




DECENT WORK FOR LGBT+ WORKERS WEBINAR

MEETING REPORT



1 October 2020 | 17h 30 - 19h30 | Zoom platform



Introduction

This report outlines the discussions of about 60 participants who attended COSATU's LGBTI webinar, **Creating safe and inclusive trade unions and workplaces free of discrimination and violence**, convened on 1 October, 2020 via Zoom.

The purpose of the dialogue was to reflect on the progress made and the issues LGBTQI people are currently experiencing in workplaces. The dialogue will spur efforts of creating inclusive workplaces, and inclusive collective bargaining agendas and agreements.

The meeting comprised activists in civil society, including trade unions, NGOs and the religious sector.

Context

COSATU's 11th Congress adopted a Special Resolution on Sexual Orientation and Hate Crimes against Gay, Lesbian and Transgendered People. The resolution explicitly calls on the Federation and all its trade unions to champion the rights of the marginalised vulnerable workers and guard against discrimination based on sexual orientation and gender identity.

In June 2019 the International Labour Organisations adopted Convention 190 and Recommendation 206, the first-ever human rights International Labour Standard that condemns without compromise every form of violence and harassment in the world of work.

Convention 190 and the accompanying Recommendation 206 recognises that vulnerable groups are disproportionately affected by violence and harassment at work and calls for states to adopt laws, policies and regulations that promote the **right to equality and non-discrimination in employment and occupation**. This International

Labour Standard its relevant in this new normal as its definition provides for “World of Work”.

Objectives of the dialogue

- 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.
- To sensitise trade unionists on the requirement of the International Labour Organisations labour standard C190/R206 on ensuring the right to equality and non-discrimination of vulnerable workers.
- To end discrimination, harassment and homophobia in the world of work

Opening remarks



Decent work for LGBT+ workers



Freda Oosthuysen

National Treasurer, COSATU

Opening remarks

Road towards promoting Decent Work for LGBT+ workers.

Welcome to this very important dialogue. Today we are taking a very important step to create safe and inclusive workplaces for LGBTI people.

Worldwide, 72 countries still have laws that criminalise homosexuality. The majority of these countries are in Africa, Asia and the Middle East. There are 13 countries in the world where homosexuality is legally punishable by death.

However, more and more countries are repealing these outdated and discriminatory laws, and rather embracing tolerance, social inclusion, equality and diversity. Botswana was one of the more recent countries to repeal its colonial-era laws against homosexuality.

There are 30 countries worldwide that recognise same-sex marriage by law. South Africa is the only country in Africa, and was the 5th country in the world to remove restrictions on same-sex marriage.

The South African Constitution, the Employment Equity Act, the Labour Relations Act and the Promotion of Equality and Prevention of Unfair Discrimination Act prohibit unfair discrimination on several grounds including on sexual orientation. Still, lesbian, gay, bisexual, transgender and intersex workers continue to face discrimination, harassment and violence in communities, homes and workplaces.

The ILO adopted Convention 190 on the elimination of violence and harassment in the world of work in 2019. We are calling on the South African government to ratify the convention and ensure that our legislation is in line with C190.

C190 articulates the right of all workers to be free from violence and harassment. This is the first time this right has been recognised in an international instrument, a critical acknowledgement that every worker should be treated with dignity and respect. The Convention identifies gender-based violence and harassment as a human rights violation. C190 also explicitly recognizes that the task of ending GBVH requires confronting its root causes - gender-based discrimination, power relationships and precarious working arrangements - to transform workplace culture.

C190 looks at the world of work broadly and includes public and private work spaces, commuting to and from work, online interactions, and work-related trips, facilities and

accommodation. It also has a broad scope of those covered, including formal and informal workers, job seekers and interns.

