

Celebrate!

it's LGBT History Month

UCU

University and College Union

Celebrate!



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Welcome

I am a proud gay union activist and have been so for many years as a worker. For 25 years I was a teacher and NUT member where I was a branch president and a member of their LGBT working party. In 2008, I moved to work in prison education and joined UCU. Since the 1980s, I have been involved in the work of Schools OUT UK and LGBT history month, and for the last couple of years I have been honoured to hold the post of chair of trustees.

This year we mark 50 years since the partial decriminalisation of male homosexuality. Many things have changed in the intervening years and many laws and attitudes changed; however there is still much to continue campaigning for and to fight to retain.

In common with many oppressed minorities, we are a diverse and many faceted community, we each have different views, different ideas and a multitude of ambitions for ourselves and others. However our unifying goal is true liberation, in the education of, acceptance of, and celebration of, our glorious diversity.

Steve Boyce

**UCU NEC and chair of LGBT
members' standing committee**



Since 1990, **40**

countries have decriminalised homosexuality and over 30 have outlawed homophobic hate crimes. Source: Stonewall



1 in 5

people have heard disparaging remarks about transpeople and a quarter of student-facing staff have heard colleagues make negative remarks lesbian, gay or bi people. Source: Stonewall

1 in 6

lesbian, gay or bi people have experienced a homophobic or biphobic hate crime or incident over the last three years.

Source: The Gay British Crime Survey (2013)



1 in 12

Source: Stonewall

Trans people in Europe experience violent hate-crime each year



LGBT facts and figures



1 in

had experienced or threatened at work.

87%

challenge h
Source: Pride



L G B T



LGBT HISTORY MONTH

Sue Sanders, educator and activist founded LGBT History Month in 2005

7 in

football fans witnessed the terrace a match. So

10

experienced being
discriminated or intimidated

60% felt confident
discussing homophobia at work.
Source: UCU and Prejudice in Education



10% of respondents have heard or
experienced homophobia on
the job while watching
Source: Out for Sport

We are proud of our achievements in LGBT equality and pleased to produce this short publication for all members as we raise awareness of LGBT equality. We would first and foremost like to thank all UCU members who have contributed to the work of LGBT equality at UCU. The importance of raising issues and awareness on behalf of LGBT members helps to provide a platform where LGBT members feel supported. We could not do this without you!

As we recognise the gains made in LGBT equality, our members continue to inform us of the discrimination faced through biphobic, homophobic or transphobic bullying at work. UCU will continue to challenge this type of discrimination and will issue guidance accordingly – please tell us if you have experience of this by emailing Seth Atkin (satkin@ucu.org.uk).

UCU works with a variety of trade unions, organisations and stakeholders, developing guidance and resources, and contributing to consultations in an effort to ensure that workplaces are free from discriminatory practices. Our aim is to ensure that as LGBT members, you feel that your union is a point of contact for advice and assistance.

Helen Carr
National head of equality
and participation

What is LGBT History Month?

LGBT History Month is a month-long annual celebration of lesbian, gay, bisexual and transgender history, including the history of lgb and t rights and related civil rights movements. It is celebrated in February each year to coincide with the 2003 abolition of Section 28.

LGBT History Month aims to

- increase the visibility of lesbian, gay, bisexual and transgender (LGBT) people, their history, lives and their experiences in the curriculum and culture of educational and other institutions, and the wider community
- raise awareness and advance education on matters affecting the LGBT community
- work to make educational and other institutions safe spaces for all LGBT communities, and
- promote the welfare of LGBT people by ensuring that the education system recognises and enables LGBT people to achieve their full potential, so they contribute fully to society and lead fulfilled lives, thus benefiting society as a whole.

Since its first celebrations, LGBT History Month has grown to become a national event in the UK garnering support from many including the government. Founded by Schools OUT UK, the overall aim of LGBT History Month is to promote equality and diversity for the benefit of the public. The

official guide to LGBT History Month is also produced by Schools OUT UK and in 2016, 35,000 copies were distributed to all secondary schools in the UK.

Ideas and activities

We would like to encourage all UCU branches to celebrate LGBT History Month by:

- hosting a film screening of UCU's latest film *Removing the Barriers: UCU LGBT Members' Experiences*
- displaying the *Voices and Visibility* wall chart, positive images of same-sex couples and trans people
- hosting a stall displaying UCU LGBT materials
- investigating the contributions made by LGBT people at your college or university
- working alongside your local students union, organising joint events and activities.

To find out about LGBT History Month events being organised around the country, visit the LGBT History Month website for more details <http://lgbthistorymonth.org.uk>

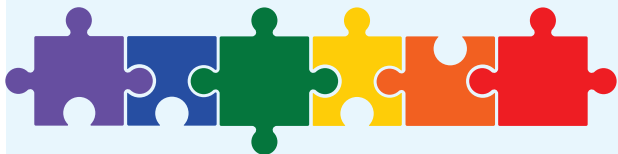


UCU LGBT members said...

'The presence of a LGBT staff group would have made a huge difference. As an early years adult ed tutor and HE lecturer I felt that I needed to keep my sexuality and family relationships quiet from my students (and some colleagues), and this was particularly difficult as the subject matter required conversations about our own experiences as parents – though funnily enough, I felt able to raise issues faced by LGBT parents in the abstract, but not my own. Plus I had one job in FE where I had a very physically intrusive manager, but as he was an out gay man, I didn't think anyone would believe me if I said anything.'

'In a way I feel more able to be out among colleagues in my department than elsewhere. But at the same time there's always the unspoken expectation from many colleagues that we're all hetero here. I make a point of questioning heteronormative assumptions when I'm teaching.'

'As a trans-expressive person working in a UK university, I have nothing but praise for both my employer and my colleagues. My employer has remained understanding, sympathetic and willing to help in any way possible with my transition to alternating gender presentation. When I was, at times, worried, the university was always accommodating and highly supportive. This is great news for trans staff and students here.'



We suggest...

that your branch – ideally in conjunction with your local student union – hosts an event (conference, seminar, meeting) to discuss these issues in an open and inclusive environment.

Your event may give an opportunity for your branch to work with your employer on improving LGBT equality; you can also use it to build up networks and to recruit new members.

Contact Seth Atkin
satkin@ucu.org.uk for further information and advice

Voices and Visibility wall chart

The *Voices and Visibility* wall chart (see overleaf) was launched at TUC LGBT conference and Pride in London in June 2015 to support those raising awareness of sexual orientation and gender identity equality and diversity.

With its focus on UK LGBT equality, it highlights important legal milestones and identifies visible and significant contributions made by individuals, groups and particularly the labour movement.

<http://lgbthistorymonth.org.uk/wallchart/>

Voices and Visibility



Uncovering hidden histories

Legal timeline

Death penalty for buggery abolished

1861 England and Wales
1889 Scotland

Office of 'gross indecency' created

1885 across the UK



Radclyffe Hall
Poet and author
1928
Publishes
'The Well of Loneliness'

Decriminalisation of homosexual acts

by two men over the age of 21 'in private'

1967 England and Wales
1980 Scotland
1982 Northern Ireland
1992 Isle of Man

Ted Brown
LGBT activist and trade unionist

1970
Member of Gay Liberation Front



Jan Morris
Historian, author and travel writer
1972
Travels abroad for gender reassignment surgery



Jeffrey Dudgeon
Shipping Clerk and gay activist
Belfast



Labi Siffre
Poet, singer and songwriter
1987
'(Something Inside) So Strong'

Lisa Power
Founder member
1989
Stonewall



Section 28 and 2A

Prohibits 'promotion' of homosexuality

1988 England, Wales and Scotland

Employment rights

1999 Transgender across UK

Repeal Section 28 and 2A

2000 Scotland
2003 England and Wales
2006 Isle of Man

Duty to promote equality

2000 Northern Ireland

Employment rights

2003 Sexual orientation across UK

Gender recognition

2004 across the UK

Civil Partnerships

2005 across the UK

Office of hate crime

2005 Sexual orientation across UK
2009 Transgender: Scotland
2012 Transgender: England, Wales, Northern Ireland

Equality Act

2010 England, Wales and Scotland

Marriage (same sex couples)

2014 England, Wales and Scotland

People who do not identify as heterosexual (only) have used a number of terms to describe themselves including: **homosexual, lesbian, gay, bisexual, queer, pansexual, asexual...**

People who do not identify with their assigned gender (only) have used a number of terms to describe themselves including: **trans, transgender, transman, transwoman, man, woman, transsexual, crossdresser, transvestite, androgynous, genderqueer...**



Fanny and Stella
Frederick Park and Ernest Boulton
Law student, bank clerk, theatrical performers

1871
Criminal prosecution



Edward Carpenter
Socialist, poet, philosopher and anthropologist
1906
Publishes
'Love's Coming of Age'



Ethel Smyth
Composer and member of the suffrage movement
1911
Composed
'The March of Women'

1958 Homosexual Law Reform Society
1969 Campaign for Homosexual Equality
1969 Scottish Minorities Group

Alan Turing
Mathematician and computer scientist
1952
Chemically castrated



Lionel Blue
Reform rabbi, journalist and broadcaster
1960s
First British rabbi publicly to 'affirm his homosexual orientation'



Peter Tatchell
LGBT activist
1983
Fights Bermondsey By-election



Chris Smith
Politician
1984
First out gay and HIV positive MP

Linda Bellis
Businesswoman and LGBT activist
1986
Leader of Lambeth Council



Christine Burns
Trans activist
1995
Parliamentary Forum on Transsexualism



Angela Eagle
Politician
1997
First elected out lesbian MP



Waheed Alli
Media entrepreneur and politician
1998
Youngest and first out gay peer



Sue Sanders
Educator, activist and Founder of LGBT HM
2005
First LGBT History Month



Phyllis Opoku-Gyimah
Trade Unionist
Founder of Black Pride
2006
First UK Black Pride



Tom Daley
Sportsman
2013
Announces relationship with a man



Nicola Adams
Sportswoman
2012
First woman to win Olympic boxing title

History Walkabout (print version 2) June 2015 © Copyright the Forum TUC, PCS, UCU, UNISON.

