

# I      **What Can Be Done?**

## **Sexual Diversity and Labor Unions in Perspective**

This book examines organized labor's response to inequity concerns raised by sexual minorities.<sup>1</sup> Although organized labor has often been preoccupied with wage and benefit issues—its policies shaped by traditional conceptions of social class and gender—a number of trade unions and labor federations have expanded their mandate to include equity issues. This is an important development because organized labor remains one of the largest and most powerful of social and political movements. As such, it has the potential to force equity issues onto the agendas of public and private corporations that might otherwise be unreceptive to such concerns. In countries where the percentage of unionized workers is high, labor's influence is readily apparent; in settings where the percentage of unionized workers is relatively small (such as the United States), organized labor remains an important player.

Although labor's response to the equity issues raised by women and racial minorities is well established in the literature, little documentation exists of labor's engagement with those issues raised by gays and lesbians. Lack of attention may reflect the fact that these developments are fairly recent, or it may speak to reluctance on the part of scholars of industrial relations to be associated with issues involving sexuality. In any event, because gay and lesbian activism is increasingly focused on the workplace, and trade unions continue to be an important component in any effort to reshape the experience of work, the topic invites exploration. This book represents the first systematic attempt to document and compare, across nations, the actions taken by organized labor in relation to sexual diversity issues.

The chapters that follow offer considerable evidence of a prospering gay/lesbian/labor alliance in many parts of the world. In 1974, for example, the San Francisco gay and lesbian activist community joined the trade unions in a massive boycott against the products of the Coors Brewing Company in the United States. The unions appealed to this rather unusual (for them) constituency on grounds that the company was extremely anti-union and anti-gay and as part of their hiring practices had been administering lie

detector tests during which candidates were asked about such things as their sexual orientation and their attitudes to unions. In return for the gay community's support, the unions involved in the boycott promised among other things that they would help openly gay and lesbian people get jobs in the organizations they represented and that they would publicly support openly gay candidate Harvey Milk's bid for a seat on the city's Board of Supervisors.<sup>2</sup> The boycott proved enormously successful, resulting in a drop in Coors's share of the California beer market from 43 percent to 14 percent. A similar alliance occurred in Britain during the height of Thatcherism: gays and lesbians formed a very influential support group for the coal miners during the strikes of 1984–1985. Subsequently, the National Union of Mine Workers became a vigorous initiator of pro-gay resolutions within the Trade Unions Congress. In South Africa, during the apartheid period of the 1980s, the mine workers' union proved to be an important early venue for openly gay camaraderie. A more recent example can be seen in Germany in 1994, during the reconciliation of legal systems after reunification: unions provided support in striking down the notoriously anti-gay "Paragraph 175" in force in West Germany, enabling the adoption of the more liberal East German law. Another recent example is the Canadian Union of Public Employees' successful 1998 legal challenge to the heterosexual bias in the Income Tax Act. Noteworthy as well is the August 1997 recognition by the American Federation of Labor–Congress of Industrial Organizations (AFL-CIO) of the gay/lesbian/bisexual caucus, "Pride at Work," as a formal constituency group.<sup>3</sup>

These chapters also indicate that attempts at gay/lesbian/union alliances have had their share of disappointments—labor unions' passive stance in the marriage debate in Hawai'i is an example. Overall, however, throughout the 1990s such alliances have become more common and have achieved many of their objectives. For sexual diversity activists, union support holds forth the promise of more rapid reduction in discriminatory practices in the workplace. For labor, these alliances create new constituencies and advocates for a trade union movement now beleaguered by declining membership.

