



Trade union practices on non-discrimination and diversity 2019

Follow-up to the 2010 study

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Trade union practices on non-discrimination and diversity 2019

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Final Report

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Acronyms

ACLVB/CGSLB	General Confederation of Liberal Trade Unions of Belgium
B&EMM	Black and ethnic minority members
CAO	Collective agreements
CCOO	Workers' Commissions in Spain
CETA	Comprehensive Economic and Trade Agreement
CGIL	Italian General Confederation of Labour
CGT	General Confederation of Labour in France
CGSLB	General Confederation of Liberal Trade Unions in Belgium
CJEU	European Court of Justice
COO	Chief Operating Officer
COC	Culture and Leisure Centre
CSC/ACV	Confederation of Christian Trade Unions of Belgium
DfE	Department for Education (UK)
DGB	German Trade Union Confederation
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECRI	European Commission against Racism and Intolerance
EIS	Educational Institute of Scotland
ENAR	European Network Against Racism
EPSU	European Federation of Public Service Unions
ESF	European Social Fund
EQLS	European Quality of Life Survey
ETUC	European Trade Union Confederation
ETUCE	European Trade Union Committee for Education
ETUI	European Trade Union Institute
EU-MIDIS	European Union Minorities and Discrimination Survey
FBU	Fire Brigades Union (UK)
FCNM	Framework Convention for the Protection of National Minorities
FECCOO	Education Federation of the CCOO in Spain
FELGTB	National Federation of Lesbians, Gays, Transsexuals and Bisexuals
FES	Friedrich-Ebert-Stiftung
FEU	Federation of Entertainment Unions
FGTB/ABVV	General Federation of Belgian Labour
FIA	International Federation of Actors
FIU-Equality	A partnership between the Danish Metalworkers' Union, National Federation of Trade Unions in the Service Sector and the United Federation of Danish Workers

FNV	Dutch Federation of Trade Unions
FRA	European Union Agency for Fundamental Rights
FSLI	Free Trade Unions' Federation in Education in Romania
GRTU	Malta Chamber of SMEs
GWU	General Workers' Union (Malta)
HRM	Human Resource Management
IDAHOT	International Day Against Homophobia, Transphobia and Biphobia
IG BAU	<i>IG Bauen Agrar Umwelt</i>
IG BCE	<i>IG Bergbau Chemie Energie</i>
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
IOM	International Organization for Migration
JAV	Youth and Trainees Council (<i>Jugend und Auszubildendenvertretung</i>)
KAOS GL	Kaos Gay and Lesbian Cultural Research and Solidarity Association
LGBT	Lesbian, gay, bisexual and transgender
LGBTI/LGBTI+	Lesbian, gay, bisexual, transgender and intersex
LGBTIQ	Lesbian, gay, bisexual, transgender, intersex and queer
LGBTQIA	Lesbian, gay, bisexual, trans, queer, intersex and asexual
FH (formerly LO)	Danish Confederation of Trade Unions
MSZOSZ	<i>Magyar Szakszervezeti Szövetség</i> – National Confederation of Hungarian Trade Unions
NASUWT	The Teachers' Union
NCPE	National Commission for the Promotion of Equality (Malta)
NEU	National Education Union (UK)
NGO	Non-governmental organisation
NRW	Youth of North-Rhinewestafliia
NSZZ Solidarność	Independent and Self-Governing Trade Union Solidarność
ÖGB	Austrian Trade Union Federation
OPZZ	All-Poland Alliance of Trade Unions
PSHE	Personal, Social, Health and Economic education
RED	Racial Equality Directive
RSE	Relationships and sex education
SEF	Sex Education Forum
SEN	Special educational needs
SVIZ	Union of Education, Education, Science and Culture of Slovenia
STIB	Brussels Intercommunal Transport Company
TC	Training Centres
TFEU	Treaty on the Functioning of the European Union
TIE-Netherlands	Transnational Information Exchange

TNN	Transgender Network Nederland
TTIP	Transatlantic Trade and Investment Partnership
UCU	University and College Union
UHM	Malta Workers' Union
ULB	<i>Université Libre de Bruxelles</i>
UNAR	National Office against Racial Discrimination
UNI Europa	European Services Workers Union
UNISON	Public service union (UK)
UNSA	National Union of Autonomous Unions in France
WG	Working group

Countries

AT - Austria
BE - Belgium
BG - Bulgaria
CY - Cyprus
CZ - Czech Republic
DE - Germany
DK - Denmark
EE - Estonia
EL - Greece
ES - Spain
EU - European Union
FI - Finland
FR - France
HR - Croatia
HU - Hungary
IE - Ireland
IT - Italy
LV - Latvia
LT - Lithuania
LU - Luxembourg
MT - Malta
NL - The Netherlands
PL - Poland
PT - Portugal
RO - Romania
SE - Sweden
SI - Slovenia
SK - Slovakia
UK - United Kingdom

Executive summary

This study on the non-discrimination and diversity practices of trade unions, undertaken by ICF in 2018 on behalf of the European Commission's DG Justice and Consumers (DG JUST). This is a follow-up study¹ and provides an updated, qualitative analysis of trade union practices and/or initiatives with respect to non-discrimination and diversity in Europe.

The study covered trade union actions aimed at combating discrimination on the grounds of race, ethnic origin, religion, belief, sexual orientation or gender identity, as well as those related to several forms of discrimination or multiple discrimination. Non-discrimination practices solely addressing gender-based and age-based discrimination were not included in the study. Gender-based discrimination was considered only in the context of other grounds of discrimination, e.g. intersectionality related to gender/religion, gender/race, gender/sexual orientation.

The study methodology was based on desk research of existing studies and documentation, a survey of trade unions across the EU and case studies of 21 trade union practices. A total of 80 relevant practices were identified from the 2010 report, while the current desk research and the survey found 109 'new' practices. Those addressing discrimination on the grounds of race and/or ethnicity, together with initiatives addressing multiple discrimination, were most prevalent, followed by measures combating discrimination on the grounds on sexual orientation and gender identity. Few measures singled out discrimination on the grounds of religion and/or belief as a specific focus. The study was guided by a Steering Committee, composed of representatives of the European Commission, European cross-sectoral and sectoral trade unions, and ICF. The study was also supported by a panel of external experts.

Why is the fight against discrimination becoming a compelling issue?

Actions on non-discrimination and diversity have a strong legal basis in the laws and policies of the EU.

Recent developments in national legislation similarly reflect the need for trade unions to adapt to legal and societal changes and to advocate increasingly for non-discrimination at work.

Discrimination in society and the workplace is an enduring issue. The evidence shows that discrimination continues to be an issue in Europe despite long-standing legal and policy efforts to combat it.

The study found that trade unions play a fundamental role in supporting the transition towards a more diverse society. Persistently high levels of discrimination, migration trends and legal changes in the area of non-discrimination were among the main drivers for trade union action on non-discrimination.

What actions are trade unions implementing to tackle discrimination and support diversity?

Trade unions across Europe have developed numerous non-discrimination initiatives to address the multiple grounds of discrimination, through practices with diverse focus points, target groups, reach and activities. These initiatives encompass a broad range of approaches.

The dual focus of trade union action, both internally and externally, at the workplace and in society, allows persistent discrimination to be tackled through different channels. Trade unions address discrimination among their members, through training and raising

¹ European Commission (2010). *Trade union practices on anti-discrimination and diversity*. Report prepared on behalf of DG EMPL by the Working Lives Institute and London Metropolitan University.

awareness of the importance of promoting equal treatment and non-discrimination at the workplace.

In terms of their activities, trade unions primarily implemented awareness-raising actions and campaigns, collective bargaining and targeted training for their members. In relation to the processes of social dialogue, trade unions used a range of practices to promote the non-discrimination agenda in collective bargaining processes and subsequent resulting collective agreements. A number of trade unions succeeded in negotiating the inclusion of specific equality clauses in their collective agreements.

Trade unions have established or further developed dialogue with employers on handling equality issues, providing guidance, support and advice to their members and collective agreement negotiators.

The comprehensive and multi-dimensional strategy applied by trade unions maximises impact by addressing the wider society (e.g. raising awareness about discrimination in workplaces through national campaigns or events). This is often accompanied by cross-sectoral scope and an inclusive workplace approach, targeting both employers and trade union members.

Most of the practices are ongoing and embedded in trade unions' wider strategies and/or structural measures. This ensures the continuity of actions and their effectiveness and creates a multiplier effect. Trade unions often combine permanent strategies and internal structures with one-off activities.

Trade unions frequently use strategic collaborations to design and carry out their non-discrimination practices. These partnerships help to increase the unions' lobbying power, as well as providing a forum for discussion and exchange of good practices.

What are the impacts of trade unions' non-discrimination actions?

Trade union actions have had several short and long-term impacts in supporting non-discrimination in the workplace and beyond.

Such actions had a significant impact on trade unions internally, notably in relation to awareness-raising, upskilling of trade union representatives and knowledge-sharing. They have also succeeded in raising awareness among union members and supported them in dealing with discrimination issues, through training, legal support and education activities. Some trade unions have established specific internal equality structures. This has enabled them to undertake more structured and longer-term equality-oriented actions, which are also embedded in their wider strategy and policy agenda.

Trade unions reported increased visibility and greater awareness of the equality agenda and discrimination issues among the workforce. They supported workers at risk of discrimination or those already experiencing discrimination. Some trade unions also worked directly with employers to reduce discrimination at the workplace, with a direct (positive) impact on related workplace regulations.

Actions at the core of trade union mandates, such as inclusion of non-discrimination clauses in collective agreements and lobbying for legislative actions, allowed for the embedding of equality issues into company policies and practices.

Trade unions actions have influenced the political decision-making process, as well as increasing the visibility of discrimination issues among the general public. This led to shifts in the political debate and policy agenda, adoption of new laws or changes to the existing legislation, furthering the equality agenda for all.

The impact of trade union non-discrimination actions is affected by several factors that variously enable or hinder their impact:

- Support from senior managers in the trade unions is key. Actions implemented should be sufficiently diverse, flexible and effective in terms of reaching their target groups. Sufficient funding must be available for sustained action.
- An important success factor is the 'human' aspect, i.e. having enthusiastic and committed union staff implementing the wide range of actions relating to promoting equal treatment and non-discrimination at the workplace and beyond. Establishing effective and extensive cooperation with external partners was also critical to success. A supportive political, economic and legislative context also provides a positive environment for the trade union actions addressing discrimination.
- The deteriorating political climate in some Member States is the main external factor hindering trade union actions, alongside an unfavourable legislative context. Budgetary and human resource constraints are the main internal factor that hampers trade unions' non-discrimination activities, followed by lack of internal support and a lack of sensitivity to discrimination and equality issues.

What practices could be transferred across the trade unions?

A range of trade union actions could be successfully transferred to other contexts and/or organisations. Figure 1 below shows a pyramid of transferability. Key elements include:

- Strategic vision (e.g. the need for a clear and explicit strategic vision on equality).
- Organisational structure (e.g. having dedicated units and personnel to deal with discrimination issues).
- Concept of the practice/activity (e.g. training, guidance, advice).
- Delivery model (e.g. innovative elements of a training programme, involvement of key actors, outreach activities).

Figure 1. Pyramid of transferability



The strategic vision of an organisation is the main driver for trade unions to implement non-discrimination activities, as it helps to focus and highlight the union's work and to ensure that it remains high on the union agenda. Declarations and formal statements from trade unions in relation to non-discrimination were identified as transferable approaches.

The organisational structures of trade unions, e.g. specifically dedicated non-discrimination units, groups or committees, together with clear delineation of roles and allocation of responsibilities were identified as transferable elements. In addition, permanent contact points can be easily established.

Trade unions implemented a range of non-discrimination activities whose key concepts (e.g. training, toolkits) are often transferable to other trade unions or countries. Similarly, cooperation with other trade unions and external organisations or experts is an important transferable element. Linking a specific action to other activities already implemented was also reported as a successful and transferable method of delivery.

Conclusions and recommendations

Trade unions are important non-discrimination actors that make an essential contribution in this area. They typically have well-organised structures (although this depends substantially on resources and differs by country). Union representatives in the

workplace can draw on the expertise of their sectoral and national officers and offices, giving them the potential to effect wider societal change through their non-discrimination actions.

In some cases, unions have created new structures to enable this process of vertical and horizontal communication and cooperation. This seems to be a particularly useful area for cross-country learning and practice transfer, with evidence of good results. Given their potential to effect change, unions should be further supported, but, practice, lack of (ongoing) funding or lack of support from institutional actors means that they struggle to sustain their activities. Unfortunately, this lack of sustainability may make some non-discrimination actions counter-productive by creating fatigue and disillusionment, as well as unrealistic expectations.

Key recommendations from the study are:

- For the European Commission to further encourage trade union action: there is scope to consider providing further support to increase the capacity of trade unions to implement non-discrimination actions, through funding, awareness-raising, exchange of experiences and strengthening of social dialogue structures at the national level.
- For trade unions to further advance their non-discrimination actions: further implement anti-discrimination actions in a sustainable, structured and holistic way, build strong partnerships with key stakeholders (chiefly employers), learn from the experiences of trade unions elsewhere and champion the inclusion of the non-discrimination agenda in collective bargaining and social dialogue processes.
- For employer organisations to provide a strong contribution to the non-discrimination action: recognise and actively engage with trade unions in non-discrimination actions, including through collective bargaining and social dialogue processes.

Zusammenfassung

Diese Studie über die Praktiken von Gewerkschaften im Kampf gegen Diskriminierung und zur Förderung der Vielfalt wurde 2018 durch ICF im Auftrag der GD Justiz und Verbraucher (GD JUST) der Europäischen Kommission durchgeführt. Dies ist eine Nachfolgestudie² mit einer aktualisierten Qualitätsanalyse der Praktiken bzw. Initiativen der Gewerkschaften im Kampf gegen Diskriminierung und zur Förderung der Vielfalt in Europa.

Diese Studie beschäftigt sich mit den Maßnahmen, die von den Gewerkschaften zur Bekämpfung der Diskriminierung aus Gründen der Rasse, ethnischen Herkunft, Religion, Weltanschauung, sexuellen Ausrichtung oder Geschlechtsidentität sowie verschiedener Formen von Diskriminierung oder mehrfacher Diskriminierungen umgesetzt wurden. Ausschließlich altersbedingte oder geschlechtsspezifische Diskriminierung betreffende Antidiskriminierungspraktiken wurden in diese Studie nicht mit einbezogen. Geschlechtsspezifische Diskriminierung wurde nur im Kontext anderer Diskriminierungsarten, z. B. in der Verbindung Geschlecht/Religion, Geschlecht/Rasse, Geschlecht/sexuelle Ausrichtung berücksichtigt.

Die Studienmethode basierte auf Sekundärforschungen zu bestehenden Studien und Dokumentationen, einer EU-weiten Umfrage in Gewerkschaften und den Fallstudien zu 21 Praktiken der Gewerkschaften. Ausgehend vom 2010 veröffentlichten Bericht wurden insgesamt 80 relevante Praktiken identifiziert, während die aktuelle Sekundärforschung und die Umfrage 109 „neue“ Praktiken ausfindig machten. Am häufigsten waren Praktiken, welche die Diskriminierung aufgrund der Rasse bzw. ethnischen Herkunft betreffen, zusammen mit Initiativen, die multiple Diskriminierungen angehen, gefolgt von Maßnahmen zur Bekämpfung der Diskriminierung aufgrund der sexuellen Ausrichtung und der geschlechtsspezifischen Identität. Einige Maßnahmen betrafen Diskriminierung aufgrund von Religion bzw. Weltanschauung. Die Studie wurde von einem Lenkungsausschuss geleitet, der sich aus Vertretern der Europäischen Kommission, der europäischen branchenübergreifenden und branchenspezifischen Gewerkschaften und von ICF zusammensetzte. Die Studie wurde auch von einer externen Expertengruppe unterstützt.

Warum ist der Kampf gegen Diskriminierung ein immer wichtigeres Thema?

Antidiskriminierungsmaßnahmen und Aktivitäten zur Förderung von Vielfalt basieren dank der Gesetze und Politiken der EU auf einer starken Rechtsgrundlage.

Jüngste Entwicklungen in der nationalen Gesetzgebung spiegeln in ähnlicher Weise die Notwendigkeit wider, dass sich Gewerkschaften an gesetzliche und gesellschaftliche Veränderungen anpassen und verstärkt gegen Diskriminierung am Arbeitsplatz einsetzen.

Die Diskriminierung in der Gesellschaft und am Arbeitsplatz ist ein anhaltendes Problem. Die Beweise belegen, dass trotz der langjährigen rechtlichen und politischen Bemühungen zur Beseitigung der Diskriminierung in Europa diese immer noch ein aktuelles Thema ist.

Die Studie hat gezeigt, dass die Gewerkschaften bei der Unterstützung des Übergangs zu einer vielfältigeren Gesellschaft eine grundlegende Rolle spielen. Ein konstant hohes Diskriminierungsniveau, Migrationstrends und Gesetzesänderungen im Bereich der Nichtdiskriminierung waren die Haupttriebkraft für die von den Gewerkschaften ergriffenen Maßnahmen zur Bekämpfung von Diskriminierung.

² Europäische Kommission (2010). *Praktiken der Gewerkschaften zur Bekämpfung von Diskriminierungen und zur Förderung von Vielfalt*. Vom Working Lives Institute und der London Metropolitan University im Auftrag der GD BESCHÄFTIGUNG erstellter Bericht.

Welche Maßnahmen haben die Gewerkschaften im Kampf gegen Diskriminierung und zur Förderung von Vielfalt umgesetzt?

Die Gewerkschaften haben europaweit zahlreiche Antidiskriminierungsinitiativen mit unterschiedlichen Schwerpunkten, Zielgruppen, Einflussbereichen und Aktivitäten zur Bekämpfung der vielfältigen Diskriminierungsgründe entwickelt. Diese Initiativen umfassen eine breite Palette unterschiedlicher Ansätze.

Dank der beiden Maßnahmenschwerpunkte der Gewerkschaften, sowohl intern, als auch extern, am Arbeitsplatz und in der Gesellschaft, wird Diskriminierungen beharrlich über verschiedene Kanäle entgegengewirkt. Gewerkschaften gehen Diskriminierung unter den Mitgliedern durch Weiter- und Bewusstseinsbildung über die Bedeutung der Förderung von Chancengleichheit und Nichtdiskriminierung am Arbeitsplatz an.

Die Gewerkschaften haben zu diesem Zweck hauptsächlich bewusstseinsbildende Maßnahmen und Kampagnen, Kollektivverhandlungen und gezielte Fortbildungen für ihre Mitglieder umgesetzt. Bezüglich der Prozesse des sozialen Dialogs verwendeten die Gewerkschaften eine Reihe von Praktiken, um die Nichtdiskriminierung in den Tarifverhandlungsprozessen und daraus hervorgehenden Kollektivverträgen zu fördern. Einer Reihe von Gewerkschaften gelang es, spezifische Gleichstellungsklauseln in die Kollektivverträge mit aufzunehmen.

Die Gewerkschaften haben einen Dialog mit den Arbeitgebern über den Umgang mit Gleichstellungsfragen begonnen oder weiterentwickelt und Mitglieder und Verhandlungsführer der Kollektivverträge unterstützt und beraten.

Die umfassende und multidimensionale Strategie der Gewerkschaften maximiert die Wirkung, indem sie die breitere Gesellschaft anspricht (z. B. durch bewusstseinsbildende Maßnahmen gegen Diskriminierung am Arbeitsplatz über nationale Kampagnen und Veranstaltungen). Dies geht oft einher mit einer branchenübergreifenden Ausrichtung und einen inklusiven Ansatz am Arbeitsplatz, der auf Arbeitgeber und Gewerkschaftler gleichermaßen abzielt.

Die meisten Maßnahmen finden fortlaufend statt und sind in die umfassenderen Strategien bzw. strukturellen Maßnahmen der Gewerkschaften eingebunden. Dies gewährleistet die Kontinuität und Effektivität der Maßnahmen und erzeugt einen Multiplikatoreffekt. Die Gewerkschaften kombinieren permanente Strategien und interne Strukturen häufig durch einmalige Aktivitäten.

Die Gewerkschaften nutzen häufig strategische Kooperationen, um ihre Antidiskriminierungsmaßnahmen zu entwerfen und umzusetzen. Diese Partnerschaften verstärken den Lobbyeinfluss der Gewerkschaften und dienen auch als Forum für Diskussionen und den Austausch bewährter Praktiken.

Welche Auswirkungen haben die Antidiskriminierungsmaßnahmen der Gewerkschaften?

Die Maßnahmen der Gewerkschaften hatten verschiedene kurz- und langfristige Auswirkungen, die Nichtdiskriminierung am Arbeitsplatz und darüber hinaus unterstützen.

Diese Aktionen haben sich erheblich auf die interne Struktur der Gewerkschaften selbst ausgewirkt, insbesondere durch Bewusstseinsbildung, Kompetenzverbesserung der Gewerkschaftsvertreter und den Austausch von Wissen. Außerdem konnten die Gewerkschaftsmitglieder sensibilisiert und durch Schulung, juristische Unterstützung und Bildungsaktivitäten bei der Auseinandersetzung mit Diskriminierungsthemen unterstützt werden. Einige Gewerkschaften haben spezifische interne Gleichberechtigungsstrukturen eingerichtet. Dies hat sie in die Lage versetzt, strukturierte und langfristige gleichstellungsorientierte Maßnahmen zu ergreifen, die ebenfalls in ihre breitere strategische und politische Agenda eingebettet sind.

Die Gewerkschaften berichteten von einer Zunahme ihrer Sichtbarkeit und einem erhöhten Bewusstsein über die Gleichstellungsagenda und Diskriminierungsthemen unter den Arbeitskräften. Sie haben Arbeitnehmer unterstützt, die einem Diskriminierungsrisiko ausgesetzt sind oder bereits diskriminiert wurden. Einige Gewerkschaften haben direkt mit Arbeitgebern zusammengearbeitet, um die Diskriminierung am Arbeitsplatz zu verringern und dies wirkte sich direkt (positiv) auf die entsprechenden Arbeitsplatzvorschriften aus.

Direkt in den Mandaten der Gewerkschaften umgesetzte Aktionen, z. B. die Aufnahme einer Nichtdiskriminierungsklausel in Kollektivverträgen und Lobbyarbeit für rechtliche Maßnahmen ermöglichten die Einbeziehung von Gleichstellungsthemen in Unternehmenspolitik und -praktiken.

Die Aktivitäten der Gewerkschaften haben den politischen Entscheidungsprozess beeinflusst und die Sichtbarkeit von Diskriminierungen in der Öffentlichkeit erhöht. Dies hat zu Veränderungen in den politischen Debatten und der politischen Agenda, zur Verabschiedung neuer Gesetze oder zur Änderung bestehender Gesetzesvorschriften beigetragen, was die Gleichstellungsagenda für alle gefördert hat.

Die Auswirkungen von Antidiskriminierungsmaßnahmen der Gewerkschaften hängen von verschiedenen Faktoren ab, die entweder unterstützend oder hinderlich sein können.

Die Unterstützung von leitenden Managern der Gewerkschaften ist ein Schlüsselfaktor. Die umgesetzten Maßnahmen sollten in Bezug auf die Erreichung der Zielgruppen ausreichend unterschiedlich, flexibel und effektiv sein. Es müssen auch ausreichende Finanzmittel für die Umsetzung nachhaltiger Aktionen verfügbar sein.

Ein wichtiger Erfolgsfaktor ist der „menschliche“ Aspekt, d. h. das Vorhandensein von enthusiastischen und engagierten Mitarbeitern, die die breitgefächerte Palette an Maßnahmen zur Förderung der Gleichbehandlung und Nichtdiskriminierung am Arbeitsplatz und darüber hinaus umsetzt. Die Etablierung effektiver und umfangreicher Kooperationen mit externen Partnern war ebenfalls ausschlaggebend für den Erfolg. Ein unterstützender politischer, wirtschaftlicher und gesetzlicher Kontext bietet ein positives Umfeld für die Umsetzung der Antidiskriminierungsmaßnahmen von Gewerkschaften.

Das sich verschlechternde politische Klima in einigen Mitgliedstaaten ist, zusammen mit einem ungünstigen gesetzlichen Kontext, der Hauptfaktor, der die Maßnahmen der Gewerkschaften behindert. Beschränkungen bei Budget und Personal sind die wichtigsten internen Faktoren, welche die Antidiskriminierungsmaßnahmen der Gewerkschaften behindern, gefolgt von einem Mangel an interner Unterstützung und an Sensibilität für Diskriminierungs- und Gleichstellungsthemen.

Welche Praktiken könnten innerhalb von Gewerkschaften weitergegeben werden?

Verschiedene von den Gewerkschaften umgesetzte Maßnahmen könnten erfolgreich in andere Kontexte und/oder Organisationen übertragen werden. Abbildung 1 unten zeigt eine Pyramide der Transferierbarkeit. Schlüsselemente sind:

- Strategische Vision (z. B. die Notwendigkeit einer klaren und expliziten strategischen Vision in Bezug auf Gleichstellung).
- Organisationsstruktur (z. B. die Einrichtung spezieller Abteilungen mit Personal zur Bearbeitung von Diskriminierungsfällen).
- Ein Konzept der Praktiken/Aktivitäten (z. B. Schulung, Anleitung, Beratung).
- Bereitstellungsmodell (z. B. innovative Elemente in den Trainingsprogrammen, Einbeziehung von Schlüsselakteuren, weiterreichende Maßnahmen).

Abbildung 1. Pyramide der Transferierbarkeit



Die strategische Vision einer Organisation ist die Hauptantriebskraft für Gewerkschaften bei der Umsetzung von Antidiskriminierungsmaßnahmen, da sie dazu beiträgt, die Arbeit der Gewerkschaft zu fokussieren und zu betonen und sicherzustellen, dass diese in der Agenda der Gewerkschaft einen hohen Stellenwert behalten. Erklärungen und formale Aussagen der Gewerkschaften in Verbindung mit Nichtdiskriminierung wurden als transferierbare Ansätze identifiziert.

Die Organisationsstruktur der Gewerkschaften, z. B. spezifische Antidiskriminierungs-Abteilungen, Gruppen oder Ausschüsse zusammen mit einer klaren Abgrenzung der Rollen und Aufgabenverteilungen wurden als übertragbare Elemente ermittelt. Zusätzlich dazu können permanente Kontaktstellen eingerichtet werden.

Die Gewerkschaften haben eine Reihe von Antidiskriminierungsaktivitäten umgesetzt, deren Schlüsselkonzepte (z. B. Schulungen, Werkzeuge) oftmals auch auf andere Gewerkschaften oder Länder übertragbar sind. Auch Kooperationen mit anderen Gewerkschaften und externen Organisationen oder Experten sind ein wichtiges übertragbares Element. Die Verknüpfung einer spezifischen Maßnahme mit anderen bereits umgesetzten Aktivitäten gilt ebenfalls als eine erfolgreiche und transferierbare Methode.

Schlussfolgerungen und Empfehlungen

Gewerkschaften sind wichtige Akteure zur Sicherstellung der Nichtdiskriminierung und leisten einen wesentlichen Beitrag in diesem Bereich. Sie haben üblicherweise gut organisierte Strukturen (obwohl dies erheblich von den verfügbaren Ressourcen abhängt und sich von Land zu Land unterscheidet). Die Gewerkschaftsvertreter können am Arbeitsplatz das Fachwissen der branchenspezifischen und nationalen Funktionäre und Büros nutzen, was ihnen die Möglichkeit bietet, durch ihre Antidiskriminierungsmaßnahmen breitere gesellschaftliche Veränderungen zu bewirken.

In einigen Fällen haben Gewerkschaften neue Strukturen geschaffen, um diesen Prozess der vertikalen und horizontalen Kommunikation und Kooperation zu ermöglichen. Dies scheint ein besonders fruchtbarer Bereich für länderübergreifende Bildungsinitiativen und die Weitergabe von Praktiken zu sein und hierfür gibt es bereits erfolgreiche Beispiele. Aufgrund ihrer potenziellen Fähigkeit, Veränderungen herbeizuführen, sollten die Gewerkschaften weiterhin unterstützt werden, aber einige Praktiken, der Mangel an (permanenten) Finanzmitteln oder der Mangel an Unterstützung vonseiten der institutionellen Akteure führen dazu, dass sie Schwierigkeiten dabei haben, ihre Aktivitäten aufrechtzuerhalten. Unglücklicherweise könnte dieser Mangel an Nachhaltigkeit dazu führen, dass einige Antidiskriminierungsmaßnahmen kontraproduktiv werden, da sie zu Müdigkeit und Desillusionierung und zu unrealistischen Erwartungen führen.

Folgende Schlüsselempfehlungen gingen aus der Studie hervor:

- Die Europäische Kommission sollte die Maßnahmen der Gewerkschaften weiterhin fördern: Es gibt Gründe, die für eine weitere Unterstützung der Gewerkschaften sprechen, um Antidiskriminierungsmaßnahmen durch die Bereitstellung von Finanzmitteln, bewusstseinsbildende Maßnahmen, Erfahrungsaustausch und die Stärkung der Strukturen des sozialen Dialogs auf nationaler Ebene umzusetzen.
- Die Gewerkschaften sollten ihre Antidiskriminierungsmaßnahmen weiterentwickeln, Antidiskriminierungsmaßnahmen auf nachhaltige, strukturierte und ganzheitliche Weise umsetzen, starke Partnerschaften mit wichtigen Interessenvertretern (in erster Linie Arbeitgebern) aufbauen, aus den Erfahrungen anderer Gewerkschaften lernen und die Einbindung der Antidiskriminierungsagenda in Tarifverhandlungen und Prozessen des sozialen Dialogs verfechten.
- Arbeitgeberorganisationen sollten einen wesentlichen Beitrag zu Antidiskriminierungsmaßnahmen leisten: Sie sind aufgefordert, die Antidiskriminierungsmaßnahmen der Gewerkschaften anzuerkennen und sich aktiv daran zu beteiligen, auch im Rahmen von Tarifverhandlungen und Prozessen des sozialen Dialogs.

Résumé analytique

La présente étude sur les pratiques syndicales de lutte contre la discrimination et pour la promotion de la diversité a été réalisée par ICF en 2018 pour le compte de la Direction générale de la justice et des consommateurs (DG JUST) de la Commission européenne. Il s'agit d'une étude de suivi³ qui fournit une analyse qualitative actualisée des pratiques et/ou des initiatives syndicales de lutte contre la discrimination et pour la promotion de la diversité en Europe.

L'étude porte sur les actions syndicales visant à lutter contre la discrimination fondée sur la race, l'origine ethnique, la religion, la foi, l'orientation sexuelle ou l'identité de genre, ainsi que sur les actions visant différentes formes de discrimination ou les discriminations multiples. L'étude ne traite pas des pratiques de lutte contre les discriminations ciblant uniquement le sexe et l'âge. La discrimination fondée sur le sexe n'est abordée que dans le contexte d'autres motifs de discrimination, par exemple l'intersectionnalité entre genre et religion, genre et race, ainsi que genre et orientation sexuelle.

La méthodologie de l'étude s'appuie sur une recherche documentaire des études et documents existants, sur une enquête menée auprès de syndicats de toute l'UE et sur des études de cas de 21 pratiques syndicales. Au total, 80 pratiques pertinentes ont été identifiées à partir du rapport de 2010, tandis que la recherche documentaire actuelle et l'enquête ont permis de repérer 109 « nouvelles » pratiques. Les pratiques les plus répandues sont celles liées à la discrimination fondée sur la race et/ou l'ethnicité, ainsi que les initiatives visant les discriminations multiples, suivies par les mesures de lutte contre la discrimination fondée sur l'orientation sexuelle et l'identité de genre. La discrimination fondée sur la religion et/ou la foi ne fait pas l'objet d'un grand nombre de mesures ni d'une attention particulière. L'étude a été pilotée par un Comité directeur composé de représentants de la Commission européenne, de syndicats européens intersectoriels et sectoriels, ainsi que de l'ICF. Elle a également été étayée par un panel d'experts externes.

Pourquoi la lutte contre la discrimination devient-elle une question inévitable ?

Les mesures de lutte contre la discrimination et de promotion de la diversité s'appuient sur une forte base légale au sein de la législation et des politiques de l'Union européenne.

De la même manière, les évolutions des législations nationales démontrent que les organisations syndicales doivent s'adapter aux changements du droit et de la société et promouvoir de façon croissante la lutte contre la discrimination au travail.

La discrimination au sein de la société et sur le lieu de travail est un problème persistant. Il a été démontré que la discrimination est toujours d'actualité en Europe, malgré les mesures juridiques et politiques déployées depuis longtemps pour lutter contre cette dernière.

L'étude révèle que les syndicats jouent un rôle fondamental pour favoriser la transition vers une société plus diversifiée. Parmi les principales motivations des actions syndicales de lutte contre la discrimination, on compte les niveaux toujours élevés de discrimination, les mouvements migratoires et les évolutions du droit dans le domaine de la lutte contre la discrimination.

³ Commission européenne (2010). *Pratiques syndicales de lutte contre la discrimination et pour la promotion de la diversité*. Rapport rédigé pour la DG EMPL (emploi, affaires sociales et inclusion) par Working Lives Institute et l'Université métropolitaine de Londres.

Quelles actions les organisations syndicales mettent-elles en œuvre pour lutter contre la discrimination et promouvoir la diversité ?

Dans toute l'Europe, des syndicats de ont développé de nombreuses initiatives visant à lutter contre les multiples formes de discrimination au travers de pratiques aux priorités diverses, de groupes cibles, de communication et d'activités. Ces initiatives englobent un large éventail d'approches.

La cible de l'action des syndicats est double : l'interne et l'externe, le lieu de travail et la société. Cela permet de lutter contre la discrimination répétée par différents moyens. Les syndicats abordent les questions de discrimination avec leurs membres par le biais de la formation et de la sensibilisation à l'importance de promouvoir l'égalité de traitement et de lutter contre la discrimination au travail.

En termes d'activités, les organisations syndicales ont essentiellement mené des actions et des campagnes de sensibilisation, des négociations collectives et des formations ciblées au profit de leurs membres. En ce qui concerne le processus de dialogue social, les syndicats ont eu recours à un ensemble de pratiques visant à promouvoir la question de la lutte contre la discrimination au sein des procédures de négociation collective et dans les conventions collectives en découlant. Lors des négociations, un certain nombre d'organisations syndicales sont parvenues à faire ajouter des clauses spécifiques en faveur de l'égalité de traitement dans les conventions collectives.

Les syndicats ont instauré ou approfondi le dialogue avec les employeurs en ce qui concerne la manière de traiter les questions d'égalité. Pour cela, ils ont fourni des orientations, du soutien et des conseils à leurs membres ainsi qu'aux experts en négociation de conventions collectives.

La stratégie globale et multidimensionnelle appliquée par les organisations syndicales maximise l'impact de leur action en s'adressant à la société dans son ensemble, par exemple en sensibilisant le public à la discrimination sur le lieu de travail au travers de campagnes ou des événements. Cette stratégie s'accompagne souvent d'une dimension transversale et d'une approche inclusive du lieu de travail, visant tant les employeurs que les membres de syndicats.

La plupart des pratiques sont déjà en application et incorporées dans les stratégies plus vastes et/ou les mesures structurelles des organisations syndicales. Cela assure la continuité et l'efficacité des actions et crée un effet multiplicateur. Les syndicats combinent souvent des stratégies permanentes et des structures internes à des activités ponctuelles.

Les organisations syndicales développent souvent des collaborations stratégiques afin d'élaborer et de mettre en œuvre leurs pratiques de lutte contre la discrimination. Ces partenariats permettent aux syndicats d'accroître leur puissance de lobbying et de mettre en place des lieux de discussion et des échanges de bonnes pratiques.

Quels sont les effets des actions syndicales de lutte contre la discrimination ?

Les mesures syndicales ont produit des effets à court et à long terme en faveur de l'élimination de la discrimination au travail et ailleurs.

Ces progrès ont eu un effet important au sein des organisations syndicales, notamment en ce qui concerne la sensibilisation, la montée en compétences des représentants syndicaux et le partage de connaissances. Ces mesures ont également permis de susciter une prise de conscience au sein des membres de syndicats et les ont aidés à traiter les questions de discrimination, au travers de formations, d'aide juridique et d'activités pédagogiques. Certaines organisations syndicales ont mis en place des structures internes spécifiques relatives à l'égalité. Elles ont ainsi pu entreprendre de manière plus structurée et sur le plus long terme des actions axées sur l'égalité. Celles-ci sont également intégrées dans leur stratégie et leur agenda politiques plus larges.

Les syndicats ont signalé une augmentation de la visibilité et une meilleure prise de conscience des questions d'égalité et de discrimination au sein du salariat. Ils ont apporté leur aide à des salariés exposés au risque de discrimination ou l'ayant déjà subie. Certaines organisations syndicales ont également travaillé directement avec des employeurs de manière à réduire la discrimination au travail. Cela a eu un impact positif et direct sur les réglementations de ces lieux de travail.

Les mesures inhérentes aux mandats des syndicats, telles que l'intégration de clauses de non-discrimination au sein des conventions collectives et le lobbying en faveur d'initiatives législatives, ont permis d'intégrer les questions d'égalité au sein des politiques et pratiques des entreprises.

Les actions syndicales ont influencé le processus décisionnel politique et ont amélioré la visibilité des problèmes de discrimination auprès du grand public. Cela a donné lieu à des changements au sein du débat et de l'agenda politiques, à l'adoption de nouvelles lois ou à des modifications dans la législation existante, faisant ainsi progresser l'égalité pour tous.

Différents facteurs peuvent, selon les cas, favoriser ou minimiser l'impact des actions syndicales de lutte contre la discrimination :

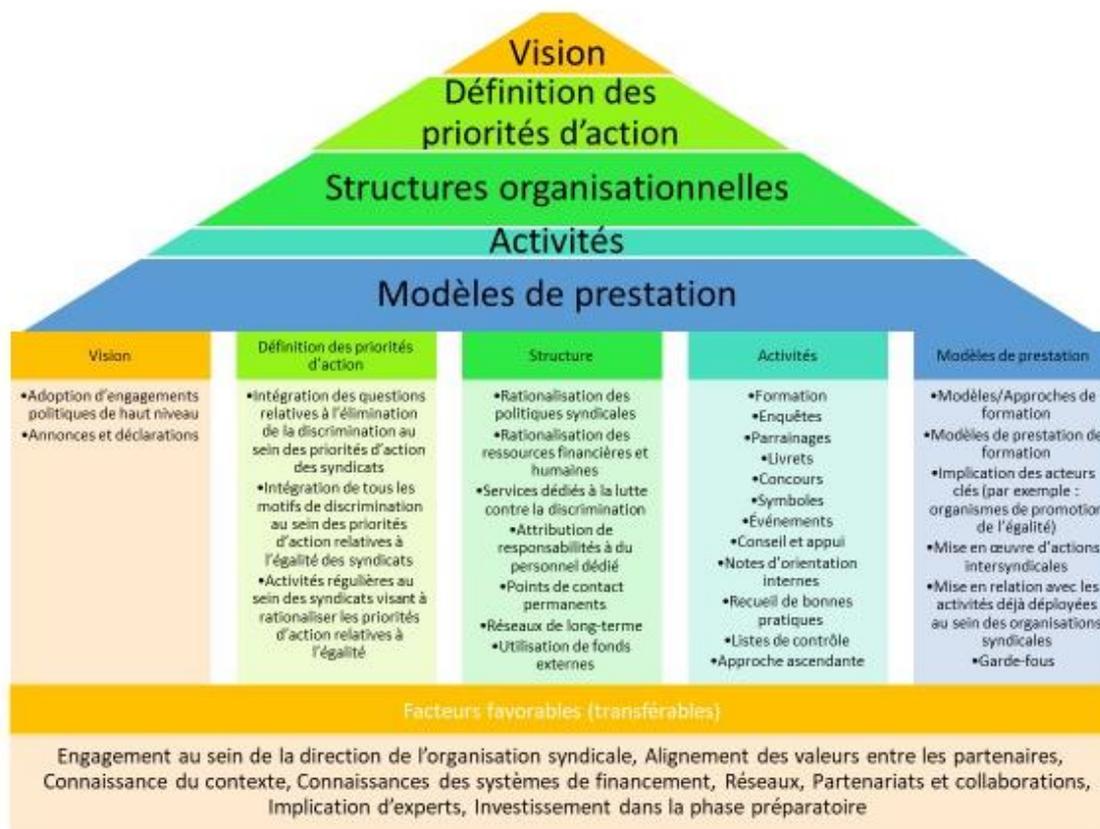
- Le soutien des membres de la direction des syndicats constitue un élément clé. Les actions mises en œuvre doivent être suffisamment diversifiées, souples et efficaces afin d'atteindre les groupes cibles. Un financement suffisant doit être mis à disposition afin que l'action soit durable.
- L'aspect humain peut constituer un facteur de succès important. On entend par là la présence d'un personnel syndical enthousiaste et engagé, mettant en œuvre le vaste éventail de mesures liées à la promotion de l'égalité de traitement et à la lutte contre la discrimination au travail et ailleurs. La mise en place d'une vaste et productive coopération avec des partenaires externes s'est également avérée essentielle à la réussite. Un contexte politique, économique et législatif favorable permet également l'instauration d'un environnement propice aux actions syndicales visant la discrimination.
- La détérioration du climat politique dans certains États membres ainsi que des contextes législatifs défavorables sont les principaux facteurs externes freinant l'action syndicale. Les contraintes budgétaires et en matière de ressources humaines constituent le principal obstacle interne aux activités syndicales de lutte contre la discrimination, suivies par un manque de soutien et de sensibilité aux questions de discrimination et d'égalité en interne.