COSATU's 11th Congress in 2012 adopted a Special Resolution on Sexual Orientation and Hate Crimes Against Gay, Lesbian and Transgendered People. The resolution commits the Federation and trade unions to firmly champion the rights of vulnerable workers and to fight against hate crimes and discrimination based on sexual orientation and gender identity. This resolution was passed in response to the upsurge in brutally violent attacks, murders and rapes against lesbian, gay and transgendered people.

The COSATU Gender Policy says that homophobia contributes to very narrow and rigid gender stereotypes which limits the lives of all women and men, girls and boys.

Homophobia is the fear, discomfort and hatred towards lesbian, gay, bisexual, transgender and intersex people. Homophobia is expressed through negative comments, bullying, physical attacks, discrimination and negative media stereotypes. In addition to discrimination by individuals and institutions, homophobia is expressed through actions of the State, such as punitive laws.

Homophobia is rife in workplaces and can take many forms, such as unequal treatment, unequal access to benefits, lack of access to safe and toilets and changing facilities, cyberbullying, hate speech, violence and being forced to hide their gender identity and sexual orientation. Harassment of LGBTI workers includes a range of negative behaviours, such as name-calling, homophobic jokes, being ridiculed and mocked in front of colleagues.

LGBTI workers face discrimination and harassment from management and their fellow employees, including their fellow union members. Trade unions have a very important role to play to fight against discrimination in the broader society and to assist LGBTI workers using the law and collective strength to fight against workplace discrimination and harassment.

The COSATU Gender Policy commits the Federation to fighting homophobia in a number of ways, including:

- Being alert and sensitive to the numerous difficulties faced by LGBTI union members and workers.
- Making the environment within the Federation and unions conducive for LGBTI workers to participate fully and feel safe to be open about their sexuality and gender identity.
- Education, awareness raising and sensitisation of union members and leaders to confront and eliminate discrimination against LGBTI in unions, the workplace and society.
- Negotiating collective agreement provisions that ensure that all workers have the same rights and receive the same benefits and that sexual orientation is made visible in all anti-discrimination clauses.
- Engaging in public campaigns and legal and political action to eliminate discrimination on the grounds of sexual orientation.

These are critical commitments that we must live up to as a Federation. Let us work to ensure that our unions are inclusive, and that our unions are homes for LGBTI workers. Let us join hands with global unions in support of the worldwide campaign to end violence and discrimination in the world of work. We must fight for the rights of all workers. We must stand up for LGBTI workers and their rights, which are human rights and union rights.

Panellist discussions



Decent work for LGBT+ workers



Nkosinathi Zwane

Member of Letsema, Baker & Entrepreneur

Panellist

Challenges faced by LGBTI workers in the informal economy.

The covid-19 pandemic and subsequent lockdown affected my small baking business based in Mohlakeng in Randfontein. South Africa reported the first positive case officially on 5 March 2020, around the time that I began the process of formally registering my business. The registration of my informal small business is a milestone for growth. My clientele was expanding.

The pandemic unfolded as we approached Easter, which is one of the peak seasons for my business. Church groups particularly place big orders for various Easter celebrations and conventions. This year the orders didn't come.



I refunded the deposits for three orders of birthday cake after my clients cancelled parties because of the lockdown. They complained bitterly about the 10% penalty fee for cancelling, saying it wasn't their fault. They didn't understand that this is a challenge for me, too. I charged the penalty fee to cover the cost of the ingredients, which I buy in bulk in Johannesburg, some 40 minutes' drive from Randfontein.

I had a deposit for an order of a wedding cake. When the bride postponed the wedding due to the pandemic, I worried that I would not have the deposit to meet the order.

I stopped baking the sweet treats that I sell from my house when the government ordered traders to stop selling food.

The system is unsupportive of the informal sector

I was broke, idle and emotionally drained. The final blow, the thing that almost broke my spirit, was my experience applying for covid-19 SMME relief funding. I was number 130 in the phone queue the first time I called to apply for the relief promised to small businesses by the government. I waited for my turn for one hour only to learn that my business doesn't qualify for immediate help because the priority is given to the registered businesses. I couldn't apply or follow up on the funding online because I did not have enough data.