Messages of solidarity



I am pleased to be a leader of a trade union whose structures serve to ensure that all our members have a

voice and a safe place to raise and discuss issues. The hard-fought for gains and achievements for LGBT rights at work has helped to create a more tolerant society, however, we must not be complacent. Homo, trans and bi-phobia still exists and we will continue to challenge and protect the rights of our LGBT members who face this on a daily basis.

2017 marks 50 years since the partial decriminalisation of homosexuality in England and Wales, 37 years for Scotland and 35 years for Northern Ireland. While attitudes and perceptions may have changed, the struggle for LGBT equality continues. I would like to encourage you all to celebrate the achievements and accomplishments made by LGBT people in all areas of life, and I include UCU's very own LGBT activists who work tirelessly for equality for our members. I am pleased that, through our movement, we will continue to campaign to remove the obstacles that oppress LGBT people at local, national and international level.

Happy LGBT History Month!

Sally Hunt
UCU general secretary



As chair of the

UCU LGBT members standing committee I would like to send this message of solidarity to our colleagues in LGBT History Month and urge every active member of UCU to make time to participate in an event either at their college, university, prison or in the LGBT community.

There are many amazing and thought provoking events taking place so please get involved in some way.

Information can be found on the LGBT History Month website, look for a festival event near you!

Steve Boyce
Chair, LGBT members standing committee



It's easy to be

complacent about LGBT issues and this is me speaking as a gay man. However, with the rise of the right,

some people will feel emboldened to use LGBT issues as an excuse to bully and/or persecute others. This isn't something anyone should have to put up with – so called 'banter' from colleagues or students is not something you have to put up with and needs to be taken more seriously by management in our institutions.

Messages of solidarity

We have to take seriously the fact that people still feel the need to 'come out' or far worse 'stay in the closet.' These are old terms but still used and still unfortunately part of how people feel.

I will fight to raise LGBT issues and keep them an everyday issue rather than something to be dusted off for an equality meeting.

Let's all celebrate LGBT History Month, make sure you get to see the film and let's shout about what LGBT people achieve, (like become President of UCU), just as we would for any other facet of society.

Rob Goodfellow, UCU president



Trade unions have played a vital part in challenging inequality and discrimination. We have

challenged discriminatory laws, prejudicial behaviour and violent attacks against LGBT people. We have helped transform public opinion that thirty years ago was overwhelmingly hostile. But our work is not complete.

Anti LGBT sentiment is often couched in the language of 'banter' in the pub, on the football terraces and in parts of the workplace. In a 2016 survey it was reported that 60% of trans workers have experienced some form of discrimination in the workplace, and in another

survey it was reported that 20% of lesbian, gay and bi employees have experienced verbal bullying from colleagues, customers or service users. We also know that LGB hate crime has increased by 29% and trans hate crime by 41% in the last year.

Unions continue to work with civil society organisations to defeat it both in the workplace, and in wider society. Unions fought alongside civil society organisations to repeal the homophobic section 28 and fought for equal marriage rights. We campaigned for legal recognition of LGBT rights in goods and services which is now enshrined in equality law. In the workplace this means discrimination and harassment based on someone's sexual orientation or trans status is illegal.

Trade unions are still campaigning for equal rights in survivor pensions and are supporting the struggles of local activists who are campaigning for LGBT rights internationally. We will come together to defend equality rights in the face of the UK exiting the EU. The need for solidarity has never been more important.

LGBT History Month is a time to reflect on the victories and to reach out to all parts of the LGBT community – disabled, trans, BME, and women. Only as a collective will we defeat ignorance and prejudice and gain true equality.

Huma Munshi
TUC LGBT equality officer

LGBT members standing committee

The LGBT members standing committee is one of nine special employment interest and equality groups. The committee operates in an advisory capacity. Members are able to send motions and recommendations to the national executive committee (NEC), national committees such as the equality committee and send motions to annual congress and sector conferences.

Any LGBT member who has been in employment within the sector during the past 12 months can be elected to the LGBT members standing committee. Members can be elected to the committee for either one or two years. In the event of there being a vacancy, members (attending the conference) can be co-opted for one year.

LGBT members standing committee - membership 2016

The current members of the committee are:

- Steve Boyce, chair
- Lesley Mansell, vice chair
- Pura Ariza
- Louise Goody

*MSC members
can help to shape
the work of the
wider trade union
movement for
LGBT workers
by attending the
annual LGBT
workers TUC*

- Jennie Appleyard
- Tamsyn Hawkins
- Martin Chivers
- Mary Jennings
- Nathaniel Adam Tobias
- Nicholas Williams
- João Florêncio
- Ioanna Ioannou

Elected members to the standing committee are also given the opportunity to help shape the work of the wider trade union movement for LGBT workers by attending the annual LGBT workers TUC. This annual conference is for all affiliated trade unions.

Activity undertaken by UCU LGBT MSC in 2015-2016 included

- working closely with the TUC LGBT committee: two UCU members have been on the TUC LGBT committee this year. The LGBT MSC have been involved with TUC work at London Pride and on key issues such as equality in pension rights
- organising stalls at Prides in Birmingham, London and Manchester

- attending the TUC LGBT conference and gaining support for our own motion *Trade unions advancing LGBT equality*
- networking with the other UCU equality members standing committees – black, disabled, and women's
- actively supporting sector initiatives such as LGBT history month, and the production and promotion of the *Voices and Visibility* wallchart.

The Annual TUC LGBT conference took place immediately prior to Pride in London in late June. UCU had a delegation composed of MSC members, staff and other LGBT members of UCU. As always this is a very friendly and supportive conference. Our motion on *trade unions advancing LGBT equality* was passed by the conference.

UCU Congress 2016

LGBT members were well represented and successfully put two motions to UCU annual congress *Developing Gender Identity and Sexual Orientation Equality* and *Fighting for TU Equality Work*, two motions to FE sector conference *Area Reviews and LGBT Concerns* and *Gender Identity in Prison Education*, and two motions to HE sector conference *Support for LGBT Research* and *LGBT Equality and Inclusiveness in HE and the TEF*.

One of the LGBT priorities arising from Congress is to prominently promote UCU reps training on gender identity and sexual orientation and the role of reps in supporting people who experience discrimination in these equality areas

LGBT priorities arising from UCU Congress 2016

- Follow up key LGBT research reports including the Forum *Pride and Prejudice in Education* and the House of Commons Women and Equalities Committee *Transgender Equality*.
- Encourage and provide support for branches to organise and take action in institutions to address research report findings and recommendations. Noting in particular that LGB and T people face high levels of bullying and there is insufficient training.
- Undertake a survey of action for sexual orientation and gender identity equality work including subsequent dissemination actions across the UK.
- Produce guidance about how LGBT people and issues can be included. This will focus on how LGBT inclusion is central to positive working environments, is of relevance in teaching and learning, and how it can help determine student choice. Also highlighting issues experienced in prison education.
- Prominently promote UCU reps training on gender identity and sexual orientation and the role of reps in supporting people who experience discrimination in these equality areas. Use this training to address the identified need for gender identity equality training in prisons.



Above: LGBT UCU members marching with other unions at Pride

- Organise an LGBT+ research conference for 2017 with a summary of proceedings of each conference in *Equality News* and the UCU website.
- Campaign for discrimination to be considered a significant factor in some negative student feedback and for mechanisms to be implemented to mitigate against the impact of this. Include information about this in campaigns about the TEF. Review and report on HEI recording cases of LGBT discrimination.
- Emphasise, at every opportunity, the importance of the inclusive and supportive provision and cultures of FE particularly the positive impact FE provision has for LGBT learners compared to

schools, and to stress that more, not less, needs to be done to meet the needs of LGBT people who experience bullying and harassment.

- Work to ensure that LGBT equality concerns are put forward in all work including against the trade union legislation, wherever family is mentioned, and with regard to dignity and respect at work.
- Explore how the LGBT acronym can be more inclusive of all in these respective equality areas and report to Congress 2017 with findings.
- Continue networking particularly with trans organisations including Transgender Europe. Support calls for an annual Gender Identity Awareness day.



ANNUAL LGBT EQUALITY CONFERENCE



Gender identity equality today

The annual UCU LGBT members conference was held at Aston University in December 2016 and was attended by over 30 people. The conference was chaired by the chair of the UCU LGBT members standing committee, Steve Boyce. Steve Boyce is the LGBT representative for further education on the UCU national executive committee (NEC). Mary Jennings is the LGBT representative for higher education and is also a member of the NEC.