Quelles pratiques peuvent être transférées entre les organisations syndicales ?

Un ensemble de mesures syndicales pourrait être appliqué avec succès à d'autres contextes et/ou organisations. Le schéma 1 ci-dessous présente une pyramide de transférabilité. Elle comprend les principaux éléments suivants :

- Vision stratégique (par exemple, la nécessité de disposer d'une vision stratégique claire et explicite sur l'égalité).
- Structure organisationnelle (par exemple, disposer de services et de personnel dédiés au traitement des questions de discrimination).
- Concept de la pratique/de l'activité (par exemple, formation, orientations, conseils).
- Modèle de prestation (par exemple, éléments innovants d'un programme de formation, implication d'acteurs clés, activités de sensibilisation).

Schéma 1. Pyramide de transférabilité



La vision stratégique constitue le principal moteur de mise en œuvre des activités de lutte contre la discrimination par les syndicats, car elle permet au travail des syndicats de garder leur cap et d'être mis en avant, mais aussi de garantir que cette lutte demeure une de leurs priorités. Les annonces et les déclarations officielles des organisations syndicales relatives à la discrimination ont permis d'identifier des approches transférables.

Parmi les éléments identifiés comme étant transférables, on compte les structures organisationnelles des syndicats (par exemple : les services, groupes ou comités spécifiquement consacrés à la lutte contre la discrimination), la définition claire des rôles et la répartition des responsabilités. En outre, des points de contact permanents peuvent facilement être établis.

Les organisations syndicales ont mis en œuvre une variété d'activités de lutte contre la discrimination, dont les concepts clés (par exemple : formation ou boîtes à outils) peuvent souvent être transférés à d'autres syndicats ou à d'autres pays. De la même manière, la collaboration avec d'autres syndicats et avec des organisations ou des experts externes constitue un élément transférable important. Relier une action spécifique à d'autres activités déjà mises en œuvre s'est également révélé être une méthode d'action fructueuse et transférable.

Conclusions et recommandations

Les organisations syndicales constituent des acteurs importants de la lutte contre la discrimination et apportent une contribution essentielle dans le domaine. Elles sont généralement dotées de structures bien organisées, bien que cela dépende largement des ressources disponibles et du pays. Les représentants syndicaux présents sur les

lieux de travail peuvent faire appel à l'expertise de leurs responsables et de leurs bureaux sectoriels et nationaux. Cela leur donne la possibilité de créer des changements sociétaux de plus grande ampleur au travers d'actions visant à éliminer la discrimination.

Dans certains cas, les organisations syndicales ont créé de nouvelles structures afin de faciliter les processus de communication et de coopération verticales et horizontales. Ce domaine semble être particulièrement utile pour l'apprentissage entre pays et pour le transfert de pratiques, et il présente déjà des résultats satisfaisants. Au vu de leur potentiel à amener des changements, les syndicats devraient bénéficier de davantage de soutien. Cependant, la pratique, le manque de financement (actuel) et le manque d'appui de la part des acteurs institutionnels sont autant de freins au maintien durable de leurs activités. Ce manque de durabilité peut malheureusement rendre certaines mesures de lutte contre la discrimination contreproductives, en créant de la lassitude et de la désillusion ainsi que des attentes irréalistes.

Les principales recommandations de l'étude sont les suivantes :

- La Commission européenne doit davantage encourager l'action syndicale : il existe une marge de manœuvre pour renforcer le soutien apporté aux syndicats afin d'accroître leur capacité à mettre en œuvre des actions de lutte contre la discrimination au travers de financements, d'activités de sensibilisation, d'échange d'expériences et du renforcement des structures de dialogue social à l'échelle nationale.
- Les organisations syndicales doivent faire progresser leurs actions d'élimination de la discrimination : elles doivent déployer ces actions de manière plus durable, structurée et globale ; nouer de solides partenariats avec les principales parties prenantes (principalement les employeurs) ; tirer des enseignements de l'expérience des syndicats d'autres pays ; et soutenir l'intégration de la question de la discrimination au sein des procédures de négociation collective et de dialogue social.
- Les organisations d'employeurs doivent apporter une contribution conséquente aux actions d'élimination de la discrimination : elles doivent reconnaître et coopérer activement avec les organisations syndicales dans le cadre de la lutte contre la discrimination, notamment dans le cadre des procédures de négociation collective et de dialogue social.

1 Introduction

In 2010, the European Commission carried out a study on trade union practices on anti-discrimination and diversity⁴ with the aim of identifying their non-discrimination practices between 2000 and 2010. This follow-up study seeks to provide the Commission (and its key stakeholders) with an updated, qualitative **analysis of trade unions' practices and/or initiatives on non-discrimination and diversity**. This ensures that the Commission has an up-to-date knowledge base for the development of further policy and practice in this area. More specifically, the main objectives of the study were:

- To track the main developments in trade union practices and/or initiatives on non-discrimination and equality since 2010;
- To identify the elements/factors that have contributed to the success of the trade union practices/initiatives;
- To examine the potential transferability of successful approaches to other Member States.

The study examined practices aimed at combating discrimination on the grounds of race or ethnic origin, religion or belief, sexual orientation and gender identity, as well as those targeting several forms of discrimination or multiple discrimination. Non-discrimination practices that solely address gender-based and age-based discrimination were not included. Gender-based discrimination was considered only in the context of other ground of discrimination, e.g. intersectionality related to gender/religion, gender/race and gender/sexual orientation⁵.

The 2010 **study methodology** was based on desk research, a survey of trade unions and subsequent case studies. The same approach was applied in this study, with practices identified through desk review and a survey of trade unions, followed by 21 case studies.

The first step in the current study was to carry out desk research and interviews with European (EU) level trade union representatives to establish which of the 2010 practices were still in place or had since evolved but continue to play a role. Additional desk research was carried out to identify new trade union practices. This relied substantially on practices reported in a survey of EU and national trade unions carried out as part of this study and disseminated by members of the steering group (European Trade Union Confederation (ETUC), European Trade Union Committee for Education (ETUCE), European Federation of Public Service Unions (EPSU), European Service Workers' Union (UNI Europa)). A total of 80 relevant practices were identified from the 2010 report, while desk research and the survey found 109 'new' practices. The draft findings were discussed in the final conference of the study, attended by over 100 representatives of trade unions across Europe, in October 2019.

⁴ European Commission (2010). *Trade union practices on anti-discrimination and diversity*. Report prepared on behalf of DG EMPL by the Working Lives Institute and London Metropolitan University.

⁵ Intersectionality is defined with reference to EIGE's definition as a concept relating to the ways in which sex and gender intersect with other personal characteristics/identities, and how these intersections contribute to unique experiences of discrimination (see: <https://eige.europa.eu/thesaurus/terms/1263>).

2 Why is the fight against discrimination becoming a compelling issue?

Summary of key results

- The **Treaty on the Functioning of the European Union (TFEU)** gives a clear mandate to the Union to combat discrimination based on sex, racial and ethnic origin, religion or belief, disability, age and sexual orientation. The Charter of Fundamental Rights, the Directive 2000/78/EC prohibiting discrimination in employment and the Race Equality Directive 2000/43/EC further confirm the EU's commitment to tackling discrimination in the labour market. Trade unions are first in line to address discrimination on all grounds, in their key role in social dialogue in negotiations with employers, in supporting victims of discrimination and in monitoring discrimination in the workplace.
- Recent developments in national legislation on LGBT rights (e.g. recognition of same-sex unions) underline the need for trade union action to adapt to legal changes and push for greater inclusion at work. Conversely, **legislative frameworks sometimes fail to address societal evolution on discrimination**. This can be seen in certain Member States, where a context of increasing Islamophobia has impacted the level of restriction faced by Muslim women in respect of their religious dress. In these cases, trade unions have an important role to play in pushing for legislative changes by lobbying for effective diversity policies at national level.
- In the current complex and rapidly changing socioeconomic and demographic context at both EU and national level, **trade unions play a fundamental role in supporting the transition towards a more diverse society, not least because discrimination in society and the workplace is an enduring issue**. High and persistent levels of discrimination, migration trends and legal changes were the main drivers for unions to act on non-antidiscrimination.
- Alongside increasingly acrimonious and polarised political debate, as well as the rise of far-right movements (which tap into concerns about globalisation, immigration and the role of European integration), **there is also a new awareness of the need to promote and support a more integrated society**, including through trade union action.

2.1 Non-discrimination in EU legislation and policies

2.1.1 EU non-discrimination principles in primary law

In 1997, Article 13 of the Treaty of Amsterdam (amending the Treaty on European Union, TEU) gave **a legislative basis for the EU to actively fight discrimination** based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Today, Article 2 TFEU establishes the non-discrimination principle as one of

the fundamental values of the Union, while Article 10 specifies the discrimination grounds recognised in legislation⁶.

The equal treatment principle is enshrined in the Charter of Fundamental Rights of the European Union⁷. Article 20 of the Charter confirms that everyone is equal before the law, while Article 21 prohibits discrimination on a non-exhaustive list of grounds, namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation⁸. However, the principle of non-discrimination defined under the Charter has a limited scope, pursuant to Article 51 of the Charter of Fundamental Rights. The Charter is only applicable where the matter falls within the scope of EU law, which means that it is only binding for Member States where they are implementing EU law⁹. This confirms that the principle of non-discrimination is not extended to fields other than those defined in secondary legislation.

Recently, the EU renewed its commitment to the principle of equal opportunities and access to the labour market in the European Pillar of Social Rights¹⁰. The Pillar builds on 20 key principles, structured around three categories, one of which is equal opportunities and access to the labour market. Here, the EU emphasises the importance of the principle of equal opportunities regardless of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation in the areas of employment, social protection, education, and access to goods and services.

The Court of Justice of the European Union (CJEU) ranked the equal treatment principle as a general principle of the EU in the *Glatzel* case¹¹. The Court noted that the principle of equal treatment, as laid down in Article 20 of the Charter, is a general principle of EU law and the provisions enshrined in Article 21(1) of the Charter are a 'particular expression' of the general principle. This means that specific grounds of discrimination are laid down in Article 21(1), detailing Article 20 of the Charter.

EU non-discrimination in secondary legislation

EU non-discrimination law was originally introduced to facilitate the functioning of the internal market and was traditionally confined to the sphere of employment. Following the inclusion of Article 13 in the Treaty of Amsterdam in 1997, the EU adopted the **Racial Equality Directive (RED)** (2000/43/EC)¹², thus expanding non-discrimination legislation to areas outside of employment. The fields of education, social protection (including social security and healthcare), social advantages and access to and supply of goods and services are covered by the RED. The Directive requires Member States to designate an equality body to promote equal treatment, which must provide concrete assistance to victims, conduct independent surveys concerning discrimination, and publish reports to draw recommendation on racial discrimination¹³. The second Directive adopted in 2000 in the field of non-discrimination is Directive

⁶ Sex, racial or ethnic origin, religion or belief, disability, age, sexual orientation.

⁷ OJ 26.10.2012 C326/391.

⁸ Articles 20 and 21 of the European Charter of Fundamental Rights. Available at: http://www.europarl.europa.eu/charter/pdf/text_en.pdf

⁹ See the following cases for more information on the scope of application of the Charter of Fundamental Rights: judgment of 13 July 1989, Case 5/88 Wachauf [1989] ECR 2609; judgment of 18 June 1991, Case C-260/89 ERT [1991] ECR I-2925; judgment of 18 December 1997, Case C-309/96 Annibaldi [1997] ECR I-7493.

¹⁰ https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights/european-pillar-social-rights-20-principles_en

¹¹ CJEU, C-356/12, *Wolfgang Glatzel v. Freistaat Bayern*, 22 May 2014, para. 43.

¹² Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

¹³ Article 13 RED.

2000/78/EC, or the **Employment Equality Directive**¹⁴, which established a general framework to ensure equal treatment in the workplace on grounds of religion or belief, disability, age or sexual orientation.

In both Directives, discrimination is understood as a broad concept, encompassing direct and indirect discrimination, harassment and instruction to discriminate. The role of social partners in the application of the principle of non-discrimination is laid down under two identical provisions: Article 11 of the RED and Article 3 of the Employment Equality Directive. They oblige Member States to 'take adequate measures to **promote dialogue between the social partners, with a view to fostering equal treatment**'. Member States must encourage social partners to conclude collective agreements laying down non-discrimination rules, affording at least the minimum protection enshrined in the two EU non-discrimination Directives¹⁵. Therefore, social partners are responsible for fostering equal treatment dialogue by, for instance, monitoring workplace practices, collective agreements, codes of conduct and through research or exchange of experiences and good practices.

The Council Framework Decision on racism and xenophobia by means of criminal law is another important EU legislative act that has to be transposed at Member State level. It aims to harmonise the laws and regulations of EU countries on offences involving certain manifestations of racism and xenophobia¹⁶.

Although the two non-discrimination Directives afford protection against discrimination on the grounds of race, sexual orientation, religion and belief, age and disability, this protection does not exist in all areas of life for most of these grounds. In 2008, therefore, the European Commission put forward **a proposal for a Directive on implementing the principle of equal treatment outside the labour market**, irrespective of age, disability, sexual orientation or religious belief¹⁷. This Directive aimed to provide a horizontal approach to non-discrimination law and therefore extend protection against discrimination in all areas of life for all grounds mentioned in the Employment Equality Directive. Despite active support from the European Parliament¹⁸, the draft proposal is blocked at the Council, with unanimity yet to be reached. In November 2018, the Council published a 'progress report' on the draft, 10 years after the proposal was submitted by the Commission, concluding that: '*extensive further political discussions will be needed before the required unanimity can be reached in the Council*'¹⁹. Member States thus remain the only competent authorities to introduce non-discrimination policies on grounds of religion, sexual orientation, gender identity, age and disability in any area outside the workplace.

CJEU judgements have contributed greatly to the legislative landscape on equal treatment. For instance, in the recent *Coman* case of 5 June 2018, the CJEU ruled that a spouse of a same-sex marriage must enjoy the same freedom of movement rights as a spouse of a different-sex marriage²⁰. In practice, it obliges all Member States to recognise a same-sex marriage from another EU Member State for the purpose of

¹⁴ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (Employment Equality Directive).

¹⁵ Article 11(2) RED and Article 13(2) Employment Equality Directive. This is also underlined in Recital 23 RED and Recital 33 and Article 18 Employment Equality Directive.

¹⁶ Council Framework Decision on racism and xenophobia (2008/913/JHA).

¹⁷ Commission's proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008) 426 final). Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0426:EN:NOT>

¹⁸ European Parliament (2009). Press release 'European Parliament backs new anti-discrimination directive', April 2009. Available at: <http://www.europarl.europa.eu/sides/getDoc.do?language=en&type=IM-PRESS&reference=20090401IPR53200>

¹⁹ Council of the European Union (2018). Progress report 14253/18. Brussels. Available at: <https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vktj9botz0zd#p1>

²⁰ Case C-673/16, *Coman*, 5 June 2018.

granting freedom of movement rights, including residence rights. Additionally, the *Chez* case²¹ provides important clarification of the personal scope of the RED. It specifies that an individual may suffer less favourable treatment or a particular disadvantage on grounds of racial or ethnic origin, despite not themselves being a member of the race or ethnic group concerned.

For discrimination on the grounds of religion or belief, the CJEU has left a wider margin of appreciation to Member States. In the *Achbita* case (2017), the Court considered that the religious headscarf ban imposed by employers, although constituting indirect discrimination on ground of religion, may be justified by the necessity to promote a 'neutral image' in a business²². This opens the door for Member States to adopt general headscarf bans.

2.1.2 EU non-discrimination principles deriving from the European Convention of Human Rights (ECHR)

The CJEU developed the general principles of Community law, which must also reflect the human rights protections found in human rights treaties, in particular the **European Convention of Human Rights (ECHR)**²³. EU law and EU jurisprudence also confirm that the Council of Europe's standards should be considered by the EU. Article 52(3) of the EU Charter of Fundamental Rights provides that in so far as the Charter contains rights which correspond to rights guaranteed by the ECHR, the meaning and scope of these rights shall be the same as those laid down by the Convention.

Thus, the ECHR and the related case-law of the European Court of Human Rights (ECtHR) are relevant to understanding the protective legal framework against discrimination. Article 14 of the ECHR prohibits discrimination on any grounds, and mentions sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status. This includes direct and indirect discrimination. However, this Article is only applied in relation to the exercise of another right guaranteed by the Convention. Protocol 12 of the ECHR established the prohibition of discrimination as a free-standing right.

When applying Article 14 of the Convention, the ECtHR has developed a consistent body of cases and adopted a broad interpretation. Firstly, in its ruling on intersectional discrimination in case *S.A.S v. France*, the Court recognised that multiple discrimination grounds can occur²⁴. Secondly, Article 14 provides a legal basis to condemn harassment and instruction to discrimination, notably in the case *Đorđević v. Croatia*²⁵. Finally, in 2017, the Court ruled on a hate crime case on the basis of Article 14 ECHR²⁶. Here, the Court makes it clear that in assessing hate crimes, it is not the background of the victim that is essential but the nature of the hate of the perpetrator. In other words, the ground of discrimination on which the victim was attacked, or the actual belonging of the victim to the discriminated group, is irrelevant in determining whether the crime should be defined as a hate crime.

²¹ Case C-83/14, *CHEZ Razpredelenie Bulgaria*, 16 July 2015 para. 56.

²² Case C-157/15, *Achbita*, 14 March 2017.

²³ This was confirmed in many judgments of the CJEU, such as Case 4/73, *J. Nold* 14 May 1974. Regarding the principle of non-discrimination, the CJEU confirmed the application of the ECHR in Case C-149/77, *Defrenne* 5 June 1978.

²⁴ ECtHR, *S.A.S. v. France* [GC], No. 43835/11, 2014.

²⁵ ECtHR (2012). *Đorđević v. Croatia*, No. 41526/10.

²⁶ ECtHR (2017). *Škorjanec v. Croatia*, No. 25536/14.

2.1.3 EU non-discrimination policies

The EU has developed a wide range of policies to promote equality. The 'European Year of Equal Opportunities for All' in 2007 represented one of the biggest campaigns to date in the fight against discrimination and saw political leaders make a commitment to equal opportunities in their countries²⁷. A few years earlier, the campaign 'For Diversity, Against Discrimination' was launched by the Commission to raise awareness of the existing non-discrimination legislation and promote the benefits of diversity²⁸. More recently, EU strategies have focused on specific protected grounds under EU law, such as the European Disability Strategy 2010-2020 (combating discrimination against people with disabilities) and the EU Framework for National Roma Integration Strategies up to 2020 (combating discrimination against the Roma community). The principle of equal opportunities is also recognised in other recent initiatives. For instance, the 2016 Communication on 'New Skills Agenda for Europe – Working together to strengthen human capital, employability and competitiveness' recognised that 'inclusive labour markets should draw on the skills and talents of all [...]'. The European Commission also recently published a Practical Guide to launch and implement a Diversity Charter, encouraging and guiding Member States to introduce a Diversity Charter at national level²⁹.

The European Parliament's resolution on strengthening the fight against racism, xenophobia and hate crime³⁰ can also be mentioned as a landmark policy intervention, expressing the EU's commitment to fight discrimination. Finally, in its recent Recommendation of June 2018, the Commission called for stronger national equality bodies to fight discrimination and presented a set of measures to ensure that equality bodies fight discrimination effectively³¹.

2.2 Recent developments in non-discrimination laws and policies across Member States

Legislative and policy developments in Member States are discussed with regard to the different grounds of discrimination.

2.2.1 Discrimination based on sexual orientation and gender identity

Protection against discrimination on the grounds of sexual orientation and gender identity varies across the Member States. Although the general principle of equal treatment is mentioned in every Member State's highest legal norms (the Constitution, in most cases), few refer specifically to discrimination on grounds of sexual orientation or/and gender identity. Of the EU-28, 12 countries (AT, BE, EE, FI, FR, DE, MT, NL, PT, SI, SE, UK) prohibit discrimination specifically on grounds of sexual orientation, with only three of these (AT, MT, UK) covering discrimination on the grounds of gender identity. In 2014, Malta became the first country in the EU to introduce the

²⁷ European Commission (2007). 'European Year of Equal Opportunities for All'. Press release. Available at: http://europa.eu/rapid/press-release_IP-05-647_en.htm

²⁸ European Commission (n.d.). 'For Diversity, Against Discrimination' campaign. Available at: <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=451&furtherNews=yes#navItem-1>

²⁹ http://ec.europa.eu/justice/discrimination/files/emerging_charter_guide_en.pdf

³⁰ European Parliament (2013). Resolution on strengthening the fight against racism, xenophobia and hate crime 2013/2543(RSP).

³¹ European Commission (2018). Recommendation of 22 June 2018 on standards for equality bodies. Available at: https://ec.europa.eu/info/sites/info/files/2_en_act_part1_v4.pdf

ground of gender identity in the list of grounds of non-discrimination found in the Constitution³².

The legal rights granted to lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals are further detailed in Member State legislation.

- An increasing number of countries have recognised same-sex unions in recent years. As of today, 14 European countries **legally recognise and perform same-sex marriage** (AT, BE, DE, DK, FI, FR, IE, LU, MT, NL, PT, ES, SE, UK). In Austria, same-sex marriage is legal since 1 January 2019. An additional eight European countries **legally recognise some sort of civil union, such as registered partnership** (HR, CY, CZ, EE, HL, HU, IT, SI). The civil status of same-sex couples has changed rapidly in recent years: in 2017, Austria, Finland, Germany, Ireland and Malta introduced legislation permitting same-sex marriage. These countries aligned the civil status of same-sex couples to that of married couples³³. Only Bulgaria, Latvia, Lithuania, Poland, Romania and Slovakia do not recognise any form of same-sex union³⁴. However, since the ruling of the CJEU on 5 June 2018, Member States must recognise the rights of all married couples in relation to the right of free movement of persons, no matter their gender or sexual orientation³⁵. This applies even in countries where same-sex unions are not recognised.
- Despite the fact that the majority of Member States have recognised same-sex unions, the right to adoption is still limited in the EU. In fact, countries recognising same-sex unions do not necessarily recognise the right to adoption for same-sex couples. This is the case, for instance, in Cyprus and Slovenia. At the time of writing (December 2018), **12 countries** (AT, BE, DK, FR, FI, IE, LU, MT, NL, ES, SE, UK) **allow same-sex couples to adopt children**. However, specific rules may apply. In Denmark, for example, same-sex couples must be registered for at least two years³⁶.
- Recognition of gender identity is not widespread, with Finland the only Member State to define the term 'gender identity' in its legislation³⁷. As of 2018, France, Denmark, Ireland, Belgium and Greece (and Norway) offer **legal gender recognition procedures** based on self-identification, representing a new generation of laws across Europe. In a further 21 Member States³⁸, there is considerable variation on the type of recognition procedures in place, with all requiring a mental health diagnosis³⁹. Seven Member States require forced sterilisation as an element of their legal gender recognition procedure, 11 require a divorce, and 20 have an age barrier. Cyprus is the only Member State with no mechanism to allow legal gender recognition. Finally, in line with the CJEU case law on gender reassignment⁴⁰, 10 Member

³² Article 45(3) of the Constitution of Malta provides that '*the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by (...) sexual orientation or gender identity.*'

³³ EU Agency for Fundamental Rights (FRA) (2018). Fundamental rights report, p. 57. Available at: <http://fra.europa.eu/en/publication/2018/fundamental-rights-report-2018>

³⁴ https://europa.eu/youreurope/citizens/family/couple/registered-partners/index_en.htm

³⁵ Case C-673/16 *Coman*, 5 June 2018.

³⁶ Briefing of the European Parliament of June 2016 on 'Adoption of children in the European Union'. Available at: [http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/583860/EPRS_BRI\(2016\)583860_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/583860/EPRS_BRI(2016)583860_EN.pdf)

³⁷ Senden and Timmer (2016). *A comparative analysis of gender equality law in Europe*. European network of legal experts in gender equality and non-discrimination.

³⁸ AT, BG, CZ, DE, EE, ES, FI, HR, HU, IT, LT, LU, LV, NL, PL, PT, RO, SE, SI, SK, UK.

³⁹ Trans Rights Europe (2018). Map and Index. Available at: <https://tgeu.org/trans-rights-map-2018/>

⁴⁰ Case C-451/16, *MB.I v Secretary of State for Work and Pensions*, 5 December 2017. The CJEU ruled that discrimination arising from the gender reassignment of a person falls within the prohibition of sex discrimination.

States have explicitly codified the prohibition of discrimination due to gender reassignment (BE, BG, CZ, FI, EL, MT, PT, SK, SE, UK).

- The 2015 FRA comparative analysis on LGBTI discrimination⁴¹ found that collection of data on discrimination and victimisation based on sexual orientation and gender identity was still lacking. As of 2015, the majority of EU Member States provide legal protection against hate crimes and hate speech with legislation making it a criminal offence to incite hatred, violence or discrimination (AT, BE, HR, CY, DK, EE, FI, FR, EL, HU, IR, LT, LU, MT, NT, PT, SK, SI, SE, UK). The number of EU Member States that **prohibit hate speech based on sexual orientation** increased from 13 to 20 between 2013 and 2015. Of these, only eight (HR, FR, EL, MT, PT, ES, UK) explicitly prohibit **hate speech based on gender identity** in their criminal code. Despite these legislative advances, the FRA report on LGBTI discrimination underlined that hate speech incidents fail to reach the prosecution stage in some Member States (e.g. Lithuania and Hungary)⁴². Hate speech continues to be a major issue of concern in Member States⁴³.
- The national legislation of Austria, Bulgaria, Croatia, Denmark, Germany, Ireland, Italy, Poland and Romania explicitly refers to **the possibility to claim discrimination on multiple grounds**⁴⁴. In other Member States, such as Belgium and France, national courts rule on intersectional discrimination but it is not a ground specifically laid down in legal texts.
- Recent policies adopted by several Member States suggest a change of attitude towards gender identity, expression and characteristics⁴⁵. In Denmark⁴⁶, Germany⁴⁷, Luxembourg⁴⁸, Malta⁴⁹ and Austria,⁵⁰ for example, government action plans are currently **reshaping legislation and developing national strategies to recognise transgender individuals and reduce discrimination**.

⁴¹ FRA (2015). *Protection against discrimination on grounds of sexual orientation, gender identity and sex characteristics in the EU – Comparative legal analysis update*.

⁴² FRA (2015). *Protection against discrimination on grounds of sexual orientation, gender identity and sex characteristics in the EU – Comparative legal analysis update*.

⁴³ ILGA (2016). *Report on LGBTI individuals*. Available at: https://www.ilga-europe.org/sites/default/files/Attachments/annual_review_2016-for_web.pdf

⁴⁴ Senden and Timmer (2016). *A comparative analysis of gender equality law in Europe*. European network of legal experts in gender equality and non-discrimination.

⁴⁵ FRA (2018). *Fundamental rights report*. Available at: <http://fra.europa.eu/en/publication/2018/fundamental-rights-report-2018>

⁴⁶ The Danish Ministry of Health published guidelines on health assistance in the context of gender identity and gender reassignment in September 2018.

⁴⁷ Ministry for Family Affairs, Senior Citizens, Women and Youth (2018).

⁴⁸ The Government Council mandated an inter-ministerial committee to reflect on the possibility of adding a third sex category to the Civil Code.

⁴⁹ LGBTIQ Action Plan 2015-2017: an X gender marker in passports and identity cards was implemented in September 2017.

⁵⁰ The Austrian Bioethics Commission published a position paper on intersexuality and trans identity (*Transidentität*), addressing 25 recommendations to the Federal Government.

2.2.2 Discrimination based on racial or ethnic origin

National laws on non-discrimination covering race and ethnic origin⁵¹ are largely based on Article 1 of the International Convention on the Elimination of all forms of Racial Discrimination, which entered into force on 4 January 1969 and was ratified by all EU Member States. Article 1 defines racial discrimination as '*any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life*'. An important legal distinction is the difference between national and ethnic origin. National origin refers to nationality, while ethnic origin covers cultural, religious or linguistic minorities.

Following the end of World War II, minority rights and minority protection laws emerged in Member States, protecting long-standing national minorities, in particular. It was not until 1995 that the Council of Europe signed the Framework Convention for the Protection of National Minorities (FCNM), which became effective by 1998. The Convention does not define a 'national minority', leaving it to the ratifying state's discretion, although within the limits of the broader goal of the FCNM and interpretation of 'minority' in the body of international human rights instruments. It does, however, explain the various levels of minority protection and minority recognition. The broader goal of the FCNM was to create a space for diversity and recognition of 'being different', promoting social cohesion and integration in a society. This is similar to the RED, which similarly avoids a single definition of 'racism' in favour of the idea that racism takes multiple forms, varying over time and by place. Indeed, in 2017, the CJEU in *Jyske Finans A/S v. Ligebehandlingsnævnet* on a preliminary ruling request on the interpretation of direct and indirect discrimination on ethnic grounds under the RED, confirmed that ethnic origin cannot be determined on the basis of a single criterion but on a number of factors⁵².

Another body with an important monitoring role in respect of discrimination based on race, ethnic origin, national minorities and intolerance is **the European Commission against Racism and Intolerance (ECRI)** set up by the Member States of the Council of Europe in 2002. Part of its work is to provide general policy recommendations for all Member States to take into account when drawing up legislation and policies. ECRI issued Recommendation No. 7 (adopted in 2002) on national legislation to combat racism and intolerance, and which is a key instrument defining indirect and direct racial discrimination⁵³. The ECRI and the Advisory Committee monitoring the FCNM adopted broad interpretations of racial discrimination, covering groups subject to Islamophobia, anti-Semitism, persons of black descent, Roma and discrimination based on nationality.

It should be highlighted that **definitions of racism, ethnic origin and national minority vary significantly between the Member States**, complicating the possibility of a detailed comparative picture. Some Member States use ethnic origin or race interchangeably, such as France or Czechia. In Austria, the law only recognises the

⁵¹ European network of legal experts in gender equality and non-discrimination (2017). *The meaning of racial or ethnic origin in EU law: between stereotypes and identities*. Report, p.70. Germany and Slovakia implemented this Convention with direct applicability into their national legislation.

⁵² CJEU Case of *Jyske Finans A/S v Ligebehandlingsnaevnet*, C-688/15 6 April 2017.

⁵³ 1. For the purposes of this Recommendation, the following definitions shall apply: b) 'direct racial discrimination' shall mean any differential treatment based on a ground such as race, colour, language, religion, nationality or national or ethnic origin, which has no objective and reasonable justification. ...

(c) 'indirect racial discrimination' shall mean cases where an apparently neutral factor such as a provision, criterion or practice cannot be as easily complied with by, or disadvantages, persons belonging to a group designated by a ground such as race, colour, language, religion, nationality or national or ethnic origin, unless this factor has an objective and reasonable justification.'

term 'ethnic affiliation'⁵⁴, while others make a clear distinction between both concepts, such as in the UK. On the other hand, countries such as Hungary recognise solely national minorities, including Roma⁵⁵. Only the UK and Sweden provide for explicit reference to race and ethnic origin in their non-discrimination laws. In Austria, Denmark, Estonia, Finland, Germany (*Land* level) and the Netherlands, reference is made to these grounds in preparatory works or explanatory notes to national laws.

The ECRI has provided recommendations to Bulgaria, Denmark, France, Greece, Ireland, Latvia, the Netherlands, Romania and Slovenia, where concerns persist about the lack of explicit recognition of specific minority groups⁵⁶.

Notable changes in non-discrimination legislation were recently adopted in Slovakia⁵⁷ and Finland⁵⁸. In Ireland, the Irish Traveller community was explicitly recognised in May 2017 as a separate ethnic minority group⁵⁹.

In some Member States, recent national court rulings exist relating to 'unlawful discriminatory ethnic profiling'⁶⁰, i.e. Germany⁶¹, Sweden⁶², France⁶³, Hungary⁶⁴ and Slovakia.⁶⁵ In many cases, the issues in the cases concerned areas that were not

⁵⁴ This term is interpreted broadly by case-law and it includes migrant background – see: European network of legal experts in gender equality and non-discrimination (2018). Report on Austria. Available at: <https://www.equalitylaw.eu/downloads/4740-austria-country-report-non-discrimination-2018-pdf-2-29-mb>

⁵⁵ European network of legal experts in gender equality and non-discrimination (2017). *The meaning of racial or ethnic origin in EU law: between stereotypes and identities*. Report, pp. 57, 63.

⁵⁶ In Bulgaria, this concerns Pomak and Macedonian minorities; in Denmark, the Roma; in France, the Travellers; in Greece, Muslim minorities; in Latvia, Latgalian; in the Netherlands, Roma and Sinti; in Romania, the Csango Community; in Poland, the Silesian minority; in Slovenia, the former Yugoslav community (see: European network of legal experts in gender equality and non-discrimination (2017). *The meaning of racial or ethnic origin in EU law: between stereotypes and identities*. Report, pp. 61-62.

⁵⁷ In 2016, Slovakia adopted a new non-discrimination act (Protection Against Discrimination Act), which explicitly sets out race and ethnicity, language and religion as protected grounds. Colour and other grounds are covered by the general clause 'any other personal ground' (see: European network of legal experts in gender equality and non-discrimination (2017). *The meaning of racial or ethnic origin in EU law: between stereotypes and identities*. Report, p. 63.

⁵⁸ In 2014, Finland re-worked its non-discrimination protection framework relying more on the 'origin' concept rather than race and ethnic origin to cover a broader scope and intersectional types of discrimination (see: European network of legal experts in gender equality and non-discrimination (2017). *The meaning of racial or ethnic origin in EU law: between stereotypes and identities*. Report, p. 64. Finland Proposal on Non-Discrimination Act 19/2014, p. 66. Available at: <http://www.finlex.fi/fi/esitykset/he/2014/20140019>

⁵⁹ Information available at: <http://ec.europa.eu/social/BlobServlet?docId=17845&langId=en>

⁶⁰ Cases that concern the taking into account of ethnic origin in public body decisions, for example.

⁶¹ FRA (2018). Report, p.85. Administrative Court Dresden (*Verwaltungsgericht Dresden*) – Az.: 6 K 196/15. Available at: <http://www.anwaltskanzlei-adam.de/index.php?id=106,1284,0,0,1,0>. The police had checked only one man - who had a different skin colour - at a train station and the police officers were unable to demonstrate that their decision was based on lawful reasoning about suspicious behaviour.

⁶² Reference found in FRA (2018). Report, p. 85. Svea Court of Appeal (*Svea Hovrätt*), Case No. T6161-16 – case concerned 11 persons of Roma origin that claimed to be on a police register solely because of their Roma origin and because they were friends with a Roma family with a criminal record. The State in this case was asked to prove that the persons were on the register for a reason other than ethnicity. The State was unable to provide the proof. The decision was based on the Police Data Act and Article 14 of the ECHR (prohibition of discrimination), in conjunction with Article 8 (right to respect for private and family life).

⁶³ In France, a 2017 case on access to social housing was significant, as, for the first time, a court judged that considering the racial or ethnic origin of an applicant in order to determine whether the 'social mix' requirement was met (in social housing) constituted discrimination in access to goods and services, as prohibited by the Criminal Code (see European Network of legal experts in gender equality and non-discrimination (2017). Legal Review report. Available at: <https://www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXT000035192594&fastReqId=1856731927&fastPos=1>).

⁶⁴ A train operator was found to have discriminated against a young Roma, by only checking his ticket. The Court used ticket sales data to prove the 'comparable situation' and noted that the young person was not the only one travelling to the same destination (see European Network of legal experts in gender equality and non-discrimination (2017). Legal Review report, p. 88).

⁶⁵ Two Supreme Court decisions concerned City decisions to move Roma out of social housing in city centres to less privileged suburban areas, which was considered discrimination based on ethnicity (see European

covered by the RED. In Austria,⁶⁶ a high court case in 2017 clarified that a single incident in the workplace can have the effect of creating an intimidating, hostile or humiliating environment for the person affected.

Some countries, such as Austria⁶⁷, Hungary⁶⁸, Sweden⁶⁹, or Portugal⁷⁰ made some amendments to their transposing legislation of the RED in 2017.

A recent FRA study on the inclusion of Roma, analysing EU MIDIS II survey data from 2016, found persistent discrimination against Roma people and suggested that the RED may be ineffective with regard to this particular migrant group⁷¹.

As the Commission can launch infringement procedures where necessary to achieve compliance with Framework decisions, legislative action has taken place recently at national level to comply with the Framework Decision on Racism and Xenophobia, namely in Italy, Portugal, Cyprus, Latvia, France and Germany⁷².

With regard to recent public debate on these issues, discussions in Germany and Belgium have highlighted the positive and negative aspects of the notion of 'race', as it can lead to misunderstandings of identifying 'human races', leading to categories. In Belgium, Estonia, Slovenia, Croatia, Poland, Cyprus, Greece, Romania, Ireland and the UK, debates have concerned qualifying specific groups as 'minorities'⁷³. In the Netherlands and Czechia, the notions of race and ethnic origin were debated, while Austria, Bulgaria, Denmark, Finland, Italy, Latvia, Lithuania, Luxembourg, Malta,

Network of legal experts in gender equality and non-discrimination (2017). Legal Review report, p. 112. Available at: <https://www.equalitylaw.eu/downloads/4639-european-equality-law-review-1-2018-pdf-1-086-kb>).

⁶⁶ European network of legal experts in gender equality and non-discrimination (2018). Austria Report. Available at: https://www.klagsverband.at/dev/wp-content/uploads/2017/04/OLG-Innsbruck-15Ra13_17z-anonymisiert.pdf

⁶⁷ At the regional level, Lower Austria finally transposed all grounds protected by the RED (see: European network of legal experts in gender equality and non-discrimination (2018). Austria Report. Available at: <https://www.equalitylaw.eu/downloads/4740-austria-country-report-non-discrimination-2018-pdf-2-29-mb>).

⁶⁸ Hungary amended its legislation in the field of education, guaranteeing that "the organisation of education on the basis of religious or other ideological conviction" may not lead to unlawful segregation on the basis of race, colour, ethnicity or ethnic affiliation' (see: FRA (2018). Fundamental rights report, p. 82); Hungary (2017), Act XCVI of 2017 on the modification of Act CXXV of 2003 on Equal Treatment and on the promotion of Equal Opportunities and on the modification of Act CXC of 2011 on public education (2017. évi XCVI. törvény az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról szóló 2003. évi CXXV. törvény és a nemzeti köznevelésről szóló 2011. évi CXC. törvény módosításáról).