I hoped to work hard and recoup after the lockdown ended on 17 April, but the President announced an extension. So I went to our ward councillor and registered to receive food parcels. I queued for two weeks and no one called my name. I wondered if they'd 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 still experience discrimination, harassment and violence. I can testify to the homophobia in our workplaces. I lost my store manager job due to the homophobic tendencies of a supervisor.

Before starting my small baking business, I worked at Sheet Street in Clear Water Mall as a Store Manager. I loved my job and worked very hard. My troubles started when we got a new Area Manager who was homophobic and used her position of power to intimidate me. She would begin staff meetings with a prayer and proceed to mock my sexuality using scriptures. She'd want an update on things shortly before the end of my shift so that I could miss my transport. She eventually saw to my unfair dismissal, which she disguised as due to underperforming.

I took the matter to CCMA but I lost the case. Perhaps if I had belonged to a trade union I wouldn't have lost the case at CCMA. Perhaps if I had received emotional support I would have been motivated to fight. One good thing emerged from that experience - my passion for baking flourished and I started a business.

I wanted to bring my dignity back with the baking business. I got the confidence to be productive and to make a contribution in my community. The humiliation I felt when I lost returned with the covid-19 pandemic. My hard work has been destroyed and at an avalanche speed.

Not so long ago I was a happy chappie. I worked hard and volunteered at the schools in my township teaching children drum majorettes, which I am very good at. I am a member of a local church that respects my sexuality. After many years of struggling to get my community to accept me I am seeing myself more as a gay man than a community member.



- **Member of Letsema, a community-led initiative**
- **for ending GBV in the Vaal**
- **Informal business owner**
- **LGBTI community activist**
- **Trainer of drum majorettes in schools in Mohlakeng**
- **Member of St Emmanuel Christian Church in Mohlakeng and appointed evangelist of the church circuit**
- **Avid baker**



Decent work for LGBT+ workers



Tebogo Makwati

Human rights activist

Panellist

Challenging norms and policies that perpetuate discrimination and victimization in the workplace.

My pronoun is they and them. I identify as a queer intersex person working for the South African Police Service. I will share my lived-in experience of how the policies at my workplace discriminate against me as a LGBTQI worker.

Dress code policy: SAPS' dress code policy perpetuates the discrimination against LGBTIQ workers. My commander took me to task when I raised the issue on the SAPS dress policy, arguing that it restricted our ability as LGBTI people to be ourselves at the workplace. The case is currently before the Commission for Gender Equality. The Equality Court summoned the national and provincial commissioners to discuss the dress code and instructed SAPS to review it to be more inclusive. A year has passed and the Equality Court judgement has not been implemented by SAPS, who transferred me when I enquired. The problem has not been solved. Employers commonly use transfer as a remedy for addressing discrimination.

Employment process: The employment process deprives the LGBTI community access to the labour market and the available job opportunities. The employment application forms are discriminatory because they make no provision for trans, intersex and queer people who want to apply for positions. A transgender person who appears for a job interview with a particular identity is likely to be denied the opportunity even if the qualifications fit the needs of the employer. Employers routinely cross-check the gender identities on our application forms with the Department of Home Affairs and then dismiss us. Many LGBTQI people are qualified to take positions, yet we are excluded

by labour market based on how we identify, present and articulate ourselves. I have been on a Level 5 position for 12 years despite applying many times and going through the screening process. I believe I don't get promoted because of my identity. This means I don't have an opportunity to advance in my career.

Labour law: The Employment Equity Act is not inclusive, as it only specifies female, male and disability.

Workplace facilities: We don't have gender-neutral toilets like other groups of people - males, females and disabled people. I have reported the discrimination issues and the result was that at the office I was put to sit in a dark corner, a dungeon, where they hide me. I am depressed and I often take sick leave.

