



# Creating safe and inclusive workplaces for workers who are LGBTI

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26 Nov 2020 | 17h 30 - 19h30 | Zoom Platform

## Message from the Webinar Producer



*Webinar Producer*

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**Nosipho Twala**

*Educator & Researcher, Labour Research Service (LRS)*

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I am a gender and social justice activist. I am passionate about **creating safe** and **inclusive spaces**. I facilitate, design and manage education workshops and seminars in the Gender Programme of the LRS.

The Labour Research Service (LRS) envisions an environment that encourages individual change in consciousness and behaviour. We envision an environment that promotes inclusive practices and policies for workers who are LGBTI+ in working towards workplaces and trade unions free of homophobia.

We are committed to supporting Gender Coordinators in creating inclusive and safe spaces in the workplace and union where women, young people, people living with disabilities, migrant workers and LGBT workers feel free to claim and exercise their rights.

The LRS is grateful to The Other Foundation for supporting this work with our member trade unions. We are proud of the impact of the work thus far. This webinar demonstrates the increased consciousness, passion, knowledge and skills of trade union gender activists in advocating for rights, policies and organisational cultural changes that can promote inclusiveness in our workplaces. We applaud FEDUSA for the unwavering commitment to the rights of LGBTI. We cannot rest until LGBTI+ people in South Africa are safe, secure and empowered in the trade union, workplace and when seeking employment. Amandla!

## Objectives of the webinar

- 1** To strengthen consciousness, knowledge, and skills of trade union activists to advocate for the rights of LGBT workers and organisational cultural changes at the workplace, trade unions and community.
- 2** To sensitise trade unionists on the requirement of the ILO labour standard C190/R206 on ensuring the right to equality and non-discrimination of vulnerable workers.
- 3** To end discrimination, harassment and homophobia in the world of work.

## Webinar Moderator



*Moderator*

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**Tholo Motaung**

*Coach and transformation catalyst*

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I am a speaker, trainer, assessor, moderator and trade unionist. I am passionate about **workers' rights, good corporate governance, and human capital and organisational development**. I research and speak on topics that empower people. I also **host a radio show on LGBTQI+ issues and rights**, on Cobra Tycoon on-line radio station.

The LGBTQI+ Community is categorised as a vulnerable group and it is fitting as it is marginalised in many ways in the workplace. This is a small community that face daily challenges from the society due to its expectations and prejudices among other things. The workplace is no different from the rest of the society as LGBTQI+ community issues are not given the necessary attention they require. This has implications such

as having high performing employees getting disengaged, hopping from one organisation to the other, suffering from mental health issues as the environment in which they work in is not conducive enough to protect and take care of them.

Workers are generally protected by various legislations and Chapter 2: Bill of Rights of The Constitution of The Republic of South Africa 1994 provides for issues such as equality and human dignity. It is therefore imperative for trade unionists to work as alliances to the LGBTQI+ community in their respective workplace to promote and protect them against violation of their human rights.

Trade Unionists have to challenge themselves first to see their LGBTQI+ members as not only colleagues but also as workers like any other. They further need to engage them about pertinent issues, engage other workers and management to start crafting and implementing inclusive policies.

The time has come for trade unions to transform the workplace to be an inclusive and safe environment for LGBTQI+ workers through:

- Ensuring that there is non-discrimination and equality by having inclusive living policies
- Advocating for their rights in all workplace platforms e.g. recruitment processes
- Create a space in unions for LGBTQI+ members to be recognised and be actively involved
- Establish a culture of talking about their issues and paying attention to language use
- Creating opportunities in platforms like congresses, workshops, seminars, etc to engage on issues of LGBTQI+ members basic rights and development.



### *Opening remarks*

FEDUSA's strategy towards promoting a safe and inclusive workplace for LGBTI workers

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## **Phumzile Mashishi**

*Vice Chair, Social Justice Committee of FEDUSA*

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I am a veteran **union activist**. Once in the 1980s I mobilised 50% of workers in the company I worked in to unionise and get recognition, and all in a record one month. I have continued **to defend the rights of others** through HOSPERSA and FEDUSA. I majored in Sociology and Psychology at UNISA, and later got an Education Diploma at University of Cape Town.

The Federation of Unions of South Africa (FEDUSA) is conscious of the rights of all workers, including LGBTI people. FEDUSA is also conscious of the fact that gender equality is a basic right and a developmental issue. The federation's policies and resolutions are informed by South Africa's Constitution and Bill of Rights Chapter 2, and the 15 basic human rights as South African Human Rights Commission states that everyone is equal and must be treated equally. No one has the right to discriminate against you based on race, gender, sex, mental status, ethnic or origin, colour, sexual orientation, age, disability, and religion.