### **What Can Labor Do?**

The workplace has become an important site of activism for gays and lesbians in the 1980s and 1990s because of the centrality of work in most people's lives and because of the blatantly discriminatory policies and practices encountered on the job. Not only is the workplace where most gay and lesbian people spend a great deal of their time and make their livelihood, it is also where they gain or lose a large measure of their self-worth and status. Being devalued and discriminated against at work can lead to serious psychological problems as well as to economic discrepancies. Employment-related issues such as hiring, firing, promotions, benefits, perks, leaves of absence, pensions, allowances, harassment, violence, and education initiatives, all can be shaped to discriminate against sexual minorities in ways that can be economically and psychologically harmful. In recent years, winning full access to employment benefits for those involved in same-sex relationships has become an important focus of lesbian and gay activist energy. Whether or not gaining such benefits is a high personal priority being denied them is now considered a slap in the face to gays and lesbians.<sup>4</sup>

To address employment and workplace discrimination, activists have challenged employers directly, fought for change in relevant legislation, initiated legal challenges, and undertaken extensive educational efforts to highlight the problem of homophobia at work. In tandem with these efforts, some activists have also attempted to forge alliances with the labor movement, seeking its leadership and assistance in confronting injustices perpetuated by governments, employers, or by unions themselves.

In most countries, organized labor has the kind of political, financial, legal, and human resources that make it a powerful and attractive potential partner to activists. Trade unions have the capacity to address inequalities by ensuring that sexual orientation is included as a protected category in nondiscrimination clauses and using this provision to support grievances and arbitration proceedings based on such discrimination. Furthermore, unions can bargain collectively to ensure that same-sex partners are covered in all available benefit provisions. Couching these protections in the appropriate language in union manifestoes, policy statements, and collective agreements is important even in jurisdictions where these rights are included in legislative statutes and constitutions since it provides workers with a local grievance mechanism and makes these injustices more visible to the wider community of workers. Localizing the struggle in this way makes the redress process quicker and less intimidating than appealing to courts and human rights tribunals. Enshrining these rights within union agreements has the added bonus of circumventing a political system that in many settings has proved to be slow, reluctant, fickle, and all too often downright resistant to such changes.

Connections with the trade union movement are especially appealing to gay and lesbian activists because organized labor plays an important role beyond the boundaries of a given workplace. Unions can lend vital support for court and tribunal cases either by direct sponsorship or by the offer of financial support. They can pressure governments for legislative change in discriminatory policies and practices. Where unions are associated with particular political parties, they can use their leverage to help shape party policies on sexual diversity matters. In tripartite systems, such as are found in parts of Europe, unions have access to government policy-making forums that in principle can provide openings to push for progressive policies on sexual orientation.<sup>5</sup>

Partnerships between gay/lesbian/labor activists also have the potential to enhance the goals of organized labor. When issues concerning inequity in benefits and opportunities, harassment, disrespect, and violence within the workplace are raised by gays and lesbians, unions are given a powerful opportunity to affirm their core values of fair representation and equal treatment for all members. They can demonstrate clearly that union membership is of benefit to all workers, including minorities. Nevertheless, it can sometimes be difficult for unions to address the issues raised by gays and lesbians; such issues may involve member-on-member discrimination or they may antagonize members who disagree with them. Issues raised by sexual minorities may require a realignment in bargaining strategies and priorities, not to mention changes in organizational cultures, both of which may be resisted by some union members. Still, successful responses can enhance the loyalty and commitment of members, and unleash new activist energies. Engaging with sexual diversity issues also has the potential to raise labor's profile within a wide range of progressive social-movement networks, potentially opening doors to coalitional opportunities and enhancing the profile, goals, and influence of the labor movement. These kinds of outcomes have become more and more

urgent for labor in recent years because union membership worldwide has been in a period of decline, and the potential for bargaining on economic issues has been constrained.