The topic for 2016 was *Gender Identity Equality Today*, and the conference were pleased that

Areas reported included the serious concerns of LGBT issues in prison education, particularly gender identity as there have been some disturbing reports about the experience of trans prisoners.

Cooper Bates, a student from Leeds City College would later address the conference.

The chair highlighted a number of publications produced by the Equality & Participation Team as well as the union's work with the sector network, the Forum for Sexual Orientation and Gender Identity Equality in post-school education, of which UCU was one of the lead organisations in the February 2016 publication, *Pride and Prejudice in Education*, an exploration of experiences and perceptions of sexual orientation and gender identity among post school education

learners and staff.

Other areas reported included the serious concerns of LGBT issues in prison education, particularly gender identity as there have been some disturbing reports about the experience of trans prisoners. The chair highlighted the following in relation to prisons.

- A new directive has recently been issued.
- Recently there have been deaths of two male to female trans people; when they were at pre-operative stage they had been put in a men's prison.
- Prisons tend to put people in post-operative stage to the relevant gender assigned prison and not in pre-operative stage. Equality law in the UK recognises that people should be recognised as the gender they identify with regardless of any medical intervention.
- Most prisons have LGBT groups. Equality reps in prison also attend these meetings.
- Austerity cuts affect the prison population considerably.
- A question was raised whether LGBT staff attend the LGBT prison group meetings. It was stated that LGBT staff do attend the LGBT prisoners' group meetings and there is a separate LGBT staff meeting

Prisons tend to put people in post-operative stage to the relevant gender assigned prison and not in pre-operative stage. Equality law in the UK recognises that people should be recognised as the gender they identify with regardless of any medical intervention.

convened by the Ministry of Justice.

- There is limited information about LGBT people in prison and the criminal justice system. Information about life in prison and sexuality is kept secret.

The conference was informed that the union will be hosting its Prison Education Conference on 10 March 2017. Further information about conferences and events organised by UCU can be found at <https://www.ucu.org.uk/events>

2016 Committee Elections

The following members were elected unopposed onto the LGBT standing committee for two years having been nominated by their branches:

- Jennie Appleyard
- Martin Chivers
- Joao Florencio
- Louise Goody
- Tamsyn Hawkins

Having received more than the required level of interest for the final three standing committee places to be filled, the successful nominees will be informed in the New Year.

The conference received and unanimously passed the following motion on the provision of gender-neutral toilets from Birmingham City University.

Motion title: Provision of gender-neutral toilets

Proposed by: Birmingham City University

That this conference notes the need for, within the construction of any new university or further education facility, the provision of gender-neutral toilets for the use of staff and students regardless of their gender status.

It should not be necessary or desirable for staff and students to need to identify their gender when performing a basic human function when in their place of work or study. The provision of gender-neutral toilets supports dignity at the workplace for all.

We call on the union to provide support, including guidance and campaign resources, to local branches in institutions where new facilities are being constructed to ensure that all persons, whether trans, cis or gender non-binary, have the option of gender neutral toilets and that best practice is followed. Going forward, this conference should note that existing campus buildings and facilities should, where possible, incorporate this provision.

This motion is advisory and as such will be taken to the LGBT Members' Standing Committee for discussion and progression.

17% of trans people have been physically assaulted. Only 27% haven't experienced any transphobia.

Report of the LGBT members standing committee by Steve Boyce, chair of LGBT members standing committee

Steve Boyce thanked all the members of the standing committee. He explained that there is a lot of linking with the other standing committee members as there are many issues which are common for all four. Steve presented the work of the MSC to the conference including presence at Prides, representation at TUC LGBT conference and UCU congress, and the priorities arising from congress motions.

A film clip was shown about the first ever debate on transgender issues in the House of Commons on 1 December 2016 which features the speech made by Ruth Cadbury MP.

Steve Boyce also informed the conference of the bill passed in the House of Commons whereby all gay and bisexual men convicted of now-abolished sexual offences in England and Wales are to receive posthumous pardons on 12 December 2016.

People who have previously been convicted of an act that is now legal can apply for a pardon. A more inclusive bill put forward by the SNP was unsuccessful.

The conference welcomed Cooper Bates who addressed the issue of *Gender Identity Today*. Cooper introduced himself as a college student who, in the past year, has taken part in a youth

volunteering program with Stonewall as well as a project called *It's my Right*.

Cooper worked with a friend to make a film about young trans people which was shown to the conference. The film highlighted the barriers experienced by trans people who spoke about how they would like to be addressed and about mis-gendering. The film urged trans people to report bullying. The Ofsted Inspection Education Act of 2006 states that teachers have a legal duty to ensure that all information on all forms of bullying are gathered in schools. This includes trans bullying. Bullying and harassment can be reported to police as a hate crime.

Cooper explained some terminology around gender identity and then talked about his own experience of transitioning. Cooper stressed the importance of respecting self-identity and the need for greater understanding about gender identity issues. Barriers to a positive experience of self-identifying included coming out, paperwork around name change not being understood by organisations, and lack of inclusivity on monitoring forms. Cooper reported that there is increasing provision of toilet space that is not gendered. Cooper presented the following statistics:

- 48% of trans people under the age of 26 have attempted suicide at least once.

Mis-gendering is when someone is referred to in a gender other than the one they self-identify with. Mis-gendering constitutes a form of harassment The Equality Act 2010 protects trans people and a self-identifying trans person does not have to be under medical supervision to be protected against harassment and discrimination.

- 59% of trans people under the age of 26 have considered suicide.
- 59% of trans youth have deliberately hurt themselves.
- 62% of trans people have experienced harassment from strangers when out in public.
- 17% of trans people have been physically assaulted.
- Only 27% hadn't experienced any transphobia.

The Q&A session after Cooper's presentation emphasised how understanding of gender identity in society has a huge impact on people's ability to self-identify their gender and that more education and awareness raising is required. For further information about the conference, please contact Seth Atkin at satkin@ucu.org.uk



SNAPSHOT OF LGBT

The journey begins... Both our predecessor unions worked tirelessly in advancing equality for all and produced guidance relating to LGBT equality. Examples of this work included the initiatives made by both unions in:

- getting the TUC equality structures changed to allow for the first time a seat on the general council for one member representing LGBT trade unionists
- signing a joint policy statement on equality for lesbian, gay, bisexual and transgender staff and students in colleges and universities

**The birth of a new union.
The Association of
University Teachers and
NATFHE merge to form UCU.**

2006

UCU issues joint guidance on trans equality in post-school education providing effective approaches for ensuring that trans equality is embedded in all policies and practices in post-school education.

2012

2007

UCU holds its first conferences for all equality strands.

2013

Lesbian, Gay and Bisexual rights at work is launched by UCU. The TUC launches guidance to combat homophobia at work.

UCU organises an academics and activists LGBT research conference. The Criminal Justice and Immigration Act is amended to include homophobic hatred.

2008

The Marriage (Same Sex Couples) Act comes into being in England and Wales.

2014

EQUALITY AT UCU

- Gerard Kelly becoming the union's first 'out' vice president and subsequently president (NATFHE) and Steve Wharton (AUT)
- moving away from using the term lesbian and gay to adopting the term LGBT.
- issuing guidance around new legislation providing protection on the grounds of sexual orientation

The journey continues...

2009

UCU issues guidance on *Lesbian and Gay Rights at Work* and *Developing Sexual Orientation Equality*. Laura Miles, an out trans woman, is elected to the NEC.

2010

Alan Whittaker becomes the first out gay president of UCU. *Managing the interface* is released looking at perceptions and actions around sexual orientation and religion and belief. The Equality Act 2010 is passed.

UCU issues *Pride and Prejudice in Education* highlighting the experiences sexual orientation and gender identity among post-school education learners and staff.

2011

The Public Sector Equality Duty (PSED) comes into force and is supported by the specific duties.

2015

UCU in partnership with other post-16 education bodies produces a LGBT wallchart showing the history of LGBT rights and acknowledging LGBT people from across the world.

2016

2017

UCU launches a film to coincide with LGBT History Month looking at the experiences of LGBT members in UCU.

Pride and Prejudice in Education

The Pride and Prejudice in Education report was produced by the Forum for Sexual Orientation and Gender Identity Equality with the University and College Union, National Union of Students, the Equality Challenge Unit, the Learning and Work Institute and the Skills Funding Agency on the project team.

The report calls on universities and colleges to provide good quality training and support for staff. It also recommends that institutions develop an inclusive curriculum, have zero tolerance for harassment of LGBT+ students and take action to prevent students dropping out due to discrimination.

Key findings include

- 60% of respondents had witnessed a learner acting negatively towards people because of their sexual orientation at least once. One in 10 respondents saw or heard this behaviour every day.
- 51% of lesbian and gay students and 59% of non-binary students had experienced homophobic or transphobic name-calling.
- 4% of non-binary students had seriously considered dropping out of their course, compared with 35% of respondents on average.
- 17% of staff respondents had experienced



biphobic, homophobic or transphobic name-calling at work.

- 13% had been harassed, one in 10 had been threatened or intimidated and 3% had been physically assaulted.
- 78% of respondents said they did know who to go to in their workplace if they experienced bullying.
- 52% of staff said that no sexual orientation or gender identity equality training was provided for staff or

learners where they worked.