⁶⁹ Sweden amended its legislation to state that employers and educational actors should take preventive and active measures to combat discrimination and promote equal rights and opportunities covering all seven discrimination grounds, including racial and ethnic discrimination' (see: FRA (2018). Fundamental Rights Report, p. 82); Sweden, Ministry of Culture (*Kulturdepartementet*) (2016). Government bill 2015/16:135 An overarching framework for active measures with the aim to promote equal rights and opportunities (*Ett övergripande ramverk för aktiva åtgärder i syfte att främja lika rättigheter och möjligheter*).

⁷⁰ In 2017, Portugal replaced the earlier law transposing the RED with a new Bill on non-discrimination, a seeking to create a more comprehensive approach. The new law also introduced grounds of protection based on ancestry and territory of origin (see: European Network of legal experts in gender equality and non-discrimination (2017). Legal Review report).

⁷¹ FRA (2018). *A persisting concern: anti-Gypsyism as a barrier to Roma inclusion*. Available at: <https://fra.europa.eu/en/publication/2018/roma-inclusion>

⁷² FRA (2018). Fundamental rights report, p. 78. Available at: <http://fra.europa.eu/en/publication/2018/fundamental-rights-report-2018>

⁷³ In Estonia, this concerned a debate about 'Estonianness' and the Estonian ethnic origin; in Flanders (Belgium), 'allochtoon' and 'autochtoon', which were abandoned for future public debates; in Croatia, ethnic origin for citizenship, as only ethnic Croats were granted citizenship after independence; in Slovenia, the right of the Roma community to have specific representation at municipal level; in Romania, general minority rights and reluctance to improve protections; in Greece, the recognition of Muslim minority groups; in Poland, ethnic minority and national minority, where current definitions would exclude recent immigrant minorities and other migrant minorities e.g. from Ukraine; in Cyprus, minority rights to be extended to smaller minority groups; in Ireland, in 2017, the Irish Traveller community was recognised as a separate ethnic group for the first time; in the UK, whether ethnic origin covers 'caste' (information taken from pp. 59- 60).

Portugal, Slovakia and Spain has had no recent national debate (academic or parliamentary) on the notions of race or ethnic origin in national law⁷⁴.

Nearly 14 years after the RED, only 13 Member States had action plans and strategies against racism, xenophobia and ethnic discrimination (BE⁷⁵, CZ, DE, ES, FI, FR, HR, IT, LT, LV, NL, SE, UK). The period that these plans cover varies across countries.

2.2.3 Discrimination based on religion or belief

The nature and level of protection against discrimination on the basis or religion or belief varies between Member States, partly due to different cultural heritages of the European countries. The various positions of EU Member States on religion and the differences between the embeddedness of the state with the church have led the EU to adopt a broad approach, leaving Member States flexibility to legislate in this area.

- In the EU, 11 countries have a **specific article prohibiting discrimination on grounds of religion and belief in their Constitution** (AT, BG, EE, FI, FR, DE, HU, IT, NL, ES, UK). The Estonian Constitution also refers to hate speech based on religion, thus forbidding incitement to religious hatred (Article 12 of the Constitution of Estonia). However, no Member State has attempted to provide a comprehensive definition of 'religion or belief' within non-discrimination legislation⁷⁶.
- Although EU Directives only refer to religious discrimination in respect of employment (Employment Equality Directive), most Member States (AT in certain provincial legislation, BG, HR, DK, FI, FR, EL, HU, IT, LU, NO, SK, SI, SE, RO, UK) have also implemented **protection against discrimination in other areas, making it unlawful in social protection, social advantages, education, housing, etc.**⁷⁷. For instance, Croatian non-discrimination provisions apply to housing in general, without any exceptions. In Denmark, the prohibition applies to the fields of education and access to goods and services, including housing. In Finland, discrimination on religious grounds is prohibited in public and private activities. In France, it applies in the areas of education, social protection, social advantages and access to goods and services. Finally, Bulgaria and Hungary prohibit discrimination within a universal material scope⁷⁸.
- In the *Achbita* case⁷⁹, the CJEU found that the prohibition of religious discrimination laid down in the Employment Equality Directive entails the discrimination of the manifestation of religion, thus including religious dress and veils. However, the context of increasing Islamophobia has impacted the level of restriction faced by Muslim women on their **religious dress**⁸⁰. France, for instance, has been among the first to adopt bans, leading to heated public

⁷⁴ European network of legal experts in gender equality and non-discrimination (2017). *The meaning of racial or ethnic origin in EU law: between stereotypes and identities*. Report, p. 59.

⁷⁵ French-speaking community.

⁷⁶ Chopin and Germaine (2017). *A comparative analysis of non-discrimination law in Europe*. European network of legal experts in gender equality and non-discrimination report, p.16.

⁷⁷ Chopin and Germaine (2017). *A comparative analysis of non-discrimination law in Europe*. European network of legal experts in gender equality and non-discrimination report, p. 71.

⁷⁸ Chopin and Germaine (2017). *A comparative analysis of non-discrimination law in Europe*. European network of legal experts in gender equality and non-discrimination report, p. 72.

⁷⁹ Case C-157/15, *Achbita*, 14 March 2017.

⁸⁰ Open Society Foundation (2018). *Restrictions on Muslim Women's dress In the EU 28 Member States*. Available at: <https://www.opensocietyfoundations.org/sites/default/files/restrictions-on-muslim-women%27s-dress-fact-sheet-20180710.pdf>

debate⁸¹. As proven in recent cases, the CJEU has given French and Belgian private actors leeway in instituting such bans⁸². Five countries have put in place general bans on religious dress (AT, BE, BG, DK, FR), while four countries introduced specific bans (DK, FR, NL, ES). In most cases, these legal developments are recent. In Austria and Germany, legislation banning face-covering in public spaces was adopted in 2017, and a similar bill is in the process of being adopted in Latvia⁸³. These bans have challenged the provisions on non-discrimination on the grounds of religion.

- In eight EU countries, the **'duty of reasonable accommodation'** included in the Directive for person with disabilities⁸⁴ has been extended in some manner to discrimination on the grounds of religion and belief (BG, HR, DK, FR, DE, RO, ES, SE)⁸⁵. This includes accommodating different religious holidays, adapting working hours during Ramadan, providing flexible working hours, etc. In Denmark for instance, case-law confirmed that requiring nutritional assistant students of Muslim faith to taste pork meat as part of their training amounts to indirect discrimination⁸⁶. In Croatia, individuals of the Christian, Islamic and Jewish faiths have the right not to work on the recognised religious holidays⁸⁷. In Sweden, the justification test of indirect discrimination may require reasonable accommodation. In Romania, the Labour Code grants two vacation days for two religious celebrations each year, to be taken according to the faith of the employee⁸⁸.

2.2.4 Multiple discrimination

According to a report of the European Network Against Racism (ENAR) published in 2011⁸⁹, **a number of Member States do not explicitly recognise grounds of multiple discrimination in their national legislation** (CZ, IE, SK, UK). Since 2017, Portugal has explicitly introduced the concept of multiple discrimination as grounds of discrimination in its legislation⁹⁰. Bulgaria and Spain provide for a positive duty to address the problem of multiple discrimination. Only Germany, Austria, Poland, Romania and Bulgaria have explicit legal references to multiple discrimination in place. Nevertheless, national legal experts have also reported⁹¹ that despite the fact that

⁸¹ Open Society Foundation (2018). *Restrictions on Muslim Women's dress In the EU 28 Member States*.

⁸² Case C-188/15, *Bouagnaoui*, 14 March 2017; Case C-157/15, *Achbita*, 14 March 2017.

⁸³ FRA (2018). *Fundamental rights report*, p. 57. Available at: <http://fra.europa.eu/en/publication/2018/fundamental-rights-report-2018>

⁸⁴ Article 5 Employment Equality Directive.

⁸⁵ Chopin and Germaine (2017). *A comparative analysis of non-discrimination law in Europe*. European network of legal experts in gender equality and non-discrimination report, p. 23.

⁸⁶ Danish Western High Court, Decision No. B-1213-13, 5 May 2014.

⁸⁷ Croatia, Act on Holidays, Remembrance Days and Non-Working Days of 30 April 1996, Article 3 (EN): 'Citizens of the Republic of Croatia who celebrate Christmas on 7th of January on that day, of Islamic confession who celebrate Ramadan Bayram or Kurban Bayram on those days, and Judaism confession on days of Rosh Hashanah and Yom Kippur have the right not to work'.

⁸⁸ Article 134(1) letter F of the Romanian Labour Code.

⁸⁹ Available at: https://www.enar-eu.org/IMG/pdf/fs44_-_the_legal_implications_of_multiple_discrimination_final_en.pdf

⁹⁰ European Network of legal experts in gender equality and non-discrimination (2017). *Legal Review Report*. Available at: <https://www.equalitylaw.eu/downloads/4639-european-equality-law-review-1-2018-pdf-1-086-kb>

⁹¹ Burri, S. and Schiek, D. (2009). *Multiple Discrimination in EU Law: Opportunities for Legal Responses to Intersectional Gender Discrimination?* European Network of Legal Experts in the Field of Gender Equality. This concerned Cyprus, Denmark, France, Iceland, Malta, the Netherlands, Norway, Portugal, Slovakia, Spain and Sweden.

multiple discrimination was not explicitly mentioned in their national legislation, this does not preclude individuals from bringing claims based on multiple discrimination.

In Romania a court recognised multiple discrimination for the first time in 2017, in a case concerning a Romani woman. The case established discrimination on the basis of ethnic origin and gender. The case concerned a political debate on television where stereotypes of Roma women were used and gave rise to the establishment of the National Council for Combating Discrimination by a Romani women’s association. The case raised a debate about sanctions applying to such types of discrimination, as, while multiple discrimination is an aggravating circumstance, it often results in a written warning only.

2.3 Discrimination in Europe is on the rise: a call for trade unions to act?

Trends in perceptions and experiences of discrimination both at the workplace and more broadly are measured primarily by surveys of individuals across Europe. The main focus of such surveys tends to be perceptions of discrimination. Measuring discrimination is rather complex, as it is a multifaceted concept, with sociological and cultural differences, linguistic and legal definitions all playing a role.

Across Europe, different bodies have investigated the phenomenon of discrimination and comparable data are provided by large pan-European surveys. The key surveys in this area include⁹²:

- Special Eurobarometer 437 ‘Discrimination in the EU in 2015’⁹³ and Special Eurobarometer 493 ‘Discrimination in the EU in 2019’⁹⁴,
- FRA 2012 EU survey on discrimination of LGBT persons⁹⁵,
- FRA Second European Union Minorities and Discrimination Survey (EU-MIDIS II) in 2016⁹⁶,
- European Quality of Life Survey (EQLS) in 2016⁹⁷,
- European Working Conditions Survey in 2015⁹⁸.

⁹² All surveys have different samples and focus on different target groups. The FRA’s EU MIDIS survey is addressed to immigrants and descendants of immigrants from Sub-Saharan Africa, North Africa, South-Asia and Asia, Turkey and ethnic minorities (which are Roma and Russian minorities). The FRA LGBT survey specifically targeted persons considering themselves LGBT and was the first EU-wide survey of its kind. The Eurobarometer uses random sampling to obtain representative responses compared to the population size per Member State. This is similar for the European Quality of Life Survey, while the Working Conditions Survey targets the employed population only.

⁹³ Special Eurobarometer 437. Report available at: <http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2077>

⁹⁴ Special Eurobarometer 493. Report available at: <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/survey/getsurveydetail/instruments/special/surveyky/2251>

⁹⁵ FRA (2014). EU LGBT Survey : main results. Available at : fra.europa.eu/sites/default/files/fra-eu-lgbt-survey-main-results_tk3113640enc_1.pdf

⁹⁶ FRA (2017). Second European Union Minorities and Discrimination Survey (EU-MIDIS II): main results. Report available at : <http://fra.europa.eu/en/publication/2017/eumidis-ii-main-results>

⁹⁷ Surveys and description available at: <https://www.eurofound.europa.eu/surveys/european-quality-of-life-surveys>

⁹⁸ Survey description available at: <https://www.eurofound.europa.eu/surveys/european-working-conditions-surveys>

All surveys report that discrimination continues to be an issue in Europe 17 years after the introduction of EU-wide non-discrimination legislation. While progress has been made on gender equality at work⁹⁹, it is less evident for other grounds, such as ethnic and immigrant background (skin colour, first and last names), gender identity and sexual orientation, or age¹⁰⁰.

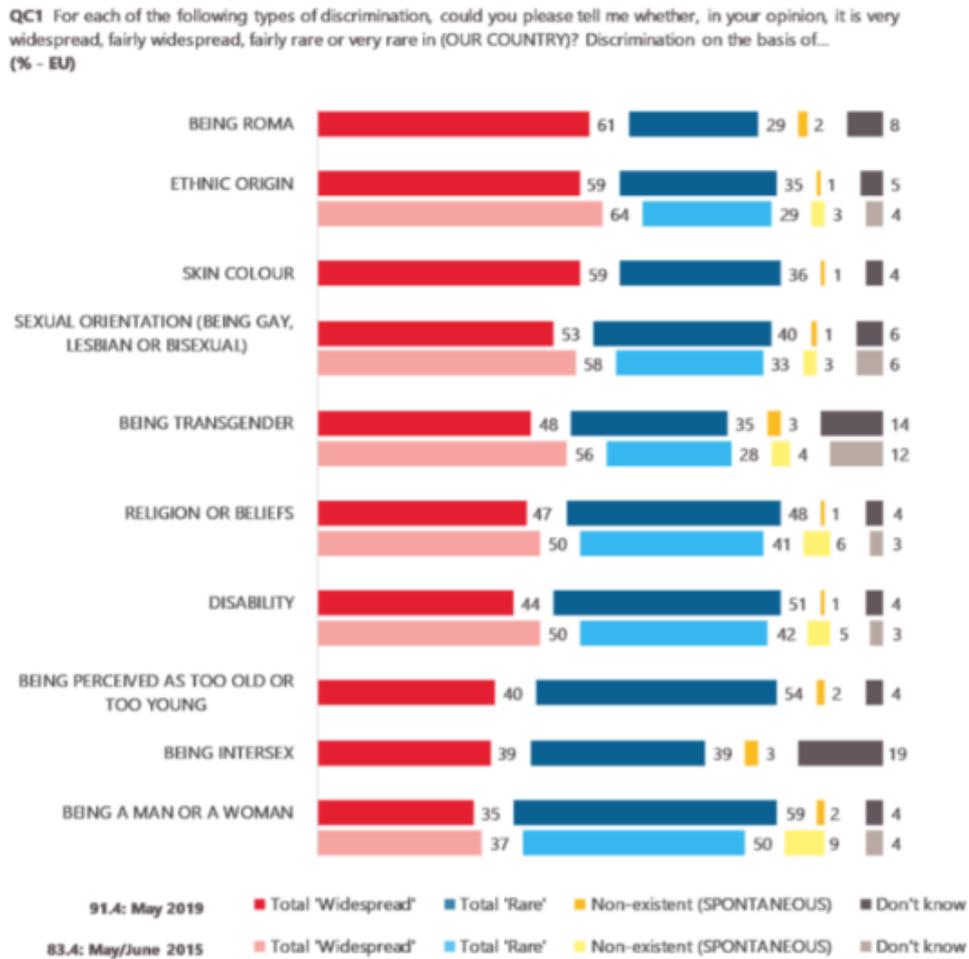
The Special Eurobarometer survey on discrimination provides a measurement of discrimination on the basis of how widespread respondents perceive this issue to be. Figure 2 describes the perceived levels of discrimination for 2015 and 2019. In 2019, discrimination on the ground of being Roma and being of ethnic origin was perceived as most widespread (61 % and 59 % of respondents, respectively). This was followed by discrimination on the ground of being transgender (48 %). Discrimination on the grounds of religion or belief and disability were perceived as widespread by half of respondents (47 %).

Compared with 2015 data, **perceived discrimination has decreased for all grounds of discrimination.** This is particularly the case for discrimination on the grounds of being transgender (decrease of 8 percentage points (p.p.)), disability (down by 6 p.p.), ethnic origin and sexual orientation (each down by 5 p.p.).

⁹⁹ This seems to be the case when taking into account the results from EIGE's Gender Equality Index 2015 (see: <http://eige.europa.eu/gender-equality-index/2015/domain/work>). However, the last Gender Equality Index report (2017) showed that progress was slow and had stagnated in the area of work, while in the area of time, progress had declined.

¹⁰⁰ Eurobarometer (2015). Report, p. 85. Most respondents felt that enough measures on diversity have addressed young people and in terms of gender equality. This feeling was less common for aspects of ethnic origin, religion and belief, disability, and people aged over 55.

Figure 2. For each of the following types of discrimination, could you please tell me whether, in your opinion, it is very widespread, fairly widespread, fairly rare or very rare? Discrimination on the basis of...



Base: all respondents (n = 27 438)

Source: Special Eurobarometer 493 (2019, p. 14; Note: each category has two columns – the lower is Eurobarometer 2015, the upper for Eurobarometer 2019.

Table 1 provides an overview of the proportion of respondents reporting that 'discrimination was widespread' on the grounds of ethnic origin, sexual orientation, gender identity, and religion of belief, across the Member States.

Interesting differences are evident between countries:

- Discrimination on the ground of ethnic origin was perceived as widespread in the Netherlands (76 %), France (74 %), Belgium (71 %) and Sweden (70 %).
- Discrimination on the ground of sexual orientation was perceived as widespread in France (73 %), Portugal (71 %), Greece (70 %) and Italy (69 %).
- Discrimination on the ground of gender identity was reported as widespread in Italy (66 %), Portugal (59 %) and Spain (59 %).
- Discrimination on the ground of religion or belief was reported as widespread in France (69 %), Belgium (65 %), the UK and Denmark (61 % each).

As already indicated, **the perception of discrimination is highly interlinked with awareness of specific issues, as well as sociocultural differences.** Comparative data should therefore be read with the country-specific context in mind.

Table 1. For each of the following types of discrimination, could you please tell me whether, in your opinion, it is very widespread, fairly widespread, fairly rare, fairly rare or very rare? Discrimination on the basis of...Answer: Total 'Widespread'

Member State	Ethnic origin (%)	Gender identity - being transgender (%)	Sexual orientation (%)	Religion or belief (%)
NL	76	54	60	50
FR	74	57	73	69
BE	71	49	57	65
SE	70	57	42	56
UK	67	56	55	61
DK	67	39	41	61
PT	67	59	71	41
IT	66	66	69	48
FI	65	45	42	29
EL	64	57	70	50
EU-28	59	48	53	47
AT	58	48	46	47
CY	57	54	67	48
DE	55	31	36	43
IE	54	50	48	42
ES	54	58	54	40
HU	52	34	46	31
MT	51	42	38	37
RO	44	34	45	43
HR	41	38	52	40
SI	38	40	47	33
CZ	38	23	34	24
EE	35	24	34	17
PL	34	42	49	29
LU	31	23	27	25
BG	29	23	29	20
LV	25	20	30	12
SK	24	20	25	15
LT	18	36	50	15

Source: Special Eurobarometer 493 (2019). The colour red highlights the highest values; the colour green lowest values.

Table 2 shows how respondents' perceptions of the widespread nature of discrimination, broken down by socio-demographic variables. For many grounds of discrimination, women, young people (15-24 years old), people still in education, people who themselves experienced discrimination on multiple grounds, and respondents with friends of different ethnic origins were more likely to perceive discrimination as

widespread in their country. Respondents over 55 years old, people who were less than 19 years old on completing their education, those who have never experienced discrimination, and those who do not have friends of different ethnic origins were the least likely to perceive a widespread level of discrimination.

Table 2. *Discrimination experience, the sum of Total answers 'Widespread', broken down by socio-demographic variables*

	Ethnic origin	Sexual orientation	Gender identity – being transgender	Religion or belief
EU-28	59	53	48	
Gender				
Man	n/a	51	47	n/a
Woman	n/a	56	50	n/a
Age				
15-24	Most frequently – 66 %	64	59	Most frequently
25-39		57	53	
40-54		54	50	
55+	53 %	47	40	
Education (end of)				
15-		48	43	
16-19		52	45	
20+	Most frequently	55	52	Most frequently
Still studying		64	62	
Experienced discrimination				
No	57	51	46	
Single ground	n/a	65	59	Most frequently
Multiple grounds	77	69	62	Most frequently
Friends of different ethnic origins				
Yes	Most frequently			Most frequently
No				
Self-defined minority				
Ethnic		52	46	n/a
Religious		54	46	
Sexual orientation	Most frequently	70	69	
Other		56	49	
None		54	49	

Source: Special Eurobarometer 493 (2019).

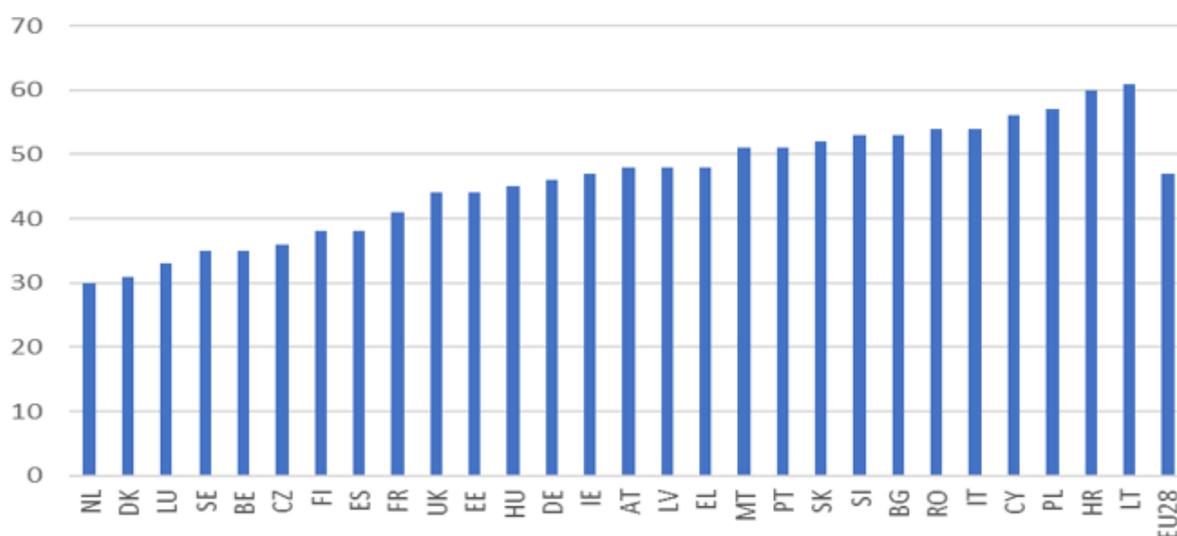
2.3.1 LGBT groups continue to endure discrimination

Results of the FRA 2012 survey on the discrimination of LGBT persons gathered views of LGBT respondents on their personal experiences of discrimination and harassment on the ground of sexual orientation, in the 12 months prior to the survey.

Across Europe, **almost half of the survey respondents (47 %) stated that they had experienced discrimination or harassment because of their sexual orientation.** Lithuania (61 %), Croatia (60 %) Poland (57 %) and Cyprus (56 %) had the highest proportions of respondents who had experienced discrimination and harassment. The Netherlands (30 %), Denmark (31 %) and Luxembourg (32%) were the countries with the lowest proportion of respondents who had experienced discrimination (see Figure 3).

According to the FRA report, lesbian women (55 %) and bisexual women (47 %) were more likely to have experienced discrimination and harassment than gay men (45 %) and bisexual men (36 %).

Figure 3. Respondents who felt discriminated against or harassed on the grounds of sexual orientation in the last 12 months, by country



Source: FRA 2012). Survey of LGBT persons, p. 26. Available at :fra.europa.eu/sites/default/files/fra-eu-lgbt-survey-main-results_tk3113640enc_1.pdf

In 2015 and 2016, the LGBT Equality Group of the International Federation of Actors (FIA) conducted a survey of its members to investigate the level of discrimination and other issues faced by LGBT performers worldwide¹⁰¹. The survey was conducted in five different languages and obtained over 10,000 responses¹⁰². Initial findings show that 12 % of respondents had been harassed verbally or in writing, and 4 % had been physically or sexually harassed.

¹⁰¹ FIA LGBT Equality Group (2016). Global Survey on Discrimination and Harassment Against LGBT Performers. Preliminary Survey Results.

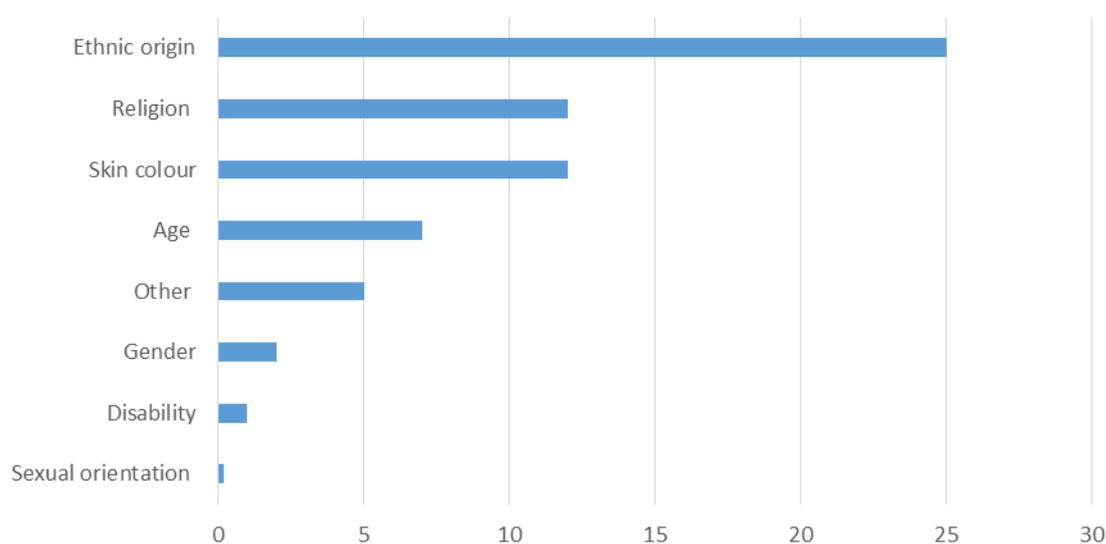
¹⁰² Survey was distributed worldwide through 14 FIA member organisations. Response rates varied significantly among members, with performers from Latin America and Africa under-represented.

2.3.2 Discrimination on the ground of race and ethnicity is persistent and increasing

The EU-MIDIS II survey report states that ‘the proportions of those experiencing discrimination, as well as physical violence and harassment motivated by hatred, and of those not aware of relevant legislation and possibilities for redress, remain at levels that raise serious concern’¹⁰³. The report points to the limited progress made since the first wave of the survey, noting that Roma people and second-generation respondents of Sub-Saharan and North-African backgrounds experience higher rates of discrimination and harassment motivated by hatred than previously.

In the five years preceding the survey, **one-quarter of respondents (25 %) experienced discrimination because of their ethnic origin**, highlighting that ethnic origin is still a common ground of discrimination in Europe. More than one in ten respondents (12 %) was discriminated against because of their skin colour, and the same proportion because of their religious beliefs (see Figure 4).

Figure 4. Ground of discrimination experienced in four areas of daily life in the five years before the survey (%)



Source: FRA (2017). EU-MIDIS 2016 reported in EU-MIDIS II: main findings report, p. 23. Notes: a) Of all respondents at risk of discrimination on different grounds in at least one of four domains of daily life asked about in the survey (‘in 5 years before the survey’: n=21,541); weighted results. b) Domains of daily life considered for analysis: looking for work, education (as parent or guardian) and housing.

Skin colour, first and last name were cited as the most common grounds for discrimination in all areas of life. This affects immigrants from North Africa, Sub-Saharan Africa and Roma, in particular. Results also show that the majority of respondents who felt discriminated against mentioned only one ground of discrimination (20 %) in the five years prior to the survey, while one in 10 indicated having felt discriminated against on two grounds and a very small share of respondents naming more than two grounds.

This is particularly pronounced among Muslims, whose level of discrimination increased in comparison to the survey conducted 10 years ago¹⁰⁴. In fact, more than one-third of

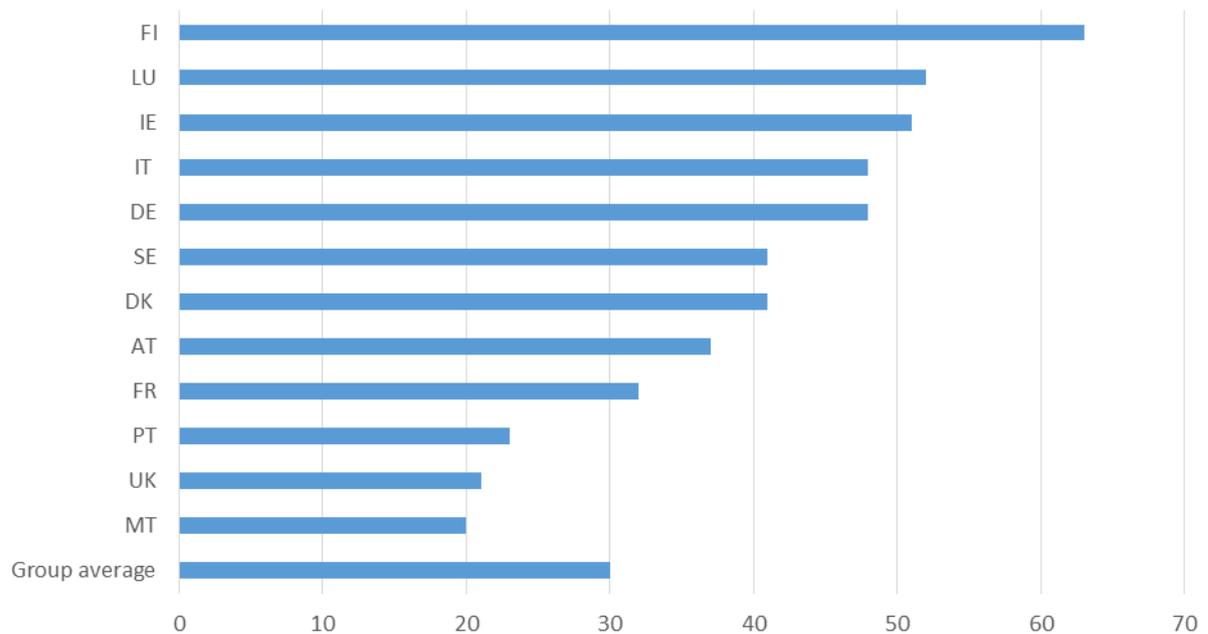
¹⁰³ FRA (2017). Second European Union Minorities and Discrimination Survey (EU-MIDIS II): main results. Available at: <http://fra.europa.eu/en/publication/2017/eumidis-ii-main-results>

¹⁰⁴ FRA (2017). EU MIDIS II: Muslims – Selected findings. The survey ‘examines the experiences of more than 10,500 Muslim immigrants and descendants of Muslim immigrants in 15 EU Member States. In addition to

respondents stated that they were discriminated against on the basis of their ethnic or immigrant background, which incorporates 'skin colour, ethnic origin or immigrant background, and religion or religious belief'¹⁰⁵. This is particularly true for discrimination against job seekers.

A recent FRA report, drawing on data from EU-MIDIS II with a focus on black people¹⁰⁶, found that 30 % of people of African descent experienced racial harassment in the five years before the survey. Despite this, very few reported their experience to any authority.

Figure 5. Prevalence of perceived racist harassment in the five years before the survey (%)



Source: FRA (2017). EU-MIDIS II 2016, reported in EU-MIDIS II 'Being Black'. Notes: Of all respondents of African descent (n=5, 803); weighted results. Question: 'How many times has somebody done this in the past 5 years in [COUNTRY] (or since you have been in [COUNTRY]) [that is, each of the five types of harassment asked about in the survey] because of your ethnic or immigrant background?'

The EQLS investigates the perceived tension between different social groups. Data from 2011 and 2016 show an increase in the perceived levels of tension among people from different racial and ethnic groups, different religious groups, and different sexual orientation. The most marked increase is noted among people from different religious groups, where the perceived tension increased by 10 p.p., from 28 % in 2011 to 38 % in 2016 (see Table 3). Austria, Belgium, France, Germany, Italy, the Netherlands and the UK were the countries with the highest proportion of people reporting 'a lot of tension' between different religious groups.

discrimination – including police stops based on ethnic background – it explores issues ranging from citizenship, trust and tolerance, through harassment, violence and hate crime, to rights awareness.'

¹⁰⁵ FRA (2017). EU MIDIS II Report: Muslims – Selected findings, p. 11.

¹⁰⁶ FRA (2018). Second European Union Minorities and Discrimination Survey, Being Black in the EU

Table 3. *Perceptions of tensions between different social groups, 2007-2016 (%)*

	2007	2011	2016
Different racial and ethnic groups	39	37	41
Different religious groups	31	28	38
People with different sexual orientations		18	20

Source: EQLS report 2016, p. 86; Q: *In all countries there sometimes exists tension between social groups. In your opinion, how much tension is there between each of the following groups in this country?* Answer categories are: *A lot of tension; Some tension; No tension; (Don't know); (Refusal)*. The table provides percentages for 'a lot of tension'. EU-28 data.

2.3.3 Trade unions confirm increasing trends of discrimination across Europe

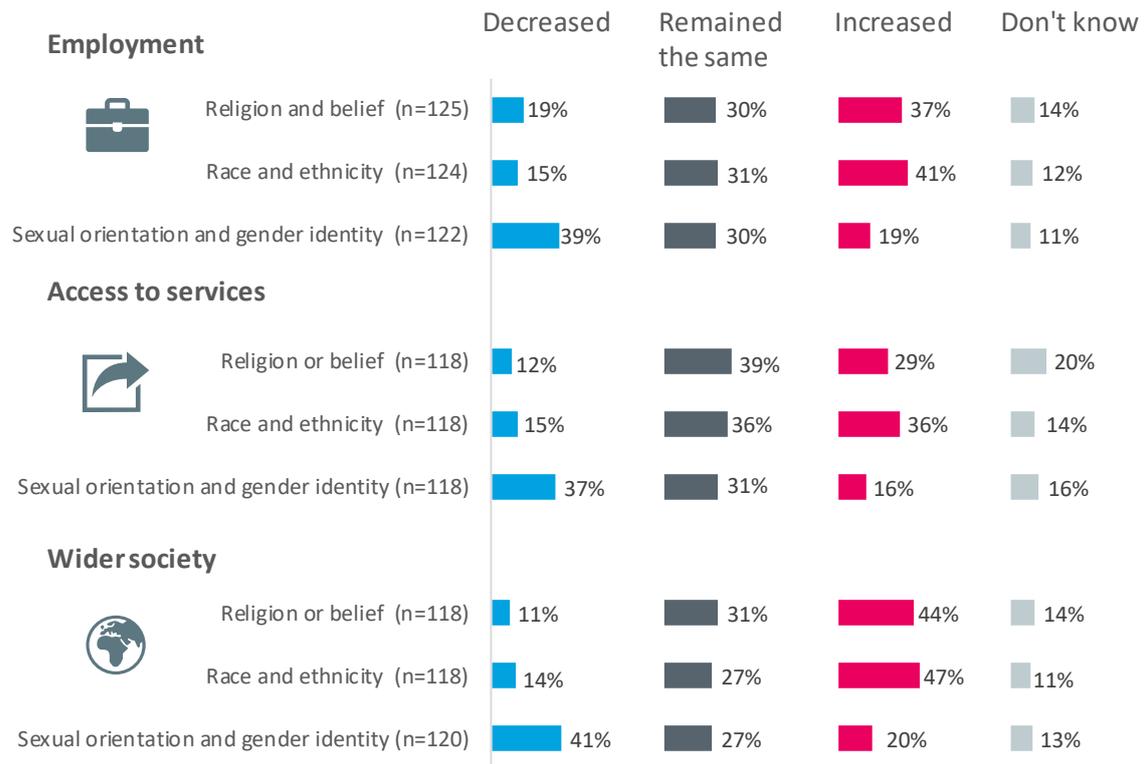
As part of this project, an online survey was conducted with trade unions across Europe to assess the perceived changes that have occurred in relation to discrimination on the basis of race and ethnicity, religion or belief, sexual orientation and gender identity¹⁰⁷.

The results of the survey are in line with the findings of major European surveys, **reporting trend increases in levels of discrimination across different aspects of work and daily life**. Respondents reported an increase in the level of discrimination, mainly on the grounds of religion and belief, and race and ethnicity. Almost half of respondents considered the level of discrimination in society to have increased since 2010 in relation to religion and belief (44 %) and race and ethnicity (47 %) (see Figure 6). Countries that experienced a significant perceived increase in discrimination on the basis of race and ethnicity in wider society according to survey respondents include Belgium, Italy and the UK. Less than 20 % of respondents saw a decrease in discrimination in these countries and around 30 % felt there had been no change since 2010.

More positive trends emerged across all areas in relation to discrimination on the basis of sexual orientation and gender identity, where a decrease in discrimination was perceived in employment (39 %), access to services (37 %) and across wider society (41 %). Only 19 % of respondents believed there had been an increase since 2010 and 30 % stated that there had been no change in that time. By contrast, in the UK, four out of five respondents reported a perceived increase in such discrimination, while three in four respondents in France reported a similar increase.

¹⁰⁷ The survey ran for approximately five weeks and obtained 125 responses in total across Member States. Annex 1 provides a description of the methodology and overview of respondents' characteristics.

Figure 6. Perceived changes in the level of discrimination since 2010 (online survey)



Source: ICF (2018). Online survey on trade union practices on non-discrimination and diversity.

The online survey carried out as part of this project investigated the drivers of changes in discrimination across Member States. Table 4 below provides an overview of the main reasons for increases in discrimination since 2010. **The majority of respondents believe that negative media coverage and changes in society strongly impacted the increase in the different types of discrimination.**

For instance, in the case of discrimination on the basis of religion and belief in wider society, negative media coverage was perceived as the main reason (20 % of respondents), followed by changes in societal attitudes (19 %). This was particularly relevant for trade unions from the UK (6 out of 9 respondents), Belgium (6 out of 11 respondents) and Sweden (4 out of 6 respondents).

In the case of discrimination on the basis of sexual orientation and gender identity, shortcomings in legislation and enforcement were identified as factors affected increases.

Table 4. Main reasons for increases in discrimination since 2010

	Employment			Access to services			Wider society		
	Religion or belief	Race and ethnicity	Employment	Religion or belief	Race and ethnicity	Sexual orientation and gender identity	Religion or belief	Race and ethnicity	Sexual orientation and gender identity
Shortcomings in legislation	4%	6%	11%	7%	7%	8%	4%	5%	13%
Shortcomings in enforcement of legislation	7%	8%	10%	8%	9%	13%	8%	8%	10%
Changes in policy approaches/measures by government	11%	12%	8%	11%	12%	6%	12%	13%	9%
Negative media coverage	16%	15%	10%	16%	14%	11%	20%	18%	9%
Reductions in investment in public services	7%	9%	6%	9%	10%	7%	6%	7%	6%
Privatisation of public services	7%	6%	4%	6%	6%	7%	4%	3%	3%
Weakening of collective bargaining	6%	7%	6%	7%	4%	6%	4%	4%	6%
Weakening of role of social partners	9%	6%	8%	6%	5%	7%	5%	5%	8%
Reduced attention on the issue by policy makers	6%	8%	9%	7%	7%	10%	7%	8%	10%
Poor economic conditions	8%	7%	8%	9%	11%	10%	8%	10%	8%
Changes in societal attitudes	14%	12%	14%	12%	13%	12%	19%	16%	16%
Other	5%	4%	3%	1%	1%	2%	3%	3%	2%
Total	187	225	96	141	203	83	193	236	88

Source: ICF (2018). Trade union practices on non-discrimination and diversity online survey.