FEDUSA's Gender Policy adopted in 2016 demonstrates our commitment to defending the rights of all workers in the world of work, including workers who are LGBTI. FEDUSA's Gender Policy believes that diversity approach to the workforce is founded on the premise that harnessing these differences will create a productive environment in which everyone feels that they are valued and their skills are being used optimally. We further believe that building and maintaining a diverse workforce with more than token representation of underrepresented groups and equitable

treatment of all can embody the principles of equality and non-discrimination. Diversity shall be promoted in the world of work as stipulated in the Bill of Rights Section 2.

FEDUSA is part of the International Labour Organisation (ILO). The ILO recognises that Gender Equality is integral to its vision of Decent Work and Decent Life for All as a fundamental principle. FEDUSA is also affiliated to International Trade Union Confederation and the Southern African Coordination Council whose policies uphold the rights of everyone.

In 2019, ILO adopted Convention 190 that is supplemented by Recommendation 206, on elimination of violence and harassment in the world of work. We are calling on our government to ratify and implement C190 and R206. Now is the time to demand real change as talk is cheap and legislative change is real. C190 articulates the rights of all workers to be free from all forms of violence and harassment in the world of work.

The Convention identifies gender-based violence and harassment as a human right violation. 2020 has been a year like no other, and violence against women and the LGBTI community intensified. Ending the shadow pandemic will require more investment, leadership, and action.

The trade union movement has a role in the implementation of non-discrimination laws in South Africa. Trade unions have a responsibility to open spaces for all non-gender conforming workers to take up leadership positions. According to a survey conducted by the Williams Institute titled, *'The business impact of LGBTI Supportive Workplace Policies'*, LGBTI employees who feel the need to hide their identity in the workplace often feel greater levels of stress and anxiety. This in turn causes health issues and work-related complaints. For this reason and others we are committed as a federation, together with our shop stewards, to campaign and ensure that LGBTI people-friendly workplaces are created. This will reduce stress, improve the health of LGBTI employees, increase job satisfaction and create more positive relationship with co-workers and supervisors.

The ILO Director General in his statement issued in May 17, 2015 said; "ILO mandate encompasses equality and non-discrimination in the world of work. This means

promoting diverse workplaces where all working women and men are equally respected and have equal opportunities for advancement. LGBTI workers are equally entitled to the right to be free from discrimination.” We have been prompted and persuaded by this rallying call to try and move from sloganeering and issuing of statements to action.

Our intentions and agenda are conducting special programs, training and workshops, through partnering with organisations that can help us achieve our goals. The federation will also seek to ensure this agenda is implemented successfully through ensuring funding and budgetary allocations.

We hope that the webinar discussion will help us to shape a resolution that can be presented and adopted at the FEDUSA Congress in 2021.

“Onwards with **Diversity in the workplace** and world of work Onwards.”

“Forward with the spirit of **Leaving no one behind** Forward”.



### *Panellist*

Challenges faced by LGBTI workers in the informal economy

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## **Nkosinathi Zwane**

*Member of Letsema, entrepreneur*

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I am an **LGBTI community activist**, and a **member of Letsema**, an innovative community wide initiative in the Vaal. Letsema works to combat gender-based violence and negative social norms around women and LGBTI people. **I own a small baking business** and also enjoy training drum magorettes in schools in Mohlakeng. **I am an appointed evangelist** serving at St Emmanuel Christian Church.

The covid-19 pandemic and subsequent lockdown affected my small baking business based in Mohlakeng in Randfontein. The first positive covid-19 case was reported officially on 5 March 2020. At the time I was in the process of formally registering my cake business.

As the pandemic and lockdown measures unfolded, I refunded the deposit paid for cake orders after my customers cancelled their events. I charged a 10% penalty fee for the cancellations, but it was hard dealing with irate customers who didn't seem to understand that I had spent the money buying ingredients. I was broke, idle and emotionally drained.

### **The system does not support the informal sector**

The process of applying to the Covid-19 SMME relief fund was complicated. I could not afford to buy enough airtime or data needed to make applications. When the lockdown period was extended, I turned to our ward councillor for assistance and registered to receive food parcels. I joined the long queues to receive the food parcels



and it took more than a week for someone to call my name. I wondered if they would overlook me, a single and gay man, in favour of other community members.