We are labelled disruptive and problematic when point out the discrimination, victimisation and exclusion of LGBTQI people in workplaces. I used to love my work but the discrimination makes me want to leave SAPS and the public sector.

The role of the federation

It's important for COSATU as a federation to start the conversation and cascade it to its affiliates - the unions that represent us. Our unions have failed to articulate the challenges for LGBTI workers. Our unions have failed to offer LGBTI members proper representation.

I have addressed LGBTIQ issues with my union and volunteered to assist with articulation, as well as suggesting relevant organisations that can assist with documentation of the issues. But nothing has been done.

This webinar platform is a great opportunity to take forward the conversation on the rights of LGBTIQ people in the world of work.



- **Member of SAPS**
- **Queer, intersex personality**
- **Human rights and LGBTIQAP+ activist**
- **Sexual and reproductive health rights specialist**
- **Mandela Fellow (University of Delaware)**
- **Role model of the year in Africa (2017) Global SKECH awards**
- **Included on #Awesome50 list of African LGBTIQAP+ activists**



Decent work for LGBT+ workers



Reverend Nokuthula Dhladhla

Project Officer, SANERELA

Panellist

Faith-based activists united against violence and discrimination.

What is the role of the church?

As members of a marginalized group, LGTBI persons 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 speeches from church and religious spaces.

The experiences have a negative psychological, spiritual and social effects on LGTBI people, such as low-self-esteem, trauma, mental health, depression and 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 has been hellbent on ostracising the LGBTI even in countries that have recognised the community through various law. We still find incidents of hate and discrimination against LGBTI people despite the inclusive laws. The church, which has profound influence in state and government, makes it hard for LGBTI people to live.

LGBTI people struggle to get help in many government institutions. In South Africa, for example, marriage officers can refuse to solemnise civil unions because of their conscience or religion. This shows the extent of the bad influence of the church that causes public servants not to perform their public service duty. People travel long distances in search of home affairs department offices that have tolerant officers. Yet public servants should treat everyone equally because everyone is entitled to their rights in this country. This is sad indeed, considering that the intolerance and discrimination is happening in a country that said to have one of the most progressive Constitutions in the world.

Many LGBTI people are carrying and have internalised so much pain, hurt and rejection. I have seen the impact of that as a pastoral counsellor. It's saddening to see the internalised shame and disconnection some LGBTI people feel. I know this reality intimately because I lived through the pain and hurt in my own journey, as the church I grew up 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 un-African, a western import, and un-Christian. Homosexuality is labelled un-African because most African languages don't have the words to name it. Fundamentalists, evangelical and other types, are the source of the hate and discrimination against LGBTI people, and not the West. There's danger in allowing evangelical fundamentalists to control the narrative on LGBTI people. We then tend to forget Ubuntu. Mark Barwick [writes](#) that the interpretation of scriptures has criminalised homosexuality in most African countries. Homosexuality is treated as the worst sin against God and the church.
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 to other human beings. Who gave them the right?

We need to re-read the scriptures with a new mindset. If we carefully study the scriptures, it would appear that all of us are undeserving of inclusion. We also need to look at the context of the scriptures. For example, slavery and polygamy are almost rare. What about the intimate relationship of Jonathan and David in the Bible? We can't cherry-pick without considering the context.

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 notes the need 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

The rising hatred and brutality towards a community that’s protected by a progressive Constitution and in a country that is ironically called the Rainbow Nation does not make sense. The protection of LGBTI rights in South Africa are based on Section 9 of the Constitution. Section 9 forbids discrimination by sex, gender or sexual orientation and applies to the Government and to private parties, including the church. What’s more, the Constitutional Court has stated that the section must also be interpreted as prohibiting discrimination against transgender people. Surely this indicates that there is a general tolerance and acceptance of the queer community in our society?