The full report is available from:

https://www.ucu.org.uk/media/7929/Pride-and-Prejudice-in-Education-Feb-16/pdf/ucu_prideandprejudiceineducation_feb16.pdf

Notes

- The Forum for Sexual Orientation and Gender Identity Equality in Post School Education promotes sexual orientation and gender identity equality in further and higher education. For more information see <https://sgforum.org.uk>.*
- Students in higher education were not surveyed because they had been recently surveyed by NUS using a similar framework and research questions; see NUS (2014).*

Q&A



on LGBT equality

As part of LGBT History Month we asked Rob Goodfellow, UCU president, about his views on LGBT equality at work and in wider society.

How important is it that we celebrate LGBT History Month and the achievements of LGBT people? It's

important for people to remember the struggles that people go through for equality of treatment and acceptance, and that applies just as much to LGBT people as to any other group or minority. Yes we can say let's move on, of course, but ignoring the past is a mistake as many lessons are learned along the way that need to be remembered and even celebrated.

Do you think sufficient progress has been made in the campaign for equality for LGBT people?

There is no doubt we are in a far better place today than when I first started work as a park apprentice for a local authority. That said, the campaign will never be over until public figures, politicians and ordinary people in the street find

it abhorrent to criticise someone on LGBT grounds.

How widespread is homophobia and transphobia in our colleges and universities? Unfortunately this is still widespread among a significant number of staff and students – with senior managers not taking the issue seriously but merely saying: 'We have policies on that' – but then not treating a complaint or incident as a significant event. It is ironic that in academic institutions people are told to stop being so thin skinned – 'It's only a bit of banter', or are afraid to raise LGBT issues in front of students, for example, in a tutorial session, for fear of the reaction.

Is enough being done to challenge transphobia and homophobia within our schools and workplaces?

Clearly the answer to this is 'no' when you look at my previous

responses. Teachers can't win – they receive criticism from people like me for not doing more but if they attempt to educate their students more they are accused by parents and politicians of 'promoting LGBT issues'. This is a serious issue and until tackled, how can it possibly improve in the workplace? School children grow up and become the workforce and managers of tomorrow with yesterday's prejudices.

Do you think that the current laws on tackling hate crime in relation to LGBT people are strong enough?

I'm not sure it is the laws that need to be strengthened, more the enforcement by police and the judiciary to take LGBT issues far more seriously and recognise that incidents can blight people's lives just like any other negatively perceived label they ignore.

What are your views of LGB&T history becoming more wide-spread so it becomes the 'norm'?

Films such as *Pride* and *The Imitation Game* have helped to tell the history and achievements of LGBT people to the world. This is the key – making LGBT mainstream – not a perceived sect or tiny minority or irrelevant pressure group. Sport is a classic – how many gay footballers have felt able to speak out and be acknowledged? When an outwardly gay sportsman can step out in front of thousands of 'home'

Rob's top three priorities for LTBT equality:

1 Stamp out LGBT discrimination in the workplace starting with all educational institutions.

2 Use positive role models to portray LGBT people.

3 Normalise LGBT relationships in the minds of the public, politicians, police and the judiciary – in other words make LGBT a non-issue for everyone.

and 'away' supporters with no negative LGBT taunts, then we will be closer to where we need to be.

Following the EU referendum, how much confidence do you have in the government to deliver on equality commitments to advance LGBT equality?

When EU protective employment legislation is described by the government as red tape that needs to be got rid of, I have very little confidence in their commitment to equality in any of its forms, I wish I could be more positive.

Has there been more advancement in LGBT equality on the European/international stage and what can the UK learn to promote LGBT equality?

A lot of our protections for health and safety and also equality come from Europe. They embed equality and see it as a natural and obvious thing to take in to account in legislation but also everyday life. We need to stop paying lip service to equality issues because it's politically correct to do so.

How can UCU members challenge bi-phobia, homophobia and transphobia in the workplace?

By not turning a blind eye to incidents, by challenging even low level occurrences which can feel difficult and much easier to pretend equality causes and speaking positively about the issues and the people concerned.

CAMPAIGNING FOR YOU!

Over the years we have raised issues and campaigned for a better, more inclusive working life for our LGBT members. This has included:

- **progressing gender identity and sexual orientation, LGBT equality and inclusiveness in higher education**
- **LGBT research**
- **area reviews and LGBT concerns**
- **challenging LGBT phobias in the light of the far right and across Europe, the impact of austerity cuts on LGBT staff in further and higher education**
- **advancing anti-homophobia work and LGBT visibility and representation**
- **advancing LGBT training**
- **campaigning internationally against repressive regimes.**

OUR WORK CONTINUES...



Remembering Gerard Kelly

Gerard Kelly was NATFHE's first 'out' president. In this article, the full version of which was first published in Equality News in June 2001, Gerard talks about the impact of being in a union and becoming involved within its structures. Gerard died of liver failure in August 2008.

I joined NATFHE in 1993, and was quickly persuaded to hold my first branch position as section representative. As a gay man and a person new to trade unionism, I was daunted by the responsibility, but felt very supported by my branch at MANCAT. This was the first job where my sexuality was treated as unimportant, but also important. Still in 1993, I was encouraged to attend a lesbian and gay meeting in NATFHE head office, but to get approval from regional council. At that time I did not even know what regional council was. Again I was daunted, but with the backing of my branch I went to region and again felt my sexuality was acknowledged and accepted.

In my first year on regional council I didn't do much but felt included and listened to. My non-involvement wasn't due to members of region, but to my own lack of self-esteem. Since then, I have been regional chair and regional secretary.

At my first annual conference in 1995, a lesbian and gay committee was established.

I remember the delight when the motion was passed despite opposition. This gave lesbians and gay men a national voice. The committee put a rule change to establish a reserved seat for lesbians and gay men on the NEC, and this was narrowly passed at Conference in 1996. The people who had worked so hard for equality were euphoric and triumphant. I stood for the seat in 1997, and have held it until now.

During my time on the NEC, equality has been my stamping ground, and I was and am chair of the Equal Opportunities Advisory Council.

Last year I took the plunge and decided I was ready to stand for vice-president. I was elected unopposed – I think because the NEC accepted my credibility as a trade unionist. Being involved in NATFHE has been a most positive experience for me, and I have felt supported at every stage. If any readers feel reticent about getting more involved, perhaps my experience will provide encouragement to new activists.

Monitoring

Equality monitoring is the process by which information is gathered and analysed on the basis of one of the six equality strands. These are race, gender, disability, sexual orientation, religion or belief and age. It is used to assess how far an employer is achieving equality in the workplace.

Monitoring enables information to be obtained on aspects of employment that can be affected by discrimination such as recruitment, progression and redundancies. It can highlight any inequalities that exist in a workplace and is a method of evaluating the success of any policies that have been implemented to tackle inequality.

Monitoring is an essential part of tackling inequality and discrimination and if done effectively, can provide an assessment of how equal a workplace really is.

Why is monitoring important for trade unionists?

Monitoring can give us evidence of discrimination in the workplace and is a way of assessing the equality implications of employment policies that can lead to barriers to career

Monitoring shouldn't be an end in itself. It should be the starting point for action. UCU branches should be pushing universities and colleges to tackle any gaps or inequalities found in their equality monitoring and publicise the results of any monitoring exercise.

progression and equal pay. The results of monitoring can be used as a tool to put pressure on management.

Monitoring shouldn't be an end in itself. It should be the starting point for action. UCU branches should be pushing universities and colleges to take steps to tackle any gaps or inequalities found in their equality monitoring and publicise the results of any monitoring exercise.

It is therefore in our interests to ensure that there is a high return rate for any monitoring that takes place so the data gathered is as representative as possible. This means that if branches feel that monitoring meets their requirements we should be encouraging members to respond and explaining why monitoring is a good thing.

Monitoring is also an important issue for UCU because of some of the issues surrounding sensitivities and confidentiality which can make staff feel vulnerable. Branches should ensure that no staff member feels victimised because of any monitoring exercise and that there are suitable confidentiality measures in place.

Checklist for monitoring

The following general principles should apply for any monitoring that takes place. These should be discussed and if necessary negotiated with the relevant department:

- Any monitoring form should begin with a statement of intent about why the information is needed and why it is being gathered.
- Data collection on sexual orientation should include lesbian, gay and bisexual people and on gender identity the current UCU position is that people should be able to identify within and outside the male and female binary. Currently UCU uses 'other, please specify' as a data collection for members in membership and in surveys.
- Monitoring should not ask if someone is trans, though 'trans male' could be included in brackets after 'male' and 'trans female' could be included in brackets after 'female'.
- Monitoring should not expose people who do not wish to be out about their sexual orientation and/or gender identity.
- Monitoring should be voluntary.
- A commitment must be given to confidentiality and anonymity.
- Information should be given about how the data collected, will be used and where and how long it will be stored for.
- Consultation should be undertaken with equality groups on methods and types of monitoring prior to any implementation of monitoring systems.

Monitoring for gender identity (trans) is controversial

Some transgender groups argue that monitoring for gender identity should not be carried out as most trans people will want to be identified in their new gender.

It should be discussed first with 'out' trans members. If asked, a question about gender identity should be freestanding, not part of sexual orientation or gender questions.