### Our workplaces aren't safe

Despite the protections in our Constitution and labour laws, many LGBTI workers are experiencing discrimination and violence. I worked as a manager in a well-known retail store before starting my baking business. I fell victim to an unfair dismissal that I believe happened due to the Area Manager being homophobic. She used her position of power and religious beliefs to get away with homophobia. I took the matter to CCMA but I lost the case. Perhaps I would have won if I had belonged to a trade union. I know I would have been motivated to pursue my rights if had emotional support. But one good thing emerged from this experience; I started the baking business that brought my dignity back. I felt accepted and productive in my community. But the pandemic has set me back and at an avalanche speed. After many years of struggling to get accepted, I view myself more as a gay man than a community member and a worker.



### *Panellist*

Handling homophobia in the world of work.

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## **Nako Mosidi**

*Student nurse*

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I am a second year **nursing student** at Klerksdorp Nursing College in North West, and a **member of HOSPERSA**. I am passionate about amplifying and protecting the rights of the LGBTI community. I **mentor young LGBTI students** in my community, and am also a dedicated member of Apostolic Christian Church in Joubetin, Klerksdorp.

As a gay man, I face challenges practising my nursing skills at a health facility. Patients, and especially men, discriminate against me in the process of doing my job.

For example, some patients won't let me perform body investigation that we do before ward admissions. I often feel frustrated and fearful. My colleagues and the facility's managers have no problem with my sexuality. Yet I am afraid of reporting the discrimination to the bosses because we think the matter won't get far since patients as customers are always right and have every right in the hospital.

My priority is promoting healthcare and delivering services in the community. But I can't thrive in an environment where my human rights are violated because of my sexual orientation. Society needs to recognise LGBTI+ people as professionals who are committed to their responsibilities and roles. I would appeal to our trade unions to continue doing the things that are required to ensure inclusive and safe workplaces free of homophobia.



## *Panellist*

Faith, gender and sexuality

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## **Rev. Nokuthula Dhladhla**

*Project officer, South African Network of Religious Leaders*

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I believe **religious leaders have an important** role in the efforts of addressing GBV in society and in supporting the LGBTI community to reconcile their religious (or spiritual) beliefs with their sexuality, gender and identity. I have worked with others **to deliver workshops on LGBTI rights** in the country. **I am an ambassador** of Global Interfaith Network for people of all sexes, sexual orientation and gender expressions.

### **Faith, Gender and Sexuality**

LGTBI people face many challenges, including stereotyping, isolation, discrimination, rejection, stigma, corrective rape, murder, verbal abuse, violence, bullying, rejection by families, harassment at work places and in their communities, and hate speech in religious spaces. The experiences have a negative psychological, spiritual and social impact on LGTBI people. LGBTI people experience low-self-esteem, trauma,

depression, limited access to health services, under-achieving or dropping-out of schools and universities, loneliness, un-integrated sexual and spiritual identity, homelessness, self-hate, anger and suicide.

The majority of South Africans identify as Christian. Sacred texts, particularly the Bible, are often weaponised to attack LGBTI people. Hateful and discriminatory sermons are preached in many churches. Consequently, many LGBTI people have left the church and are struggling to integrate their sexuality and spirituality. The church continues to ostracise the LGBTI community even in countries with strong human rights laws. We still find incidents of hate and discrimination against LGBTI people despite the inclusive laws.

LGBTI people struggle to get help in many government institutions. For example, some marriage officers in South Africa refuse to solemnise civil unions because of their conscience or religion. As a result, LGBTI people are forced to travel long distances searching for public officials who are tolerant. This shows the extent of the bad influence of the church that causes public servants not to perform their public service duty. This is sad indeed, considering our progressive Constitution.

As a pastoral counsellor, I am aware about the internalised shame and disconnection some LGBTI people feel. I can relate to this reality intimately because I lived through it when the church I was raised in rejected me because of my sexuality.

### **Narratives about sexual orientation and gender identity**

There are six troublesome public narratives used to discriminate LGBTI people that are identified in [Canaries in the Coal Mines](#), a study published by The Other Foundation. I will briefly touch on three of the six narratives, which I believe clearly show that LGBTI people have no place to run to in our society.

1. Legal narrative: 'It's against the law!' - we find this mostly in countries that still criminalise LGBTI people. Life imprisonment is imposed in extreme cases. The sad reality is that LGBTI people are not protected by the existing laws.

2. Political narrative: “It’s un-African and a Western neo-colonial imposition!” - in most African countries homosexuality is considered unAfrican and unchristian, a western import. Homosexuality is labelled unAfrican because most of our languages don’t have the words to name it.
3. Moral narrative: “It’s a sin against God!” - the church states that homosexuality is a sin ‘against the will of God’. Who knows the will of God for other human beings except God? Human beings especially those who claim that they love God and are God’s mouthpiece spread so much hate. Who gave them the right? There’s danger in letting evangelical fundamentalists control the narrative on LGBTI people.