But the situation on the ground is difficult for LGBTI people. Despite the laws, LGBTI people still face much violence. This year we learned about the raping and killing of lesbian gay and transgender person. 23-year old performer from Kwa-Zulu Natal, Lindo Cele, was viciously attacked by a man in broad daylight as bystanders allegedly watched the multiple stabbing of Cele because of being part of LGBTI community. It’s tragic that a human being can do such a horrific act and the bystanders did nothing. Where is the voice of the church amidst the killings?

As a Pastor I have dealt with many cases of corrective rape of lesbians. Many survivors haven’t reported the crimes because they fear 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 organisations have done much to confront the challenges faced by LGBTIQ people. One such organisation is the [Global Interfaith Network](#) that works with the Council of Churches to create spaces for dialogues and training of the trainers. This process is locally-grounded in the SADC region. The work involves preparation of LGBTIQ people of faith as dialogue partners through a process of journeying through their faith and spirituality with the use of a tool called 'Hearts Set on Pilgrimage'. The project has achieved much, but I believe we can do more.

The role of the church is to talk about the issues affecting LGBTIQ people. The role of the church is changing the messaging of hate and stigma towards LGBTIQ people. The message of inclusivity and equality of all in God's eyes needs to reverberate from any church that wants to demonstrate commitment to embracing the LGBTI community.



- **Project Officer at South African Network of Religious Leaders (SANERELA)**
- **Ambassador of Global Interfaith Network (GIN) for people of Sexes, Sexual orientation and gender expressions.**



Decent work for LGBT+ workers



Morena D. Swarts

COSATU Young Workers Forum Free State
Coordinator

Panellist

The role of trade unions in promoting diversity and inclusion in the workplace.

I will give a perspective of the South African Democratic Teachers Union (SADTU) on LGBTQI issues and what the union has done so far to ensure that LGBTQI people are protected in the workplace, as well as the impact of covid-19 on LGBTQI people in workplaces.

SADTU is committed to inclusivity and has hosted many workshops and education campaigns on LGBTI even though we can do more to build LGBTQI-inclusive workplaces. The union is among the COSATU affiliates committed to protecting vulnerable workers.

In 2018, the union hosted an inclusive workshop attended by LGBTQI members. The workshop sought to create a safe space for LGBTQI people to share their views on collective bargaining, Education Labour Relations Council (ELRC) and the Employment Equity Act (EEA). Exclusion of LGBTQI workers in ELRC (the bargaining council that serves the public education sector in South Africa) was one of the perennial issues raised by workshop participants.

SADTU has pushed to have more inclusive workshops, and the directorate has done well sensitising educators on LGBTI issues. Life Orientation, which teaches learners to exercise their constitutional rights and responsibilities, covers sexual orientation albeit incomprehensibly. As a union, we need to continue engaging with the employer and policy makers for Life Orientation subject to cover more LGBTQI issues, as part

of our efforts to end discrimination of LGBTQI educators and learners in learning institutions and communities.

The issues affecting LGBTQI teachers

Many LGBTQI teachers are concerned with the issue of discrimination in appointments and promotions. One recurring issue is the LGBTQI-insensitive interview panels. We know of good teachers who have resigned from their jobs due to the discrimination in promotions.

LGBTQI workers and LGBTQI-owned businesses have suffering due to the impact of the covid-19 pandemic. I urge COSATU to act on the issues affecting vulnerable workers, including LGBTI workers in the NGO and informal sectors.

Homophobia limits the participation of LGBTQI in union activities and negatively impacts recruiting among this group of workers. Trade unions need to eliminate all forms of stereotypes in the movement. We need to call out union leaders who discriminate against LGBTQI members. At the same time, we need more effort doing the things that can end homophobia in the union space. LGBTQI issues need to be discussed at all levels of our organisations to encourage full participation of vulnerable workers in union business.