The question should ask is: 'Is your present gender different from that you were assigned at birth?' and the possible answers should be 'No/Yes, for all purposes/ Yes, but not for all purposes/ Prefer not to say.'

TUC Workplace Manual 2016



Nonbinary.org



Gender identity and awareness

Gender identity is one's personal experience of one's own gender. Gender identity can be associated with a person's assigned biological sex at birth, or can differ from it completely. Gender identity issues in the workplace are being addressed by UCU with the involvement of the LGBT standing committee. Raising awareness around gender equality including gender reassignment can be achieved by following our 20 point steps.

1 The term trans is used to describe the range of people whose gender identity is different from the gender assigned at birth.

2 Trans may or not may accepted as a label by people who do not identify with the binary gender categories of male and female (non-binary gendered).

3 People who transition from one of the gender binary categories (eg female) to the other (eg male) are covered by the Equality Act under the protected characteristic gender reassignment.

4 It is not necessary to be under medical supervision to be protected by the Equality Act 2010. For example, a person assigned a female gender at birth who decided to live permanently as a man but does not undergo any medical procedures is protected.

5 The 2015 House of Commons Women and Equalities Committee inquiry into transgender equality found that the category gender reassignment is inadequate to cover the broader range of people who do not relate to the gender identity assigned at birth (eg non binary). The term that the inquiry

recommended should be used and covered in equality law is gender identity.

6 It is good practice to extend all equality measures associated with gender reassignment to the broader category of gender identity.

7 A key concept in gender identity equality is respect. Respect for people's gender identity, for their right to work or study with dignity, for their name, preferred use of pronoun, and personal identity, for their privacy.

8 All people should be treated with regard to the gender identity they identify with irrespective of their legal gender.

9 In the UK it is possible to gain full legal recognition for change of gender from one binary category to the other.

10 It is a criminal offence to pass on information about a trans person's gender recognition without their consent.

11 Education providers in F/HE have a legal duty under the Equality Act 2010 to take active steps to prevent discrimination and harassment on grounds of gender reassignment, whether or not they believe they have students directly affected by gender reassignment.

12 Education providers should have specific policies and procedures to support trans staff and students, including those undergoing gender reassignment.

13 Equal opportunities, recruitment and anti-bullying and harassment policies

should make specific reference to gender reassignment, and it would be good practice to broaden that to gender identity equality.

14 Other policies and practices should be assessed for their impact on gender identity equality for staff and students.

15 Education providers should collect and publish information about staff and learner equality. This information can be collected using qualitative research and data monitoring. The inclusion of gender identity questions on monitoring forms must be undertaken carefully.

16 Gender identity can be asked in the format of 'female', 'male', 'other' or another variation of this. There should not be an option 'trans'.

17 A question such as 'is your gender identity the same as you were assigned at birth' can be included.

18 Gender identity equality should be included in all induction and training, including staff and student handbooks.

19 Education institutions should publicise and demonstrate their commitment to trans equality, including annual reporting of equality outcomes.

20 It is recommended that to achieve the best results in gender identity equality education institutions, students unions and trade unions should work together involving trans and non-binary gendered staff and students and engaging with local equality networks and national partner organisations.

Transgender Day of Remembrance

Transgender Day of Remembrance (TDOR) was started by transgender advocate Gwendolyn Ann Smith as a vigil to honour the memory of Rita Hester, a transgender woman who was killed in 1998. The vigil commemorated all the transgender people lost to violence that year and began an important memorial that has become the annual Transgender Day of Remembrance.

Transgender Day of Remembrance is observed on 20 November.

The Transgender Day of Remembrance seeks to highlight the losses we face due to anti-transgender bigotry and violence. I am no stranger to the need to fight for our rights, and the right to simply exist is first and foremost. With so many seeking to erase transgender people – sometimes in the most brutal ways possible – it is vitally important that those we lose are remembered, and that we continue to fight for justice."

Transgender Day of Remembrance founder Gwendolyn Ann Smith

As of December 2016, there have been three deaths of male to female transgender people in prisons:

Vicky Thompson (November 2015)

Joanne Latham (December 2015)

Jenny Swift (December 2016)

We want to hear about any event you are organising to raise awareness on Transgender Day of Remembrance. Share your event by emailing details to satkin@ucu.org.uk



Transgender statistics

43% of trans people have experienced verbal abuse

62% of the UK transgender population have felt discriminated against or harassed because of being perceived as transgender

38% of trans people have experienced physical and verbal abuse

19% of trans people have not received any abuse

Of a total of 70 transgender prisoners:

52 prisoners reported their gender as male

14 prisoners reported their gender as female

4 prisoners did not state their gender



Language and terminology

In response to Congress resolution 23 (2016), *Fighting for Trade Union Equality Work*, UCU's LGBT equality standing committee will be commencing discussions on whether to change its name from LGBT to LGBT+. The '+' represents the countless other groups of sexual and gender minorities that would make the acronym too long for practical use along with the many symbols that have been adopted by the LGBT community to demonstrate and reflect a sense of pride, shared values, and allegiance.

Today, more and more people are claiming their right to define themselves rejecting the norm of society to describe who they are. The following serves to give a description of the spectrum of LGBT people.

The LGBT acronym has emerged as a result of these different groups of people having histories of socialisation and more recently organisation. Over the past twenty years or more the majority of Ttrans people have allied with the LGB community and been welcomed by many organisations. Hence LGBT has emerged as an organising term. One of the risks of this shorthand term is that it is easy to forget the component parts. So it is important to always remember that the term LGBT has within it many different identities and also differing rights across the world.

Gender identity goes beyond the protected

characteristic of gender reassignment in the Equality Act. Gender reassignment covers those people who wish to change their sex. It is widely recognised that this is a small number of the people who challenge the traditional binary classification of sex into male and female categories. The term gender identity encompasses this broader group. In this guide when referring to legal rights we refer to gender reassignment but when organising for equality we refer to gender identity.

Lesbian, gay, bisexual and trans people encounter marginalisation, discrimination and prejudice in many countries. One way of coping with sexual orientation discrimination has been to 'put up and shut up' which has increased levels of invisibility. Therefore there may be many more LGBT people than is officially known. Trans people have often coped by not coming out and also those who have transitioned may well not be out as having changed their gender. This can result in cultures of silence and invisibility which can be experienced as repressive and discriminatory.

Sustaining and advocating such cultures is contrary to the values of UCU and the trade union movement. We need to challenge assumptions that there are no people of LGBT sexual orientation or trans identities within organisations as this can lead to a lack of action on ensuring LGBT rights.

Terminology and abbreviations

Gender identity

- **Binary gendered** Individuals who self-identify as either male or female, including trans men and women.
- **Cis-gendered** Individuals who identify with the gender they were assigned at birth.
- **Gender expression** An individual's choice of how they present themselves in terms of behaviour, clothing, hairstyle, voice etc. This can alter from day to day and may not be consistent with gender identity.
- **Gender reassignment** Changing gender from one binary gender to another.
- **Non-binary gendered** Individuals who define their gender identity as neither male nor female. This group includes those who describe themselves as 'genderqueer', 'X' or 'other'.
- **T/trans** Individuals who describe their gender identity differently to that assigned at birth.
- **X:** survey respondents were given the option to define as 'X', and given the following definition: 'We use 'X' as an option to describe gender identity to enable anyone who wishes to do so to choose a gender identity that is different to the traditional female and male.'

We recognise that this option is usually used by intersex and some trans-identifying people who regard their identity as a third sex.

Sexual orientation

- **Heterosexual** Individuals who identify as either heterosexual or straight.
- **LGB** lesbian, gay and/or bisexual.
- **LGB+** Individuals who define their sexual orientation as lesbian, gay, bisexual, undecided or 'other'

Gender Identity and sexual orientation

- **LGBT** Lesbian, gay, bisexual and/or trans – used when referring to previous studies where the focus has been lesbian, gay, bisexual and/or trans identifying people. It has also been used as an umbrella term for organised groups
- **LGBTQ+:** is used as an umbrella term to include all those who identify as non-heterosexual and/or binary gendered: this reflects the survey questions and acronyms that are in use at the time of this survey.

Source: Pride and Prejudice Report

Hate crime

In the aftermath of the EU referendum the UK has seen an increase in hate crime across the five centrally monitored strands.

Period	2011/12	2012/13	2013/14	2014/15	2015/16	% change from 2014/15-15/16
Hate strand						
Sexual orientation	4,345	4,241	4,588	5,591	7,194	29%
Transgender	313	364	559	607	858	41%

Source: Home Office Hate Crime Figures 2015/2016

A hate crime is defined as any crime that is targeted at a person because of hostility or prejudice towards that person's:

- disability
- race or ethnicity
- religion or belief
- sexual orientation
- transgender identity

Our workplaces are not immune from hate crime. Colleges, universities and work-based learning providers must ensure the safety of all communities. Employers have a statutory obligation under the Equality Act 2010, set out in s149 of the act, to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation

Our workplaces are not immune from hate crime. Colleges, universities and work-based learning providers must ensure the safety of all communities.

- advance equality of opportunity between different groups
- foster good relations between different groups.

We encourage members and branches to engage with employers to ensure work places are safe spaces.