New or improved legislation and positive changes in societal attitudes were frequently reported as the reasons for decreases in discrimination levels. Societal changes have been reported as main drivers for improvement, particularly for discrimination on the ground of religion or belief in wider society (38 %) and race or

ethnicity in employment (34 %). New and improved legislation was reported as having an impact on reducing discrimination on the ground of sexual orientation and gender identity in all areas: access to services (25 %), in wider society (25 %) and employment (21 %). A decrease in discrimination based on sexual orientation and gender identity in wider society was perceived to be due to new or improved legislation, for example by trade unions in Ireland (4 out of 7) and Slovenia (all 3 respondents)

Table 5. *Main reasons for decreases in discrimination since 2010*

	Employment			Access to services			Wider society		
	Religion or belief	Race and ethnicity	Sexual orientation and gender identity	Religion or belief	Race and ethnicity	Sexual orientation and gender identity	Religion or belief	Race and ethnicity	Sexual orientation and gender identity
New or improved legislation	16%	8%	21%	17%	5%	25%	4%	6%	25%
Stricter enforcement of legislation	9%	8%	4%	7%	8%	6%	13%	8%	5%
New or improved policy approaches and measures by the government	10%	0%	8%	14%	16%	10%	13%	6%	9%
New or improved policy approaches and measures by social partners jointly	16%	21%	13%	10%	13%	14%	4%	8%	11%
New or improved policy approaches and measures by trade unions	12%	13%	16%	10%	11%	13%	8%	8%	11%
Improved economic conditions	10%	13%	8%	17%	11%	5%	13%	19%	7%
Changes in societal attitudes	24%	34%	29%	21%	32%	26%	38%	36%	31%
Other	3%	3%	1%	3%	5%	1%	8%	8%	1%
Total	58	38	119	29	38	96	24	36	110

Source: ICF (2018). *Trade union practices on non-discrimination and diversity online survey*.

Trade union roles in responding to new migration trends, anti-migration attitudes and the rising populism in many European countries can be observed in recent years. Political discourse is centred on xenophobia, picturing 'us against them'. 'Us' is used as a culturally homogenic ethnocentric group with common interests, based on some common-sense reflections (mainly around identity, security or anti-globalisation as a cause for unequal wealth distribution). 'Them' typically references minorities, migrants and the (corrupt) political establishment¹⁰⁸.

In this political context, where migration has become a controversial issue, contributing to a rise of discriminatory acts against minorities and immigrants, some trade unions

¹⁰⁸ Greven, T. (2016). *The Rise of Right-wing Populism in Europe and the United States*, Working Paper, Friedrich-Ebert-Stiftung.

have struggled to find policy positions. Right-wing populism has also sought – and found – partisan views among trade union members¹⁰⁹, affecting their work in the broader society. Social segmentation is seen one of the main causes for such development, with the modernisation of the world of work giving rise to distribution problems that increase social inequality. Changes in the world of work (e.g. the growth of precarious work and decline in real wages) have continuously fostered a feeling of insecurity, injustice and fear of downward social mobility¹¹⁰.

Surprisingly, right-wing populism is gaining most ground among those that are not specifically affected but, rather, are themselves in a comfortable situation, as found by a survey of young employees¹¹¹.

In the debate about migration, trade unions primarily advocate for the equal treatment of all workers. Increasingly, unions across Europe have taken more inclusive approaches in their organising and recruitment strategies, so that migrant workers are represented, and their rights protected. In some cases, this has meant challenging racism inside unions themselves. Research¹¹² notes that trade unions face three dilemmas with regard to migrants: 1) In case of favourable corporate recruitment policies to recruit a migrant workforce, should trade unions accept the terms and conditions of employment of foreign workers? 2) For immigrants that are already in the country, should trade unions recruit them providing the same rights as national workers? 3) If trade unions favour inclusion of migrant workers, should trade unions represent native and migrant workers equally? How trade unions solve these challenges depends on the national context and various factors related to migration (e.g. type of migration – seasonal, highly-skilled, family reunion, intra-EU) and different groups of migrants (e.g. ethnic, gender, status – documented/undocumented, educational background)¹¹³. These challenges add to the difficulty in the context of a rising right-wing populist political discourse.

The recent financial and economic crisis impacted to a greater or lesser extent (depending on the country) on the socioeconomic influence and participation of unions in government decision-making and in collective bargaining processes. At the same time, while the economic crisis has impacted negatively on the ability of trade unions to act (as well as the resources available), it has also helped trade

¹⁰⁹ Indeed, survey evidence shows that right-wing extremist or populist views were found among unionised voters just as much as among non-unionised voters. They were highest among lower skilled workers and lowest among civil servant workers, among unionised/non-unionised, highly unionised sectors and high skilled workers. However, union members were more attracted to right-wing populism than non-unionised workers. A higher share of workers was found to be strongly dissatisfied with the socioeconomic context and political conditions. They may likely have lost some of their privilege and status due to the changes in the world of work. The decline of trade union power may have contributed to their dissatisfaction. See: Stoess, R. (2017). *Trade unions and right wing extremism in Europe*. Working paper, p. 39. Friedrich-Ebert-Stiftung. Available at: <http://library.fes.de/pdf-files/dialog/13464.pdf>

¹¹⁰ This trend has been observed since 2001. EU project SIREN, 'Socio-Economic Change, Individual Reaction, and the Appeal of the Extreme Right'. Participating countries were Belgium, Denmark, Germany, France, Italy, Austria, Switzerland and Hungary. Available at: <http://www.forba.at/de/forschung/view/index.html?id=10>

¹¹¹ Stoess, R. (2017). *Trade unions and right-wing extremism in Europe*. Working paper, p. 24. Friedrich-Ebert-Stiftung.

¹¹² Penninx, R. and Roosblad, J. (Eds.) (2000). *Trade unions, immigration, and immigrants in Europe, 1960-1993: A comparative study of the attitudes and actions of trade unions in seven West European countries*. New York/Oxford: Berghahn Books.

¹¹³ In addition, a set of four explanatory factors are used explain differences in trade union reactions and attitudes: 1. The more power a trade union has in socioeconomic decision-making the more influence it has in decision making in union-advocated directions; 2. The situation of the labour market can be decisive – the more national labour supply that exists, the less favourable unions may be towards immigrant worker recruitment. 3. Social trends also influence trade unions attitudes – such as political discourse, civil society organisations, institutional actors (like political parties) but also legislation; 4. Public perceptions of immigrants also impact on trade union attitudes, as they may favour specific migrant groups (see: Penninx, R. and Roosblad, J. (Eds.) (2000). *Trade unions, immigration, and immigrants in Europe, 1960-1993: A comparative study of the attitudes and actions of trade unions in seven West European countries*. New York/Oxford: Berghahn Books).

unions to 'relaunch' their actions. The economic crisis and the subsequent rise in political debate has compelled trade unions to act more proactively and in a more concentrated way in relation to equality issues. Adding the impact of populist anti-migrant political discourse and increasingly negative public perceptions and media discourse also impacts on the prioritisation and success of actions to tackle discrimination and influence in general government decision making¹¹⁴. Trade unions may themselves be a target of political populism. Changes in the political and institutional context, as well as to their bargaining power at sectoral and workplace levels, and in the wider market regulatory framework have created increasing challenges for trade unions to devise actions to tackle discrimination at work.

2.3.4 Rising trends of intolerance and xenophobia increase hate speech online and in the public discourse

In 2002, the Council of Europe set up the European Commission against Racism and Intolerance (ECRI), a human rights monitoring body that targets racism and xenophobia, as well as religious intolerance (see Section 2.3.4).

In its 2017 annual report, the ECRI confirmed **an increase in fear in Europe, linked to high levels of migration, religious extremism and terrorist attacks**. The recession and the austerity-driven socioeconomic climate has exacerbated this situation, fuelling populism and rhetoric linked to security concerns targeting non-nationals and minorities. The ECRI denounces these rising trends of intolerance and xenophobia across Member States, along with the increases in hate speech that depict multiculturalism as a threat to society, with a detrimental impact on social cohesion¹¹⁵.

Some examples from the most recent ECRI reports are provided below.

ECRI's 2016 report on Italy¹¹⁶ reported a number of incidents of hate speech by politicians targeting immigrants, Muslims and LGBT people. For example, in 2013, a local politician from the Northern League targeted the Minister of Integration, Cecile Kyenge (of Congolese origin), with offensive comments on the internet. In 2013, a former Member of Parliament (MP) stated on a radio interview that he would never employ a homosexual person. In 2015, a Member of the European Parliament (MEP) called the Roma community 'the dregs of humanity'. Although these cases have all given rise to judicial proceedings, this has not prevented the use of aggressive language and hate speech in political debate.

In Italy, in recent years, extremist groups with xenophobic and Islamophobic connotations have been on the rise. In 2013, reports on hate speech in the media (including the internet) accounted for 34.2 % of all alerts received by the National Office against Racial Discrimination (UNAR), an increase from 19.6 % in 2012.

In Italy, the issue of sex education in school remains controversial, in particular with regard to gender identify and sexual orientation. Sex education remains an extracurricular activity taken up on a voluntary basis by students and teachers. The

¹¹⁴ Marino, S., Penninx, R. and Roosblad, J. (2015). Trade unions, immigration and immigrants in Europe revisited: Unions' attitudes and actions under new conditions. *Comparative Migration Studies*, 3(1), doi 10.1007/s40878-015-0003-x

¹¹⁵ ECRI (2018). Annual Report on Activities covering the period from 1 January to 31 December 2017. Available at: <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/annual-reports>

¹¹⁶ ECRI (2016). Report on Italy (fifth monitoring cycle). Available at: <http://unipd-centrodirittumani.it/public/docs/ITA-CbC-V-2016-019-ENG.pdf>

ECRI reported that particular attention should be given to the promotion of mutual tolerance and respect in school¹¹⁷.

In Spain, the ECRI reports that authorities have improved the collection of official statistics on hate speech and other hate crimes. Although hate speech is not considered common in the national political discourse, and far-right groups do not have a significant impact in the country, in 2015, the police recorded 1,328 cases of hate crimes, 505 (38 %) on the grounds of racism and xenophobia, 169 on sexual orientation and gender identity and 70 on religious beliefs or practices¹¹⁸.

In Sweden, the ECRI reports that, in recent years, civil society groups have observed a considerable increase in hate speech on the internet, although no accurate data are available. The report denounces a marked increase in reported racist and xenophobic hate speech incidents against migrants/refugees, black people and Roma¹¹⁹.

The 2018 ECRI report for Malta observed that Islamophobia is prevalent in Maltese society in general. The run-up to the 2017 elections was characterised by a rise in hate speech from party members and the public¹²⁰.

Despite this evidence of rising racism and Islamophobia, **national equality bodies across the EU tasked with non-discrimination do not have an explicit mandate to address hate speech** (with the exception of Cyprus, and Belgium). All others address hate speech within their broader mandate to address human rights violations¹²¹. Nevertheless, hate speech is increasingly a priority topic among equality bodies, which are developing more strategic policy responses to tackle this phenomenon, in particular online.

Finally, while national equality bodies are important institutions tasked with tackling discrimination in society, a recent evaluation showed that resources allocated to these bodies were, in most EU Member States, insufficient to have a real impact¹²².

2.4 What drives trade unions to act on discrimination?

Trade unions have a key role to play as central actors in the world of work, in influencing the policy-making and legislative processes, and in society more broadly. This study confirmed that the actions of trade unions are deeply ingrained in the European and national policy-making context. Trade unions reported that persistently high levels of discrimination, migration trends and legal changes in the area of non-discrimination were among the main drivers for their taking action on non-discrimination. Increasingly, fighting for a more equal society and equal rights is becoming embedded in the trade union culture. Trade union actions examined in the case studies showcase how trade unions have responded to the needs of their members and wider society and have taken a variety of actions to tackle discrimination. This

¹¹⁷ ECRI (2016). Report on Italy (fifth monitoring cycle). Available at: <http://unipd-centrodirittumani.it/public/docs/ITA-CbC-V-2016-019-ENG.pdf>

¹¹⁸ ECRI (2018). Report on Spain (fifth monitoring cycle). Available at: <https://rm.coe.int/fifth-report-on-spain/16808b56c9>

¹¹⁹ ECRI (2018). Report on Sweden (fifth monitoring cycle). Available at: <https://rm.coe.int/fifth-report-on-sweden/16808b5c58>

¹²⁰ ECRI (2018). Report on Malta (fifth monitoring cycle). Available at: <https://rm.coe.int/fifth-report-on-malta/16808b592b>

¹²¹ Equinet (2018). *Extending the Agenda. Equality Bodies addressing hate speech*. Available at: http://www.equineteurope.org/IMG/pdf/hate_speech_perspective_-_web.pdf

¹²² In particular, equality bodies in Poland and the UK have seen a disproportionate budget cut in recent years. Crowley, N. (2018). *Equality Bodies Making A Difference*. European network of legal experts in gender equality and non-discrimination report, p. 103. Available at: <https://www.equalitylaw.eu/downloads/4763-equality-bodies-making-a-difference-pdf-707-kb>

commitment to the equality agenda is more and more evident in trade union structures, programme documents and concrete actions.

Trade unions reported that high and persistent levels of discrimination were the main reason for instigating action in 16 of the 21 case studies (see Table 6). In eight case studies, multiple factors played a role, confirming the strong and complex dynamics of the issue of discrimination. This was the case, for example, for the Polish NSZZ *Solidarność* union, where legal counselling and support for members, together with awareness-raising training, focused on multiple discrimination. Similarly, the CGIL's Office for New Rights in Italy focused on discrimination on grounds of sexual orientation, while the Belgian CSC union focused on protecting diversity of beliefs.

Table 6. Overview of the types of drivers for trade union non-discrimination actions

MS	Trade union	Practice	Ground of discrimination	Driver: legal change	Driver: high levels of discrimination	Driver: migrant trends
PL	NSZZ <i>Solidarność</i>	Legal counselling and support, awareness-raising training for trade union members	Multiple	x		x
PL	OPZZ	Advocacy and legal advice for minority workers	Multiple		x	x
SE	Vision	Workplace for all	Multiple	x		
IT	CGIL	Office for New Rights	Sexual orientation/ LGBT		x	x
UK	Equity	I can act but I won't pretend	Sexual orientation/ LGBT		x	
ES	CCOO	Working Group (WG) on gender and sexual diversity	Sexual orientation/ LGBT		x	
NL	FNV	<i>Netwerk Roze</i> (Pink Network)	Sexual orientation/ LGBT		x	
EU	ETUCE/ETUC /ILGA	Statement against homophobic bullying	Sexual orientation/ LGBT		x	
RO	FSLI	Department for Equality	Multiple		x	
SI	SVIZ	Training immigrant children in education	Racial/ Ethnic			x
UK	FBU	Diversity in fire brigades	Racial/ Ethnic		x	

MS	Trade union	Practice	Ground of discrimination	Driver: legal change	Driver: high levels of discrimination	Driver: migrant trends
DK	FIU equality	Mentor Programme and the Booklet the FIU-Equality training of elected union representatives for greater equality	Racial/ Ethnic	x		x
MT	GWU	Equality policy in collective bargaining	Multiple	x		x
BE	CSC	Protecting diversity of beliefs	Religion		x	x
BE	CSC/ACV, FGTB/ABVV, ACLVB/CGSL B	Tackling racism in employment	Racial/ ethnic	x	x	x
FR	CGT	Fighting extreme right ideas and racism	Racial/ ethnic		x	
FR	UNSA	Training sessions on LGBT discrimination	Sexual orientation/ LGBT		x	
UK	NEU	Personal, social, health education curriculum	Sexual orientation/ LGBT	x	x	
DE	Yellow Hand Association	National award to projects against xenophobia and racism	Racial/ ethnic		x	
AT	ÖGB	Competence forum migration	Racial/ ethnic		x	
HU	Liga Democratic League of Independent Trade Unions	Events on equality and non-discrimination	Multiple		x	

Most trade unions reported that they felt compelled to act due to persisting discrimination in society.

In Italy, (the CGIL Office of New Rights), the driver for action was linked to the widespread discrimination against LGBT groups, with trade union coordinators witnessing constant increases in cases of harassment and discrimination against LGBT groups. Similarly, the UK's media sector union (Equity UK) reported that LGBT workers were persistently victims of discrimination, while LGBT-related harassment was reported as being ingrained in the entertainment sector. Persistent discrimination against LGBT groups saw the Netherlands establish *Netwerk Rose* (the Pink Network). At EU level, the

ETUCE reported that violence and harassment on the basis of sexual orientation is one of the major grounds for discrimination faced by educators. This was also reported in the UK by the National Education Union (NEU), whose own research found that sexism and sexual harassment are commonplace in schools, compelling the trade union to act.

In the UK, the Fire Brigades union (FBU) work was driven by the unequal treatment reported by black firefighters who were union members. In Austria, the ÖGB union reported the increased levels of discrimination on the grounds of ethnic origin and race – more specifically, increased discrimination against women with migrant backgrounds – as its main driver for action. In Belgium, the CSC union's practice 'Protecting diversity of beliefs' was driven by an increase in reported incidents amongst union members in relation to difficulties in accommodating workers' religious practices at the workplace. The Yellow Hand Association in Germany was compelled to act by a higher level of discrimination against Turkish migrant workers. In Belgium, the CSC/ACV, FGTB/ABVV and ACLVB/CGSLB trade union confederations identified racism at the workplace as a major issue, which, in turn, led to the implementation of the initiative 'Tackling racism in employment'.

Increased levels of discrimination – real or perceived – relate, to some extent, to the phenomenon of recent migration trends, i.e. higher migration in-flows. Whether related to discrimination or not, migration trends have been reported by trade unions as the second main reason for action.

For example, in Slovenia, the SVIZ's practice on 'Training immigrant children in education' was motivated by a high influx of migrants in 2015-2016, requiring action to better support the integration of migrant children in schools. In Denmark, FIU-Equality¹²³ reported that, due to recent migration trends, the Danish labour market has become more ethnically diverse. In response, the trade unions initiated actions to better integrate workers with migrant backgrounds into the labour market. In addition, FIU-Equality focused on the education of shop stewards on equality and non-discrimination. Similarly, the Polish trade union OPZZ initiated its actions following increased migration flows from Ukraine. In Malta, intensified trade union actions by GWU in relation to equality and non-discrimination were related to a recent large influx of economic migrants. In Belgium, the specific demographic profile of the Brussels-Capital Region (which has more than 168 nationalities) was the main driver for the CSC trade union to promote diversity and equality at the workplace.

Legal changes in the field of equality and non-discrimination were not often reported as drivers for the implementation of actions. Nevertheless, in some countries, the legal framework was a key factor for action. For example, in Poland, the NSZZ *Solidarność* reported the accession of Poland to the EU in 2004 and the need to transpose the Directives into national law as the reasons for extending legal support in relation to non-discrimination and equality. In Sweden, an amendment to the Discrimination Act in 2017 that required employers to take 'active measures' to combat discrimination led the trade union Vision to implement the initiative 'Workplace for all'. In Denmark, FIU-Equality reported a series of legislative acts on promoting equal treatment and addressing non-discrimination in the labour market as its underlying driver.

2.5 The role of trade unions as an actor for diversity in society and the workplace

In this complex and changing socioeconomic and demographic context, characterised by the rapidly evolving political debate at European and national level (e.g. in relation

¹²³ FIU-Equality provides training to trade unions on the issues of equality and diversity. It was established in 2005 through a partnership between three trade unions 3F (United Federation of Danish Workers), HK (Union of Commercial and Clerical Employees) and Dansk Metal (Danish Metal Workers' Union).

to migration and discrimination against minority groups) and diverse societies, **trade unions play a fundamental role in supporting the transition to a more equal and just society based on the values of tolerance, democracy and equal rights for all.**

Discrimination in society and at the workplace is an enduring issue. However, alongside increasingly acrimonious and polarised political debate, the rise of far-right movements and anti-migration attitudes, there is also a new awareness of the need to work towards a more integrated society. Indeed, the socio-political debate about the detrimental effects of discrimination on society and the counterarguments for a more diverse society (e.g. the need for migrant workers in an ageing European society) are gaining momentum.

In addition to the action by trade unions, **employers also have a responsibility to fight discrimination.** Their willingness to support non-discrimination practices and initiatives from the trade union, particularly during social dialogue, is a key issue in moving forward. To date, this is both insufficient and unsystematic, particularly in the context of an adverse political climate and weak social dialogue structures (see Section 4.2.3).

Discrimination is a multifaceted issue that is difficult to detect and recognise, not least because it is often ingrained in culture and intertwined with diverse societal norms and beliefs. The boundaries between what is considered discriminatory behaviour (or not) are fuzzy and mutable, depending on culture and existing legal and policy frameworks.

The mission and ultimate goal of trade unions is to protect and advance the interests of their members in the workplace. However, the role of trade unions and the impact of their work goes beyond their members and workplaces. Advancements in working conditions impact on the everyday life of workers and can have spill-over effects that benefit society as whole. For example, negotiations and lobbying for changes in legal and policy frameworks cascade throughout society, while improvements in the working conditions of workers have positive implications for their families.

Specifically, in relation to the complex issue of discrimination, **trade unions play a key role in supporting diversity and promoting the rights of minority groups, as a result of which their actions are likely to impact on society as a whole.**

Although cultural changes and lobbying from civil society organisations and social movements typically precede (and drive) advancements in policies and legislation, the existence of a legal framework guarantees universal application of the acquired rights to the entire society. As such, it further drives the mainstreaming and acceptance of concepts and rights in relation to equality and non-discrimination. In line with this, the role of trade unions in the policy-making process and the collaboration between different actors was reported as crucial in driving change in respect of equality and non-discrimination legislation. For instance, the ETUC was a major actor in the adoption of the RED. The Maltese trade union GWU reported that a good level of communication and cooperation with employers and policy makers enhances the effective implementation of non-discrimination legislation. In the legislative process, trade unions should push for the adoption of laws and policies to prevent and/or address discrimination. Trade unions have a role in supporting cultural change inside and outside the workplace. For example, in the Italian case study, CGIL's Office for New Rights pushes for debate on the topic of non-discrimination and secularism more generally. Over the years, its activities have contributed to the advancement of legislation in a variety of areas, most recently to the law for the recognition of same-sex unions in Italy (*Legge Cirinna*), and the law on self-determination in the context of the new law on end-of-life medical care (*Legge sul biotestamento*). The emergence of LGBT rights, for instance, has transformed traditional dynamics in the workplace, calling for trade union initiatives to support this transition (for example accommodating the needs of LGBT

parents, whose rights are not always recognised by the legal framework). As the French trade union UNSA stated: *'We found out that our members were confronted by new situations without the means to answer them. (...) When new questions and new debates arise, it calls for trade union action in their mission to address current societal issues.'*

There is an economic argument for trade unions to act on discrimination. A workshop recently held by ETUC/ETUI unanimously recognised that *'racism and xenophobia are real, present in everyday lives of workers, impairing their ability to perform their tasks and affecting their mental health. Racism is deeply embedded within the structures of society, its institutions, as well as in trade unions. It limits the ability of blacks and ethnic minority groups to climb up the professional ladder, and have their voices adequately represented within trade unions. Racism is about economic exploitation that feeds upon unfair and exploitative structures in labour markets'*¹²⁴.

Discrimination harms companies and societies in many ways. For example, it impacts negatively on workers' performance, adversely affects workers' mental health and introduces barriers in the labour market that hinder the advancement of competent and skilful people. Companies - and the overall economy - are also adversely affected by discrimination, as diversity has been shown to increase innovation, enhance creativity and improve workplace performance¹²⁵.

Discrimination is embedded within the structures of society and its institutions, as well as in trade unions. In the case studies, some organisations mentioned the growing need to **tackle discrimination internally** in their own organisation. For example, in the French case study 'Fighting extreme right ideas and racism', the CGT decided to implement internal actions against racism, as polls showed that an increasing percentage of the trade union's members voted for extreme right parties. Similarly, in Germany, it was found that 15 % of trade union members voted for the far-right party AfD. The current study identified an increasing number of trade union internal practices compared to the 2010 study (see Figure 3.7), confirming a trend towards organisations tackling discrimination among their members. In fact, trade unions are themselves workplaces that represent societal trends. By acting internally to tackle discrimination in their own organisations, trade unions can become drivers of societal changes, given the spill-over effects at the various workplaces where their members work.

In this study, some trade unions have reported **internal debates on the role of trade unions and the legitimacy of non-discrimination activities vis-à-vis the mission of trade unions**¹²⁶. Within trade unions, there are diverging opinions on trade union actions, as can be expected in pluralistic organisations. Some union members believe that tackling discrimination at work should not be considered a priority on the political agenda or in the union's budget. Other priorities are considered more in line with the trade union mission and are prioritised, due to the limited financial and human resources of the trade unions. Such priorities include, for example, the fight against unemployment, improvement of working conditions and tackling precarious employment. Despite such diversity of views, the initiatives found in this study point to a cultural shift within trade unions, with an increasing awareness of changing dynamics between society and the workplace and thus the important role trade unions can play in promoting equality and non-discrimination at the workplace and beyond.

¹²⁴ <https://www.epsu.org/article/racism-and-xenophobia-workplace-what-role-trade-unions>

¹²⁵ Livermore, D. (2016). *Driven by Difference: How Great Companies Fuel Innovation Through Diversity*. Available at: <https://www.goodreads.com/book/show/25649416-driven-by-difference>

¹²⁶ These trends were identified in the following cases: CSC Belgium 'Protecting Diversity of Beliefs'; CCOO Spain 'Working Group on gender and sexual diversity' and CGT France 'Fighting extreme right ideas and racism'.

3 What actions and practices are trade unions implementing to tackle discrimination and support diversity?

Summary of key results

- **Trade unions at all levels in Europe have developed numerous initiatives to promote equality and diversity, adopting a broad range of approaches** to address the multiple grounds of discrimination, through diverse practices, target groups, reach and activities.
- **The dual focus of trade union actions - both internal to trade unions and externally in the workplace and in society - allows persistent discrimination to be tackled through different channels.** Trade unions give careful consideration to the need to address discrimination among their members, training and raising internal awareness of the importance of promoting equal treatment and non-discrimination at the workplace.
- **A majority of cross-sectoral measures were identified at national and regional level,** conducted by trade unions representing multiple sectors. Among sector-specific actions, there is a preponderance of actions in public sector unions, particularly in sectors such as health, education and social services.
- **Since 2010, the number of initiatives tackling discrimination on the ground of sexual orientation and gender identity has increased.** The 2010 study primarily reported practices addressing discrimination on the ground of race or ethnic origin, which were less prominent in the current study.

Trade unions chiefly implemented **awareness-raising actions and campaigns, collective bargaining and targeted training for trade union members on non-discrimination issues.** In developing their actions, a number of **trade unions forged multi-stakeholder partnerships** to: strategically increase their lobbying power and provide a forum for discussion and exchange of good practices; maximise the reach of targeted groups and the impact of the action; recruit new members; and receive specific technical knowledge and reliable background information in the design phase of the practice or during its implementation.

3.1 Identification of non-discrimination practices and selection of case studies

This study includes **practices focused on discrimination on the grounds of religion or belief, race and ethnicity, sexual orientation and gender identity, as well as practices aimed at tackling several forms of discrimination or multiple discrimination.**

The analysis presented here includes a comparative overview of the practices identified in the 2010 study and those identified as part of this study. The distinction that is subsequently made between 'practices from the 2010 study' and 'practices from the current study' to a limited extent disguises the fact that not all practices identified for the current study are necessarily 'new' (i.e. developed after 2010).

Box 1 below describes the methodological approach used to identify and select relevant practices.

Box 1. Identifying the development of trade union practices on non-discrimination over time

The study carried out in 2010 sought to identify trade union practices on non-discrimination mainly between 2000 and 2010, based on desk research, a survey of trade unions and subsequent case studies.

The first step in the current study was to carry out desk research and interviews with European-level trade union representatives to establish which of these practices are still in place or have since evolved but continue to play a role (15 out of 80 were still in place in some form but the status of a significant number was unclear).

Additional desk research was carried out, primarily with the goal of identifying new trade union practices. As part of this process, a significant number of practices were identified (68), most of which were initiated after 2010. However, some of these practices also pre-dated 2010, were not mentioned in the previous study and are still in place. These were, therefore, integrated into the same pool of 'new' (or rather 'newly identified') practices).

Finally, the presentation of 'new' practices also relies on practices reported in the online survey of EU level and national trade unions carried out as part of this study and disseminated by members of the steering group (ETUC (and onward to other trade union confederations), EPSU, UNI Europa and ETUCE. 41 practices were described in detail in the survey). From the findings of this survey, information on trade union non-discrimination practices can be broken down as follows: firstly, information is available on the share of responding trade unions that reported the presence of such practices, the grounds covered by such practices and their nature (in terms of the type of activity). Secondly, information is available on the practices, for which more information was provided as part of the survey¹²⁷.

A total of 80 relevant practices were identified from the 2010 report, while desk research and the survey found 109 'new' practices.

To ensure a useful balance, the selection of case studies was underpinned by the following criteria:

- **Geographical balance** - across Member States from Western, Northern, Southern, and Central and Eastern Europe;
- **Ground of discrimination** - representation of each ground of discrimination, as well as multiple discrimination;
- **Sectorial coverage** - case studies across sectors covered by trade unions;
- **Focus of the activity** – whether internal or external to the trade union;
- **Type of activity** - based on different clusters of activity (e.g. awareness campaigns, training, collective bargaining);
- **Sustainability** - evidence that the practice was still ongoing and/or had been carried forward in a different way or had been replicated since 2010;

¹²⁷ Not all unions indicating the presence of such practices went on to complete the sections of the survey requesting more information on these initiatives.

- **Impact /measurable outcomes** - evidence that the practice has had (or could have) a significant impact or is considered important in the national context;
- **Transferability** – presence of key features that are transferable across Member States;
- **Innovation** - extent to which a measure was considered to use a new and potentially highly impactful approach.

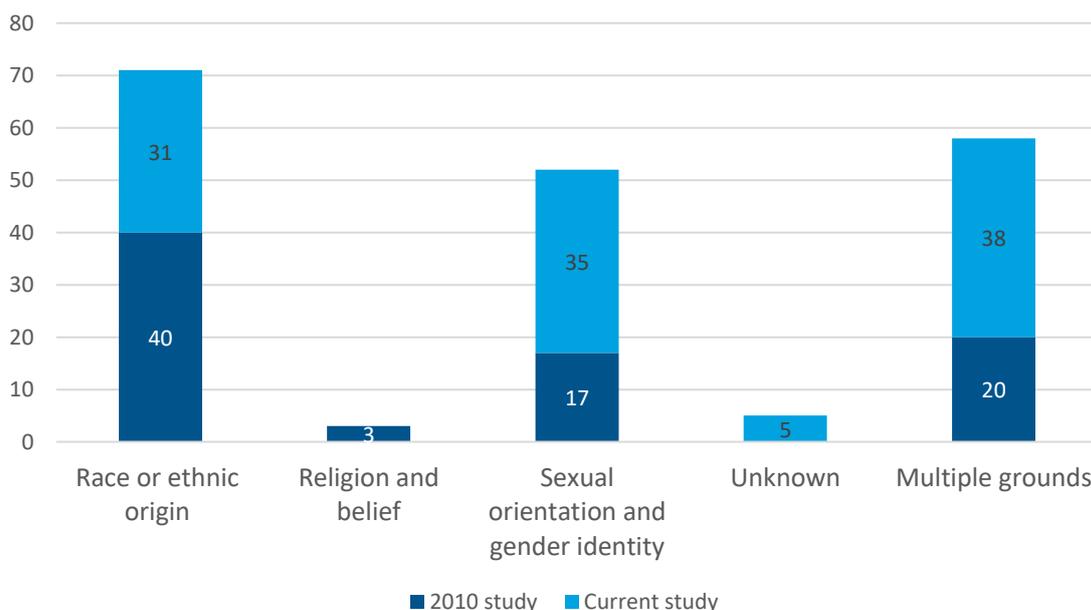
3.2 Overview of practices implemented by trade unions

While the main area for trade union action is the workplace, **discrimination is multi-faceted and interconnects with issues linked to wider society.** In defining and identifying discrimination, several factors come into play, including different cultural sensitivities and national contexts, making it difficult to disentangle the causes and origins of the discriminatory behaviours. It is thus widely recognised that tackling discrimination requires multidimensional and multi-layered strategies. Trade unions are adopting a broad range of approaches to addressing the multiple grounds of discrimination through their diverse practices, target groups, reach and activities, as well as by forging multi-stakeholder partnerships, including those with specialist knowledge and expertise in combating discrimination at work and in society more widely (e.g. NGOs, education institutions, training providers, law firms, etc.).

3.2.1 Grounds of discrimination addressed

Among the practices identified through desk research and reported in the survey for this study, **those aimed at addressing discrimination on the grounds of race and/or ethnic origin, and initiatives addressing multiple discrimination were most prevalent,** followed by measures combating discrimination on the grounds on sexual orientation and gender identity (see Figure 7). Few measures singled out discrimination on the grounds of religion and/or belief as a specific focus.

Figure 7. Grounds of discrimination addressed by reported measures

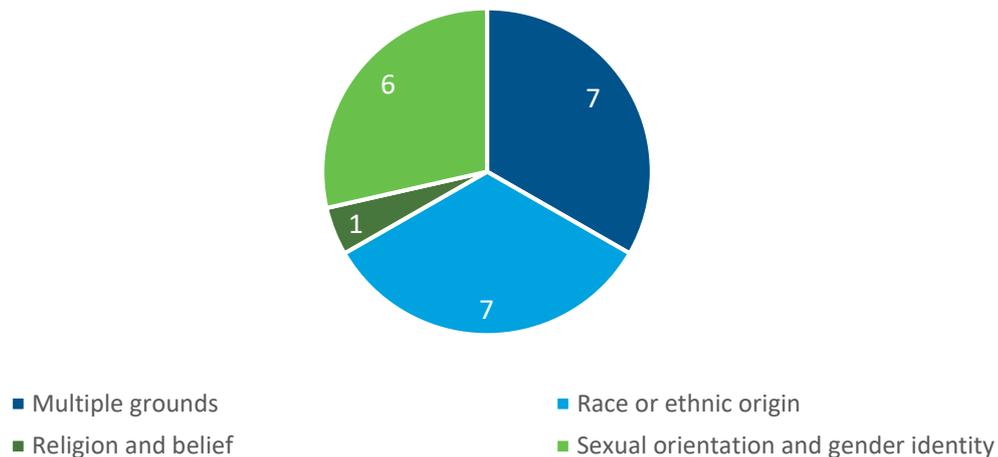


Source: ICF 2018 study and 2010 study.

When assessed as a share of practices and compared to the 2010 study (and counting the practices identified as 'unknown' as practices of multiple discrimination), **the practices addressing multiple discrimination increased from 25 % to 38 % of practices identified.** Interestingly, the share of initiatives focusing on race and ethnic origin declined from 50 % in the 2010 study to 29 % in the current study. Efforts to address discrimination on the grounds of sexual orientation and gender identity increased from 21 % to 32 %. As was the case in 2010, the focus of measures in relation to the latter tends to be on sexual orientation rather than gender identity.

Figure 8 provides an overview of the grounds of discrimination covered by the case studies analysed and, to some extent, reflects the overall sample of practices identified. It is important to reiterate that the focus of the practices may overlap. For example, practices tackling discrimination on the grounds of race and/or ethnicity are also interlinked with issues related to religion and/or belief. Similarly, practices focusing on sexual orientation and gender identity often aim to address sexual harassment, which is often gender-related. This is also reflected in the high number of practices dealing with discrimination on multiple grounds.

Figure 8. Grounds of discrimination in 2018 case studies



Source: ICF (2018). Case studies of trade union practices on non-discrimination and diversity.

Both the analysis of the European and national contexts and the drivers reported by the trade unions highlight that **all practices are closely linked to the current broader political and societal context at national level.** In addition, when considering the overall background of the practices, they are typically part of broader frameworks of action, where trade unions focus on diversity and equality issues more widely. The specificities of some sectors can also explain the broader approach of the practices. For example, in the education sector, discrimination is addressed from several perspectives, e.g. reducing discrimination among education sector workers, but also promoting the values of diversity and equality in the content of education to foster change in society, as well as reducing discrimination against students and ensuring their access to a high-quality free education.

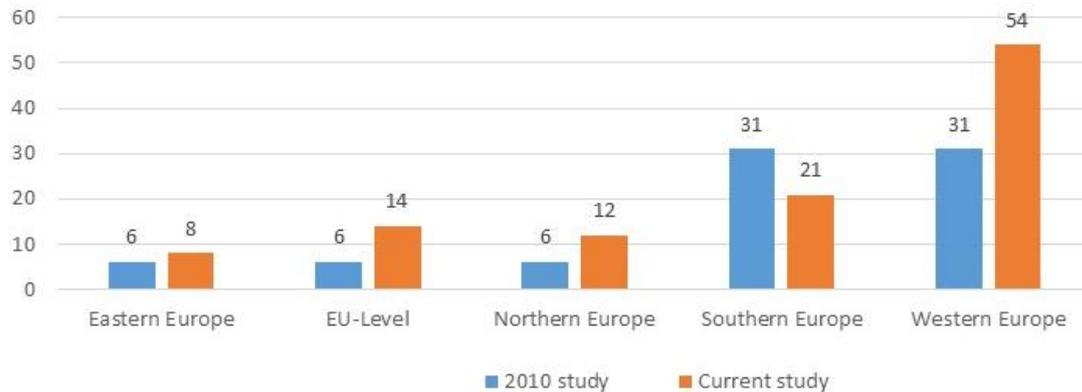
The practices that **address multiple grounds of discrimination include forms of actions that aim to streamline trade union actions available to all potential victims of discrimination.** Unions have observed that discrimination is more frequently linked to multiple grounds and that, while actions focusing on specific grounds are still important, acts of discrimination are often linked to the same behavioural patterns (e.g. acts of harassment, avoidance or unfavourable and/or intimidating

treatment, violence) or stereotypes that are widespread in society. As a result, trade unions adopt a more wide-ranging approach to their actions.

3.2.2 Geographical spread

In both the 2010 and 2018 studies, the majority of practices were identified in Western and Southern Europe (see Figure 9). **In the 2018 study, more practices were identified in Western and Northern European countries.**

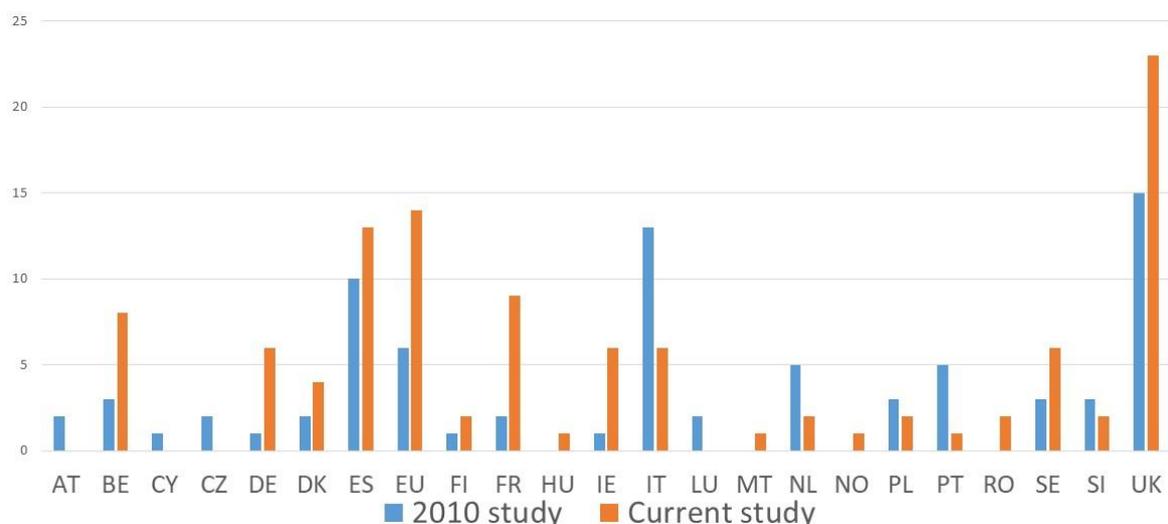
Figure 9. Number of practices, by country cluster



Source: ICF 2018 study. Note: N=189.