My experience at the COSATU congress is an example of the discrimination LGBTQI members often encounter in trade union spaces. I avoided visiting the bathrooms while other there were present because I feared the name calling and harassment that happens in private spaces. Similarly, the accommodation arrangements during union functions can be problematic for LGBTQI members, specifically if a person is paired with a homophobic roommate. I fear that fewer LGBTQI members won't participate in union activities unless we work together to change the status quo. The gender structure of COSATU must ensure LGBTQI people are respected and recognised.

Bargaining for LGBTI workers

Collective bargaining agendas are different for LGBTQI workers. LGBTQI workers should have all benefits available to heterosexuals, including family-friendly policies. Yet most of our collective agreements aren't inclusive. For instance, the surrogacy leave talks only about male and female. But what about the gay men, lesbians and queer people who want children? The Education Labour Relations Council and union policies need to recognise that LGBTQI people are also workers entitled to proper rights and benefits.

It's disturbing to note that COSATU isn't streaming this webinar on its Facebook page. We need to actively promote LGBTQI dialogues to get more participation and contributions to the discourse on the rights of LGBTI people in the workplace.



- Educator
- **SADTU Botshabelo Branch Chairperson**
- **COSATU Young workers forum - Coordinator, Free State**
- LGBTQI+ activists
- **Embrace Diversity Movement National Deputy**
- **Chairperson**
- **Free state PRIDE organisation Provincial**
- **Resource coordinator**
- **National Chair - Elect of School Library and Youth**
- **Service Interest Group under Library Information of South Africa**



Decent work for LGBT+ workers



Sybil Nandi

Activist, social & human rights justice

Panellist

The benefits of having a safe and inclusive working environment for all workers.

It's important to consider our progressive Constitution when thinking about safe and inclusive environments for all workers. Our Constitution, lauded by the world in 1996 for its firm stance on discrimination based on a person's social orientation and gender identity, is conflicting. In line with the Constitution, the Labour Relations Act, Employment Equity Act and other labour-related legislation issues were promulgated in South Africa. But this didn't mean that our queer siblings were experiencing these protections in their lived realities. The protections rang very hollow for many of us living through various challenges in the workplace as employees or job seekers.

Employers in both public and private sectors need to think about the importance of inclusion and diversity. There are four broad categories to consider when we think about inclusion and diversity, namely, the business case; the economic case; the social justice case; and the compliance case.

The business case for inclusion

A study done by The Other Foundation called [Get Real](#) shows that there's a cost of staying in the closet. An LGBTI person who's forced to stay in the closet spends much time ensuring their safety at work, which costs the employer. This worker thinks about how they look to others and about their tone. Does it sound feminine enough? Does it sound masculine enough?

Many LGBTI people who have come out face issues that are at loggerheads with our Constitution.

Take a lesbian woman like myself who's fully out. My manager at work is ultra-religious. When I leave my house I start preparing myself to walk back into the closet to be acceptable in the workplace. This means that I am not able to bring my whole self at the workplace. I am not able to function optimally because I am pondering what to say when a colleague asks about the photograph of my partner that is on my desk.

Bathrooms are a safety concern for LGBTI people. But I think we risk getting locked into the conversation that puts us squarely in the bathroom. And I use it as an analogy to describe what happens to an LGBTI person who can't fully be themselves at the

workplace. You are put in a dungeon or in a little corner because you are not allowed to be like your heterosexual colleagues who can talk freely about their relationships without anyone raising their eyebrows or quoting scriptures at them. Then you spend time pondering the kind of discrimination that you are facing. Is it direct discrimination or covert discrimination? Your mental health suffers and you take sick leave that keeps you from working and being productive.

Regarding employment opportunities, HR people tend to hire people who talk and sound like them. Think of an interviewing panel comprising mostly white men. They will likely not pick a black candidate. But if you are black and openly, visibly LGBTI, the chances of you not getting the job are doubled. Should you succeed and get the job because the panel needs to meet a certain quarter, you will then have to contend with the workplace challenges described by other panellists.