If you are a victim of hate crime based on your sexual orientation or gender identity report it. Contact True Vision an online reporting portal at www.report-it.org.uk/home

LGBT people are no strangers to victimisation, prejudice and discrimination. In April 1999, neo-Nazi, David Copeland planted a nail bomb at the Admiral Duncan pub in Soho, London. The bomb was the third in a series of attacks against black and LGBT people. Three people lost their lives and a similar attack

was made in June 2016 at a nightclub in Orlando, Florida.

Hate crimes have no place in society. UCU stands proudly with our members against hate crime and discrimination of LGBT+ people at work and in wider society.

FIVE THINGS YOU CAN DO TO CHALLENGE HATE CRIME

1 Speak up Say something like ‘that is unacceptable.’ Remember, a) the perpetrator will often know what they’re doing is wrong, and b) they will more than likely be in a minority in the immediate environment. In making your decision through, try not to escalate the situation.

However, there may well be occasions when intervening isn’t safe as some individuals can be rather intimidating. No-one should feel they should have to put themselves in danger – especially if you are from a marginalised community yourself. There are plenty of other things you can do if the situation isn’t right to directly intervene.

2 Support If any form of hate, is directed against a person, stand with them. Provide reassurance and talk to them calmly and directly. Physically standing next to the victim not only demonstrates solidarity but may give others the confidence to take a stand as well.

If any form of hate is directed against a person, stand with them. Physically standing next to the victim demonstrates solidarity and may give others the confidence to take a stand as well.

Perpetrators often assume that silence means assent, so drawing others in to support the victimised person gives a clear message that the perpetrators are in the minority. If the incident happens on public transport or other public space (shops etc) engage relevant staff.

3 Contact the authorities Telephone the police. Call 999 for an emergency and 101 to report an incident that isn’t on-going. Leave your contact details and offer to be a witness.

4 Film the perpetrator These days, most of us have access to a camera phone with video-recording capabilities. This can be used as evidence to bring a charge against someone committing a hate crime.

Just the action of pulling out a camera might make the perpetrator stop. Make sure you get footage of the perpetrator’s face and ensure that any defining characteristics of the surrounding area are captured to ensure that the incident can be correctly located.

5 Report It! There are several organisations operating in Britain who work to document hate crime and support victims. These organisations can also provide you with information as to what constitutes hate crime, and how to go about reporting it.

INTERNATIONAL WORKING



Sexual orientation and gender identity equality issues

LGBT workers have a right to expect to be protected from discrimination under the terms of the Equality Act and their institution's equality policy. However, during the course of working for your college or university it is possible that you may find yourself working internationally, either on a short visit or longer-term basis. Sometimes you may not have a choice over where you work. Sometimes this may mean working

Sometimes you may not have a choice over where you work. Sometimes this may mean working in a country that is non-LGBT friendly.

in a country or environment that is non-LGBT friendly.

UK universities are increasingly involved in the delivery of a wide spectrum of educational activities internationally with franchises and campuses in many different countries. The number of students studying for UK degrees in other countries is also increasing. Branch campuses employing staff from the UK as well as recruited locally constitute a small but growing

proportion of UK universities' international provision. The number of branch campuses established by UK universities almost doubled between 2009 and 2014 from 13 to 25. Homosexuality is illegal in many of the countries where higher education institutions (HEIs) operate either having procured the services of local providers or through establishing branch campuses. The legal standing for trans people varies considerably and trans people experience a great deal of hostility.

*Homosexuality is
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There are:

- 73 and four political entities that are parts of larger countries have homosexual acts are illegal.
- 10 countries, where homosexual acts carried the death penalty. Another country has recently passed such legislation but it is unclear whether this will take effect.
- One country where, though there is no legislation for the death penalty, militias execute homosexuals. One 'state' which is unrecognised as a nation which carries out the death penalty against homosexuality. One country where the law could be interpreted to apply the death penalty to homosexual acts

(Source: Erasing 76 Crimes
<https://76crimes.com>)

- 22 countries where marriage is open for same sex couples.
- 20 countries where same-sex couples have nearly the same rights of marriage through partnership legislation.

Under the Equality Act 2010 the legal position of homosexuality, including same-sex partnership rights, is a consideration for each and every UK HEI in all their policies and practices, including procurement. Higher education institutions are legally obliged to implement the public sector equality duty specified in the Equality Act 2010. The public sector equality duty which applies to higher education institutions stipulates that in all policies and practices organisations should:

- have due regard to the need to eliminate discrimination.

- advance equality of opportunity
- foster good relations between different people when carrying out their activities.

The Equality Act covers nine protected characteristics including gender reassignment, marriage/civil partnership and sexual orientation.

Organisations, including higher education institutions (HEIs) are required to demonstrate that they have given due consideration to the equality duty prior to development of policy and initiation of practice.

They also need to consider the impact of pre-existing policies and practices in order to make adjustments to mitigate against negative impact. Such adjustments should be made in ways that are reasonable within the wider functions of the organisation.

UCU has issued complementary guidance to the UCU HE negotiating guidance on overseas working. The aim of this guidance is to draw out points specifically relevant to staff who identify as lesbian, gay, bisexual and/or trans following a considerable number of requests for such guidance from members and UCU branches.

Read the full guidance at <https://www.ucu.org.uk/media/8209/Sexual-orientation-and-gender-identity-equality---international-working/pdf/Internationalworking.pdf>

Organisations, including higher education institutions are required to demonstrate that they have given due consideration to the equality duty prior to development of policy



Europe and UK LGBT rights

This guide looks at the relationship between Europe and UK legislation on LGBT rights. Law agreed in the UK applies whether the UK is a member of the EU or not but countries outside the EU are not subject to EU directives. Directives are policies agreed by the EU member states, to be enacted by each member. If these directives are not enacted the member state can be challenged in the EU Court of Justice.

This guide also covers that relationships with Europe go beyond EU membership.

The UK is currently part of the European Union and the Council of Europe. The EU has 28 members and the Council of Europe has 47. The Council includes countries such as Russia and Iceland that are not part of the EU as well as countries such as Denmark and Greece that

are part of the EU.

The Council of Europe is an organisation of European countries focused on human rights, democracy and the rule of law in Europe. The Council has agreed the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950, Rome) which can be used in cases where it is considered countries are not upholding agreed human rights.

Some key rulings from the courts and some EU directives have influenced UK legislation for LGBT rights:

- 1981 ECHR ruling led to 1982 decriminalisation of homosexuality in Northern Ireland
- 1996 ECJ ruling led to the 1999 Sex Discrimination (Gender Reassignment) Regulations
- 1997 ECHR ruling led to equalisation of the age of consent 2000
- 1999 ECHR ruling led to ban on LGB people in the armed forces being lifted in 2000



*The European
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articles related to
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- 2000 EU Employment Equality Framework Directive and the 2006 Equal Treatment Directive have formed the basis for the 2010 Equality Act
- 2000 EHRC ruling led to change in the UK laws on 'gross indecency' in 2003
- 2002 ECHR ruling led to the 2004 Gender Recognition Act.

Whilst same sex partnerships were introduced by the UK Government there are some rulings since 2013 from the ECHR which have some impact for people registered in same-sex relationships in the UK.

The European Court of Human Rights has recognised same-sex unions as pertaining to the Convention on Human Rights articles related to 'family life' (Schalk and Kopf v Austria 2010)

Vallianatos v Greece (2013) the Court ruled that it was violation of the convention if same-sex couples are excluded from civil unions if they are available for opposite sex couples.

In Oliari and others v Italy (2015) the ECHR established a positive obligation for members of the Council of Europe to provide legal recognition of same-sex relationships.

Currently 20 of the 47 member countries do not legally recognise any form of same-sex union.

Domestic legislation is required in nation states to recognise same sex partnerships and marriage.

Within the EU if an EU national and their same-sex partner move from a country where their relationship is legally recognised to another country where same-sex unions are not recognised their relationship should be treated the same as a ('duly attested') long-term unmarried couple. Each country has its own laws in terms of immigration from outside the EU. People with non-EU passports moving from a place where their same-sex relationship is registered should refer to the laws and regulations of the individual EU country of destination for more information about the recognition of their same-sex relationship.

Employment equality is underpinned by directives and rulings from the EU bodies whilst the Council of Europe through the ECHR has focused on human rights. The UK acts that are supported and were in some way led by EU directives do not change when the UK leaves the EU.



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However if these laws are amended or repealed after the UK leaves the EU these will not be underpinned by EU directives. This position also applies to European Court of Justice rulings which set case law for any country within the EU. Furthermore the cost of taking employment tribunal cases has substantially increased in the UK and there is objective evidence that cases have fallen in number. As a result progress obtained through taking cases may not be experienced in the same way as before the rise of tribunal costs. The TUC is lobbying for reversal of this cost.

Further Information

<http://en.strasbourg-europe.eu/member-states,44987,en.html>

http://europa.eu/youreurope/citizens/family/couple/registered-partners/index_en.htm

http://www.glapn.org/sodomy-laws/world/united_kingdom/uknews23.htm

http://www.ilga-europe.org/sites/default/files/5_key_facts_on_the_eu_and_lgbt_equality_-_longer_version.pdf



World Aids Day

1 December 2016

HIV affects ALL people regardless of age, gender, disability, race or sexual orientation. The theme and campaign for World Aids Day 2016 was *Hands up for #HIVPrevention*.