0 below presents a more detailed breakdown of the number of practices, by country, identified in both the 2010 and 2018 studies. **The highest number of practices were reported in the UK, Spain, Italy, France and Belgium.** The 2018 research also found a higher number of relevant initiatives at EU level compared to the 2010 study.

Figure 10. Number of practices, by Member State



Source: ICF 2018 study and 2010 study, Note: N= 189.

There are multiple reasons possible reasons to explain why more practices were found in some countries than others. Firstly, this is linked to the size of the Member State and share of population in the EU. The trade union density and structure(s), as well as resources available to trade unions, vary widely between Member States and are likely to play an important role in trade unions' strategies and associated prioritisation of funding. In addition, the issue of discrimination appears to be less studied in Eastern and Central European countries. In some European regions, collection of data on specific groups that are victims of discrimination remains a challenge and is not yet harmonised at European level¹²⁸. This lack of data may also have an impact on trade unions' perceptions of the severity and prevalence of the issue of discrimination, and the urgency for action.

The spread of case studies achieved a balance of Member States across Europe, ensuring representation of Western, Eastern, Northern and Southern countries. More specifically, the case studies can be broken down as follows: three in the UK, two in Poland, two in Belgium, two in France, one in Sweden, Italy, Spain, the Netherlands, Romania, Slovenia, Denmark, Malta, Germany, Austria, Hungary, and one case study at EU-level.

3.2.3 Sectoral spread

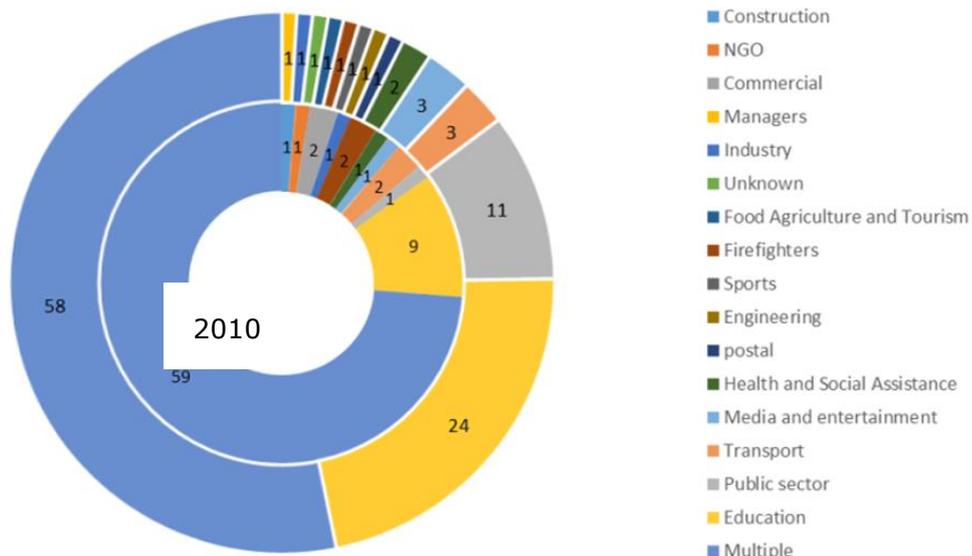
The majority of trade unions reporting non-discrimination and diversity practices were either trade union confederations (at national or regional level) or trade unions representing a number of different sectors. As shown in Figure 11 below, in both 2010 and to a greater extent in 2018, most practices were reported by trade unions representing multiple sectors. There is a preponderance of public service unions, including health, education, social and other public services¹²⁹.

This trade union profile may have been partly affected by the nature of trade union representation on the steering group and the degree of dissemination of the survey by European trade unions to their national affiliates. Notwithstanding that, it could also be the case that trade unions representing workers in the public services are more likely to address such issues due to the nature of the roles of workers in those sectors. Public sector unions may have higher levels of awareness of the requirement for non-discriminatory practices when dealing with the public and internally, as well as a need to reflect the diversity of the public they serve. In the education sector, the specific role of educators in communicating the values of inclusivity and non-discrimination warrants a special mention.

¹²⁸ Farkas, L. (2017). *Analysis and comparative review of equality data collection practices in the European Union. Data collection in the field of ethnicity*. Study commissioned by the European Commission. Available at: https://ec.europa.eu/newsroom/just/document.cfm?action=display&doc_id=45791

¹²⁹ The study team was unable to gain access to the survey used by the 2010 study. The classification of the sectors represented by trade unions reporting relevant practices in 2010 and 2018 was complicated by the fact that the sectors used for classification in the respective surveys were not the same.

Figure 11. Number of practices, by sector



Note: N= 18.;

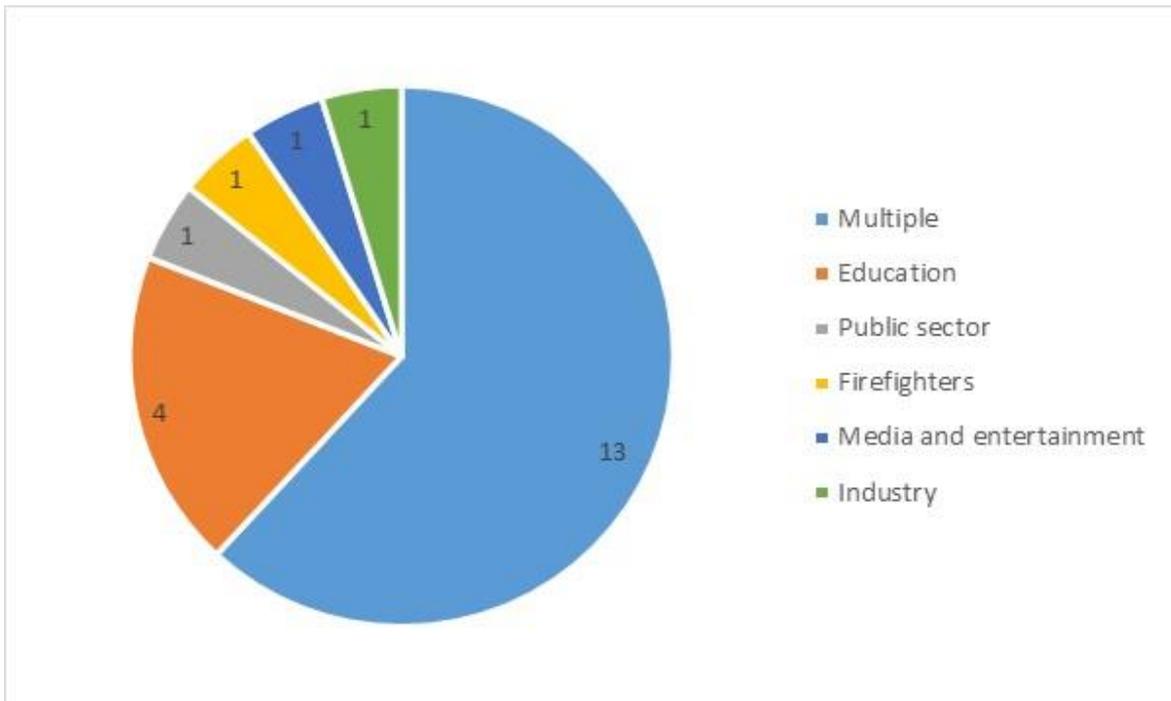
Source: ICF 2018 and 2010 studies

The sectoral spread selected for the case studies tried to achieve a balance of sectors overall, as well as including sectors with a diverse workforce (e.g. the public sector has a higher incidence of women workers, while the fire and rescue services sector tends to be male-dominated).

In total, 14 of the 21 practices selected were initiated by a multi-sector/cross-sectoral trade unions. Seven trade unions targeted their initiatives at specific sectors, four were in the education sector and aimed to raise awareness among pupils/students and society at large rather than addressing purely non-discrimination issues pertinent to the education workforce itself. The anti-racism activity of the FBU (representing workers in the fire and rescue services across the UK) was also selected as a case study. The objective was to tackle discrimination in the workplace and to support equal opportunities in the fire and rescue services. The actions of trade unions in the specific context of the media and performing arts sector, where harassment and discriminatory language are culturally endemic¹³⁰ were outlined in the UK case study 'I can act, but I won't pretend'.

¹³⁰ According to Equity UK, in the media and performing arts sector, acceptance of discrimination and harassment of other inappropriate behaviour is considered 'the price to pay' to pursue a career in the world of entertainment. Harassment and discriminatory language are deep-rooted in the culture of the sector and have become common practice, leading to extremely low levels of awareness among workers and high acceptance from the industry.

Figure 12. Sectoral representation of trade unions in the case studies



Source: ICF 2018 case studies.

Any attempt to find correlations between the sectors and the likelihood of trade unions to address the issue of discrimination would be misleading here. It is not possible, on the basis of this study, to conclude, for example, that sectors that are more or less male/female-dominated or more/less migrant-dominated are more/less likely to address the issue of discrimination at the workplace.

3.2.4 More non-discrimination practices are implemented by trade union confederations and cross-sector trade unions

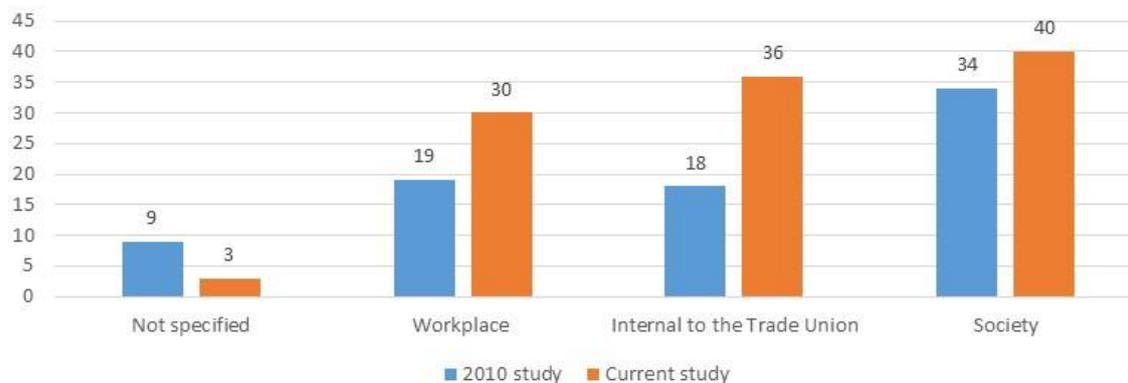
The 2010 report classified the nature of the activities pursued and implemented by trade unions into the following four categories:

- Social dialogue and workplace practices to promote non-discrimination;
- Practices promoting equality and combating discrimination in trade union structures;
- Working with NGOs against discrimination;
- Union training to promote equality.

While this type of classification may remain relevant, this study adopted an alternative classification based on an **overall distinction between internal activities that seek to promote equality and combat discrimination within trade union structures, and external practices addressing the workplace and society more generally.** Figure 13 shows that practices with a focus outside trade union structures were more common than internal practices, both in 2010 and 2018¹³¹.

¹³¹ Some practices had both an internal and an external focus and, for a small number, the precise focus could not be determined on the basis of the information available.

Figure 13. Internal or external focus of trade union non-discrimination activities



Source: ICF 2018 study. Note: N= 189.

An additional criterion has been applied to the external practices, dividing them **between those that have more of a 'workplace' focus** (e.g. collective agreements, awareness-raising, training and other initiatives at workplace level, such as support for workers making discrimination claims, etc.) and **those with a more 'societal' focus** (general awareness-raising initiatives, public information campaigns, etc.).

As Figure 13 shows, a similar trend can be identified in both studies. **Trade union practices with a societal focus are more widespread than practices developed internally to tackle discrimination.** However, a higher percentage of internal practices have been identified in the current study: among the new measures collected, 34 % had an internal focus, compared to 25 % in the 2010 study. This demonstrates increased emphasis on the need to address discrimination among trade union members, to train them and raise their awareness of the importance of promoting equal treatment and non-discrimination at the workplace.

The fact that tackling discrimination requires a broader approach and activities that go beyond the workplace was confirmed by the case studies. In each case, the focus and activities implemented to achieve the aims and objective of the relevant practice involved a multitude of actions.

Fifteen of 21 case studies (see Table 7) involved practices and actions to address discrimination in wider society, going beyond the workplace and the trade union structure(s). For example, the UK practice from Equity ('I can act but I won't pretend') aims to foster a cultural shift for LGBT people in the audio-visual sector. It sets out a framework for action to introduce more measures aimed at promoting equality at the workplace and to raise awareness among employers of the need to effectively address harassment and discrimination. At the same time, the practice also targets the wider society by seeking to raise public awareness of the situation in the sector in relation to bullying, harassment and discrimination. Similarly, the Spanish practice from COO (Working Group on gender and sexual diversity) is primarily intended to raise awareness and streamline actions to tackle discrimination against LGBT people. The practice also highlights a way to centralise information on all actions undertaken at sectoral and territorial level in order to better lobby policy makers and raise awareness within society.

In the other six practices, the focus was on specific discrimination issue at the workplace. For example, the Polish case study from NSZZ *Solidarność* on workplace counselling, the Swedish trade union Vision's e-education platform 'Workplace for all', the French case study from USNA on LGBT training sessions, the case study from the

UK trade union FBU on actions for more diversity in fire brigades, and the Slovenian case study from SVIZ, on training on integration of immigrant children in education.

None of the practices solely addresses just one level (external or internal), as there is a clear understanding that discrimination needs to be addressed in all of its complexity and multidimensionality.

A range of tools and activities have been implemented by trade unions to tackle discrimination. These can be clustered into three different categories: (i) collective bargaining (which is the main focus and core of trade union activity); (ii) campaigns; and (iii) individual support and training.

Equality measures in the workplace (including negotiation of collective bargaining agreements) were the second most common practice reported by the trade unions (most common at workplace level, with 11 of 21 practices). For example, the Maltese trade union GWU was particularly active in negotiations with employers' organisations, public bodies responsible for the promotion of equality, ministries and other social partners to push for legislative changes and discuss specific issues linked to inequality and discrimination at work, such as wage gaps for LGBT groups. (Given the importance of collective agreements to the work of trade unions, they are discussed separately in Section 3.2.5).

Campaigns and other awareness-raising measures were the most common actions identified in the case studies, with 14 trade unions reporting having implemented such actions. Trade unions have developed a wide variety of tools and actions to disseminate their campaigns, including events, conferences, print or online material, surveys, etc. For example, the French trade union CGT, in its practice 'Fighting extreme right ideas and racism' organised a 'Festival against Racism', with concerts (classic and pop music), workshops and debates. This innovative measure allowed the union to attract a wider public from different backgrounds and age groups. Another interesting example is the annual calendar distributed to the Belgium CSC trade union members, where each page presents a comic strip reflecting on societal issues and discrimination at work. The German Yellow Hand Association project from trade union DGB organises an annual ceremony to award a prize to a project initiated by young workers and apprentices to tackle discrimination at work.

Finally, the third most common action included **provision of individual support and training** (10 practices). Interestingly, all but one of the training practices used the concept of train-the-trainer to guarantee a multiplier effect by providing training to national and regional level trade union members. An interesting example of a training method is the Slovenian case study, where the trade union organised roundtables, using a mutual learning method, on how best to address the needs and teach immigrant children. At the roundtables, teachers discussed and shared good practices developed in their schools to integrate migrant children.

Table 7. Objectives of trade union actions and nature of activities implemented

MS	Trade union	Name	Ground of discrimination	Objective	Input (activities implemented)								
					Campaigning	Awareness-raising	Policy framework	Counseling/advice/mediation	Training - offline and online	Train the trainer/multipliers	Collective bargaining	Research (study, survey)	
AT	OGB	Trade union forum 'By migrants, For migrants'	Racial/ethnic	Improve migrant worker representation in internal trade union structures, improve membership of migrant workers in trade unions, increase participation of migrant workers at company level in works councils	✓	✓		✓				✓	
BE	CSC	Protecting diversity of beliefs	Religion	Encourage debate around religion at the workplace and raise awareness of religion as dimension of diversity policies	✓	✓			✓	✓	✓		
BE	CSC/ACV, FGTB/ABVV, ACLVB/CGSLB	'Racism: Game Over' campaign	Racial/ethnic	Improve knowledge of the issue by carrying out research, create a forum for discussion and debate, set priorities for actions among actors involved in social dialogue, implement practices at the workplace,	✓		✓					✓	✓

MS	Trade union	Name	Ground of discrimination	Objective	Input (activities implemented)								
					Campaigning	Awareness-raising	Policy framework	Counseling/advice/mediation	Training - offline and online	Train the trainer/multipliers	Collective bargaining	Research (study, survey)	
				campaign at policy level on the issue									
DE	Yellow Hand Association	National award to projects against xenophobia and racism	Racial/ethnic	Prevention of racially motivated acts and racial discrimination at the workplace by engaging with young workers	✓	✓				✓			
DK	FIU equality	Mentor Programme and Booklet on the FIU-Equality training	Racial/ethnic	Improve integration of migrant workers in the labour market under equal working conditions, improved protection of migrant workers				✓	✓	✓			
ES	CCOO	Working Group on gender and sexual diversity	Sexual orientation/ LGBT	Streamline actions inside trade union to tackle discrimination against LGBT people and raise awareness inside and outside trade union structures to improve diversity	✓		✓			✓	✓	✓	✓

MS	Trade union	Name	Ground of discrimination	Objective	Input (activities implemented)								
					Campaigning	Awareness-raising	Policy framework	Counseling/advice/mediation	Training - offline and online	Train the trainer/multipliers	Collective bargaining	Research (study, survey)	
EU	ETUCE/ETUC/ILGA	Statement against homophobic bullying	Sexual orientation/ LGBT	Combat homophobic bullying in schools and recognise role of trade unions in promoting equality and policy development at national and EU level	✓	✓	✓						
FR	CGT	Fighting extreme right ideas and racism	Racial/ethnic	Reduce number of voters for extreme right political parties among trade union members and wider society	✓	✓			✓	✓			
FR	UNSA	Training sessions on LGBT discrimination	Sexual orientation/ LGBT	Improve knowledge on legal framework and skills of trade union members to assist victims in concrete discrimination situations					✓	✓			
HU	Liga Democratic League of Independent	Events on equality and non-discrimination	Multiple	Streamline work on equality issues in internal trade union structure, facilitate social dialogue, sensitise members via		✓	✓		✓	✓			

MS	Trade union	Name	Ground of discrimination	Objective	Input (activities implemented)								
					Campaigning	Awareness-raising	Policy framework	Counseling/advice/mediation	Training - offline and online	Train the trainer/multipliers	Collective bargaining	Research (study, survey)	
	Trade Unions			training and promote networking									
IT	CGIL	Office for New Rights	Sexual orientation/ LGBT	Foster culture of self-determination and secularism within and outside the workplace, tackle discrimination and improve rights of LGBT people	✓	✓						✓	
MT	GWU	Equality policies in collective bargaining	Multiple	Streamline trade union equality policy into all trade union actions – advocacy, collective bargaining, awareness-raising, youth work	✓	✓	✓					✓	
NL	FNV	Network Roze (Pink Network)	Sexual orientation/ LGBT	Combat discrimination, improve integration and inclusion of LGBTI+ people at the workplace and in society more broadly	✓	✓		✓				✓	✓
PL	NSZZ Solidarność	Legal counselling and support, awareness	Multiple	Improved information of discrimination issues and legal framework,				✓	✓			✓	

MS	Trade union	Name	Ground of discrimination	Objective	Input (activities implemented)								
					Campaigning	Awareness-raising	Policy framework	Counseling/advice/mediation	Training - offline and online	Train the trainer/multipliers	Collective bargaining	Research (study, survey)	
		Training for trade union members		support to employees and employers									
PL	OPZZ	Advocacy and legal advice for minority workers	Multiple	Combat undeclared work and social dumping to which migrant workers are exposed within the Polish labour market. Support and advise LGBT members of the OPZZ		✓	✓	✓					
RO	FSLI	Department for equality	Multiple	Internal structure to streamline policy on equality issues in the trade union and to raise awareness of discrimination issues in the sector more widely in society and among policy makers.	✓	✓	✓		✓	✓			
SE	Vision	'Workplace for all' campaign	Multiple	Improve information on the non-discrimination legal framework and measures to foster equality at the		✓			✓		✓		

MS	Trade union	Name	Ground of discrimination	Objective	Input (activities implemented)								
					Campaigning	Awareness-raising	Policy framework	Counseling/advice/mediation	Training - offline and online	Train the trainer/multipliers	Collective bargaining	Research (study, survey)	
				workplace, improve skills of managers and trade union representatives on diversity and inclusive workplaces									
SI	SVIZ	Training on integration of immigrant children in education	Racial/ethnic	Provide support to teachers and share good practices to foster inclusion of immigrant and migrant children in schools				✓	✓	✓			
UK	Equity	I can act but I won't pretend	Sexual orientation/ LGBT	Foster a cultural shift to improve situation of LGBT people in media/audio-visual sector, improve protection and increase equality measures at the workplace, raise awareness in society about discrimination issues in the sector	✓	✓	✓					✓	

MS	Trade union	Name	Ground of discrimination	Objective	Input (activities implemented)								
					Campaigning	Awareness-raising	Policy framework	Counseling/advice/mediation	Training - offline and online	Train the trainer/multipliers	Collective bargaining	Research (study, survey)	
UK	FBU	Diversity in fire brigades	Racial/ethnic	Improve ethnic diversity in the sector of fire and rescue services and promote non-discrimination agenda in the trade union and workplaces		✓						✓	✓
UK	NEU	PSHE education /RSE curriculum	Sexual orientation/ LGBT	Campaign at policy level to improve skills of teachers and teaching offer for students on sexual orientation education	✓	✓			✓				✓

Source: ICF 2018 case studies.

3.2.5 Implementation of the equality agenda in collective agreements

Collective bargaining and negotiation of collective agreements is one of the core activities of trade unions, as they determine the outcomes for their members and the wider workforce in terms of pay, working conditions and social rights at the workplace. Of the 21 case studies, **11 have developed actions to include equality issues in collective agreements**.

Trade unions show a diversity of practices to promote the non-discrimination agenda in the collective bargaining processes, with similarly varying outcomes in the collective agreements.

Most directly, a number of trade unions **succeeded in including specific equality clauses in their collective agreements** in Italy, Malta, Spain, Poland and the UK.

In Italy, in the specific context of discrimination against LGBT people, CGIL's Office for New Rights has previously been involved in the political process. For example, it provided drafts for relevant legislation. The coordinators noted that the trade union - and the Office, specifically - has contributed to promoting and disseminating a non-discrimination and equality culture that has impacted the development of specific legislation in recent years, such as the law for the recognition of same-sex unions in Italy (*Legge Cirinna*¹³²), and the law on self-determination in the context of end-of-life medical care (*Legge sul biotestamento*)¹³³. Progress has been made thanks to the second-level bargaining and the direct relationship with employers for non-discrimination cases. A direct impact on companies' practices is evident where the trade union has negotiated clauses with employers to recognise LGBT families and parental rights of LGBT parents (e.g. in the finance sector).

In Malta, the work of the GWU has impacted how collective agreements were negotiated to fight discrimination. The most important aspect highlighted by the GWU representative is that when the trade union signs a collective agreement, it refers to the actual jobs workers perform, rather than to people. Thus, they do not differentiate on the basis of gender, race, religion, etc. and there is no room for discrimination. As highlighted by the representative of the GWU, some legislative amendments were required, as both the world of work and associated working conditions have changed over time.

The trade union NSZZ Solidarność in Poland provides advice on how non-discrimination provisions should be included in enterprise-level documents (collective agreements, work regulations, etc.). The Union's lawyers consult employer's documents brought to their attention by trade union representatives (e.g. collective agreements, work regulations, etc.) and provide suggestions on the non-discrimination clauses that should be incorporated. According to the interviewee, there is less discrimination in companies with access to support from the Union and those that are covered by collective agreements with non-discrimination clauses, or companies with workplace regulations with such clauses. Employees and employers in these companies are more aware of their rights and responsibilities, and also know where to seek support.

In Spain, CCOO's Working Group on gender and sexual diversity has achieved the inclusion of clauses relating to sexual and gender diversity in seven collective agreements or agreements with effects on employment issues (primarily political agreements affecting public servants)¹³⁴.

¹³² <http://www.gazzettaufficiale.it/eli/id/2016/05/21/16G00082/sg>

¹³³ Ibid.

¹³⁴ FSC-CCOO promoted the inclusion of clauses relating to sexual and gender diversity in the 1st Collective Bargaining Agreement for the Action and Social Intervention Sector 2015-2017; 4th Agreement for the Regulation of Labour Relations in the Port Stowage Sector 2014-2017; National Collective Labour Agreement for the Travel Agency sector 2016-2018; 5th National General Collective Agreement for the Surface Regulated Parking and the Removal and Storage of Vehicles from Public Roads Sector 2013-2017; Collective Agreement

In the UK, the Equity union has implemented a range of activities promoting the non-discrimination agenda. The ultimate 'hard outcome' of the work was the inclusion of clauses on non-discrimination and harassment in collective agreements and in workplace guidelines. The principles in the 'Manifesto for Casting' provide common standards that have been embedded in industrial agreements in the sectors of life performance (e.g. theatre, clubs) and recorded media (e.g. broadcasting). In sectors not covered by collective agreements, workers who report cases to the unions are the only entry point to companies. In this instance, reported cases of discrimination and harassment are used by Equity to negotiate company guidelines and workplace good practices with the offending companies. Equity has ongoing cases where negotiations with employers not covered by collective agreements have led to changes in workplace casting practices. However, as the sector is very dispersed and many employers are not covered by collective agreements, this is an ongoing and long-term process.

Although not a formal part of collective agreements, several **unions have established or further developed a dialogue with employers on how to deal with equality issues**. This is aptly illustrated by two Belgium case studies.

In Belgium, the CSC confederation worked to promote social dialogue within companies on religious diversity and to establish a discussion with employers on accommodating workers wishing to practice their religion at the workplace. In both the education and public sectors, a central issue is how to reconcile the neutrality of public services with religious diversity.

Also in Belgium, CSC, CGSLB and FGTB in their practice 'Racism: Game Over', implemented campaigns directly in companies involving employee representatives, e.g. through the establishment of Work Councils '*Company Without Racism*' in STIB and the NH hotel group. These committees unite representatives from the CSC, FGTB and CGSLB and are meant to draw up an action plan to tackle racism in their respective companies. The creation of the Works Councils against racism in STIB and the NH hotel group could also have long-term impacts in these companies, as it has brought together activists to tackle racism at the workplace. This cannot be assessed yet, however, as it is uncertain if these Work Councils will continue their anti-racism activities after the end of the campaign. Interviewees were positive that the campaign would lead to future action, as delegates have been empowered and are committed to taking concrete action against racism. They became the main actors of the activities to tackle racism at work, supported by the Diversity Committees of their respective trade unions.

Less directly, several **trade unions adopted actions which have provided guidance, support and advice to their members and negotiators of collective agreements**. This has been reported in the case studies from Austria, the Netherlands and Sweden.

In Austria, the Forum set up by the trade union confederation ÖGB provides a platform to exchange views and ideas between migrants, allowing them to debate in their mother tongue and to be active in the socio-political context through their trade union and the Forum. This, in turn, ensures that the voices of migrants and their concerns are explicitly identified within the ÖGB structures, discussions and negotiations in the context of collective bargaining. Indeed, the Forum provides a good framework for amplifying the voices of migrant workers. It helps to mobilise people on specific topics and provides access to key political actors at regional level, as well as to additional resources, such as advisory services or training provision.

In the Netherlands, one of the tools created by *Netwerk Roze* FNV that helps them extend their influence is the 'Rainbow Checklist' for collective agreements (*collectieve*

of Metro de Madrid 2016-2019; Collective Plurality Agreement of Companies linked to Organisational Reasons: ADECCO Outsourcing S.A.U. and ATLAS Servicios Empresariales S.A.U.; and Legislature Agreement of the General Table for Negotiation of the Civil Servants, Statutory and Labour Staff of the Regional Government of Valencia of 9 June 2016.

arbeidsovereenkomts, CAOs)¹³⁵. The Rainbow Checklist provides guiding principles for works councils and CAO negotiators to support them in fostering LGBTI+ inclusivity in the workplace and CAOs. The Checklist sets out elements of the CAO that are important in combating discrimination and improving the integration and inclusion of LGTBI+ employees. The interviewee provided the example of transition leave for transgender people, a topic that is very specific to transgender employees and not currently included in CAOs. The TNN initially made the proposal for transition leave and the FNV was the first to endorse it, although it failed to gain government support. In the absence of a law ensuring transition leave, the FNV encourages sectors to include this in their CAO as part of the Rainbow Checklist to make the workplace more inclusive of (i.e. normalise) transgender employees. *Netwek Roze* has also gained support for the Checklist from the FNV's members' parliament, which is important in ensuring take-up by the individual members who sit on works councils and negotiate CAOs for their respective sectors.

In Sweden, the Vision union's work on diversity includes guidance for managers and elected representatives¹³⁶ on active measures introduced in the recent amendment of the Discrimination Act. This provides a great variety of guidance materials and support services for their members on active measures aimed at promoting equality, diversity and non-discrimination¹³⁷.

The guidance documents provided by Vision were developed by the Swedish Equality Ombudsman and include:

- Checklist for managers on active measures to promote equality, diversity and non-discrimination at the workplace;
- Digital guide to active measures;
- #metoo checklist for managers.

3.2.6 Reach and frequency of trade union actions

The groups targeted by trade union practices are crucial to understanding the objectives and potential impact of the non-discrimination actions. This is equally true for the frequency of activities (whether are one-off, ongoing or multiple actions implemented over time) and the geographical reach (whether initiatives target a national or more local audience).

The comparative analysis of case studies showed that to maximise impact, **trade unions apply a comprehensive and multi-dimensional strategy, by addressing the wider society** (e.g. by raising awareness of discrimination in workplaces through national campaigns or events). This is often accompanied by a cross-sectoral scope and an inclusive workplace approach that targets employers and trade union members alike.

Most of the practices (18 out of 21) are **ongoing rather than one-off, and are embedded in the trade unions' wider strategies and/or structural measures**. This ensures continuity of actions, which is likely to positively influence the effectiveness of the practices and their multiplier effect. It is often the case that trade unions combine permanent strategies or permanent internal structures with one-off activities. For example, dedicated contact persons provide an ongoing information service and undertake small-scale activities (e.g. awareness-raising actions at local level, training, monitoring or coordination of activities) combined with large-scale one-off activities (e.g. awareness-raising campaigns and events at national level).

¹³⁵ The Rainbow Checklist is available (in Dutch) at: <http://www.netwerkroze.fnv.nl/wp-content/uploads/2015/07/CAOregenboogchecklist.pdf>

¹³⁶ <https://vision.se/for-dig-som-ar/Fortroendevald/Arbetsmiljo1/diskriminering-och-aktiva-atgarder/>

¹³⁷ <https://vision.se/Yrken/Chef/Verktyg/diskriminering---guide-for-chefer/aktiva-atgarder/>

The structural approach and ongoing nature of practices is linked to the fact that **most practices analysed in the case studies are in place for more than 10 years, on average**. Only seven practices were implemented recently (in the last three years). One of the oldest measures is the Yellow Hand Association in Germany, an association closely connected to large cross-sectoral trade unions in the country and in existence for more than 30 years. The Yellow Hand Association is a successful actor in the trade union youth work sector, aiming to prevent racism and xenophobia in workplaces, in apprentice training and vocational training schools generally.

In 19 case studies, **the practices were implemented solely at nationwide level**, while nine featured a multiple strategy that targeted both regional and local levels.

Only two practices (Slovenia and Austria) focused on the regional level. In the Slovenia case, it should be noted that the trade union invited German teachers to share examples of good practices in integrating children of immigrants in education. Similarly, in the Austrian practice, the trade union cooperated with countries of origin of migrants, for example the Forum organised information sessions and debates with Croatian and Turkish trade unions.

Notably, in six cases, the EU/international level played an important role, for example through the implementation of campaigns or awareness-raising activities outside the national borders, or through the exchange of good practice. *Netwek Roze* FNV actively represents LGTB groups at international level by extending its main objectives (combating discrimination, improving integration and promoting inclusion of LGTBI+ people) globally. To this end, the network has bilateral relations with trade unions and NGOs from countries outside the EU to exchange information and experiences and to organise events. As part of this strategy to fight discrimination, the ETUCE organises regular conferences, including a biennial special conference on equality and equity issues. ETUCE also actively participates in the celebrations of the annual International Day Against Homophobia, Transphobia and Biphobia (IDAHOT).

Table 8. Reach and frequency of trade union practices and actions

Member State	Trade union	Name of practice	Ground of discrimination	Date of first implementation	Target groups				Frequency			Geographical area		
					Wider society/policy advocacy	Workers/employees/companies (all or cross-sector)	Sector-specific workers and companies	Trade union members/internal trade union	One-off initiative	Multiple one-off actions	Continuous outreach	Regional/local	National	EU/international
AT	ÖGB	Trade union forum 'By migrants, For migrants'	Racial/ethnic	2009		✓		✓		✓	✓	✓		✓
BE	CSC	Protecting diversity of beliefs	Religion	2010	✓	✓		✓		✓	✓	✓	✓	
BE	CSC/ACV, FGTB/ABVV, ACLVB/CGSLB	'Racism: Game Over' campaign	Racial/ethnic	2014 - 2018	✓	✓				✓			✓	
DE	Yellow Hand Association	National award to projects against xenophobia and racism	Racial/ethnic	1986	✓	✓				✓	✓		✓	
DK	FIU -Equality	Mentor Programme and Booklet on FIU-Equality training	Racial/ethnic	2016	✓	✓		✓			✓	✓	✓	

Member State	Trade union	Name of practice	Ground of discrimination	Date of first implementation	Target groups				Frequency			Geographical area		
					Wider society/policy advocacy	Workers/employees/companies (all or cross-sector)	Sector-specific workers and companies	Trade union members/internal trade union	One-off initiative	Multiple one-off actions	Continuous outreach	Regional/local	Nation wide	EU/international
ES	CCOO	Working group on gender and sexual diversity	Sexual orientation/LGBT	2017	✓	✓		✓			✓		✓	
EU	ETUCE/ETUC/ILGA	Statement against homophobic bullying	Sexual orientation/LGBT	2012	✓		Education		✓		✓	✓	✓	✓
FR	CGT	Fighting extreme right ideas and racism	Racial/ethnic	2014	✓	✓		✓		✓	✓	✓	✓	✓
FR	UNSA	Training sessions on LGBT discrimination	Sexual orientation/LGBT	2017		✓		✓		✓			✓	
HU	Liga Democratic League of Independent Trade Unions	Events on equality and non-discrimination	Multiple	2009	✓	✓		✓			✓		✓	✓
IT	CGIL	Office for New Rights	Sexual orientation/LGBT	1980	✓	✓		✓			✓	✓	✓	

Member State	Trade union	Name of practice	Ground of discrimination	Date of first implementation	Target groups				Frequency			Geographical area		
					Wider society/policy advocacy	Workers/employees/companies (all or cross-sector)	Sector-specific workers and companies	Trade union members/internal trade union	One-off initiative	Multiple one-off actions	Continuous outreach	Regional/local	Nation wide	EU/international
MT	GWU	Equality policy in collective bargaining	Multiple	N/A	✓	✓		✓			✓	✓	✓	
NL	FNV	Network Roze (Pink Network)	Sexual orientation/LGBT	2015	✓	✓		✓			✓		✓	✓
PL	NSZZ Solidarność	Legal counselling and support, awareness-raising training for trade union members	Multiple	2004		✓		✓			✓	✓	✓	
PL	OPZZ	Advocacy and legal advice for minority workers	Multiple	2009		✓		✓			✓		✓	
RO	FSLI	Department for equality	Multiple	2012			Education	✓			✓	✓	✓	✓
SE	Vision	'Workplace for all' campaign	Multiple	2016	✓	✓	Public sector				✓		✓	

Member State	Trade union	Name of practice	Ground of discrimination	Date of first implementation	Target groups			Frequency			Geographical area			
					Wider society/policy advocacy	Workers/employees/companies (all or cross-sector)	Sector-specific workers and companies	Trade union members/internal trade union	One-off initiative	Multiple one-off actions	Continuous outreach	Regional/local	Nation wide	EU/international
SI	SVIZ	Training on integration of immigrant children in education	Racial/ethnic	2016			Education	✓		✓		✓		✓
UK	Equity	'I can act but I won't pretend'	Sexual orientation/LGBT	2016	✓		Audio-visual				✓		✓	✓
UK	FBU	Diversity in fire brigades	Racial/ethnic	1990s	✓		Fire Brigade	✓			✓	✓	✓	
UK	NEU	PSHE education/RSE curriculum	Sexual orientation/LGBT	N/A	✓		Education			✓	✓		✓	

Source: ICF 2018 case studies.

3.3 The role of partnerships in trade union practices

Often, trade unions establish **strategic collaborations to design and carry out their practices to combat discrimination**. Indeed, this occurred in 17 of the case studies.

When analysing the types of partnerships in the trade union practices, three **strategic roles of the partnerships emerged**. More specifically, trade unions established partnerships to:

- Develop networks built on long-lasting relationships to increase their lobbying power and provide a forum for discussion and exchange of good practices.
- Maximise the reach of targeted groups and the impact of the action, as well as to recruit new members.
- Receive specific technical knowledge and reliable background information in the design phase of the practice or during its implementation (e.g. for print and online materials in campaigns or training material).

The typology of partnerships is closely connected to the types of actions and objectives of the practices implemented by the trade unions.

Practices focused on implementing **training modules or cascade training through 'train the trainer', typically by using external training providers or technical experts**. Here, specialists provided technical expertise and specific knowledge to design training materials, such as legal information, or to conduct research on causes and occurrence of various forms of discrimination, their detection and successful counteracting measures. This was the case for the initiatives from Romania, Belgium, the UK, Hungary and Austria.

The Romanian trade union FSLI, in partnership with the Romanian National Agency for Quality Assurance in Education, created the National Training Centre, which today manages a network of eight regional centres and 16 county centres, with 49 certified trainers. Within this context, the Equality Department staff delivers training on equality issues through the union's own National Training Centre (a total of 2,436 teachers have been trained with the Union's own funds). In the Belgian practice 'Racism: Game Over', the three trade unions organised separate training activities for their delegates, allowing the trainers to tailor the modules and the content to the specific trade union. The FSLI also partnered with trade unions of other countries (the French SNES-FSU, the Norwegian LO and SL trade unions, and other trade union partnerships from Italy, Spain and Portugal, to make use of best practices from other countries).

In the case of training at workplace level, where the target is the wider workforce - thus going beyond trade union members - **collaboration with employers is key to gaining support for training modules and to reach out to the wider workforce**. For example, this was done by the Swedish trade union Vision, for its e-education training platform 'Workplace for All'.

In practices aiming to raise workplace awareness or focusing on national campaigns to raise awareness among the wider public (and/or attract attention from policy makers), trade unions partner with employers' associations, other trade unions (national or from other Member States) and NGOs. These **strategic partnerships guarantee access to target groups and a wider audience, thereby maximising the impact of the action**. This is the case in measures from Italy, the UK, Spain, Romania, Malta, Germany and France.

For example, Italy's CGIL Office for New Rights, in cooperation with NGOs, works with companies and employers' organisations to raise awareness among employers of LGBT families in the workplace and to recommend that company agreements include rights relevant to LGBT parents.

In the Equity UK strategy on non-discrimination, the objective of the 'Agenda for Change' is to induce a cultural shift in the sector and to encourage employers to introduce guidelines to combat sexual harassment. In addition to strategic cooperation with employers' organisations, Equity uses reported cases of discrimination and harassment in companies not covered by collective agreements to negotiate the implementation of company guidelines and workplace good practices with the offending companies.