The economics case for inclusion

In the study *Get Real*, the author talks about the relationship between inclusion and overall economic development. In 2014, the William Institute found [a clear co-relation per capita GDP and the legal rights of LGBTI persons](#) across 39 emerging countries. This study did not determine whether LGBTI rights lead to higher levels of economic development, or whether higher levels of development lead to enhanced rights for LGBTI people.

However, the study established that underemployment of LGBTI people and workplace discrimination prevents the LGBTI community from contributing fully in a country's economy.

The social justice case for inclusion

There is a case for promoting LGBTI workers as we did with black workers and female workers after apartheid ended. There are many practical benefits to understanding the broad range of people in a society because the world isn't binary. And employers have a moral responsibility to change hostile workplace cultures that discriminate against

sex and gender minorities. Equity and equality Thus, an inclusive workplace with a diverse workforce is important for creating opportunities for equity and equality.

The compliance case for inclusion

The compliance case speaks to the business case and the social justice case. In the business case and the social justice, employers are required to act voluntarily to make the workplace LGBTI-friendly, whether it's for the sake of the bottom line, or that it is understood that it's the right thing to do.

The compliance case is a bit coercive, and perhaps this is what is needed. Here, institutions such as trade unions wield their power to push for the compliance case. A tool for ensuring LGBTI rights in the workplace may be needed and can be modelled on the BEEE Act, which promotes the advancement of previously disadvantaged groups.

Additionally, **the human rights case** can apply. LGBTI people are still discriminated against in most parts of Africa, which means it can be difficult pushing our governments to ratify and implement the relevant ILO conventions because political will is lacking. Trade unions can play an important role in ensuring change that is aligned to our Constitutions.



- **Pronouns: She, Her, Hers**
- **Independent consultant and activist**
- **Social, justice, sexuality, gender, human rights & sexual and reproductive health and rights facilitator**

Arising issues and recommendations from participants

- LGBTI people still face discrimination and marginalization in church and other places of worship. The church has a role in addressing hate speech and the challenges faced by LGBTI people.
- LGBTI workers face discrimination, harassment and intimidation in workplaces. In the clothing and textile industry people still don't accept everyone is equal despite the union preaching equality.
- Transgender people are still not accommodated in workplaces and society.
- The issues of LGBTI workers don't reflect in collective bargaining agendas and collective agreements.
- No action has been taken about the issue of police vehicles since it was made known to the deputy minister in Kimberly.
- The covid-19 pandemic has affected workers in the informal sector disproportionately. Trade union unions need to include the sector in their agenda of ensuring workers have decent work and decent standard of living.
- Trade unions need to prioritise education activities on LGBTI issues and rights for all worker representatives at all levels.
- Unions need to collect sufficient data on LGBTI issues to make informed strategies for ensuring safe and inclusive workplaces free of homophobia.
- COSATU could assist the government in creating inclusive and safe working environments for workers in new malls and shopping areas.
- The Federation needs to advocate for LGBTI rights in South Africa's labour market, as well as build solidarity with unions across Africa to end homophobia and discrimination of LGBTI people.
- There's need for strong, inclusive and supportive laws and policies in the labour market. Existing laws and policies need to be enforced in unions and in workplaces.
- Teachers need training on LGBTI issues, particularly the stigma and labelling.
- Unions should collaborate with like-minded groupings, for example, Stop Gender Violence campaign and Congress of Traditional Leaders of South Africa, to amplify the quest for inclusive and safe workplaces



“Creating safe and inclusive trade unions and workplaces free of discrimination and violence.”



Helpful Resources

Visit [Labour Research Service](http://lrs.org.za) website for resources on LGBTI workers rights via the following link -> http://bit.ly/LGBTI_Workers_Rights

<https://lrs.org.za> | <http://theotherfoundation.org/>

#PromoteDiversity | #BuildInclusivity | #BuildEquality

Amandla!