The decline in new HIV infections among adults has stalled. The UNAIDS Prevention gap report shows that worldwide an estimated 1.9 million adults have become infected with HIV every year for at least the past five years and that the number of new HIV infections is rising in some regions.

The report *Prevention gap report* shows that HIV prevention efforts must be reinvigorated if the world is to stay on the fast-track to ending the AIDS epidemic by 2030.

Download the full report:

www.unaids.org/sites/default/files/media_asset/WAD2016-brochure_en.pdf

HIV *and* work



An employer can be held responsible, not just for the discriminatory actions of the management or of the company itself, but also for the behaviour of other employees. For example, if an HIV positive employee suffers harassment from colleagues, and the employer cannot show that they took steps to try to prevent this happening, then the employer can be held responsible.

HIV is considered a chronic illness, alongside conditions such as cancer and diabetes. From the point of diagnosis, a person with HIV is protected against discrimination by law. Like other chronic illnesses HIV should be included in negotiations for disability equality. Therefore, HIV-related discrimination at work is unlawful.

Under the Equality Act 2010, the rights of all people diagnosed with HIV are protected within the protected characteristic group, disability (Equality Act 2010 Pt2 s6).

Being considered disabled gives people

with HIV protection against discrimination in many aspects of employment, including applying for a job, the terms under which employment is offered and opportunities for training, promotion and other benefits.



The global picture

Since the beginning of the epidemic, more than 70 million people have been infected with the HIV virus and about 35 million people have died of HIV. Globally, 36.7 million people were living with HIV at the end of 2015. World Health Organisation

The global face of LGBT equality

71 UN states offer protection against workplace discrimination

121 UN member states have no penalties for same-sex relationships

72 have criminal laws against sexual activity by gay, bisexual, transgender and intersex people

17 states have laws that target freedom of expression related to sexual orientation

40 states have protection regarding hate crime and incitement to hatred



Five key facts on the EU and LGBT equality

The European Union (EU) has been a driver of equality for lesbian, gay, bisexual and trans people over the past 20 years. In this article, ILGA-Europe present some key facts about the role of the EU in advancing equality for LGBT people in Europe, including in the UK.

FACTS

1 The European Union has set standards internationally It was the first international organisation to explicitly recognise sexual orientation¹ and gender identity² as grounds of discrimination in law.

Why does this matter? The EU has had the courage and foresight to include protection for LGBT people in key legal documents such as the Amsterdam Treaty (1997), the Charter of Fundamental Rights (2000) and anti-discrimination directives. It has stayed relevant

and continued this equality work in areas such as asylum and the protection of the rights of victims of crime. This explicit recognition of the rights of LGBT people is very important in confirming that 'LGBT rights are human rights,' especially when other organisations (like the United Nations for example) are still struggling to explicitly include sexual orientation and gender identity in their human rights documents.

2 EU legislation was a trigger for UK equality laws LGBT people are protected against workplace discrimination as a result of the EU's initiative.

The collection of workplace anti-discrimination laws enjoyed by UK workers today is a combination of UK and EU proposals. Employees in the UK were protected against discrimination on the grounds of race, sex and disability before the EU took action.

In 2000, the EU Employment Equality Directive was adopted. This extended protection from discrimination in employment to the ground of sexual orientation – which became a reality for workers in the UK in 2003 when the directive was implemented.

Why does this matter? It shows that very significant progress can be made on equality for LGBT people when the EU's efforts complement the great campaigning work of national activists. It also means that employees in the UK enjoy a double layer of protection – if their domestic law doesn't solve the problem, the EU law can help.

3 EU court cases have introduced even more protection As a result of the Court of Justice of the EU's decisions, protection against gender identity-based discrimination

became a reality in UK workplaces and the rest of the EU.

In 1996, the European Court of Justice³ said that protection against gender-based discrimination at work should also apply to people who had undergone or were planning to have gender reassignment surgery, the first European-level case of its kind. As a result, the UK introduced the Sex Discrimination (Gender Reassignment) Regulations in 1999.

The European courts have also made sure that same-sex registered partners⁴ and transgender partners⁵ enjoy exactly the same employment benefits and are treated equally under pension schemes as married couples. The principles established in cases against one state apply equally in the other 27 member states.

Why does this matter? Because it shows that the European Court of Justice is strictly applying non-discrimination principles to LGBT people, making their life better in the UK and all over the EU. Of course, the UK might have introduced similar protections of its own eventually, but these progressive court cases helped secure equality for LGBT people in the UK much faster.

4 The EU has brought greater protection for UK citizens in a same-sex partnership and their family members when they work, live and travel within the European Union

When UK same-sex couples, who have registered their partnership or married in the UK, travel to other EU countries with equivalent provisions,⁶ their relationship is recognised thanks to freedom of movement of persons, one of the EU's core principles.

Why does this matter? Life can be unpredictable – you or your partner might end up

getting a job in another EU country, for example. It is very important that same-sex couples who are married or civil partners in the UK can travel within the EU and continue to have their relationship recognised (along with all the legal rights and protections that comes with that). This is particularly the case where a UK citizen's partner originates from a country outside the EU.

5 The EU encourages solidarity with LGBT people in Europe and beyond

As we have already mentioned, EU member states must protect LGBT people under EU laws – they can also go beyond these EU laws and give even more protection if they like! Respect for human rights – including the rights of LGBT people – is also one of the 'Copenhagen criteria' that countries who want to join the EU have to fulfil. This requirement has led to many positive changes in would-be member states, including the repeal of discriminatory criminal laws in six countries. In 2013, the EU adopted a set of guidelines on how to support LGBTI people's human rights. These are used by EU staff and the embassies of EU countries all over the world.

Why does this matter? Solidarity and a sense of community have always been at the heart of the LGBTI movement.

If the UK sees itself as a beacon for LGBT equality, it can work to use this leverage by sharing its own expertise with those EU member states with less comprehensive laws. As for LGBT people in those countries outside the EU, it would certainly be more effective for the UK to press for more protection and social change as a member of a bigger family (the EU 28) rather than as a single voice. The UK can stand in support of LGBTI

asylum seekers and refugees who are escaping terrible treatment in their home countries.

Both the EU and the UK have made great advances on the road to full equality for LGBT people in the past few years. Activists all over Europe are still working to make that vision a reality – but the UK and the EU have certainly been a positive force for good. Any attempt to weaken the EU and its influence in fighting discrimination could remove a valuable layer of protection for LGBT people – something that everyone has worked for decades to achieve.



Notes

¹In the Treaty of Amsterdam (1997) and the Charter of Fundamental Rights (2000)

²Explicitly referred to in the Asylum Qualification Directive (2011) and in the Equal Treatment Directive (2006/54/EC). Indirectly referred to in the recast Goods and Services Directive 2004/113/EC. (Even though Directive 2004/113/EC does not mention trans people in its text, the Council of the European Union and the European Commission have referred to the ECJ case-law for the first time and indicated that trans people are to be protected under the scope of this Directive.)

³The case is called *P v. S and Cornwall County Council*, Case C-13/94, (30 April 1996)

⁴The relevant cases here are *Tadao Maruko v. Versorgungsanstalt der deutschen Bühnen*, Case C-267/06, (1 April 2008) and *Jürgen Römer v. Freie und Hansestadt Hamburg*, Case C-147/08, (10 May 2011)

⁵The relevant cases here are *K.B. v. National Health Service Pensions Agency*, Case C-117/01, (7 Jan. 2004) and *Richards v. Secretary of State for Work and Pensions*, Case C-423/04, (27 April 2006)

⁶For more information on the free movement of same-sex partners, see the definitions of family member and beneficiaries in Article 2 and Article 3 of the Free Movement Directive 2004/38

Spotlight on migrants and refugees



The LGBT community has a history of working and with other groups as was demonstrated during the miners' strikes of the 1980's. Lesbians and Gays Support the Miners was instrumental in raising funds for miners striking against the attacks from Margaret Thatcher's government. Similarly, LGBT Supporting Migrants and Refugees, brings support to migrants fleeing war torn homes for safety in other countries.

LGBT support migrants and refugees launch statement

The sight of people risking their lives to escape war, poverty and oppression has been heart-breaking. The callous response from the British government stands in stark contrast to the compassion and commitment of ordinary people who have risen up across towns, cities and villages to organise and bring solidarity to the refugees.



We are a group of LGBT people who have been active in Stand Up to Racism and Lesbians and Gays Support the Miners. We know what it's like to be scapegoated, made to feel like outsiders and to be persecuted by the media. We will not allow oppression, division and hatred to succeed. We therefore ask all LGBT people who are dismayed by the plight of refugees to join us now to build practical and political solidarity.

United we stand, divided we fall

For further information visit our Facebook page at LGBT Support Refugees and Migrants



Holocaust Memorial Day 2017

UCU commemorates Holocaust Memorial Day annually on 27 January. The theme for 2017 is 'How can life go on?'

It does so in memory of the millions who were murdered in the Holocaust and subsequent genocides in Bosnia, Cambodia, Darfur and Rwanda in order to challenge hatred and persecution in the UK today. UCU is committed to combatting all forms of workplace discrimination and harassment including anti-Semitism at work and wider society.

An estimated 100,000 men were arrested as homosexuals, serving time in regular prisons. It is estimated that 10,000–15,000 homosexuals died in concentration camps.