The Maltese trade union GWU cooperates with a range of partners, including the Malta Employers' Association and GRTU. The GRTU is actively involved in promoting equality and often cooperates with the trade union. For example, it was present at a seminar organised by the UNHCR on integration of migrants at the workplace. As part of this seminar, focus groups were held with employers, facilitated by the GRTU.

The Spanish confederation CCOO produced awareness-raising material, including a guide to trans people in the workplace, in collaboration with the FELGTB. The CCOO signed a collaboration agreement with FELGTB as far back as 2007 and works with other LGBT NGOs at national, regional and local level to maximise the impact on awareness-raising.

The Romanian trade union FSLI, which represents the majority of workers in the education sector, partnered with parents' associations and university departments to support the development of research and studies that were used to produce relevant and evidence-based awareness raising material.

In practices aiming to recruit new members or target a very specific group (among other objectives), **external partnerships enable the establishment of long-lasting networks that can act as gatekeepers for wider audiences and groups**. This was the case in the practices from Germany, Austria, Spain and Italy. These partnerships appear to have a mutually reinforcing role. Trade unions can access hard-to-reach groups (e.g. LGBT groups, migrants), while NGOs have access to a wider network than the trade unions and their communication channels. As a result, partner NGOs can reach out to employers and raise awareness of different aspects of complex phenomena, such as discrimination, which may not be perceived by employers as a pertinent workplace issue.

Several aspects impact on the successful implementation of a partnership. As the analysis of the case studies highlighted, enabling factors for successful partnerships relate to organisational dynamics, structural factors and interpersonal relationships.

Organisational and structural factors, such as the capacity of trade unions to regularly contribute to planned activities with both human and financial resources, was identified as a critical element for long-standing partnerships. In cases where lack of staff or no clear contact point could be provided, partnerships were limited to one-off instances of the parties coming together on an ad hoc basis, or the provision of short-term support by the trade union.

The quality of cooperation intended, i.e. providing a clear delineation of roles, responsibilities and agreed objectives from the start, was identified as an essential element to ensure the continuation of the partnership. This included the appointment of a person in charge of coordination of the practice, with clear responsibilities and clarity of the role and contribution of each partner. The alignment of aims and objectives between partners was also reported as essential to maximise the impact of the activity. This was particularly the case for awareness-raising campaigns and training where tools and content needed to be tailored to the needs of the audience. For example, in the case of the French UNSA trade union's training sessions on LGBT discrimination, the effectiveness of the training was enhanced where the training material was tailored to the specific needs of trade union members and the workplace environment.

The mutual recognition of partners' diverse objectives that may go beyond the objectives of the specific practice but are strictly linked to the mission of the partners,

and the willingness to provide mutual support, emerged as an important element to strengthen partnerships and guarantee continuity. This was particularly true of awareness-raising campaigns, or the establishment of networks, where it was reported as critical to consider the wider strategic objectives of all partners.

For example, in the CGIL Office for New Rights practice, NGOs from the LGBT community aimed to inform the workers and wider audiences on the wider range of issues faced by the LGBT community and promote the rights of the LGBT community at the political level (e.g. in seeking recognition of same sex marriage). This was a broader political objective, going beyond the objectives of workplace discrimination practices. Nevertheless, this overarching aim was strongly supported by the trade union. Similarly, in the ÖGB's forum 'By migrants, For migrants', the trade union, in addition to improving the workplace visibility of migrant workers and increasing their participation in workplace bargaining as elected workplace representatives, contributed to other activities with local associations. These activities included supporting the social integration of migrants through football competitions, cultural events, support in setting up local associations, and dissemination events.

Finally, although some practices mentioned no specific partnerships, **ad hoc collaborations were often implemented with other trade unions, employers, associations, public bodies or NGOs.** Such collaborations were reported as vital to effectively tackle the issue of discrimination at the workplace, given that it intersects with wider sociocultural factors and the social perception of specific groups (e.g. migrants, religious groups, LGBT people). How and where discrimination occurs is multi-faceted and the workplace is just one dimension. In order to identify and address discrimination, therefore, it is necessary to understand the everyday challenges faced by groups that experience discrimination and the impact of those challenges on workplace discrimination.

Table 9. Trade union practices and the role of partnerships

MS	Trade union	Name of practice	Ground of discrimination	Union sector	Partners	Aim and role of partnership
AT	ÖGB	Trade union forum 'By migrants, For migrants'	Racial/ ethnic	Cross-sector	Local associations working with migrant communities, external experts	No continuous partnerships but ad hoc collaboration on specific topics and for recruitment of migrant workers for trade union membership
BE	CSC	Protecting diversity of beliefs	Religion	Cross-sector	No partners	N/A
BE	CSC/ACV, FGTB/ABVV, ACLVB/CGS LB	'Racism: Game Over' campaign	Racial/ ethnic	Cross-sector	All cross-sector unions, external experts	The practice was initiated as an action where all cross-sector unions collaborate to maximise participation in events and improve impact of awareness-raising efforts. External experts provided technical knowledge for publications and booklets and carried out a study
DE	Yellow Hand Association	National award to projects against xenophobia and racism	Racial/ ethnic	Cross-sector	Political parties, training schools, main trade union federations, companies	To maximise visibility of the award ceremony, a political host is selected each year, usually the prime minister of a federal entity (Land), collaboration with apprentice training schools, companies and all trade union federations to reach and recruit young workers to engage in preventive actions
DK	FIU-Equality	Mentor Programme and Booklet on FIU-Equality training	Racial/ ethnic	Cross-sector	Language schools, NGOs working with migrants, researchers and experts on equal treatment and equality policies	To implement the Mentor Programme, NGOs and language schools helped to recruit migrants and spread information about the programme, provide specific assistance to individuals. External experts and researchers contributed to specific training material that assisted mentors and mentees

MS	Trade union	Name of practice	Ground of discrimination	Union sector	Partners	Aim and role of partnership
ES	CCOO	Working Group on gender and sexual diversity	Sexual orientation/ LGBT	Cross-sector	Member trade unions, national NGOs and associations of the LGBT movement, local public administrations	Improve streamlining of policy and actions among various member trade unions and territorial active unions, LGBT associations and local authorities to create a large cooperation network able to coordinate and improve its strategic reach
EU	ETUCE/ETUC /ILGA	Statement against homophobic bullying	Sexual orientation/ LGBT	Education	International association of LGBT community - ILGA	Present initiatives at events in both organisations to improve awareness-raising and information on activities implemented
FR	CGT	Fighting extreme right ideas and racism	Racial/ ethnic	Cross-sector	Trade unions in other EU Member States	Cooperation to exchange good practices, campaign cross-border on common issues and provide mutual support, in particular for border regions
FR	UNSA	Training sessions on LGBT discrimination	Sexual orientation/ LGBT	Cross-sector	External experts, national equality body, NGO active for inclusion in companies, with focus on LGBT people	The partnerships maximised the technical knowledge to develop and provide training and prepare print material to raise awareness
HU	Liga Democratic League of Independent Trade Unions	Events on equality and non-discrimination	Multiple	Cross-sector	External experts	Partnerships to provide technical knowledge to deliver training, provide training locations and sponsor activities
IT	CGIL	Office for New Rights	Sexual orientation/ LGBT	Cross-sector	NGOs and associations of LGBT movement, national equality body, trade unions	Improve streamlining of campaigns, provide NGOs and associations an entry point for workplace issues, and collaborate and exchange knowledge to insert rights/benefits in company-level agreements

MS	Trade union	Name of practice	Ground of discrimination	Union sector	Partners	Aim and role of partnership
MT	GWU	Equality policy in collective bargaining	Multiple	Cross-sector	National equality body, employers' association, national ministry, chambers of commerce, other trade unions, NGOs working with refugees and active in the LGBT community	Strategic collaboration with all partners to streamline policy framework, improve impact of awareness-raising efforts and implement specific actions
NL	FNV	<i>Network Roze</i> (Pink Network)	Sexual orientation/ LGBT	Cross-sector	No partners	N/A
PL	NSZZ Solidarność	Legal counselling and support, awareness raising training for trade union members	Multiple	Cross-sector	No partners	N/A
PL	OPZZ	Advocacy and legal advice for minority workers	Multiple	Cross-sector	Civil society organisations, public entities and other trade unions	Cooperation with European trade unions to organise conferences at EU level. Communication with public organisations in advocacy work and consultancy, cooperation with NGO promoting LGBT rights to organise various actions
RO	FSLI	Department for Equality	Multiple	Education	Public administration, trade unions based in other EU Member States, research institutes	Coordination and implementation of actions, e.g. Code of Ethics with public authorities responsible for education sector, collaboration with research institutes to develop projects and carry out studies, develop training material for teachers, international collaboration to learn about measures and initiate potential transfer of practices

MS	Trade union	Name of practice	Ground of discrimination	Union sector	Partners	Aim and role of partnership
SE	Vision	'Workplace for all' campaign	Multiple	Cross-sector	Employers' associations	Cooperation to establish common ground on the training content and thus improve the streamlining of a training tool in companies, organise feedback sessions to improve training material
SI	SVIZ	Training on integration of immigrant children in education	Racial/ ethnic	Education	Research institutes, trade unions from other EU Member States	Collaboration with research institutes and researchers to provide technical information for training sessions. Collaboration with unions of other Member States to share practices and knowledge
UK	Equity	'I can act but I won't pretend'	Sexual orientation/ LGBT	Audio-visual	Trade unions in the same or similar sectors	Coordination on key messages for campaigns, cooperation for organisation of events and training, assistance to gather improved understanding of issues at the workplace
UK	FBU	Diversity in fire brigades	Racial/ ethnic	Firefighters	No partners	N/A
UK	NEU	PSHE education/ RSE curriculum	Sexual orientation/ LGBT	Education	External expert training partners	Create high quality training material and reliable information on the subject, support in training delivery

Source: ICF 2018 case studies.

4 The achievement and impact of trade unions' non-discrimination practices

Summary of key results

- Trade union practices had several short and long-term impacts. To a large extent, the impact of trade union practices is also affected by several enabling and hindering contextual factors.
- **Actions had a significant impact on trade unions internally, notably in relation to awareness-raising, upskilling of trade union representatives and knowledge-sharing of good practices.** To achieve long-term impact of their practices, some trade unions have established specific equality structures within their organisations. These, in turn, have enabled the trade unions to take more structured and longer-term equality-oriented actions which are also embedded in their wider strategies and policy agendas.
- **Trade unions reported increased visibility and greater awareness of the equality agenda and discrimination issues among the workforce.** Trade unions supported workers at risk of discrimination or already experiencing discrimination. Some trade unions also worked directly with employers to reduce discrimination at the workplace, with a direct (positive) impact on workplace regulations on non-discrimination.
- **Actions at the core of the trade union mandate, such as inclusion of non-discrimination clauses in collective agreements and lobbying for legislative action, allowed equality issues to be embedded into company policies and practices.**
- Trade unions **influenced the political decision-making process, while non-discrimination initiatives increased the visibility of discrimination issues among the general public** and helped to build a broader consensus in society at large about the need to tackle all forms of discrimination.
- **Support from senior managers in trade unions is a key success factor, together with the versatility/diversity of actions** implemented. Important external factors influencing the successful implementation of trade union actions include the supportive political, economic and legislative context providing a positive environment for trade union action.
- The **deteriorating political climate in some Member States** is the main factor hindering trade union actions on non-discrimination. An **unfavourable legislative context also hampers such action.** Budgetary constraints are the main hindering factor within trade unions themselves, which, in turn, translate into **limited human and financial resources available** for non-discrimination actions. Other significant factors are the lack of internal support and sensitivity to the issues of non-discrimination and equality.

4.1 Multiple achievements and impacts

Multiple and varied achievements and impacts have been identified in the case study research. These have been classified (see Table 4.1) by (i) the level of impact (internal to the trade union/ workplace level/ wider societal impact), and (ii) the timeline of implementation and impact, distinguishing between the more immediate impacts from relatively newly implemented practices and more structural impacts from practices that have been ongoing for some time.

Table 10. Overview of the key types of impacts

Level of impact	Initial impact	Long-term/ structural impact
Internal to the trade union	<p>Raising awareness, upskilling union members, sharing good practices:</p> <p>France CGT anti-racism campaign (ethnicity);</p> <p>France UNSA LGBT training (sexual orientation);</p> <p>Slovenia SVIZ teaching immigrant children (migration);</p> <p>Spain CCOO Working Group (gender, sexual identity);</p> <p>Sweden 'Workplace for All' (multiple)</p>	<p>Providing focus by establishing equality specific structures within the trade unions:</p> <ul style="list-style-type: none"> - Italy CGIL Office for New Rights (multiple) - Romania FSLI Equality Department (multiple) - UK FBU ethnic minority sections (ethnicity) <p>Raising awareness through training: Denmark Equality training (multiple); Poland NSZZ Solidarność training (multiple)</p> <p>Supporting union members experiencing discrimination:</p> <p>Poland NSZZ Solidarność legal counselling (multiple)</p> <p>Drawing political attention: ETUCE/ETUC/ILGA declaration on anti-homophobia at schools (LGBTI)</p>
Impact at workplace level	<p>Raising awareness, increasing visibility:</p> <p>Belgium 'Racism: Game Over' (ethnicity);</p> <p>Sweden 'Workplace for All' (multiple)</p> <p>UK Equity (sexual orientation)</p>	<p>Providing visibility for discrimination issues: Belgium CSC (religion); Netherlands <i>Netwerk Roze</i> (LGBTI); UK Equity (sexual orientation)</p> <p>Providing support to workers at risk of discrimination:</p> <p>Denmark Mentoring Programme (migration)</p> <p>Improving working conditions through collective agreements:</p> <p>Malta (multiple); UK Equity (sexual orientation)</p> <p>Supporting employers to reduce discrimination:</p> <p>Poland NSZZ Solidarność legal advice for collective agreements (multiple)</p>
Impact at wider societal level	<p>Raising awareness of political duty bearers:</p> <p>Austria ÖGB forum 'By migrants, For migrants';</p> <p>Italy Office for New Rights</p> <p>Increasing visibility among the general public:</p> <p>Germany Yellow Hand Association award (racism);</p> <p>Spain CCOO Working Group on gender and diversity (gender and sexual orientation);</p> <p>Sweden 'Workplace for All' (multiple)</p>	

Source: ICF 2018 case studies.

4.1.1 Internal impacts on trade unions

The case studies demonstrate several internal impacts of the practices, in particular:

- Raising awareness, upskilling of union members and sharing good practices;
- Establishing specific equality structures within the trade unions, enabling the trade unions to take more structured, longer term equality-oriented actions that are more embedded in their broader strategies;
- Raising awareness among union members and providing them with support through training, legal support and education activities;
- Drawing political attention to equality and non-discrimination issues.

The first group of impacts relates to trade union actions that have led to awareness-raising, upskilling of union members and sharing good practices and that have occurred relatively recently.

In France, the national anti-racism campaign of the CGT union successfully reached a majority of its trade union constituents. The chief successful impact is that the campaign managed to establish a debate on racism and the extreme right electorate in companies and gave CGT delegates the tools and arguments to counter hate speech. Communication of the CGT's activities through the trade union newspaper directly informed members of the most recent actions taking place. Following this communication, the national secretariat received more than 100 positive comments and/or questions on the campaigns.

The campaign impacted certain regions more than others, as the objective was to tackle those areas where extreme right voters were most numerous. Specific examples of impacts were mentioned by interviewees: in the Northern France city of Calais, the campaign and local actions of the CGT eased relationships between migrant workers and their fellow employees, in a particularly tense context; in the Alpes-Maritime region, the CGT conducted a specific campaign on the recognition of undocumented workers, arguing that the non-recognition of these workers harmed the work and salaries of employees. This was particularly difficult, considering the popularity of the extreme right party in this region.

Impact can also be assessed by evaluating the number of participants in events. For instance, the French trade union CGT, in its campaign 'Fighting extreme right ideas and racism', participated in an international trade union meeting in Strasbourg on 5 June 2018, attracting 100 trade union representatives. The 'Festival against Racism' organised by the CGT gathered nearly 300 participants throughout the day.

In France, the UNSA confederation offers its delegates training and tools to tackle LGBT discrimination in the workplace. This initiative helps the delegates to deal with situations of alleged discrimination at the workplace and to be aware of the legal protection available in such cases. In the short-term, the training has been a success and delegates are satisfied with the knowledge acquired. They spread the word within their companies and the trade union itself. A direct impact can also be identified: the regional representative of the Occitanie region, who participated in the first training session at the national level, requested a session for the trade union delegates working in companies based in their region. Following this request, the national secretariat organised a training session in Montpellier in February 2019. Representatives are encouraged to promote the training in their regional delegations and to instigate debates on LGBT discrimination.

Following the first training, an 'LGBT workgroup' was to be officially created in the union, with the aim of developing various tools to put at the disposal of UNSA delegates and activists, to upskill them to deal with employees' issues in relation to LGBT rights. The mandate and resources of this workgroup will be officially determined during the UNSA Congress in April 2019.

In Slovenia, in 2016-2017, the SVIZ trade union in the education sector organised a series of events to support its members in providing good quality education and educational support to the children of migrants. The activities focused on providing support and sharing good practices between teachers on how best to address the needs and teach immigrant children. The key results were increased awareness and visibility of how best to teach immigrant children, sharing of best practices between the participating teachers and schools, and providing structured support to educators.

In Spain, the CCOO's Working Group on gender and sexual diversity has increased awareness and knowledge among trade unionists on diversity issues relating to sexual and gender. It has increased the level of knowledge among union workers in respect of employment discrimination on these grounds. To date, more than 200 trade unionists have received training in the issues of gender diversity and sexual orientation, provided by the Secretariat for Women of CCOO. This number also includes actual gender equality specialists that will expand their role in the future to address gender diversity and sexual orientation. This number will soon increase, as a new basic training module is being designed, which will be included in all of the courses offered from the other Secretariats of the union. The work of the trade union has also been recognised internationally as good practice¹³⁸.

In Sweden, since 2016, the Vision union has implemented a series of equality-oriented activities. The 'Workplace for All' practice is embedded in the broader agenda of Vision, supporting equality, diversity and non-discrimination. The practice includes the following activities:

- Short informative educational video about equality and diversity;
- E-education/training platform 'Workplace for All';
- Detailed guidance for managers and elected representatives on active measures to promote diversity and non-discrimination at the workplace.

No formal evaluation of the tools (e.g. the e-education/training platform) has been carried out since they were introduced to the public. However, the interview conducted with the manager of the practice suggests that, overall, 'Workplace for All' and the other activities supporting diversity and equality at the workplace were well received by employers and the general public.

Vision continuously receives positive feedback from employers, who often feature the e-platform on their internal learning pages (workplace intranet). The social media campaign and the widespread use of the platform also increases the visibility of equality issues both within the trade union and among the general public. A key direct impact among new trade union members is that the training is now a major component of their induction process.

The second more-long term impact came from establishing specific equality structures within the trade unions. These, in turn, have enabled trade unions to take more structured, longer term and more embedded equality-oriented actions that have spilled over into the workplace and wider society.

For example, in Austria, the ÖGB (OEGB) union has, since 2009, established the trade union forum 'By migrants, For migrants', which provides a networking platform for migrant workers in the region. Through representation in the executive management of the regional ÖGB structures and the Upper Austria Chamber of Labour, the forum can channel the voice of migrant workers at all political levels, as well as at the workplace,

¹³⁸ The protocol and guidance drawn up by CCOO (Protocol against sexual and gender-based harassment and against harassment based on sexual orientation, gender identity and/or gender expression (*Protocolo contra el acoso sexual y por razón de sexo y contra el acoso por razón de orientación sexual, identidad de género y/o expresión de género*) (2016) is referred to as a good practice example in the ILO/UN Women Handbook addressing violence and harassment against women and men in the world of work.

through networking with works councils and their members. The initiative is 'peer-to-peer' support in that migrant workers help other migrant workers to become politically involved and more closely engaged with their local community.

In Italy, the CGIL (the confederation of trade unions at national level) founded the Office for New Rights (*Ufficio Nuovi Diritti*) to address issues of discrimination against LGBT groups and to provide support on issues they may encounter in the labour market and beyond. However, over the years, the purpose of its work has expanded to encompass the development of a more secular culture in the country. The office is established by the Italian trade union CGIL, whose own charter and principles reflect those of non-discrimination and equality. This facilitates the implementation of activities by the Office of New Rights. Activities include conferences, training, support to specific cases of discrimination in the workplace, and awareness-raising campaigns. The activities are carried out in cooperation with associations and organisations that focus on similar topics and share similar principles at national or local level. Over the years, the non-discrimination activities of the CGIL have contributed to the development of political debate around the rights of minority groups, negotiations of relevant policies and legislation, inclusion of relevant issues in collective bargaining, and may have contributed to some relevant cultural developments in the country. Some examples of areas of the policy-making process recently impacted by the actions of the trade union include the law for the recognition of same-sex unions in Italy (*Legge Cirinna*), and the law on self-determination in the context of the new law on end-of-life medical care (*Legge sul biotestamento*).

In Romania, the trade union in the education sector (FSLI) went through the process of establishing a specific committee focused on equality issues within its own structure. The activities undertaken involved developing the initial concept, establishing and supporting a specific equality committee and delivering a number of activities focused on bringing the equality agenda forward in the trade union. The key result related to the establishment of the equality committee, which led to a number of equality-focused activities within the organisation, raising awareness of equality issues among the members.

In the UK, the FBU case study shows the adoption and implementation of a range of union policies, procedures and activities to reflect the ethnic diversity in the union and to ensure better recruitment, retention and promotion of black and ethnic minority members (B&EMM). The key results related to the establishment of specific union structures, regular activities and noticeable impact on the inclusion of B&EMM in the fire service.

The third aspect of the internal impact relates to raising awareness among union members and supporting them through training, legal support and education activities.

In Denmark, FIU-Equality (*FIU-ligestilling*) started its education programmes in 2005. The Booklet on FIU-Equality training of elected union representatives provides an overview of the FIU-Equality activities. The union provides various education programmes and training on equality, primarily targeting elected union representatives (shop stewards). The training enabled shop stewards to acquire greater knowledge of non-discrimination issues, which can be applied in cases of discrimination at the workplace and promote its prevention.

Impacts achieved through legal representation and support for union members experiencing discrimination have also been identified. In Poland, NSZZ Solidarność provides legal counselling and support for unionised employees and non-unionised young people on all types of discrimination, including on the basis of racial or ethnic origin, religion or belief, sexual orientation and gender identity. The trade union also provides advice on how non-discrimination provisions should be included in company-level documents (e.g. collective agreements, work regulations, etc.). Each region of NSZZ Solidarność has a unit that provides legal advice and support to employees. The

regions have also training units that offer training to union members on non-discrimination issues (among other things).

The number of counselling sessions and training provided on annual basis varies, and depends on the region. On an annual basis, three to four training sessions take place in each of the regions, covering the issue of discrimination in the workplace. There are no studies demonstrating the impact of the practice in terms of raising awareness or the number of reported cases of discrimination. However, based on the personal experience of the trade union representatives, the inclusion of non-discrimination clauses in collective agreements and work regulations increases awareness of non-discrimination issues among employees and employers alike.

Finally, impacts were identified from the European-level case study in drawing political attention to the equality issue. The ETUCE /ETUC/ILGA declaration against homophobia in schools, adopted in 2012, provides concrete proof of high-level strategic commitment to fighting homophobia in the education sector. The activities included developing the initial policy statement and delivering a number of activities focused on fighting homophobia in the education sector at European and national level. The key result related to the adoption of a high-level strategic policy commitment, which helped to focus the ETUCE's European and national level activities and gave them more prominence and political attention in the work of the trade unions.

4.1.2 Impact at the workplace level

Several types of impact at workplace level were identified from the case studies. In particular, trade union action in addressing discrimination has often resulted in:

- Increased awareness and visibility of the equality agenda and non-discrimination issues among the workforce (and, in many cases, employers);
- Support for workers at risk of discrimination or those already experiencing discrimination;
- Support for employers to reduce and/or prevent discrimination at the workplace;
- Improved working conditions of workers at risk of discrimination or those already experiencing discrimination through, for example, collective agreements.

The first type of impact relates to **increased awareness and visibility of the equality agenda and non-discrimination issues among the workforce.**

Three Belgian trade unions (CSC, FGTB-ABVV, ACLVB CGSLB) joined forces in 2014 to tackle racism in society and within the companies of the Brussels-Capital Region. The three-year campaign 'Racism: Game Over' involved trade union delegates and employee representatives in the regional companies in the development of practices relating to non-discrimination directly in workplaces. Several tools were used to raise awareness, including:

- Seminars, conferences and training sessions on best practices to tackle racism;
- A survey to analyse the presence of racism in Brussels-based companies;
- An inter-trade-union Declaration against racism at work, signed by delegates of companies participating in the campaign (STIB and the NH hotel group);
- Creation of Works Councils in 'Companies against Racism'.

The campaign was reported as a success, gaining substantial positive media coverage. The survey conducted as part of this campaign provided the first scientific basis to statistically assess the presence of racism in companies, which, in turn, helped to foster greater commitment to tackling racism at the workplace. It also informed the wider public of the frequency of racism issues and created awareness in society generally.

In Belgium, since 2010, the CSC's committee on diversity has implemented a series of initiatives aimed at tackling religious discrimination. The committee considers religion one of the primary grounds for discrimination in Belgium, thus one of its priorities is to encourage a debate around religion in the workplace and to raise awareness of religion as an important dimension of diversity. The CSC developed different tools, such as campaigns to raise awareness of religious diversity, training sessions on religious symbols and leaflets to support delegates confronted with a case of religious discrimination in a company. Activities also included the organisation of conferences and 'study days' (*journées d'études*) on religious discrimination, as well as negotiations with employers to find a compromise between religious practices and working environment norms.

Key results of the practice are increased discussion of religious discrimination among delegates of the CSC and within companies. Workers, trade union delegates and employers have gained knowledge and understanding of different religions and their practices. The number of participants in the training sessions, conferences and study days demonstrates that employee representatives are faced with these issues in companies and seek to understand the place of religion in employment. The CSC was also able to negotiate directly with some employers, allowing employees more flexibility to practice their religion during working hours.

In Spain, the work of CCOO's Working Group on gender equality and sexual diversity contributed to increased awareness among employers with regard to the labour rights of their LGBT employees.

In the UK, one of the main long-term benefits identified by the Equity union of its work on equality issues is greater awareness of these issues in the sector, specifically the high levels of harassment and the negative impact on all aspects of work in the entertainment sector. For example, it was reported that people are more aware of the vulnerability of workers and the impact of discrimination on other employment practices (i.e. workers in vulnerable positions are more likely not to report harassment and to accept less favourable working conditions).

The second type of impact relates to trade unions **supporting workers at risk of discrimination or those already experiencing discrimination and assisting them through the process.**

In Denmark, FIU-Equality (*FIU-ligestilling*) implemented its Mentor Programme in 2016. It was set up for refugees coming to Denmark, who are interested in working in sectors covered by the union. It contributes to their integration in the labour market and ensures similar wages and working conditions for refugees. In the course of the Mentor Programme, FIU-Equality offers various activities for both mentors and mentees, such as training sessions/courses and conferences. The Mentor Programme resulted in a greater connection of migrant workers to the labour market, enhanced conditions for these workers, and increased knowledge of their rights.

In the Netherlands, *Netwerk Roze* FNV collects and disseminates good practices and supports LGTBI+ members directly through a centre where LGTBI+ people experiencing difficulties at the workplace because of their gender identity can receive expert advice and support.

The OPZZ has helped to set up a trade union to represent Ukrainian workers in Poland and to defend their rights. In addition, the OPZZ Confederation funds legal advice and counselling for unionised and non-unionised migrant workers. The activities of the OPZZ Confederation include advocacy, awareness-raising of problems faced by migrant workers in the Polish labour market and legal support from labour lawyers.

A clear impact can be seen from supporting employers to reduce discrimination. In Poland, NSZZ Solidarność provides advice on how non-discrimination provisions should be included in company-level documents (collective agreements, work regulations, etc.).

In Sweden, since 2016, the Vision union has implemented a series of activities supporting equality, diversity and non-discrimination. The interview conducted with the owner of the practice suggests that, overall, 'Workplace for All' and the other activities supporting diversity and equality at the workplace were well-received by employers. Indeed, Vision continuously receives positive feedback from employers, who often feature its e-education/training platform on their internal learning pages.

In the UK, the Equity union has worked with those employers' organisations not covered by collective agreements to raise awareness of the need to tackle all forms of discrimination and harassment in the entertainment sector and to embed good practices and guidelines in their internal policies. An important entry point is workers who report cases to the unions, through which the union tries to collaborate with the employer to raise awareness and introduce guidelines on workplace practices.

Finally, the actions of trade unions have **improved the working conditions of workers at risk of discrimination or those already experiencing discrimination through the core action of the trade union movements, namely collective agreements**. This has, in turn, allowed for equality issues to be embedded into company policies and practices, and improved the legal situation in relation to non-discrimination. Trade union action in this field has also contributed to improved working conditions for workers experiencing discrimination or those at risk of discrimination.

In Belgium, the CSC has, since 2010, implemented a series of initiatives aimed at addressing religious discrimination at work. It has been able to negotiate directly with some employers, allowing employees more flexibility to practice their religion during working hours.

In Italy, the CGIL's Office for New Rights has been quite active in promoting equality and non-discrimination at the workplace (and beyond). In addition, over the years, the non-discrimination activities of the CGIL have contributed to the negotiations of relevant policies and legislation, and inclusion of relevant issues in the collective bargaining process.

In Malta, the efforts of the GWU were translated into the implementation of law and good practices at the workplace. Significant legislative changes have been adopted in the area of equal treatment since 2013. For instance, all workplaces where the union is recognised have reportedly implemented the legislation on equal pay for work of equal value. Everybody receives the same remuneration based on their work, regardless of their sexual orientation, gender identity, ethnicity, etc. As the GWU representative highlighted, legislation has changed in relation to other topics, e.g. the recognition of transgender people and the right to same-sex marriage. Malta was among the first countries to implement such measures. The ultimate goal of the trade union is to ensure equal treatment for everybody, based solely on the value of their role. In that sense, collective agreements have helped to realise this ambition.

In the Netherlands, *Netwerk Roze* is making a difference nationally and internationally. Nationally, its 'Rainbow Checklist' of guiding principles is helping workplaces to become more LGBT-friendly by ensuring that collective agreements take into account factors pertinent to the workplace and/or labour market integration and inclusion of LGBT people. *Netwerk Roze* tries to change attitudes, perceptions and views of LGBT workers by influencing influencers, e.g. the FNV members' parliament, which is involved in collective labour agreement negotiations, as well as international organisations.

In Spain, the CCOO's Working Group on gender and sexual diversity has promoted the inclusion of clauses relating to sexual and gender identity diversity in various collective and labour agreements, with seven successful such negotiations.

4.1.3 Impact at the wider societal level

At the wider societal level, trade union non-discrimination and diversity practices had a clear impact on:

- Influencing the policy makers, duty bearers (i.e. people, groups, organisations who have an obligation or responsibility to respect, promote and realise human rights) and multipliers to take action on discrimination issues.
- Raising awareness of discrimination issues among the wider public.

The first group of impacts relates to trade **unions influencing political decision-makers, duty bearers and multipliers** so that they **become aware of discrimination issues** and, as a result, are motivated to take action. This, in turn, leads to shifts in the political debate and policy agenda and adoption of new laws or changes to the existing legislation, thus furthering the equality agenda for all.

In Austria, the work of ÖGB through the forum 'By migrants, For migrants' has provided visibility to migrant workers in Upper Austria (*Land* level) in both the ÖGB executive committee and the *Land's* Chamber of Labour, helping them to contribute to the integration debate by emphasising the priorities of migrant workers. As well as being a good framework for amplifying the voices of migrant workers, it helps to mobilise people on specific topics and provides access to key political actors at regional level, as well as to additional resources (advisory services or training provision, etc). Having migrant workers participate in the elections of the Chamber of Labour was important in terms of setting political priorities most relevant to their integration.

In late 2018 and early 2019, the forum prepared the campaign for the March 2019 elections of the Chamber of Labour, where forum members hope to win at least five to six seats again. This helps to create better links between issues relating to migrant integration on the shop floor (through the works councils in companies), relevant issues addressed by the advisory services, and topics discussed in the forum, and to highlight those links at the highest political level in the *Land* (region), including the Chamber of Labour. Being a member of the Chamber of Labour opens access to additional resources (e.g. legal advice) which is useful in advising migrant workers on a more informal basis through forum members' workplaces.

In Italy, the non-discrimination activities of the CGIL's Office for New Rights have contributed to the development of political debate about the rights of minority groups and negotiation of policies and legislation. They may also have contributed to some relevant cultural developments in the country. Some example of recent policy areas affected by the actions of the trade union include the law for the recognition of same-sex unions in Italy (*Legge Cirinna*), and the law on self-determination in the context of the new law on end-of-life medical care (*Legge sul biotestamento*).

The second area of impacts relates to **raising public awareness of discrimination. This helps to increase the visibility of particular issues across the general population and build a broader societal consensus on the need to tackle all forms of discrimination.**

In Germany, the Yellow Hand Association hosts an annual awards ceremony to recognise a project initiated by young workers and apprentices to tackle discrimination at the workplace and promote diversity and equal opportunity. Over the past 10 years, the competition has garnered a significant number of entries. Politicians are asked to present the prize to successful project participants, heightening political visibility and public recognition of the voluntary engagement of young people in the fight against racism and discrimination. It also serves to attract more media attention and publicity, giving the competition greater visibility nationwide.

In Spain, the work of the CCOO's Working Group on gender and sexual diversity has led to an increase in general social awareness of diversity and furthered the possibility for

people with diverse sexual orientations and gender identities to work in all employment fields without facing discrimination.

In Sweden, since 2016, the Vision union has implemented a series of equality activities. Overall, its 'Workplace for All' (and the other activities supporting diversity and equality at the workplace) have been well-received by the public. Its social media campaign and the widespread use of its e-education/training platform also increases the visibility of equality issues, both within trade unions and among the general public.

4.2 Success factors for achievement

Similarities and patterns can be identified among the success factors presented by the interviewed trade unions. These factors can be clustered according to whether they relate to internal aspects of the trade unions, or to the external environment. For internal aspects, the major success factors are:

- Providing support for the practice within the trade union, including support from senior management (10 cases: BE, DK, EU (ETUCE/ETUC/ILGA), Italy (CGIL), SE, NL, PL, SI, UK (Equity and FBU)) and the official commitment of the trade union to combat discrimination (two cases: BE (CSC) and EU (ETUC));
- Ensuring that the actions implemented are sufficiently diverse, flexible and effective in terms of reaching the target groups and achieving the intended outcomes in combating discrimination (8 cases: BE (both cases), DE, FR (UNSA), EU (ETUCE/ ETUC/ILGA), PL, RO, SE);
- Ensuring sufficient funding is available for sustained action against discrimination (four cases: AT, SE, BE (both case studies)).

Externally, the key success factor was the **supportive political, economic, and legislative climate, which provided a positive environment for the trade union actions on non-discrimination**. This was identified in the cases from Denmark, Malta, Sweden, Slovenia and the UK.

Table 11 below summarises the principal factors that supported the impact and effectiveness of the practices. The key types of factors are then analysed individually.

Table 11. Main success factors influencing the impact and effectiveness of trade unions' non-discrimination practices

MS	Trade union	Name of practice	Internal								External		
			Management support	Official commitment	Dedicated structure	Enthusiastic staff	Good cooperation	Versatile actions	Successful methods	Sufficient funding	Positive political context	Supportive legislation	Internal support
AT	ÖGB	Trade union forum 'By migrants, For migrants'	✓		✓		✓			✓	✓		
BE	CSC/ACV, FGFB/ABVV, ACLVB/CGLB	'Racism: Game Over' campaign			✓	✓	✓	✓	✓	✓			
BE	CSC	Protecting diversity of beliefs	✓	✓				✓		✓			
DE	Yellow Hand Association	National award to projects against xenophobia and racism	✓					✓	✓		✓		
DK	FIU-Equality	Mentor Programme and Booklet on FIU-Equality training					✓				✓	✓	

MS	Trade union	Name of practice	Internal								External		
			Management support	Official commitment	Dedicated structure	Enthusiastic staff	Good cooperation	Versatile actions	Successful methods	Sufficient funding	Positive political context	Supportive legislation	Internal support
ES	CCOO	Working Group on gender and sexual diversity	✓		✓	✓	✓		✓			✓	
EU	ETUCE/ ETUC/ILGA	Statement against homophobic bullying		✓					✓				
FR	UNSA	Training sessions on LGBT discrimination				✓			✓				
FR	CGT	Fighting extreme right ideas and racism											
HU	Liga Democratic League of Independent Trade Unions	Events on equality and non-discrimination											

MS	Trade union	Name of practice	Internal								External		
			Management support	Official commitment	Dedicated structure	Enthusiastic staff	Good cooperation	Versatile actions	Successful methods	Sufficient funding	Positive political context	Supportive legislation	Internal support
IT	CGIL	Office for New Rights	✓		✓	✓	✓				✓		
MT	GWU	Equality policies in collective bargaining					✓				✓	✓	
NL	FNV	Network Roze (Pink Network)	✓									✓	✓
PL	OPZZ	Advocacy and legal advice for minority workers			✓		✓		✓				
PL	NSZZ Solidarność	Legal counselling and support, awareness-raising training for trade union members	✓						✓				✓
RO	FSLI	Department for Equality			✓	✓	✓	✓	✓				

MS	Trade union	Name of practice	Internal								External			
			Management support	Official commitment	Dedicated structure	Enthusiastic staff	Good cooperation	Versatile actions	Successful methods	Sufficient funding	Positive political context	Supportive legislation	Internal support	
SE	Vision	'Workplace for All'	✓							✓	✓		✓	
SI	SVIZ	Training on integration of immigrant children in education	✓									✓		
UK	FBU	Diversity in fire brigades	✓									✓		
UK	NEU	PSHE education/RSE curriculum												
UK	Equity	'I can act but I won't pretend'	✓											

Source: ICF 2018 case studies.

4.2.1 Key internal success factors

The most important internal success factors are strong trade union management support; and official commitment of the union to combat discrimination, backed up by dedicated structures and staff committed to addressing and implementing non-discrimination actions.

The importance of **union management support** is demonstrated in the following cases.

In Austria, the initiative by the ÖGB union has benefitted from the financial and political support provided by the trade union's regional management. Similarly, in Germany, the Yellow Hand Association initiative was successful due to the support of the DGB trade union confederation and its member trade unions, as all are involved and linked to the work of the association. In the UK FBU case, the union leadership has been very supportive of the creation of the B&EMM section and subsequent development of its activities. This support has been critical in embedding a positive equality agenda across the union's work. The same can be said of the UK Equity union, where the work strands of its non-discrimination and harassment activities are embedded within the overall work of the trade union. Another essential factor in driving these types of activities is the prioritisation of these issues by the trade union.

In Spain, the CCOO's Working Group on gender and sexual diversity has benefitted from 'the commitment and conviction of the organisation at the confederal level' which, since 2017, has focused on discrimination on the grounds of sexual orientation, gender identity and expression. In Slovenia, the work of the SVIZ union on immigrant children's education was similarly supported by the union leadership. This support ensured that effective approaches to teaching migrant children are widely shared among union members and other educators.

In Italy, the establishment and continued work of the CGIL's Office for New Rights was the result of management support (and within the trade union more broadly) and the high priority given to issues of discrimination against LGBT groups.

Similarly, in the Netherlands, the key success factor for *Netwerk Roze* is support from the trade union. As the largest organisation of trade unions, the FNV can instigate change in the fight against discrimination of LGTBI+ employees. The FNV's commitment is evident from its dedicated officer for diversity, its continued financial support for *Netwerk Roze*, as well as the endorsement of the 'Rainbow Checklist' by its members' parliament. The Checklist, in particular, has enabled *Netwerk Roze* to make a tangible difference, as it can be used in collective bargaining.