We need a new mindset for reading scriptures. If we study the scriptures carefully, we will realise that we are urged to be inclusive. We also need to look at the context of the scriptures and stop the cherry-picking of facts.

### **Human rights vs church**

Human rights have been viewed as secular and not generally having a place in the church. In some quarters, human rights are viewed as “unchristian”. A closer look is needed to determine what this means for the church and how it has responded. Bible scholar Dr Mesilla Gunda writes in The Other Foundation publication, [Silent No Longer](#); *“Some Homophobic churches have tended to see human rights as secular and anti-Christian. To overcome this, it needs to be shown that there is no conflict of substance between the foundational Christian belief that all human beings are created in the image of God and the equally foundational human rights principle of the inherent dignity and equality of all human beings”.*

### **Applying Christian principles in LGBTI activism**

Dr Gunda further invites us to base LGBTI activism on larger Christian principles;

*“This strategy begins by inviting Christians to discuss their position, as Christians, on broad issues such as injustice, violence, oppression, marginalization and diversity. The discussions can then be directed to the plight of LGBTI persons in relation to these*

*issues. This can help Christians to realize that they are called by their faith to be in solidarity with all those on the margins.”*

### **Progressive laws but different story on the ground**

Section 9 of the Constitution forbids discrimination by sex, gender or sexual orientation. What’s more, the Constitutional Court stated that the section also prohibits discrimination against transgender people. Yet the reality on the ground is different. LGBTI+ people continue to experience much violence. This year we learned about the raping and killing of Lindo Cele, a 23-year old lesbian gay and transgender person in Kwa-Zulu Natal. Cele was viciously attacked by a man in broad daylight while bystanders did nothing. Where is ubuntu? Where is the voice of the church amidst the killings?

As a pastor, I have dealt with cases of corrective rape of lesbians that weren’t reported because the survivors feared secondary victimisation by the police. I have witnessed the mental anguish among LGBTI persons due to the hate and discrimination. I have witnessed people feeling lost and helpless because they feel rejected by society.

### **The strides so far**

Many religious organisations have stepped up to address the challenges faced by LGBTI+ people. The [Global Interfaith Network](#), for example, works with the Council of Churches to create spaces for dialogues and training of the trainers in the SADC region. The work of Global Interfaith Network prepares LGBTIQ people of faith as dialogue partners using a tool called ‘Hearts Set on Pilgrimage’. The project has achieved much, but I believe we can do more.

The church has an important role in communicating values and messages of love, tolerance and inclusivity in the society. The message of inclusivity and equality of all in God’s eyes needs to reverberate in all religious spaces.



## *Panellist*

Why The Other Foundation is supporting this work

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## **Virginia Magwaza**

*Movement Building Officer, The Other Foundation*

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The Other Foundation supports organisations that advance **equality, freedom and rights** of homosexual, bisexual women and men, transgender and intersex people in southern Africa. I previously worked across the region as project coordinator for the Public Services International, the global federation of public sector trade unions.

I have worked in spaces that are not inclusive and so I know about the experiences of LGBTI+ workers. LGBTI+ people lack the freedom to be themselves and to articulate their issues in the workplace. Employers are routinely getting away with discrimination based on sexual orientation, gender identity or sex characteristics. We've seen the proof in the many cases of unfair dismissals, where the right to a decent livelihood is taken away from a person because of their identity. Employers are well aware about discrimination laws and workers' rights but they invent reasons for dismissing LGBTI+ workers by, for example, claiming misconduct and unproductivity. I challenge trade unions to investigate and collect data on the ways employers are getting away with dismissing workers unfairly and to develop strategies for responding.

Trade unions need to perpetually work at ensuring that LGBTI+ people within the workplace and within the trade union are able to be who they are. This will require implementing programmes and activities for creating safe and inclusive workplaces so that workers who are LGBTI+ are free to express who they are. Inclusive and safe workplaces would also make it easier for those who are still questioning their sexuality and gender identity.

Promoting the rights of LGBTI+ people must be a priority issue in our society. The mission of the Other Foundation is to promote and protect the human rights of LGBTI+ people. We believe that everyone has the right to freedom, dignity and equality. We want to see a society that's inclusive of everyone regardless of their sexual orientation

and gender identity. The Other Foundation achieves these goals through supporting organisations and groups in 12 countries in Southern Africa. The Labour Research Service (LRS) is one of the organisations we work with in South Africa. Through providing resources, we are supporting the work of the LRS in assisting trade unions to build inclusive workplaces. The Other Foundation is excited by the work done by the LRS because it has further opened dialogue spaces and opportunities for both trade unions and LGBTI+ workers to discuss strategies for bringing about inclusivity. Organisations cannot afford to continue losing the expertise of LGBTI+ workers to discrimination and violence.