Alliances between equality-seeking groups and organized labor are relatively new in most parts of the world. They have been prompted by the increasing participation of women in the workforce since the 1960s and by the increasing activism of women, cultural minorities, and others calling for changes in union policies and organizational practices. As one commentator noted, "The growth of large, independent social movements focused on, for instance, gender relations, racism, and the environment has encouraged groups that have long experienced subordination within the working class and the labor movement to turn their concerns into serious union issues."<sup>6</sup> In most countries, feminists appear to have been the first to break the mold of traditional labor issues, subsequently opening the door to a broader range of equity issues.<sup>7</sup>

An established literature assesses labor's engagement with issues raised by women and visible minorities. Research highlights the fact that gender-related issues, and to a lesser extent race-related issues, are now on the agenda of many labor organizations around the world. Many federations and unions now have policies on workplace equality for women, and some have taken steps on affirmative action, maternity leave, sexual harassment, and violence.<sup>8</sup> A growing number pursue these equity objectives through lobbying governments, building coalitions with social-movement activists, encouraging increased diversity in decision-making forums, and negotiating for more change at the bargaining table. As one example of change, women now hold some of the top labor positions in Canada, Australia, and Britain, and many organizations have designated seats on their executive boards for women. Similarly, visible minorities have made gains by allying with labor, and one measure of this is the increased number of visible minorities that are unionized.<sup>9</sup> In the United States, for example, unions representing workers in teaching, health care, food and processing, garment making, and catering have all had a significant rise in membership from Asian Pacific Americans during the last two decades, even though unionization overall has declined. These sorts of developments led to the creation of the Asian American Federation of Union Members, an organization with an increasingly strong voice in national and local labor circles, including formal representation in the AFL-CIO.<sup>10</sup> Similar developments have occurred in other settings. Around the world, labor has sponsored a growing number of programs designed to enhance occupation mobility and fight racial discrimination.

Nevertheless, activist groups taking up gender, race, and ethnicity issues within labor organizations have not seen the degree of gains they would like. Women and visible minorities continue to dominate in lower-paying occupations and jobs, even though many unions have anti-racist and affirmative action policies. Most of the progressive change has been made in larger nonindustrial unions and in the public sector.

### **Toward a Gay/Lesbian/Labor Alliance**

Despite the high profile of examples such as the Coors boycott and gay/lesbian activity in the British miners' unions, there has been little scholarly examination of labor's



response to sexual orientation issues.<sup>11</sup> As a start toward closing this gap, this book provides a collection of original scholarship describing labor's engagement with equity issues raised by gays and lesbians in Canada, the United States, Australia, South Africa, the South Pacific, and several European countries. The chapters explore the motivations toward, impediments to, and outcomes of alliances between organized labor and sexual diversity activists. All of the chapters speak to relationships that have been difficult, some much more than others, and several deal with settings where coalitions have failed or remain tenuous, but most describe settings where considerable progress has taken place.

Chapters 2 through 7 cover primarily North America. The first two chapters look at Canada, where labor's engagement with sexual orientation issues is now firmly established. Chapter 2 summarizes my own research, providing an overview of the largely positive developments in Canada since the early 1990s, and offers case studies of a number of unions that have assumed a leadership role. The Canadian situation illustrates the fact that connections have been uneven across regions and between unions, a characteristic that emerges as a theme in later cases. Chapter 3 undertakes a detailed analysis of the role played by labor in the many precedent-setting legal challenges to sexual orientation discrimination that have taken place in Canada since the 1970s. Cynthia Petersen, a lawyer who has been active in these battles, enlivens her article with an insider's perspective.