In addition to management commitment, **the official commitment of the union to address discrimination issues is also a key success factor.**

For example, in Belgium, the success of the CSC's initiative in tackling religious discrimination lies predominantly in its official engagement of 2015, during the trade union Congress. The CSC openly declared its opposition to the ban on religious symbols at work through the inclusion of line 59 in the Congress document¹³⁹. This declaration was collectively discussed by the CSC at national level, thus becoming the official line of union.

At the European level, the joint ETUCE/ETUC/ILGA statement demonstrates the importance of a joint commitment from the two key European-level trade unions, cross-sectoral and sectoral, which, together with a major international NGO, provides a high-level strategic gravitas to the statement.

¹³⁹ Line 59 of the CSC Congress document states the following: '*Nous accentuons nos efforts en faveur de diversité en s'opposant à chaque interdiction des symboles religieux ou idéologiques ou à l'imposition de certaines consignes vestimentaires, les exceptions peuvent être discutées dans le cadre du règlement de travail s'il y a une justification objective et raisonnable.*'

Having a **dedicated structure** within the union to address equality issues has been found to be a key success factor in several case studies.

The experience of the Austrian forum 'By migrants, For migrants' shows the importance of internal structures, as the network of workers with migrant backgrounds could quickly be mobilised for more concrete actions and events, as needed.

In Belgium's joint trade union action 'Racism: Game Over', one of the key success factors related to the existence of a Diversity Committee in each trade union, and a person dedicated to the campaign at regional level. This allowed the organisations to communicate effectively and organise the events and other actions that formed part of this project. It also supported the actions of delegates in companies, as a 'contact point' was available and responsive in each trade union.

In Spain, the establishment of the Working Group on gender and sexual diversity by the CCOO has ensured that diversity issues are included in the Secretariat and incorporated into the union's agenda. As pointed out, 'nowadays, these issues are addressed not only in the Secretariat, but in any body or forum within the union, from those dealing with collective bargaining to management committees'. Likewise, some of the organisations that form CCOO have institutionalised these issues by including them in their statutes, as in the case of the sectoral Federation of Teaching. The impact of dedicated structures is also evident in the Italian and Romanian case studies.

The Slovenian trade union underlined that having an 'equality committee' dedicated to equality issues was helpful in ensuring the union's continued attention to equality issues. Organisations with formal structures - such as an equality committee or equality unit are better at prioritising discrimination topics on their political agendas. Having a formal structure dedicated to equality issues prompts the union to pay serious attention to equality issues and raises awareness internally. Trade unions with formal equality bodies or structures created to tackle discrimination reported fewer communication difficulties internally.

Another important success factor is the **'human' aspect, i.e. having enthusiastic and committed union staff implementing a wide range of actions to promote equal treatment and non-discrimination at the workplace and beyond.**

For example, in Italy, a key success factor for the partnership is the commitment and hard work of the trade union staff working in the CGIL's Office for New Rights. It was acknowledged that the passion, sensitivity, open-mindedness and commitment of the management and personnel in the Office were all key drivers in implementing activities at national and local level. This commitment and sensitivity to the topic of LGBT parental rights was not to be taken for granted in other departments of the trade union. The human factor, together with building personal relationships, was a crucial element for the success of the partnership.

Similarly, in Belgium, union delegates were directly involved in the 'Racism: Game Over' campaign and actively contributed to its success, in line with the 'bottom-up' approach adopted by the unions. Events were organised to brainstorm and debate best practices in tackling racism at work and videos were published to share experiences, etc. Interviewees underlined that trade union delegates were the real 'owners' of this campaign as they oversaw the implementation of relevant actions in companies. This responsibility for relevant action at the workplace contributed to its success. Action at company level was considered particularly important because the trade unions are multi-sectoral, thus the heterogeneity of work situations in which racism appears could not have been properly tackled at regional level.

The success of the CCOO's Working Group in Spain can be attributed primarily to the commitment and expertise of its members. Interviewees report, 'It has also been essential that some of the people who compose the group are LGBTIQ', thus their involvement in the activities that most concern them means that their opinions and needs regarding sexual orientation and gender identity-related issues at the workplace

are also taken into account. For example, the union's guide 'Trans people in the workplace: guide to the transition process' was prepared with the input of transgender people of CCOO. They stressed that, 'the personal involvement of the members of the WG, who have in-depth knowledge and long experience in this field of action, has been of capital importance'.

Similarly, in Romania, the key success factor was the proactive approach and strong commitment of those promoting the idea of an Equality Department in the FSLI union. Without this strong staff commitment and 'push', it would have been difficult to bring about organisational change in the union, especially in the context of scarce resources and other pressing priorities. The proactive approach was also key to attracting significant amounts of external funding, allowing specific activities to be delivered that demonstrated the tangible benefits of the equality agenda to union members and leadership.

The second group of success factors rely on having a **good and extensive level of cooperation with external partners**.

A very good example of partnership is the 'Racism: Game Over' campaign, which was jointly delivered by three Belgian trade unions. The principal success factor here lay in the trade unions' cooperation, which helped to develop a comprehensive approach for trade union delegates in companies to tackle racism at work. Despite some difficulties, the creation of Works Councils against racism in the STIB and NH hotel group would not have been possible without the collective efforts of union delegates from different organisations. The three trade unions' different political orientations and convictions were put aside to collectively tackle racism and uphold a common belief: no one should be discriminated against on the basis of their ethnic background.

The joint ETUCE/ETUC/ILGA statement also shows the value of partnership. The statement represents a joint commitment of the two key European-level trade unions, cross-sectoral and sectoral, as well as a major international NGO, lending a high-level strategic gravitas to the statement.

The Austrian initiative from the ÖGB union shows the importance of networking with other regional associations and anti-racism NGOs, for example participating and jointly organising local events to reach out to (migrant) workers who are not yet members of a trade union but who wish to get involved.

In Denmark, close partner collaboration contributed to the successful implementation of the FIU-Equality Mentor Programme. For example, FIU-Equality benefited from its partnership with NGOs specialising on migrants in the labour market by building on their existing knowledge and outreach capacity.

In Malta, the success of the GWU in using collective agreements to further the equality agenda was achieved through a good level of communication and cooperation between the different stakeholders, including a collaborative relationship with employers and the government. This, in turn, helped to ensure both the effective implementation of practice and the close involvement of all relevant parties.

In Poland, the OPZZ reported positive cooperation with civil society organisations in their advocacy and legal advice practices. For instance, their cooperation with human trafficking organisations allowed the union to provide support in the most extreme cases of exploitation of migrant workers.

A third group of success factors relates to **the nature of activities implemented by trade unions, which are typically most successful when they are diverse and flexible** and use methods that have proved effective in addressing discrimination.

In the joint ETUCE/ETUC/ILGA statement, in particular, success related to the broad nature of the statement, which covered discrimination at schools, workplaces and within society, allowing it to be applied widely and to cover the various aspects of LGBTI-related discrimination. The statement usefully covered several aspects, both at the level

of school materials, curricula and teacher training, as well as directly addressing discrimination experienced by teachers and students. The teacher training aspect is considered particularly important, especially in terms of the initial teacher training.

In Belgium, both case studies show the importance of the varied nature of actions. In the 'Racism: Game Over' campaign, the types of actions were very versatile. For example, the campaign included a declaration against racism, the creation of committees (Works Councils) against racism, a survey of trade union representatives' experiences of racial discrimination in companies, associated research into racism at work, etc. In the joint religious diversity action, many relevant training topics and sessions are proposed, dealing with different issues related to religion at work. These included the question of religion in public services, religious symbols and practices at work, diversity of beliefs, and even religious radicalisation. The practices were initiated at different levels, either regional or sectoral, allowing specific action to be taken to protect religious diversity where needed. The reporting duty to the national board of the CSC also allows for improved coordination of actions.

In Germany, the Yellow Hand Association's initiative benefitted from a clear online presentation of the work, clear positioning on non-discrimination and diversity issues, and regular updates on projects implemented and ad hoc services provided. The newsletter is regularly disseminated to a large number of trade union activists to keep them informed and provide them with updated information about the work of the Yellow Hand Association's activities.

In France, training on LGBTI issues was successful due to its format, which used a non-profit organisation and a legal advisor (the equality body) to provide trainees with a comprehensive picture of LGBT discrimination in the workplace. The main success factor identified by the UNSA was the openness of the debate and the possibility of discussing personal stereotypes.

Finally, a number of cases identified the presence of **sufficient funding** as a critical success factor. For example, in the joint trade union action 'Racism: Game Over', the budget allocated by Belgium regions to the Diversity Committees allowed for effective implementation of the practices. In Sweden, the Vision union's actions were successfully supported by dedicated financial and human resources from its annual budget.

4.2.2 Key external success factors

External factors also have a key role in underpinning the success of trade union non-discrimination and diversity initiatives.

One such factor is **the positive political context and the strong social dialogue context surrounding the trade union action**.

In Denmark, for example, the success of the Mentor Programme can largely be attributed to a policy priority in Denmark that targeted the integration of refugees into the labour market. Secondly, the growing economy also facilitated the implementation of the programme.

In Germany, the success of the Yellow Hand Association's initiative increased when the format was updated to incorporate political patronage in terms of hosting the awards ceremony. This increased the visibility of the prize and gives more prestige to the award. It also contributes to public recognition of the volunteering and engagement of young people whose projects are entered in the competition.

In the UK FBU case study, the work of the B&EMM section prospered under the former Labour government, which actively promoted the positive equality agenda through a range of legislative and non-legislative activities. This has been reversed since 2010, when first the Coalition Government and now the current Conservative government paid less attention to the promotion of the equality agenda.

In Slovenia, the success of the SVIZ union's work on the education of immigrant children was also connected to political support. Initially, the Education Ministry did not acknowledge the seriousness of the issue or the need to support teachers in this area. However, the events organised by the union and the associated engagement helped to change the attitude of the Education Ministry. It has since been motivated to act, now that it is far more aware of the need for action and good practices in this area. Indeed, the Ministry is now close to adopting a formal strategy that would set out a systematic approach to the integration of immigrant children.

A second important external factor has been **a supportive legislative context**. A number of cases highlight this aspect and how it affected the successful implementation of the unions' practices.

In Denmark, equal treatment legislation has enabled the successful implementation of programmes to prevent discrimination and unequal treatment. The legislation includes laws such as: (i) Act on Equal Opportunities of Men and Women on the Labour Market; (ii) Law on Equal Treatment on the Labour Market; and (iii) Act on Prevention of Discrimination on the Labour Market.

In Malta, the work of the GWU on widening collective agreements to include equality issues has been largely supported by the implementation of labour law and specific legislative acts on equality issues.

The importance of a supportive legislative context is also evident in the case of the Spanish CCOO's Working Group on gender and sexual diversity. Spain's regulation on same-sex marriage¹⁴⁰ facilitated more rapid progress of the union's work, as it promoted and safeguarded some rights that do not then need to be negotiated. Such rights include marriage leave for people who marry someone of the same sex, under the same conditions as those in heterosexual marriages.

Finally, a number of trade unions highlight **the importance of European and international aspects** in achieving success.

This was one of the critical success factors in Poland, in the NSZZ Solidarność experience in providing support to its members. The accessibility of case-law across EU allows lawyers to build on the experiences of other Member States and thereby better support individual employees. EU umbrella organisations similarly facilitate the exchange of good practice with other European trade unions. This is particularly helpful in the case of new types of discrimination cases in Poland, e.g. on the grounds of religion, ethnicity and belief.

The Netherlands' *Netwerk Roze* initiative also points to the importance of support from international organisations. These allows for workplace-related improvements for LGBTBI+ people around the world and thus improve the employment situation of *all* LGBTBI+ people. This has helped to move the global starting point (i.e. combating discrimination) of those countries currently furthest away from inclusion closer to integration and, ultimately, a situation where LGBTBI+ are fully accepted at the workplace and in society.

¹⁴⁰ Law 13/2005 of 1 July 2005 amending the Civil Code on the Right to Marry. Available at: <https://bit.ly/2hdPTIX>

4.3 Factors hindering trade unions actions

Austerity measures translating into cuts in public spending and public employment, tax increases, and reforms in labour law and collective bargaining in response to the economic recession after 2009 had various impacts on trade unions and their non-discrimination and diversity actions¹⁴¹:

- Changes with regard to bargaining levels – a decentralisation trend was reported, from centrally coordinated multi-employer bargaining to decentralised negotiations at workplace level.
- Derogation clauses in cross-sectoral and sectoral agreements, allowing bargaining to agree wage levels lower than those set at sectoral level.
- Changes in reach and continuity of collective bargaining agreements (extension mechanism and continuation of expired agreements).
- Freezing and/or decrease of statutory minimum wages and changes in the criteria taken into account when setting sector-level minimum wages (e.g. competitiveness and other labour market criteria); public sector employees particularly affected by pay freeze and/or decrease¹⁴².
- Pressure to adapt indexation of wages and wage-setting mechanisms coming from the EU level to the European Semester review cycle.
- General decline of collective bargaining agreements after the economic crisis, with a tendency for less coverage of the workforce, shorter duration agreements and reported delays in reaching agreement in some countries.
- Stagnation of modernisation of underdeveloped industrial relations systems by further formalising or extending it in central public administrations. In some countries, reforms of industrial relations have restricted trade union activities (HU), or restricted collective bargaining processes (RO)¹⁴³.

Although the economic crisis had a negative impact on the ability of trade unions to act, and on their available resources, it also injected a sense of urgency and helped trade unions to 'relaunch' their diversity actions in a more upscaled way. The subsequent exacerbation of political debate has similarly compelled trade unions to act.

At the same time, austerity measures had a disproportionately negative impact on migrant workers. For example, in 2013, in Italy, the unemployment of migrant workers exceeded the unemployment rate of Italians by 4 p.p. In most EU countries, migrant workers experience greater levels of labour market segregation, are employed in low-wage and low-skilled sectors and are under-represented in middle to higher management¹⁴⁴. In addition, greater migrant exploitation and mistreatment can also be observed (e.g. longer working times, unsocial hours, harder work and/or increased

¹⁴¹ Eurofound (2013). *Impact of the crisis on industrial relations*.

¹⁴² Eurofound (2014). *Industrial relations in central public administration: Recent trends and features*. Available at: https://www.eurofound.europa.eu/sites/default/files/ef_comparative_analytical_report/field_ef_documents/tn1307019s.pdf, p. 14-15 overview table

¹⁴³ Eurofound (2014). *Industrial relations in central public administration: Recent trends and features*, p. 9. Available at: https://www.eurofound.europa.eu/sites/default/files/ef_comparative_analytical_report/field_ef_documents/tn1307019s.pdf

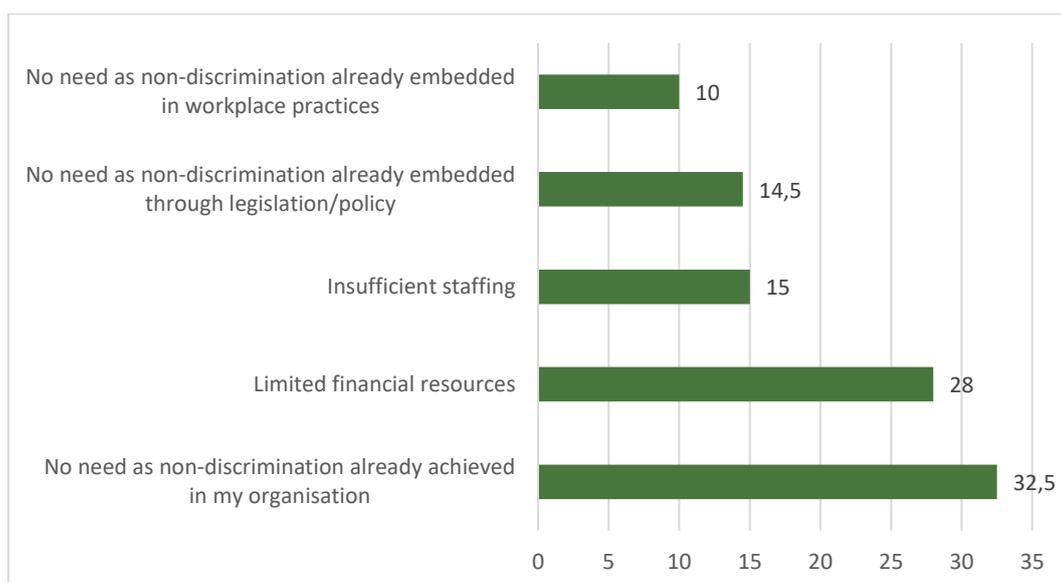
¹⁴⁴ European Anti-Poverty Network (2015). *Migrants in Europe's age of austerity*. Available at: <https://www.eapn.eu/wp-content/uploads/2016/11/EAPN-2015-EAPN-migration-report-899.pdf>

workload, low pay, insulting behaviour by employer and/or native co-workers). In the UK, for example, an ethnicity pay gap was observed compared to white British people¹⁴⁵.

The combination of these factors, including the limited trade union bargaining powers, indirectly impacted migrant workers, in particular, on the possibility to improve the pay of those at the lowest wage levels (methods used to increase minimum wages in the past are currently more difficult to use). Rising unemployment and the associated decline in membership further restricted trade unions' ability to act on discrimination issues and forced many to focus more on 'core activities' linked to defending jobs and negotiating wage settlements.

The trade union representatives surveyed for this study, when asked why no practices had been developed (of those that indicated no such measures were in place), indicated that **the lack of initiatives (either internal or external) was either due to limited financial resources or insufficient staffing** (43 %)(see Figure 4.2). This meant that trade unions had to focus on their 'core business' of negotiating terms and conditions for members. Notably, 32 % of respondents indicated that there was no need for such measures at organisational level (within trade unions) as non-discrimination was already achieved. The existence of good non-discrimination practices through legislation/policy and workplace practices was mentioned by 14.5 % and 10 % of respondents, respectively, as a reason for not implementing such practices.

Figure 14. Reasons given by trade unions for not implementing non-discrimination practices



Source: ICF 2018 survey of trade unions. Note: N=79.

¹⁴⁵ Topham, G. (2018). '£3.2bn UK pay gap for black, Asian and ethnic minority workers'. *The Guardian*. Available at: <https://www.unison.org.uk/motions/2016/black-members/austerity-and-black-workers-the-continued-impact/> The article highlights that the 'pay gap rose to as much as 17 %, or £3.90 an hour, for black male graduates' pay'.

Similarities were identified among the hindering factors raised by the trade unions interviewed for the case studies. The principal factors referred to three main issues:

- Budgetary constraints, translating into limited human resources. Of 21 cases, 10 trade unions reported budgetary issues as limiting their actions.¹⁴⁶
- Eight trade unions mentioned an unfavourable internal agenda, where discrimination issues were not seen as a priority.¹⁴⁷
- Seven trade unions noted that the adverse political climate and societal attitudes hampered discussions and activities promoting diversity.¹⁴⁸

Two trade unions did not identify any factors that hindered the set-up or implementation of their practice, namely Vision in Sweden ('Workplace for All') and Equity in the UK ('I can act but I won't pretend').

Here, again, a distinction was drawn between internal and external factors. On the one hand, limitations to practice effectiveness stem from external factors such as the societal and legislative contexts in which the trade union actions take place. On the other hand, internal factors, such as insufficient budgeting and/or staffing, issues with partners, can hamper effectiveness.

Table 12 reflects the main limiting factors mentioned by trade unions. These factors are then analysed below.

¹⁴⁶ 'By migrants, For migrants' (AT); 'Racism: Game Over' (BE); 'Mentor Programme' (DK); 'Yellow Hand Association project' (DE); 'Diversity in Fire Brigades' (UK); 'Working Group on gender and sexual diversity' (ES); Statement against homophobic bullying (EU); Office for New Rights (IT); *Netwerk Roze* FNV (NL); Department for Equality (RO).

¹⁴⁷ 'By migrants, For migrants' (AT); 'Mentor Programme' (DK); Diversity in Fire Brigades (UK); 'Working Group on gender and sexual diversity' (ES); Statement against homophobic bullying (EU); Immigrant children in education system (SI); Department for equality (RO); Fighting extreme right ideas and racism (FR).

¹⁴⁸ Such trends were reported in 'By migrants, For migrants' (AT); 'Mentor Programme' (DK); Diversity in Fire Brigades (UK); Statement against homophobic bullying (EU); Office for New Rights (IT); Department for equality (RO); Fighting extreme right ideas and racism (FR).

Table 12. Main hindering factors in the case studies

			External			Internal					
MS	Trade union	Name of practice	Political climate in society	Public controversies, taboo or controversial topic in society	Deterring legislative context	Discrimination not considered a priority	Issues with partners	Structural issues	Internal trade union controversies	Lack of evaluation of practices	Budget/ financing
AT	ÖGB	Trade union forum 'By migrants, For migrants'	✓			✓				✓	✓
BE	CSC/ACV, FGTV/ABVV, ACLVB/CGLB	'Racism: Game Over' campaign					✓				✓
BE	CSC	Protecting diversity of beliefs		✓	✓				✓		
DE	Yellow Hand Association	National award to projects against xenophobia and racism								✓	✓
DK	FIU-Equality	Mentor Programme and Booklet on FIU-Equality training	✓		✓	✓	✓				✓

			External			Internal					
MS	Trade union	Name of practice	Political climate in society	Public controversies, taboo or controversial topic in society	Deterring legislative context	Discrimination not considered a priority	Issues with partners	Structural issues	Internal trade union controversies	Lack of evaluation of practices	Budget/financing
ES	CCOO	Working Group on gender and sexual diversity		✓	✓	✓		✓	✓		✓
EU	ETUCE/ ETUC/ILGA	Statement against homophobic bullying	✓			✓	✓				✓
FR	UNSA	Training sessions on LGBT discrimination								✓	
FR	CGT	Fighting extreme right ideas and racism	✓	✓		✓			✓		
HU	Liga Democrat ic League of Independ ent Trade Unions	Events on equality and non-discrimination									

			External			Internal					
MS	Trade union	Name of practice	Political climate in society	Public controversies, taboo or controversial topic in society	Deterring legislative context	Discrimination not considered a priority	Issues with partners	Structural issues	Internal trade union controversies	Lack of evaluation of practices	Budget/financing
IT	CGIL	Office for New Rights	✓								✓
MT	GWU	Equality policies in collective bargaining						✓			
NL	FNV	<i>Netwerk Roze</i> (Pink Network)						✓			✓
PL	OPZZ	Advocacy and legal advice for minority workers	✓		✓				✓		✓
PL	NSZZ Solidarność	Legal counselling and support, awareness-raising training for trade union members			✓						
RO	FSLI	Department for Equality	✓			✓					✓

			External			Internal					
MS	Trade union	Name of practice	Political climate in society	Public controversies, taboo or controversial topic in society	Deterring legislative context	Discrimination not considered a priority	Issues with partners	Structural issues	Internal trade union controversies	Lack of evaluation of practices	Budget/financing
SE	Vision	'Workplace for All'									
SI	SVIZ	Training on integration of immigrant children in education				✓					
UK	FBU	Diversity in Fire Brigades	✓			✓		✓			✓
UK	NEU	PSHE education/RSE curriculum		✓							
UK	Equity	'I can act but I won't pretend'									

Source: ICF 2018 case studies.

4.3.1 Internal factors that hindered non-discrimination actions by trade unions

Financial and budgetary considerations were mentioned by 10 trade unions as a key hindering factor¹⁴⁹. Such considerations affect the trade unions' initiatives, both in terms of their long-term sustainability and during the set-up phase of the practice. Lack of financial resources has obvious implications for the human resources available, itself an important hindering factor in several cases. Where public authorities participated in the funding, such as in Denmark, Belgium and the UK, the decrease or discontinuation of such funding led to a major cut-back in the activities organised by trade unions. In the Netherlands, the reduced budget was attributed to a decrease in affiliated members of the FNV, which also had negative consequences for the union's political leverage. The reduction of the FNV budget in general particularly affected activities tackling discrimination on the grounds of sexual orientation and gender identity.

Some trade unions¹⁵⁰ mentioned **internal controversies** as a hindering factor, which particularly affected initiatives with important political implications. This was found in the French case study against extreme right ideas and racism. More specifically, the CGT reported tensions in their organisation, as some affiliated members were also part of the extreme right electorate. In Slovenia, Belgium and Spain, trade unions mentioned that some inside the trade union called on the union to focus on other key challenges instead of discrimination.

In some cases¹⁵¹, interviewees commented that the implementation of the practice was hindered by lack of awareness or interest in the issue, as the **topic was not seen as a priority on the union's political agenda**. Equally, trade union members lacked awareness of discrimination issues or saw such issues as irrelevant. The Spanish trade union had to carry out important communication and awareness-raising activities internally within the union, as there was some reluctance among some members to understand why the fight against discrimination on the grounds of sexual orientation and gender identity should be addressed by a trade union at all. In Denmark, the success of the training initiative depends on the union delegations, as they can decide the number of participants in the union's education programmes. Some delegations did not consider racist discrimination a priority and thus limited the number of participants in the training. In the UK FBU, the organisation had difficulties keeping members involved in and motivated by equality strategies in the long-term, because the issue was considered 'already addressed' and was no longer prioritised. The FSLI in Romania similarly reported reluctance and (some) members' lack of appreciation of the need for unions to explicitly focus on the equality agenda.

Weak relationships with other entities, either partners or other stakeholders, sometimes limited the actions of the trade union¹⁵². In Denmark, the cooperation with local municipalities and their reluctance to communicate refugees' whereabouts to the trade union hampered the initiative. In the EU case study, the interviewee mentioned room for improvement in the cooperation between the ETUC, ETUCE and ILGA. Finally, the Belgian case study 'Racism: Game Over' showed political disagreement between the different trade unions involved in the implementation of the practice, which partially contributed to the end of the initiative.

¹⁴⁹ Case studies: 'By migrants, For migrants' (AT); 'Mentor Programme' (DK); 'Yellow Hand Association project' (DE); 'Working Group on gender and sexual diversity' (ES); Statement against homophobic bullying (EU); Office for New Rights (IT); *Netwerk Roze* FNV (NL); Department for Equality (RO).

¹⁵⁰ Referring to the following case studies: Fighting extreme right ideas and racism (FR); 'Protecting diversity of beliefs' (BE); 'Working Group on gender and sexual diversity' (ES).

¹⁵¹ 'By migrants, For migrants' (AT); 'Mentor Programme' (DK); Diversity in Fire Brigades (UK); 'Working Group on gender and sexual diversity' (ES); Statement against homophobic bullying (EU); Immigrant children in education system (SI); Department for Equality (RO); Fighting extreme right ideas and racism (FR).

¹⁵² Reported by the trade unions in the Statement against homophobic bullying (EU); 'Mentor Programme' (DK); 'Racism: Game Over' (BE).

Some trade unions¹⁵³ mentioned that the **absence of evaluation of their actions** and the lack of a systematic approach hampered the visibility and long-term success of the initiative. This was, for example, reported in the Austrian case study 'By migrants, For migrants', the German case study 'Yellow Hand Association project' and the French initiative 'Training sessions to tackle LGBT discrimination'. An informative evaluation of the practice would positively enhance the union's knowledge of success factors and impact of the practice, as well as raise awareness among trade union members to promote diversity inside and outside the organisation. For instance, in Austria, to date, there has been no systematic evaluation of the forum's actions that might provide more details on their impact and better demonstrate their reach. Indeed, this may be one of the reasons why the format has not been replicated in other federal regions, or at the federal level of the ÖGB. A more systematic approach to evaluation and documentation could improve the visibility of activities and document the long-term success of the initiative.

Finally, some trade unions¹⁵⁴ reported **an inadequate structure in their organisation**, which hampered the effectivity of their activities. For instance, the FBU (UK) underlined that the decentralised structure of the fire service at regional and local levels made it challenging to develop and enforce national standards and share best practices across the different fire stations. In Malta, the GWU struggles to operate in all professional sectors, as certain companies/workplaces are not unionised. This, in turn, limits the impact of the practice to those sectors in which the GWU is recognised. In the Netherlands, the FNV experienced a dramatic decrease in its affiliated members which adversely impacted both its political influence and financial resources. Finally, the Spanish trade union, CCOO, mentioned that its activities were hampered by limited political influence and insufficient access to political levers of power in matters of discrimination on the basis of sexual orientation, expression and/or gender identity in the workplace, at both government level and in relation to parliamentary groups or political parties.

4.3.2 External factors hindering trade unions' non-discrimination practices

Three main types of external hindering factors were reported, namely: 1) a deteriorating political climate; 2) discrimination seen as an issue which gives rise to public controversy; and 3) the unfavourable legislative context in which trade unions operate.

A difficult political climate reportedly undermined the implementation of non-discrimination practices in a number of countries¹⁵⁵. In Austria, the ÖGB union noted that the latest federal elections have promoted right-wing populism and stigmatisation of migrant workers. This has had the effect of encouraging people to make more provoking and discriminatory statements in society, political debates and at work. Similarly, as the FIU-Equality union reported during the implementation period of its initiative, the political context has changed in that the Danish political system, responding to public concerns, sought to lower the number of refugees coming to the country and amended the law accordingly. This development has had an adverse impact on the Mentor Programme, not least because the number of participants has inevitably decreased. The Italian trade union stated that the national political shift towards more right-wing parties has adversely affected the quality of political debate and is a major factor hindering the implementation of the practices relating to promoting non-

¹⁵³ Trade unions in the following cases: 'By migrants, For migrants' (AT); 'Yellow Hand Association project' (DE) and 'Training sessions to tackle LGBT discrimination' (FR).

¹⁵⁴ Trade unions in the following cases: 'Diversity in Fire Brigades' (UK), *Netwerk Roze* FNV (NL); Working Group on gender and sexual diversity (ES), 'Collective bargaining' (MT).

¹⁵⁵ Reported in the following cases: 'By migrants, For migrants' (AT); 'Mentor Programme' (DK); Diversity in Fire Brigades (UK); Statements against homophobic bullying (EU); Office for New Rights (IT); Department for Equality (RO); Fighting against extreme right ideas and racism (FR).

discrimination and the involvement of trade unions in the political debate and policy-making process.

This points to another connected factor that negatively affects trade union action on non-discrimination: trade unions' lack of political influence due to **weak social dialogue** in the national contexts. This is particularly the case in Eastern Europe, where the social dialogue structures are weaker than those in Western Europe (e.g. DE, AT). Weaker social dialogue structures have also impacted the implementation of diversity practices in the UK and southern Member States (such as Malta). In the UK, both cases highlight how the outcomes of the trade union action were not more widely reflected due to changes in the government, which now pays less attention to social dialogue. In Malta, the GWU noted that not all companies/workplaces are unionised, meaning that it cannot monitor what is happening in such workplaces, as it only has access to workplaces where it is recognised.

The discriminatory tone in public debates was reported as adversely affecting the impact of trade union practices¹⁵⁶. This type of public debate translated either into taboos or heated discussions among workers and in society (depending on the type of discrimination), negatively affecting the promotion of equality and diversity by the trade unions. In Belgium, according to the CSC, the main hindering factor is the controversy about religious symbols at work, reflected in the public debate. Indeed, the contentious and polarised public debate and the absence of broad agreement in society about such religious symbols, together with the legal uncertainties concerning headscarf bans, for instance, are all factors that complicate the implementation of the CSC's initiative. The NEU in the UK experienced strong opposition in terms of providing education on relationships and sexuality, especially from parents, faith groups and campaigning bodies.

Finally, the lack of legislation or **unfavourable legislative frameworks** means that trade unions cannot rely on non-discrimination law¹⁵⁷. In Spain, the trade union reported that the lack of legislation requiring the inclusion of non-discrimination issues on grounds of sexual orientation or gender identity has limited the impact of the practice. This makes it more difficult for the organisation to include discrimination on these grounds in collective bargaining. In Denmark, a change in the law on the number of refugees legally allowed to reside in Denmark has had an important impact on the trade union's practice by reducing the number of eligible participants. The NSZZ Solidarność in Poland noted that the relative lack of knowledge among labour inspectorate staff in relation to discrimination on the grounds of religion and/or ethnic origin limited sanctions for employers discriminating against workers on these grounds and led to lengthy court cases, discouraging employees from reporting incidents of discrimination.

¹⁵⁶ Reported in the following cases: 'Protecting Diversity of Beliefs' (BE); 'Working Group on gender and sexual diversity' (ES); 'Fighting against extreme right ideas and racism' (FR).

¹⁵⁷ Reported in 'Working Group on sexual and gender diversity' (ES); 'Mentor Programme' (DK); 'Racism: Game Over' (BE); 'Legal counselling and support, awareness-raising training for trade union members' (PL).

5 Transferability across trade unions

Trade unions reported **a range of elements that could be transferred to other contexts and/or organisations**. Interviewees reported several factors related to organisational models (e.g. internal structures), broader contexts (e.g. funding) or the practice itself (e.g. a specific training model). Transferable elements also included enabling factors that could be similarly transferred to different contexts.

The transferable elements that emerged from the case studies can be conceptualised within **a framework covering all aspects of an organisation**, including:

- Strategic vision, e.g. the need for a clear and explicit strategic vision on discrimination.
- Organisational structure, e.g. having dedicated units and personnel dealing with discrimination issues.
- Concept of the practice/activity, e.g. training, guidance, advice.
- Delivery model, e.g. innovative elements of a training programme, involvement of key actors, outreach activities.

The trade unions also identified enabling factors that support the successful implementation of practices to combat discrimination at the workplace and beyond and that could be transferable to other contexts. For example, while the national political context is a factor that can support (or hinder) the successful implementation of a practice, this is not a transferable element, whereas the commitment of management, appropriate internal supportive structures and knowledge of funding systems (and how to best access them) are factors that could be applied in other organisations and contexts. Figure 15 provides an overview of the hierarchical pyramid, highlighting areas where transferable elements have been identified and the specific factors in each case.

Figure 15. Pyramid of transferability



5.1 Strategic vision

The strategic **vision** of an organisation was often mentioned as the main driver for trade unions to implement non-discrimination activities. In the EU case study 'Statement against homophobic bullying', ETUC/ETUCE/ILGA highlighted the transferable nature of an important feature such as the **need for high-level strategic policy commitment** to fight discrimination. This helps to focus and highlight the union's work on the topic, ensures that the issue is more visible and that it remains high on the union's agenda.

As a second step in moving towards actual implementation of a strategic vision, **declarations and formal statements** from trade unions in relation to non-discrimination were identified as approaches that can be adopted by others. For example, in the Belgian practice, 'Tackling racism in employment', the signature of a 'Declaration against Racism', although a symbolic gesture, actually promoted the involvement of union representatives and management within the union structures.

5.2 Agenda setting

The **inclusion of non-discrimination issues on trade union agendas and embedding the need to fight all grounds for discrimination** were identified as transferable elements that could be adopted by all trade unions. Here, the democratic nature of the trade union plays an important role because, as democratic institutions, unions are affected and influenced by their members and their members' needs. The quality and representativeness of internal union structures, and the influence of individual members on trends, strategies and their implementation, plays a key role in furthering the equality agenda.

For example, the ETUC/ETUCE/ILGA EU practice, 'Statement against homophobic bullying', embedded the work on a specific ground for discrimination (e.g. religion, ethnic origin, sexual orientation) within the unions' broader equality agendas, thereby ensuring that the issue was treated holistically and consistently through an overall equality policy approach and framework. This was also the case for Equity in the UK, which embedded its non-discrimination strategy, Agenda for Change, within its broader policy agenda.

The Spanish trade union, CCOO, streamlined the issues of gender and sexual diversity in the statutes of the union and its agenda for action.

Regular activities within the trade unions to streamline the equality agenda within the organisation were reported as feasible strategies to ensure continuity and visibility of the non-discrimination activities.

For example, in the UK FBU case study 'Diversity in Fire Brigades', regular union activities across different departments (e.g. meetings, recruitment, retention, promotion practices) were reported as important factors in engaging with people working on different topics and ensuring that the equality agenda was embedded throughout the work of the union. In Slovenia, as part of the practice 'Training immigrant children in education', SVIZ organised a series of events that helped to keep the issue on the agenda of both the union and educators.

5.3 Organisational structures

The **organisational structures of trade unions in terms of specifically dedicated non-discrimination (or diversity) units, groups or committees, together with clear delineation of roles and allocation of responsibilities**, were identified as success factors for non-discrimination actions, as well as transferable elements that could be implemented by other trade unions.

In the Spanish practice 'Working Group on gender and sexual diversity', a key transferable element was the existence of a permanent working group or structure in the trade union on issues of sexual orientation and gender identity, together with the clear allocation of responsibility for non-discrimination actions to specific persons within the organisation (e.g. Secretaries of Equality). The Hungarian trade union LIGA, which organised several events on equality and non-discrimination, established a dedicated equal opportunities committee to provide a focal point for its equality work.

In the UK FBU practice 'Diversity in Fire Brigades', the specific union structures dedicated to fighting discrimination on ethnic minority grounds was reported as a key structural element that could be transferred to other trade unions. In Italy, the coordinator of CGIL's Office for New Rights noted that the establishment of the structure is transferable to other trade unions in other countries. However, the trade union representative and the partners agreed that this requires strong commitment from the trade union's management and depends on the general values and culture of the union.

In the Romanian FSLI practice, 'Department for Equality', the experience of establishing a dedicated equality department/committee/other structure proves that this can be done in less favourable contexts and with limited resources. The lessons learned from the gradual process of establishment and securing buy-in through a step-by-step approach in FSLI is highly valuable to other unions.

In addition, **permanent contact points** can be easily established. An example here is the Austrian forum 'By migrants, For migrants', where the appointment of a forum administrator ensures a clear and permanent internal and external point of reference for the practice.

5.4 Activities of practices

Trade unions have implemented a range of non-discrimination practices whose concepts (e.g. training, toolkits) are often transferable to other kinds of discrimination, as well as to other trade unions or countries.

In the Belgian case study, 'Protecting diversity of beliefs', CSC/ACV reported that the **concept of training as a pedagogical tool** could be transferred to any other context. The trade union used training as an educational tool to promote an open debate, starting with presenting real-life experiences of delegates and situations of discrimination faced at workplaces and discussing how best to address them. In the Romanian practice 'Department for Equality', the trade union delivered concrete and tangible **training and continuing professional development activities** to demonstrate the practical value of the equality agenda to the everyday work of the education sector staff. This experience is particularly transferable to other unions because it exemplifies the typical constraints faced by unions in relation to scarce resources (both human and financial) and other pressing priorities.

Several elements of the Swedish practice were identified as easily transferable. These include the **guidance notes for managers** and elected representatives on active measures promoting diversity and non-discrimination at the workplace, as well as the union's **online education/training platform**. Similarly, the **compilation of good practices** is a transferable activity that would not require significant additional administrative or financial resources.

The '**Festival against Racism**' that formed part of the CGT practice 'Fighting extreme right ideas and racism' is a transferable concept with a strong innovative element applied to the fight against discrimination (particularly the link to the wider community and reaching out to young people). Such a festival could be organised in relation to all grounds for discrimination.

The Danish Mentor Programme and the Booklet of the FIU-Equality training were reported as good examples that could be implemented by other trade unions at national or local level. The **mentor-mentee model and the Booklet** are straightforward concepts that can easily be adapted to different contexts. More broadly, the work of FIU-Equality represents an interesting learning experience, with its strong focus on training on a wide range of equality and diversity topics. The work of FIU-Equality also demonstrates the shared commitment and collaboration of three trade unions, including the pooling of resources to achieve a multiplier effect.

In the Belgian practice 'Tackling racism in employment', the team conducted a **survey of trade union** representatives to better understand the extent of racism in the workplace and to investigate possible actions, while simultaneously raising awareness of the issue. Evidence of the extent of the problem was then used to engage with employers and the wider community. This tool (survey) as an instrument to understand a specific phenomenon (such as racism) can provide the evidence-base and input for the design phase of subsequent related activities. As such, it is a transferable element

that could be implemented by trade unions at national, regional and sectoral level. It would also raise awareness within trade unions on discrimination issues.

