ways of passing policies as an union or institutional level?
- 4.40 A. Any type of micro aggression towards a trans person is considered harassment. This is tricky when it intersects with other protected characteristics. Any belief short of fascism is legally protected but if it amounts to treating someone badly in their workplace, this is likely to be viewed as discrimination.
- 4.41 A. Changing name is required under gender recognition certificate. However in a general public service there is no requirement for a name to be changed. Any public body asking a trans person to change their name are not applying PSED and may be actively discriminating.
- 4.42 A. There is provision in the Equality Act of dual discrimination which covers 2 protected characteristics but the present government has not operationalised this. Until there is a government which takes equality seriously there is no redress under law for someone experiencing dual discrimination. Equality Act does not recognise intersectionality as a concept. However branches and universities can implement policies to tackle dual discrimination.
- 4.43 Q. Does the UCU LGBT+ charter go far enough in terms of meeting all the duties pertaining to LGBT+ issues or are there any areas where there could be improvement.
- 4.44 Q. A person transitioning wanted guidelines for a meeting with HR department about the process of transitioning.
- 4.45 Q. Advice on how to challenge organisations which are transphobic and are well funded.

- 4.46 A. The UCU LGBT+ Charter does go far enough in meeting the obligations of the Equality Act. If there is going to be an update of the Charter, then it should have a section around the intersection of LGBT+ and class and race.
- 4.47 A. HR department should work with the person wanting to transition. It is important for the person transitioning to request and get the support needed from colleagues, discuss the time line of needs of the person, concerns around uniforms and dress codes, access to relevant facilities including bathrooms.
- 4.48 A. It is better to concentrate on benefitting the most marginalised people within the LGBT+ community by providing concrete support in certain circumstances rather than fight very well-resourced organisations.
- 4.49 A. If institutions support transphobic organisations, they also have to support LGBT+ people. Just saying it is about academic freedom is insufficient. There need to be clear policies in place and consistently updated and there need to be EDI people available both for staff and students to speak to.
- 4.50 Peter Evans thanked Flora Renz for her speech and answers presented.

5 Close of conference

- 5.1 Tribute was paid to Steve Boyce who recently passed away by Mary Jennings. Steve Boyce was the Chair of LGBT+MSC a few years ago. There was a minute's silence to reflect on Steve Boyce's life.
- 5.2 There will be webinars on LGBT+ issues in 2024 including health. There will be three CPD programmes for members to attend. In May 2024 there will be the Equality Research conference at the University of Manchester.
- 5.3 Standing orders need to be updated. At present student members can express their views but cannot vote. The standing orders need to be changed. This has to be taken to the Equality committee.
- 5.4 Peter Evans thanked the Equality and Policy team for setting up the conference and the conferencing team for organising the conference and the delegates for attending.
- 5.5 A point was made that no motions had been put forward and wondered if there were some barriers in place for putting forward motions. It was noted that motions passed at the equality conferences are advisory and go to LGBT+MSC to take forward and implement the motion.
- 5.6 Seth Atkin was thanked for organising the LGBT+ conference and Swati Patel for minuting the conference. Peter Evans was thanked for chairing the conference.
- 5.7 Everyone was wished a safe journey.

The conference closed at 5.30pm.