Chapter 4 undertakes a chronology-based account of the rise of labor and gay/lesbian connections in the United States. Here we see a relationship present from a surprisingly early date, but highly fragmented and regionalized, and until recently without a national focus. Christian Bain finds many signs of a growing bond between labor and gay/lesbian activism, not the least the recent establishment of a "Pride at Work" committee within the AFL-CIO. He suggests that labor is beginning to play a more assertive role in confronting sexual orientation discrimination throughout the United States and predicts that the next five years will see the solidification of a very strong and powerful alliance. The following three chapters cover specific developments in the United States. Miriam Frank, in Chapter 5, discusses the very important activist role played by lesbian and gay caucuses within unions. Desma Holcomb, in Chapter 6, covers the rise and development of nondiscriminatory, domestic-partner benefits as a core issue within some American unions, and Jonathan Goldberg-Hiller, in Chapter 7, assesses the reasons for the lack of labor support in the Hawai'i-based same-sex marriage battles. Frank's and Holcomb's contributions are mostly optimistic about the extent of gains achieved through progressive alliances with unions in gay/lesbian rights battles, noting the particular importance of broad-based coalitions in the United States, where anti-gay opposition is perhaps better organized and more assertive than in any other democratic country. Goldberg-Hiller, on the other hand, is much more pessimistic. He finds a labor movement extremely reluctant to engage when the issue is framed as the right to marry rather than as equity in benefit coverage. Support for same-sex marriage, at least in the Hawaiian context, appears to be a significantly more demanding test of the depth of labor's support. Notably, in comparison to developments in Canada, labor's engagement with sexuality issues in the United States has been more cautious, slower, and less complete.

Chapters 8 through 10 look at developments in the Southern Hemisphere. Jacqueline Leckie, an anthropologist based in New Zealand, looks at the South Pacific region, where labor and gay/lesbian activists have established almost no relationship, and where the prognoses for change remain uncertain. She finds that contradictory ideologies in Pacific Island societies in relation to gender, sexuality, and worker identity are at the root of the apparent silence. Nevertheless, she sees some precursors to change, such as increasing pressure from international aid agencies to incorporate diversity issues into funded programs. Shane Ostenfeld, in Chapter 9, chronicles the long and sometimes tempestuous history of labor and sexual diversity activism in Australia, a journey that has led to what is arguably among the best developed relationship of this type in the world. In contrast, Chapter 10 on South Africa, by Mazibuko K. Jara, Naomi Webster, and Gerald Hunt, portrays a country where coalitions between labor and sexual diversity activists are in their infancy, but where the need for such relationships is particularly important and appealing because the country has the fastest growing union membership in the world and a labor movement with very strong ties to the new, post-apartheid government.

Chapters 11 through 14 cover Europe. Chapter 11 assumes a broad mandate, covering sexual diversity activism in relation to the labor movement in Europe as a whole, drawing particularly on Britain, Germany, France, and the Netherlands for representative examples. David Rayside finds that progress has been mixed. Although little in the way of a labor/gay/lesbian alliance appears to have developed in France, such alliances are well developed in Britain and increasingly in Germany and the Netherlands. Some labor organizations, especially those in Britain, have been active on gay and lesbian issues at the level of the European courts, but without much success. Rayside concludes that sexual diversity issues remain on the margins of the new European confederation, in spite of a recent flurry of activity in this area. This overview of the situation in Europe is followed by three chapters assessing in more depth the experience in Germany and the United Kingdom. Looking at Germany, Ronald Holzhaacker, in Chapter 12, finds that partnerships between labor and sexual-minority activists in the post World War II period have been slow to coalesce but now appear poised to grow and prosper. Chapter 13, on Britain, summarizes the results of several surveys that have been conducted since 1980 about labor's record on sexual diversity issues, noting considerable evidence of a strong and growing connection between labor and gay/lesbian activists. Phil Greasley notes "the fact that Britain as a whole, and the labor movement itself, were so long in thrall of traditional views of gender and sexuality makes such developments even more striking." Fiona Colgan, in Chapter 14, summarizes the contemporary social, economic, and political context in which British activists and unions have forged alliances. She presents a detailed case study of UNISON, a union that has attempted with considerable success to ensure the participation and representation of all sections of its membership, including lesbians and gays. Through the use of extensive interview material, Colgan is able to offer an insider's portrait of the challenge of harmonizing sexuality issues with other union concerns.

Chapter 15, the concluding chapter, provides a global perspective for the scholarship presented here. This book represents the first systematic attempt to examine the recent intersection of lesbian and gay rights activism and labor movements around the world,