South Africa is influential in the African continent. Our country is viewed as a champion of human rights due to the progressive Constitution. South Africa is one of the countries with a law that protects the rights of people in same sex relationships. But there are many countries on the continent (and with vibrant trade unions that are affiliates of global trade union federations) where LGBTI people are not safe. In many African countries it is still illegal to express yourself as gay, lesbian, transgender, bisexual or intersex.

Trade unions are important in society and are a progressive force in the changing of laws and policies in countries. In South Africa, unions have been at the forefront agitating for democracy and human rights. Consequently, we have developed strong and relevant legislation, policies and guidelines. We urge the labour movement in South Africa to partner with trade unions in the rest of Africa and work together to ensure that all LGBTI+ people on our continent are protected.

## Comments by the participants



- Discrimination and violence against LGBTI+ people in workplaces is a big challenge. Trade unions need to amplify monitoring and advocacy efforts to ensure implementation of laws and policies in workplaces.
- Recognising that young workers are entering the job market, and recognising the difficulty of changing the attitudes of some older workers, FEDUSA should provide support to affiliates to have sustained dialogue on LGBTI+ rights issues and rights.
- Un-unionised LGBTI+ workers with cases at the CCMA can benefit from the support of trade unions.
- Trade unions need LGBTI+ rights education for officials at all levels of the union. Education programmes need to focus on changing the heart.
- The inclusivity agenda of the trade union movement is recognised and appreciated.
- Union officials must proactively advocate for the rights of LGBTI+ people and seek to find how different workers are affected where they are located. Officials must learn LGBTI terminology so that they can be confident when they speak about inclusivity.
- The language in our laws and policies need to be interpreted in a way that everyone understands and relates to.
- More research is needed to know who in our communities is affected by the discrimination. For example, gay men are more accepted as nurses, compared with lesbians and transgenders working in the health sector. Some older nurses are more accepting of some LGBTI+ people than others. The entertainment sector is more accepting of LGBTI+ people, compared with engineering and other male-dominated sectors. Collect sector-specific data and develop strategies for responding.
- We need to find ways of engaging consistently on platforms like this webinar and be committed to sharing the key takeaways in our organisations and communities.





### **Brenda Modise, Social Policy Officer at FEDUSA**

This webinar demonstrates FEDUSA's commitment to creating inclusive and safe workplaces in South Africa. Trade unions successfully advocated for the inclusion of the ratification of ILO Convention 190 in the parliamentary agenda in 2019. Through the [C190 CAN](#) campaign, FEDUSA is pushing for the ratification of C190 because it talks to the rights of all workers. The C190 CAN campaign can be used to highlight LGBTI issues. FEDUSA's Gender Policy also talks to inclusivity.

We hope to draw on your valuable contributions, as we attempt to develop a resolution on LGBTI issues that we can take to our Congress next year. The resolution will seek to address the gaps in policies, amongst other issues.

We are concerned by some practices in our unions, as well as the terminology and ambiguity in important guiding documents. For example, when we talk of 'vulnerable groups', who do we mean exactly? Also, our spaces are still binary, meaning the non-gender conforming people are marginalised. The leadership potential of our members who are LGBTI+ is often overlooked. As a federation, we must be relentless in our pursuit of inclusivity to inspire and spur our affiliates into action. We know more about the gaps and the priorities to begin the actions and activities that will take us closer to achieving inclusive spaces.

Our approach for awareness raising on LGBTI+ issues ought to focus on creating spaces for the different groups in our communities to come together and explore common ground. We are community members first and then workers, and we take our biases to the workplace. Individuals who are able to feel comfortable and safe

speaking about LGBTI+ issues are more likely to participate and contribute to a multi-stakeholder approach to dealing with homophobia in society. We must use every platform and opportunity afforded to us to advocate for human rights. In informal platforms especially, we can be able to gather the information we need to design suitable education activities, but only if we listen and engage with our community members. Our allies can make our work easier. Let's continue to nurture partnerships that can add weight to agenda of promoting the human rights of LGBTI+ people. Amandla!

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To know more about the **LGBT+ Workplace Rights Project** of the Labour Research Service and to access related resources, go here ->  
<https://lrs.org.za/projects/Creating-safe-and-inclusive-trade-unions-and-workplaces-free-of-homophobia>