The Holocaust Memorial Day Trust have produced this factsheet that looks at LGBT people and the Holocaust. You can get further information at www.hmd.org.uk

You can find out more about Holocaust Memorial Day at <https://www.ucu.org.uk/hmd>

Get involved get active!

Do you work in further or higher, adult or prison education? Are you a member of UCU? Are you lesbian, gay, bisexual, transgender or interested in supporting developments to further sexual orientation and gender identity equality? If so, there are lots of things for you to get involved in...

Annual LGBT equality conference

This conference is for LGBT UCU members and is an ideal opportunity for networking and obtaining support. There are practical workshops that relate to issues affecting LGBT people at work and wider society. The conference is a safe space and you do not need to be out!

- Register to attend.
- Ask your branch to support your nomination as a committee member.

LGBT standing committee

The LGBT standing committee is one of nine special employment interest and equality groups. Members are elected annually at the LGBT equality conference.

*Become a
member of your
branch committee
to raise and
address issues*

- Ask your branch to support your nomination as a committee member.

LGBT workplace policies and procedures (good practice)

Policies and procedures are an excellent way of ensuring that employers and colleagues work in an environment free from fear as well as knowing and understanding the ramifications for failure to adhere to them.

- Become a member of your branch committee to raise and address issues.
- Share good practice of any policy and/or procedures that your branch has helped to develop
- Contact Seth Atkin for more information: satkin@ucu.org.uk

LGBT History Month

Conference and events are organised by UCU to mark LGBT History Month.

- Organise an event at your branch and show our new film!
- Display the LGBT equality poster
- Register for one of our events
- Contact Seth Atkin
satkin@ucu.org.uk for further information

LGBT Pride events

UCU is represented at Pride events in London, Birmingham and Manchester. This annual event is an opportunity to promote the work of the union on LGBT issues and to recruit new members.

- Take part in the many Pride events around the country and help out on the UCU stall
- Help carry the UCU equality banner!



*Speak with your
branch reps to
see how you can
get involved in
your branch at
local level*



National LGBT research conference

This annual event is organised by UCU with various themes every year. A call for discussion papers is sent to members for discussion.

- Contact Seth Atkin
satkin@ucu.org.uk for further information

Branch action

UCU structures serve to ensure that all equality groups have a voice in their branch. If you would like to be more involved with UCU...

- Speak with your branch reps to see how you can get involved in your branch at local level.
- Don't know who your reps are? Use our on-line tool:
<https://www.ucu.org.uk/your-contacts>

RECRUIT, RECRUIT, RECRUIT!

Join online at

www.ucu.org.uk/join

or by calling 0333 207 0719

Training

UCU's education programme offers its growing network of activists a wide range of courses. Courses run on a regional basis enabling participants to meet and work alongside UCU members from branches within their region

For more information on UCU training courses, visit www.ucu.org.uk/training

Sexual Orientation and Gender Identity

This is a one-day course for UCU reps who wish to broaden their understanding of, and gain confidence in, dealing with issues around sexual orientation and gender identity. This is a demand led course.

The course aims are to:

- increase reps' confidence to deal with issues around sexual orientation and gender identity
- provide an overview of key legal rights and procedures, sources of information and support
- examine existing structures that support equality and identify improvements
- increase reps' knowledge of negotiating priorities when considering sexual orientation and gender identity.

Equality reps

The workforce has become much more diverse in recent decades: the population is ageing, in 2014 for the first time the number of people aged 65 and over is expected to exceed those aged under 16; the ethnic minority population has grown by 50% since 1991; 2.5 million people are struggling to combine work

with caring responsibilities; and the proportion of working age women in employment is 70%; two-thirds of couples with dependent children are both working.'

TUC Equality Reps Project Report, June 2009

UCU equality reps and officers will work within branches to promote equality with the employer and union members. This could include looking at issues such as:

- flexible working
- absence management
- discriminatory practices
- equal pay
- equality impact assessments.

They also ensure that UCU's national annual meetings, and any other relevant events and opportunities for women, black members, lesbian, gay, bisexual and transgender (LGBT) members and disabled members are publicised locally, that members from all groups are encouraged to participate, and that the branch maximises the opportunities for recruitment and organisation amongst all groups. Equality reps are key in developing and sustaining national and local equality networks.

LGBT equality dates 2017



27 January

Holocaust Memorial Day

UCU commemorates Holocaust Memorial Day in memory of the millions who were murdered in the Holocaust and subsequent genocides in Bosnia, Cambodia, Darfur and Rwanda in order to challenge hatred and persecution in the UK today.

It is estimated that 10,000–15,000 homosexuals died in concentration camps.

<https://www.ucu.org.uk/hmd>

1-28 February

LGBT History Month

LGBT History Month is a month-long annual celebration of lesbian, gay, bisexual and transgender

history, including LGB and T rights and related civil rights movements.

<https://www.ucu.org.uk/article/7871/LGBT-History-Month>

1 March

International Zero Discrimination Day

March 1st is Zero Discrimination Day, an annual worldwide event that promotes diversity and recognises that everyone counts.

31 March

International Transgender Day of Visibility

An annual holiday occurring on 31 March is dedicated to celebrating transgender people and raising awareness of the discrimination they face worldwide.



17 March

**International Day against
Homophobia, Transphobia
and Biphobia**

The day is observed on May 17th and aims to coordinate international events that raise awareness of LGBT rights violation and stimulate interest in LGBT rights work worldwide.

6-7 July

TUC LGBT Workers Conference

The TUC LGBT Workers Conference is held annually and debates the major issues facing LGBT workers in the labour market. It is attended by delegations sent by trade unions affiliated to the TUC.

27-29 May

UCU congress

UCU's supreme policy-making body of the union is its annual congress. Congress includes separate annual meetings of UCU's further and higher education sector conferences, where policy particular to these areas is decided.

20 November

**Transgender Day of
Remembrance**

The day is observed to remember all transgender people who have lost their lives to violence.

Pride

UCU celebrates Prides across the UK with presence at Birmingham, London and Manchester.



UCU LGBT equality resources

UCU has produced a number of resources supporting LGBT equality and issues – these are shown below – all our resources are available at www.ucu.org.uk/article/1940/Equality-advice-and-guidance#Homophobia or by emailing eqadmin@ucu.org.uk for copies. Please remember to give your full details.

Sexual orientation and gender identity

Pride and Prejudice in Education

An exploration of experiences and perceptions of sexual orientation and gender identity among post school education learners and staff.

Gender Identity: Awareness and Actions for Equality

The purpose of this guide is to raise awareness about gender identity, including gender reassignment, and to identify actions that employers can take to promote and advance gender identity equality.



Gender identity awareness and actions for equality – Sexual orientation and gender identity equality: international working

Supplementary guidance for LGBT members working overseas.

Applying for a gender recognition certificate

Government guidance on applying for a gender recognition certificate.

Sexual orientation checklist

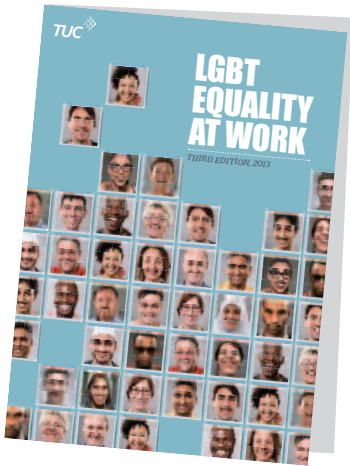
In relation to the equality duties, this checklist aims to help branches and local associations ensure that institutions do not discriminate against LGB and T people.

LGBT equality at work

TUC LGBT Equality at Work

The TUC campaigns for equality for

lesbian, gay, bisexual and trans people at work and in society.



Transforming the workplace

A TUC guide for trade union activist on supporting trans members

Lesbian, Gay and Bisexual Equality at Work

A guide from UCU about sexual orientation rights at work

https://www.ucu.org.uk/media/6890/LGB-equality-at-work-guidance-for-UCU-members-and-branches/pdf/LGB_equality_at_work.pdf

Trans equality

Trans equality in post-school education

Guidance from the Forum on trans equality in post-school education

General equality guidance

Implementing the equality duties: UCU toolkit

NEW General tools for equality

This guide brings together key tools you can use for progressing all equality negotiations: the moral case; the business case; the legal case; the public sector equality duty; monitoring; charter marks; equal pay audits; and national equality agreements.

NEW Devolved Nations Equality Differences Briefing

This briefing outlines some of the different legislation and approach to equalities in the devolved nations of Scotland, Wales and Northern Ireland.

2010 Equality Act: UCU briefing

This briefing outlines the requirements of the act

Equality Act 2010 – Public Sector Equality Duties

The public sector equality duty came into force on 5 April 2011 and is supported by specific duties. These came into force in England on 10 September 2011. Including guidance and checklists for the devolved nations.

We **want** to hear from you!

Help us improve our support to branches and members' by telling us what are the three most important LGBT equality issues in your branch?

Please return your completed form to Seth Atkin, Equality and Participation, UCU, Carlow Street, London NW1 7LH or email your response to eqadmin@ucu.org.uk or satkin@ucu.org.uk

1

2

3

Name

Branch position (if any)

Branch

Email address

☐

If you have not yet registered for our LGBT members email network and would like to, please tick this box