The **idea of a competition** for young people in the German Yellow Hand Association's national award for projects against xenophobia and racism can certainly be transferred and used in other national or local contexts and by different trade unions. However, country-specific approaches would need to be developed to engage with young people in companies and vocational training. The idea of the yellow hand symbol is easily transferable, as it is widely recognised throughout Europe as a symbol against racism and xenophobia.

In Slovenia, as part of the practice 'Training immigrant children in education', SVIZ organised several **different kinds of events**. This mix was reported as a possible success factors and transferable practice, both to sustain attention to the topic and to bring different perspectives (e.g. teachers, education experts, education ministry, migrants).

In the Hungarian LIGA practice 'Events on equality and non-discrimination', the use of **sensitivity training as part of the event** was well-received by all participants, not least because it helped them to engage more with the topic instead of relying solely on presentations. This good practice in sensitivity training can easily inform other similar practices.

The UK NEU trade union identified several elements that could be transferred to other contexts. For example, The **AGENDA toolkit**, showing how schools can empower young people to speak out on sexism, was highlighted as transferable to almost all contexts. The organisation of a **series of events** also helped to raise awareness and keep the issue on the trade union's agenda. Events focusing on the provision of information and guidance, presentation of good practices, and open debate and exchange of views in a highly interactive manner can be easily transferred into other national contexts.

The **legal support** offered by the Polish trade union NSZZ Solidarność could also be replicated in other contexts. The support should be targeted at trade union representatives and individual employees. For example, legal advice on discrimination issues could be embedded in the legal advice already provided by trade unions in other employment areas, such as contracts and pay issues.

The *Netwerk Roze* FNV (Pink Network) has already published an international English version of its **Rainbow Checklist** for collective agreements, accompanied by guiding principles in helping workplaces to become more LGBT-friendly, with the intention of facilitating its wider dissemination and transfer to other countries. The Checklist could easily be adapted to national contexts and is an example of a transferable resource.

Finally, in the Belgian practice 'Tackling racism in employment', the **'bottom-up'** approach applied throughout the awareness-raising campaign is transferable to many types of practices aimed at fighting discrimination at the workplace.

5.5 Delivery model of practices/activities

The delivery models of the practices in the case studies also provide several interesting transferable elements.

Firstly, **interesting and innovative methods to deliver training and engage with participants were identified in several cases**.

In the Belgian practice of CSC/ACV 'Protecting diversity of beliefs', **illustrative practical examples from case studies** were used to highlight specific issues, such as religious discrimination at work and effective ways of addressing such discrimination. This worked well and is an engaging – and transferable – way of providing practical information for workers and employers.

In the French practice 'Training sessions on LGBT discrimination' from UNSA, the delivery model of the awareness-raising training was identified as transferable to other practices and trade unions. The training used **action groups to brainstorm experiences related to discrimination at work and to discuss the role of trade union activists** in effectively addressing such discrimination. Another transferable element was the cascading approach to training, whereby regional delegates were invited to the training at national level and encouraged to request similar training at regional level. This approach can be transferred to different contexts, and the training adapted to particular sectors and specific needs.

The delivery model of the training provided by the NEU trade union in the UK, i.e. the **participatory approach to the training**, helped to engage participants and deepen their knowledge of the topic by bringing different perspectives (e.g. from teachers and education experts) into the interactive training sessions, thus enriching the overall debate. This participatory approach can be transferred to all types of training on combating different grounds of discrimination, as well as to other activities, such as awareness-raising campaigns.

Trade unions emphasised **cooperation with other trade unions and external organisations or experts** as an important transferable element that helps to deliver a specific practice in relation to non-discrimination. The Belgian practice 'Tackling racism in employment' adopted an inter-trade union approach to the practice, which was implemented in cooperation by the CSC/ACV, FGTB/ABVV and ACLVB/CGSLB unions. This is a clear example of inter-trade union action that is transferable to other practices aimed at addressing other grounds for discrimination. In the EU case study, Statement against homophobic bullying, from ETUC, partnerships with other unions (and confederations) and key NGOs were reported as transferable elements that increase the potential impact of the activities and ensure that they are more widespread among the partners.

In the CGT practice, **cooperation with trade unions from other Member States** was emphasised as a transferable strategy that could be applied by all trade unions to exchange views, share experiences (and good practices) and learn from each other how best to address all grounds for discrimination.

Linking the practice to other activities already implemented within the trade union was reported as a successful and transferable method of delivery. For example, this was the case for the Austrian forum 'By migrants, for migrants', where the practice was linked to other activities already implemented in the trade union, e.g. its advisory services for migrant workers to improve outreach and recruitment of members. This is a model that other trade unions could easily implement.

The **wide-ranging dissemination strategy** adopted by the CGT in its practice of 'Fighting extreme right ideas and racism' is highly transferable to other trade unions in different contexts. The CGT used a range of dissemination channels and tools to communicate information about awareness campaigns, tools and topics, leaflets and brochures to its members.

5.6 Enabling transferable factors

For trade unions to activate and implement non-discrimination practices, **a range of enabling pre-conditions must be in place, some of which are transferable to other trade unions or contexts**. Such factors include, for example, commitment from union managers, alignment of objectives and values with partners, as well as search for external funds.

In Italy, the coordinator of the CGIL's Office for New Rights highlighted that the enabling condition for the implementation of an office dedicated to fighting discrimination, within the structure of a trade union, is the **commitment of the union's senior**

management and the strategic support it receives from the hierarchy. Interviewees noted that the **alignment of objectives and values between partners** was of paramount importance and can be a transferable element in terms of guiding the design and implementation of relevant activities. Indeed, this is a transferable element that could be implemented in other contexts and at different levels. For example, national and/or local partnerships can be set-up in the quest to address the multidimensional aspects of discrimination, capitalise on the specialist knowledge and expertise of relevant partners (including accessing relevant legal support and advice), reach out to certain hard-to-reach groups experiencing or at risk of discrimination (e.g. migrant workers, children, families), inform policy and/or jointly design and/or implement relevant actions, etc. Collaboration with relevant partners was also reported as a key transferable element in the Malta case study.

In the Romanian practice 'Department for Equality', a number of enabling and transferable factors were identified. For example, the **value of the equality agenda needs to be clearly demonstrated within the trade union** through concrete activities highlighting the tangible benefits to union members and leadership. This also ensures greater buy-in to the idea of equality structures and strategies as an integral part of the union's actions. The use of available **external funding opportunities** can offset the lack of internal resources. Enhancing the union's knowledge of available funding opportunities (national/regional, sectoral, EU, international funding sources) and developing expertise on how best to access such sources can also be a transferable element. Changes to the organisational structure of the trade union could be used as a **window of opportunity to embed the idea of a dedicated equality department** in the new structure and strategy of the union.

In the French practice 'Training sessions on LGBT discrimination from UNSA', the involvement of the French equality body in the training was reported as beneficial, allowing participants to gain accurate technical knowledge of the relevant legal framework. Similarly, in Hungary, the **involvement of the Equality Body** in the 'Events on equality and non-discrimination' organised by the union provided significant added value, allowing participants to gain technical knowledge of the legal framework and case-law in relation to equality and non-discrimination at the workplace. Since equality bodies are present in all EU Member States, this involvement can be easily replicated in other countries.

In the UK case study on Equity's non-discrimination strategies, an important enabling factor that helped to embed the strategy within its other policy strands was the **recognition by the union of the adverse impact of discrimination** on other 'more traditional' areas of work (e.g. wages, employment conditions). Ultimately, the inclusion of non-discrimination clauses in collective agreements was reported as the most transferable practice. Likewise, the **existence of formal frameworks** is reported as an enabling factor that can be transferred to practices aimed at encouraging employers not covered by collective agreements to implement good practices in relation to non-discrimination at work.

Overall, the case studies show that **trade unions are important anti-racism and non-discrimination actors, making an essential contribution to specific actions and raising awareness through their campaigns**. They are part of an ongoing societal debate and provide an important discursive space for this to happen. They typically have well-organised structures (although this depends very much on resources and differs by country), meaning that union representatives in the workplace can draw on the expertise of their sectoral and national officers and offices. This gives them the potential to effect wider societal change through their non-discrimination actions.

In some cases, unions have needed to create **new structures to enable this process of vertical and horizontal communication and cooperation**. This seems to be a particular area where cross-country learning and practice transfer can take place, with demonstrably good results.

In view of their potential to effect change, unions should be supported. In practice, however, they are often struggling to sustain their actions, largely because of lack of funding or short duration of funding, or because of a lack of support from institutional actors. The failure to sustain activities may actually make some anti-racism and non-discrimination actions counter-productive, as the actors involved can become fatigued and disillusioned or create unrealistic expectations.

6 Conclusions and recommendations

The long-standing legal background provides the EU with a clear mandate to combat discrimination based on sex, racial and ethnic origin, religion or belief, disability, age and sexual orientation. This is enshrined in the TFEU and the European Charter of Fundamental Rights, as well as the Employment Equality Directive and the RED. A number of strategic political commitments, such as the European Pillar of Social Rights, has confirmed the EU's investment in tackling discrimination in the labour market and in society.

Recent developments in national legislation in respect of LGBT rights, such as recognition of same-sex union, underline the need for trade union action to adapt to legal changes in society and push for more inclusion at work. Conversely, legislative frameworks sometimes fail to address societal evolution on discrimination. Available studies and surveys have shown that pervasive and deep forms of discrimination persist in employment, highlighting the need to apply and effectively enforce the extensive body of EU soft and hard law to fight discrimination.

Trade unions have an important role to play in raising awareness, engaging with employers, supporting discrimination victims, highlighting action against discrimination, supporting governments in the enforcement of non-discrimination legislation, and pushing for legislative change by lobbying for effective diversity policies at national level. They are first in line to address discrimination on all grounds, in their key role in social dialogue with employers, supporting victims of discrimination and monitoring discrimination at the workplace. In the complex and rapidly changing socioeconomic and demographic context, trade unions play a fundamental role in supporting the transition towards a more diverse society, not least because discrimination in society and the workplace is an enduring issue.

Research has shown that **high and persistent levels of discrimination, migration trends and legal changes were the main drivers for trade union action on non-discrimination**. A number of trade unions across Europe have developed numerous initiatives to promote equality and diversity, adopting a broad range of approaches to address the multiple grounds of discrimination, through diverse practices, target groups, reach and activities.

The trade unions' actions have had a dual focus, with actions aiming to address discrimination internally within the trade union and externally, at the workplace and in wider social settings. This has allowed persistent discrimination to be tackled through different channels, including addressing discrimination among trade union members, providing training and raising internal awareness of the importance of promoting equal treatment and non-discrimination at the workplace.

The majority of cross-sectoral measures were identified at both national and regional level, undertaken by trade unions representing multiple sectors. Of the sector-specific actions, public sector unions in sectors such as health, education, and social services have been particularly active.

Since 2010, the number of initiatives tackling discrimination on the ground of sexual orientation and gender identity has increased (the 2010 study chiefly reported practices addressing discrimination on the grounds of race or ethnic origin). The issue of multiple discrimination and intersectionality has also been addressed through trade union actions and this has emerged as a particular concern in addressing new and persistent forms of discrimination.

Trade unions primarily implemented awareness-raising actions and campaigns, collective bargaining and targeted training for trade union members on non-discrimination issues. In developing their actions, a number of trade unions forged multi-stakeholder partnerships to increase their lobbying power as

well as to provide a forum for discussion and exchange of good practices, maximise the reach and impact of the action, recruit new members, and receive specific technical knowledge and reliable background information during the design phase of the practice or during its implementation.

Trade union practices had several **short and long-term impacts in addressing discrimination**. Internally, the actions had a significant impact, notably in relation to **awareness-raising, upskilling of trade union representatives and sharing knowledge of good practices**. To achieve long-term impact of their practices, some trade unions have established specific equality structures within their organisation. These, in turn, have enabled the trade unions to take more structured and longer-term equality-oriented actions that are also embedded in their wider strategy and policy agenda.

Trade unions reported increased visibility and greater awareness of the equality agenda and discrimination issues among the workforce. This was partly achieved through trade unions supporting workers at risk of discrimination or those already experiencing discrimination. Some trade unions also worked directly with employers to reduce discrimination at the workplace, with a direct (positive) impact on workplace regulations on non-discrimination. Importantly, actions at the core of the trade union mandate, such as inclusion of non-discrimination clauses in collective agreements and lobbying for legislative action, allowed for discrimination issues to be embedded into company policies and practices.

At a broader societal level, trade unions influenced the political decision-making process, while their non-discrimination initiatives also increased the visibility of discrimination issues among the general public and helped to build a broader consensus in society at large about the need to tackle all forms of discrimination.

The impact of trade union practices was significantly affected by **several enabling and hindering factors**:

- Support from senior managers in the trade union is a key factor for actions to succeed, together with the versatility/diversity of actions implemented to effectively reach their target groups. Important external factors influencing the successful implementation of trade unions' actions include a supportive political, economic, and legislative context, which provided a positive environment for the trade union actions addressing discrimination.
- The deteriorating political climate in some Member States is the main factor hindering trade union action on non-discrimination. An unfavourable legislative context also hampers such actions. Budgetary constraints are the internal obstacle, which translate into limited human and financial resources available for non-discrimination actions. This is closely followed by a lack of internal support and sensitivity to non-discrimination and equality issues.

Finally, among the trade union non-discrimination actions, **a range of elements could be transferred to other contexts and/or organisations**. The transferable elements which emerged from the study research have been conceptualised within a framework that covers all organisational aspects of trade union action to combat discrimination, including:

- Strategic vision of trade unions, e.g. the need for a clear and explicit strategic vision on discrimination.
- Organisational structure, e.g. having dedicated units and personnel dealing with discrimination issues.

- Concepts of the practice/activity, e.g. the sharing of available and tested practical tools, approaches and mechanisms to deliver training, provide guidance and advice to trade union members and workers, tools to engage employers, approaches to include discrimination issues in the collective bargaining agenda.
- Delivery model, e.g. developing innovative elements of a training programme, involvement of key actors, successful and attractive outreach activities.

A number of recommendations have been developed, reflecting the key findings and conclusions from the study. The emerging findings and further actions were also discussed with over 100 trade union representatives at the final study conference in October 2019. The recommendations are grouped by key stakeholder.

Recommendations for the European Commission to further support trade unions in tackling discrimination

The study showed that collective bargaining is under threat across Europe. However, it is the core mandate of the trade unions and one of the key tools to advance non-discrimination practices at the workplace. There is further scope for the European Commission to undertake additional activities to support the positive political, economic and legislative climate that is crucial for trade unions to tackle discrimination.

There are a number of specific provisions in the EU non-discrimination directives that invite governments to promote equality with support from social partners/through social dialogue. The European Commission could undertake further action to more effectively monitor and enforce these provisions and their implementation. In this context, the consultation processes of the European Semester could also be used more effectively. This would enable the social partners to meaningfully participate in developing a series of national reforms designed through the Semester process, as these often address the issues of discrimination faced by particular groups in society.

To further embed the equality agenda, the European Commission could consider including training on diversity as part of health and safety at the workplace. Such EU action would reflect a broader policy agenda to support safe workplaces.

Looking outside the EU, a form of supporting non-discrimination clauses could be included in the trade agreements negotiated between the EU and third countries. These could include a range of particular strategies to tackle discrimination, given the role played by trade unions here.

There are a number of available funding channels to fight discrimination (such as the EU Rights, Equality and Citizenship (REC) Programme), whose potential is not fully utilised by the trade unions. There is further scope for the European Commission to consider how best to promote this funding so that trade unions use it to support the implementation of their non-discrimination actions.

The study showed how exchanges of expertise and experience between the trade unions both within a country and at European level help to further non-discrimination actions. The European Commission could consider supporting further exchanges of experience and practices of trade unions fighting discrimination. In parallel, the study showed a wealth of practices, tools, approaches and methods developed by trade unions in fighting discrimination. There is merit in considering the development of a pan-European repository of existing practices, tools, approaches and training materials.

Regular EU-wide awareness-raising campaigns on discrimination issues could be organised jointly between the European Commission, trade unions and employer organisations. This would raise the visibility of joint actions and help to communicate the outcomes of trade union actions to wider audiences across the EU.

Recommendations for trade unions to further advance their non-discrimination action

The study showed that among the grounds of discrimination faced at the workplace and in wider society, multiple discrimination often remains hidden in fighting discrimination. Trade unions could consider giving further attention to the issue of intersectionality and how best to recognise it in the work of trade unions.

Trade unions could consider devoting attention to the most successful approaches, as demonstrated by the study findings. Attention could be paid to a range of successful activities, including early intervention and preventing the development of discriminatory views, alongside actions embedding the non-discrimination agenda, targeting employers, trade union members and workers. To be effective, trade unions could also be encouraged to show real examples of how diversity needs to be lived, demonstrated and experienced.

There is scope for trade unions to consider making non-discrimination actions more sustainable through ongoing investment, including embedding actions in trade unions' wider strategies and/or structural measures. Financial support, the allocation of appropriate human and financial internal resources, and the prioritisation of discrimination by trade union leadership could also be helpful in this respect.

There is merit for trade unions to further advance the non-discrimination agenda in collective bargaining and other social dialogue processes. The outcomes of collective bargaining, such as addressing low wages and poor working conditions in some sectors, will help to address worker discrimination in these sectors (e.g. often the care sector is prone to employing workers that face multiple discrimination, such as migrant women).

Trade unions could focus on establishing and maintaining strong collaborations with employers, NGOs, universities, embassies and other key stakeholders in the non-discrimination field. The study showed that strong partnerships are crucial in the design, implementation and outreach of non-discrimination actions. Trade unions can impact on wider society due to their vertical and horizontal structures but are even more powerful when working together with strong partners, which multiplies this impact.

Recommendations for employer organisations to provide a strong contribution to non-discrimination actions

The study focused on trade unions actions on non-discrimination and diversity. However, study findings also show scope for employers to become more active and cooperate with trade unions on joint actions to fight discrimination. This could be important in the context of making the business case for a more equal society (discrimination impacts negatively on workers and business performance and has a negative multiplier effect on society).

Employers could be more open to including non-discrimination clauses in the collective bargaining and social dialogue processes, thus providing a strong channel to address workers' concerns and tackle negative discrimination experiences.

Annex 1 Case study reports

In this Annex, we present the detailed reports for the 21 case studies that were conducted as part of this study.

6.1 Austria – Trade Union Forum by Migrants for Migrants (ÖGB)

6.1.1 Summary of the case study

- **Country:** Austria
- **Name of the trade union:** ÖGB (OEGB)
- **Title of the case study:** Kompetenzforum Migration - Trade union forum by migrants for migrants
- **Link to the website of the case study:** https://www.oegb.at/cms/S06/S06_23/home?d=Touch
- **Date of the practice when it was first implemented:** Initiative exists since 2009
- **Whether the practice is still on-going:** Still on-going
- **Whether the practice was included in the 2010 study:** Practice was listed in the 2010 study (but not as case study)
- **Sector of the trade union/ practice:** At confederal level, cross-sectoral, but region specific
- **Ground of discrimination addressed:** ethnic origin, multiple discrimination
- **Short description and focus of the case study:** The initiative focuses on providing information to migrant workers about the work of trade unions in general, encourage them to join a trade union and become active at company level in their respective works council (including the possibility of them being elected chairperson of a works council);
- **Short description of activities:** Activities of the Forum include awareness raising, information and communication activities in relation to migrant integration; contribution to inter-cultural activities (e.g. organisation of an inter-cultural football competition with local migrant associations, migrant workers and football teams); campaign and advocacy work (e.g. ÖGB specific or regional advocacy work); and international trade union work (e.g. information and collaboration with trade unions of other countries such as Croatia and Turkey);
- **Short description of results and impact:** The Forum is a networking platform for migrant workers in the region of Upper Austria. Through representation in the executive management of the regional ÖGB structures and the Upper Austria's Chamber of Labour, the Forum can channel the voice of migrant workers at all political levels as well as at the workplace through networking with works councils and their members.

6.1.2 Introduction

The Austrian Confederation of the trade unions ÖGB is a cross-party umbrella representative organisation of employees in the country, established in 1945. The confederation and its seven member unions have around 1.2 million members in the country, representing the interests of their members towards employers, the government and political parties. ÖGB is a key party in the social dialogue structures in Austria, negotiating collective agreements on pay, working conditions and a range of other employment related topics. The confederation is organised at the central level, and also has eight regional and numerous local associations.

The Kompetenzforum Migration (hereinafter the Forum) was set up in 2009 by the ÖGB Oberösterreich (Upper Austria – federal Land). The ÖGB has had since the 1970s a specific advisory service for migrants to provide better information on labour law and social law in the mother tongue of the largest migrant groups present in the Upper Austria Land such as Turkish, Serbo-Croatian, Bosnian, Hungarian, Slovak, Slovene migrants. In the 1960s and 1970s many so-called “guest workers” arrived in Austria from these countries. The ÖGB already contributed at the time to the set-up of this counselling service as a separate specialised association, which still exists and is now called “Migrare”.¹⁵⁸

At the time, the Land Upper Austria had also developed a more networked and integrated approach in dealing with the integration of migrants (for example, a migrant integration related framework policy was developed). This policy framework was fully supported by the head of the ÖGB in Upper Austria. When, in 2009, the ÖGB Federal Congress decided to foster migrant competence centres for a better representation of migrant workers within the ÖGB and to give workers with a migrant background a voice in internal trade union and societal debates, the ÖGB Upper Austria followed this idea and created the Forum. For example, one of the specific ideas is that spaces for candidates for the Chamber of Labour (Arbeiterkammer)¹⁵⁹ are reserved for workers with a migrant background.

Today the Forum is unique and exists only in Upper Austria. There is no other similar format at federal level nor in other federal entities in Austria.

In this regard, the ÖGB co-leader of the Upper Austrian region interviewed mentioned that Upper Austria has always been a pioneering region with regard to integration policies. This may have to do with the fact that a good share of migrant workers also works in this region. Hence, politics have shown more sensitivity around this topic. It should also be mentioned that many associations with links to the various migrant communities have been supported (financially by the Land Upper Austria) and developed on an on-going basis in the region. This, in turn, also contributed to better networking with the ÖGB.

Representatives of the Forum interviewed for this study highlighted that the issue of discrimination based on ethnic origin together with racism have again become more widespread. In particular, it was observed that discrimination on multiple grounds has increased recently – specifically as far as women with migrant background are concerned. There are more issues also about sexual harassment at the workplace. Such topics are also debated with the ÖGB representatives responsible for equality issues for men and women (Women Committee).

¹⁵⁸ The website for the association can be accessed here: <https://migrare.at/>; The ÖGB does not officially support this association, but it is now the Chamber of Labour for Upper Austria and the Land Upper Austria and other partners. The ÖGB still provides their premises for some of the support services provided by Migrare in some areas in Upper Austria.

¹⁵⁹ This is equivalent to the Chambers of Commerce and Trade in Austria – representatives of both chambers negotiate sectoral collective agreements, react to policies and provide statements on specific employment-related proposals from the regional and federal government

6.1.3 Focus of the practice

The Forum is an informal body that exists within the ÖGB Upper Austria. It is also financially supported by the ÖGB. The Forum is a way for migrant workers or workers with a migrant background not only to participate in internal ÖGB debates, but also in discussions within the Chamber of Labour in Upper Austria. It is a Forum that is set up by migrant workers for migrant workers.

Its main focus is:

- To help workers find the relevant information on labour law, social and social security law, state/public services that exist to support workers;
- To assist migrant workers in their mother tongue;
- To provide information about worker representation in companies and make migrant workers aware about the influence of works councils as well as assist them to eventually become themselves works council representatives;
- To also assist worker representatives with a migrant background in their daily work in the works council in a specific company;
- To provide information about the role of the Chamber of Labour and its influence in employment policies, inform about the Chamber of Labour elections and promote ÖGB members with a migrant background so that they are represented in the Chamber of Labour and, as a result, make the voice of migrant workers heard;
- To provide social and cultural events to foster better migrant integration and to raise awareness about the Forum (for example, every year the Forum has hosted a football competition for young migrants/migrant workers);
- To network with other cultural associations linked to migrant workers and addressing specific issues that migrant workers face in society and their process of integration. For example, such organisations can contribute to information evening events organised by the Forum on a wide range of topics such as pensions reforms, or taxation issues; topics specifically related to labour law such as the issue of employer non-compliance in terms of paying wages below collectively agreed wages or the minimum wage, competence assessments for migrants with foreign qualification and related formal recognition processes; other topics such as social housing policies, childcare provision, including contributions to such care, etc.;
- To network with anti-racism NGOs in the region on relevant activities and awareness raising work;
- Networking with trade unions in the home countries of migrants; for example, the Forum has been recently networking with Croatian trade unions in order to develop a better understanding of the situation of the trade union organisation as well as the labour market context in Croatia.

The Forum is steered by two employees of the ÖGB. They coordinate the work and activities and carry out all administrative work related to the Forums' activities (e.g. sending invitations for meetings, planning, setting up of agenda and moderation of meeting, coordination of volunteers, networking with members and associations/NGOs, etc). However, these two employees carry out the work concerning the Forum as a side function of their role. Their main task is to work on the advisory service for migrant workers that the ÖGB provides. This, however, helps these two coordinators to network and raise awareness on the Forum's work and objectives among migrant workers.

In total, there are about 20 ÖGB members that participate in the five annual meetings whose number can sometimes be higher depending on the implemented activities. Yet,

only about 12 of these regularly contribute to the work of the Forum and its various activities.

In terms of financing, there is no concrete fixed annual budget, but the ÖGB Upper Austria provides funding where needed depending on the planned activities.

Every four years, a chairman of the Forum and a steering board is elected (the so-called presidency of the Forum consists of three members). The steering board also sets the priorities for the four-year period of its tenure. The chairman of the Forum is also represented on the ÖGB Upper Austria executive committee and can use this platform to raise specific issues relating to migrant workers that are discussed within the Forum.

The latest elections of the Forum took place in 2017. Two main priorities for the period 2017-2021 were set:

- Ensuring affordable living for all – as stressed, it is important that employees can live from their income. The chairman emphasises that the Forum calls for an Austria-wide uniform system of rent pricing with a rent ceiling that would enable even the poorest 25 percent of people living in Austria to afford affordable housing. Furthermore, the Forum argues that more investment needs to be channelled towards social housing.
- Supporting migrant integration – the members of the forum know very well how difficult it is to find one's way in a new country. The ÖGB plays an important role in the integration of foreign workers. The Forum supports the ÖGB in continuing to play a pioneering role for good cooperation between people of all backgrounds who live and work in Austria.

6.1.4 Activities implemented

Every four years, a conference is organised on the occasion of the election of a new chairperson and a new steering board of the Forum. In 2013, the conference was held under the theme: "Social justice and the welfare state need trade unions. Trade union need diversity". In the same year, the Forum also prepared its members and campaigned for the elections of the regional Chamber of Labour (Arbeiterkammer). As a result, six members of the Forum were elected.

In addition, two Forum members are represented on the ÖGB's regional executive committee and a Forum member is represented on the ÖGB's regional women's committee. Hence, in Upper Austria, the ÖGB ensures representation of workers with migrant background in their management structures. This is very important for members of the Forum, as it is their principal communication channel to raise issues that are important for migrant workers.

In the period 2013-2017, the following activities were implemented:

- Communication work: Members of the Forum engage with local companies, local associations and ÖGB members (with migrant background) to explain the rules about setting up works councils and inform about the Forum's initiatives;



- Inter-cultural activities: such as - yearly organisation of an inter-cultural soccer competition among young people with a migrant background; contribution to and participation in the regional "Day of Language" and its "information market" providing there information about the Forums work and work of ÖGB and trade unions in general; information series and conferences, including a small photography exposition on the history of "guest workers" (Gastarbeiters – temporary migrant workers that came to Austria as a result of a migration policy that invited workers to come to work in Austria for a temporary period to contribute to the re-construction of Austria after the World War II).



- International trade union work – in 2013, at the time of the accession of Croatia to the EU, the Forum engaged with Croatian trade unions and organised information and debate evenings to foster a better understanding of the situation in Croatia of trade union organisations and worker representation and the labour market situation more in general; a similar initiative was organised with trade union members from Turkey.

- Campaign and political advocacy work: for example, a campaign on income tax reduction was launched by the ÖGB as was a citizen initiative (through a parliamentary petition) on legal changes regarding the minimum wage and information obligations in cases of worker underpayment. Other relevant activities include demonstrations on the Transatlantic Trade and Investment Partnership (TTIP) and Comprehensive Economic and Trade Agreement (CETA); information event on health and safety at work and new forms of health risks at the workplace (e.g. psychosocial health risks) together with discussion on how work councils can help address these issues; information event series on the procedure for the recognition of foreign qualifications in Austria as well as on-going pension reforms.



The main focus of the Forum is to support those that are members of a works council with their work in the individual companies. It should be noted that, where people with migrant background are elected in the works council or are the chairperson of the works council¹⁶⁰, the company typically also employs a higher share of migrant workers. However, there are also companies where this is not the case.

6.1.5 Impact of the practice

Key impacts seen by the interviewees of this practice is that the Forum provides a very good platform to exchange views and ideas between migrants, to debate in their mother tongue, to be active in the socio-political context in society through their trade union and the Forum and to influence the regional politics that may impact most on migrant workers, as well as to network with other migrants working in various companies in their region. The initiative is a format 'peer to peer support' in terms of migrant workers

¹⁶⁰ In this case, they are fully paid for their work as works council member with corresponding paid time off.

helping other migrant workers to become politically involved and more closely engaged in their local community. This, in turn, can further enhance their integration.

Another important factor is visibility at the Land (i.e. Upper Austria) level in both the ÖGB executive committee and the Chamber of Labour which, in turn, contributes to the integration debate by emphasising the priorities of migrant workers. Indeed, this provides a good framework for making the voices of migrant workers heard. It helps to mobilise people on specific topics and to have access to key political actors at the regional level as well as to additional resources such as advisory services or training provision.

As pointed out by the interviewees, it is important to have migrant workers participate in the elections of the Chambers of Labour and to mobilise them in terms of setting political priorities most relevant to them and their integration. Since the end of 2018 and early 2019, the Forum has again been preparing the campaign for the 2019 March elections of the Chamber of Labour, where the Forum members hope to win again at least five to six seats. This, in turn, helps both create better linkages between issues relating to migrant integration at the shop floor (through the works councils in companies), relevant issues addressed by the advisory services, and topics discussed in the Forum and then highlight these linkages to the highest political level in the Land (region), i.e. the Chamber of Labour. When being a member of the Chamber of Labour, this can also provide one with very good access to additional resources e.g. legal advice. This can also be of help when advising migrant workers on a more informal basis in the Forum's members' own work context.

To date, the Forum's impact has not been systematically captured nor evaluated. The Forum's members and their participation has been kept at the same level over the years since 2009. It is also thanks to the long involvement of some key members that the Forum has continued to be as active as it is. The considerable support provided to the Forum by the executive management of the ÖGB in Upper Austria has also contributed in that regard.

Over the past three years, in six to seven specific cases the Forum could support the set-up of new works councils involving migrant workers or to promote the election of a worker with a migrant background as the chair of the works council. There is no specific documentation that provides more details about these success stories. An interviewed beneficiary that has received the help from the Forum to become the chair of a newly set up works council pointed out that, in particular, the psychological support that was provided by members of the Forum was of importance when going through the procedures to set up the works council and to contest the election.

It also helped that person to gain trust and confidence in the entire process, to choose the right training and properly prepare for the role on the works council. As was highlighted, it is helpful that, for any person that needs help, there is a clear contact point for the Forum. The conference that takes place every four years is also a good networking event for all those that are active in works councils to exchange views and ideas about practical issues or success stories in relation to migrant integration and their more specific work in their respective works councils.

Finally, the Forum has also contributed to an increase also in trade union membership of migrant workers over time.

6.1.6 Success factors

Key success factors that were identified by the members of the Forum include the following:

- Having a person that “runs the Forum’s main business” – e.g. to act as the main contact point for persons that are interested in the Forum’s work – to receive financial and political support from management of the trade union at the regional level; etc.
- The ‘peer to peer’ steering approach of the Forum – i.e. the fact that the Forum is managed by migrant workers for migrant workers – which helps to lower the barrier for other migrant workers to approach the Forum’s management and their members;
- Support provided also in migrants’ mother tongue – it also adds to lower the communication barrier and make other workers feel more comfortable and at ease since they are able to express themselves in their mother tongue;
- Establishing an informal network among workers with a migrant background which can be quickly mobilised for more concrete actions and events relevant to their specific needs;
- Making use of the existing structures and political organisations – e.g. using the Chamber of Labour, ÖGB Upper Austria to both channel the voice of migrant workers and raise awareness of migrant workers’ issues;
- Networking with other regional associations and anti-racism NGOs – e.g. in terms of participating in and jointly organising local events to reach out to (migrant) workers that are not yet members of a trade union, but who are interested to get involved.

6.1.7 Hindering factors and areas for improvement

The key factors limiting the potential impact and areas for improvement identified are:

- Limited availability of Forum members – it depends highly on their extent of personal engagement and time to volunteer to get actively involved;
- Limited financial resources – there is budget available on-demand depending on specific activities, but this does not allow one to actually plan on a yearly basis. This ad hoc basis for budget allocation makes it difficult to have a specific overview how much resources are available per year to implement events on an on-going basis or to plan for larger events/ more long-term activities;
- To date, there has been no systematic evaluation of the Forum’s actions carried out to provide more details on their impact and to better demonstrate their reach. Indeed, this may be one of the reasons why the Forum’s format has not been replicated in other federal regions, or at the federal level of the ÖGB. To this end, an evaluation and a more systematic approach to documentation could improve the visibility of the activities and document long-term success of the initiative;
- More systematic networking with local and regional associations, or integration offices at city/municipality level to tackle issues of discrimination and provide support to migrant workers or migrants in more general – this could, in turn, help foster more long-term networking relationships and to potentially provide in partnership more long-term activities. Currently, such cooperation has been occurring on an ad-hoc basis. More systematic networking and collaboration with relevant stakeholders can also contribute to increased visibility of the objectives of the Forum, promote inter-cultural activities and understanding and, ultimately, foster better migrant integration.

- The political context has changed – the last federal election in Austria has promoted right-wing populism and stigmatisation of migrant workers. This has, in turn, contributed to the fact that people now feel encouraged to make more provoking and discriminatory statements in society, political debates and at work.

6.1.8 Transferable elements of the practice

The Forum is more of a “grassroots” format that can best be transferred at a regional or local level. It needs active and engaged trade union members with a migrant background. It also needs clear political support at trade union management level to provide one specific voice and representation on migrant integration in trade union management structures (positive action). The topic of migrant integration needs to be streamlined across trade union policies and the consultation of the forum should be somewhat institutionalized within the trade unions policy development structures. It could also be possible to set up a committee or work group just for migrant workers similar to the dedicated women’s committee which aims at representing women better in trade union structures.

It is key to have a person that manages the activities of the forum (administrator) and who can act as central and permanent contact point.

The best way forward is also to connect and implement the forum’s work to any activities that are already in place e.g. advisory services to migrant workers to improve the outreach and recruitment of members.

The forum could also be involved in more specific training for works council delegates to sensitise on discrimination on ethnic grounds.

6.2 Belgium – Protecting Diversity Beliefs (CSC)

6.2.1 Summary of the case study

- **Country:** Belgium
- **Name of the trade union:** Christian trade union confederation of Belgium, hereinafter CSC (*Confédération des Syndicats Chrétiens de Belgique*)
- **Title of the case study:** Protecting diversity of beliefs
- **Link to the website of the case study (practice/s):** <https://www.csc-en-ligne.be/Images/brochure-diversite-convictionnelle-tcm187-426005.pdf>
- **Date when the practice/s was first implemented:** 2010
- **Whether practice/s still on-going:** Still on-going
- **Whether the practice was included in the 2010 study:** Yes
- **Sector of the trade union/practice/s:** Intersectoral
- **Ground of discrimination addressed:** Religion and belief
- **Short description and focus of the case study:** This case study presents the initiatives of the CSC's committee on diversity in tackling religious discrimination since 2010. The diversity committee considers that religion is one of the primary grounds for discrimination in Belgium. One of its set priorities is to encourage a debate around religion at the workplace and raise awareness of religion as an important dimension of diversity.
- **Short description of activities:** The CSC developed different tools, such as campaigns to raise awareness on religious diversity, training sessions on religious symbols, leaflets to support delegates confronted with a case of religious discrimination in a company. Activities also included the organisation of conferences and "study days" (*journées d'étude*) on religious discrimination as well as negotiations with employers to find a compromise between religious practices and working environment norms.
- **Short description of results and impact:** Religious discrimination is increasingly discussed among delegates of the CSC and in companies. Workers, trade union delegates and employers have gained knowledge and understanding of different religions and their practices. The number of participants in the training sessions, conferences and study days demonstrates that employee representatives are faced with these issues in companies and seek to understand the place of religion in employment. Moreover, the CSC was able to negotiate directly with some employers, allowing employees more flexibility in their working hours to practice their religion.

6.2.2 Introduction

The Confederation of Christian Trade Unions is the largest of Belgium's three trade union federations. It was founded in 1904. Today, the CSC has 22 regional federation and 16 sectoral unions, with a membership of 1.7 million and over 80,000 active union representatives. The union aims to represent the interests of all workers, active and inactive, across the economic sectors in the topics related to employment, wages, social protection and the quality of life.

The Christian trade union confederation of Belgium (hereinafter CSC) initiated practices to tackle religious discrimination in 2010, shortly after the creation of its Diversity

committees in its three regional federations.¹⁶¹ As part of the Christian workers' movement, protecting religious practices and freedom is a relevant component of the CSC's identity. Therefore, when trade union delegates started to report an increasing number of issues relating to religious practices in the workplace and the difficulties of workers over the expression of their religion and their beliefs, fighting religious discrimination became a priority for the trade union. As one interviewee reported: *"When a societal issue is put forward and increasingly experienced in the workplace, one must open the dialogue and share realities to tackle the issue. It is necessary to allow workers to discuss these questions without being stigmatized"*.¹⁶²

Notably, the profile of the inhabitants of the Brussels-Capital region is highly diverse, including in terms of religion, making trade union initiatives particularly relevant in tackling religious discrimination. The capital counts more than 168 nationalities, with around one person in two having a foreign origin and one person in three being Muslim.¹⁶³ This context calls for intervention by trade unions to ensure the promotion of diversity and equality in the workplace. Although the CSC's activity to tackle religious discrimination was agreed at the national level, its Brussels-Capital region branch is more active in the implementation of relevant campaigns and training. The decision to tackle religious discrimination by CSC from the national level down was officially taken during the CSC's national Congress in 2015, where the trade union laid down its core values and objectives in the document *"Projet de lignes de force"*.¹⁶⁴ The provision number 58.b states that: *"We (do not) accept the prohibition of religious or ideological symbols or that certain clothing instructions are imposed if these decisions cannot be objectively and reasonably justified"*.¹⁶⁵ The CSC is the only trade union to be openly against the prohibition of religious symbols in its Congress document. According to the trade union, racism and religious discrimination should be dealt with jointly, since they are two closely interlinked grounds for discrimination.

The initiative of the CSC in promoting religious diversity was included as a case study in the 2010 study. Since then, the activities have significantly increased in number/scope and became very diverse. While CSC's actions evolved mainly around collective bargaining and the promotion of dialogue with employers in 2010, activities now include training programmes, publications, conferences and other events.

6.2.3 Focus of the practice

The main objective of the campaign is to encourage a debate around religion at the workplace and raise awareness of religion as an important dimension of diversity. The CSC aims to promote the freedom of employees to wear religious symbols and accommodate religious practices within the workplace. The activities developed by the CSC's Diversity committees of the three regions of Belgium are mainly focused around the issue 'how to accommodate religious practices in the workplace'. As expected, different questions are raised in relation to this issue depending on the sector within which the CSC's campaign is implemented. For instance, in both the education and public sectors, a central issue is how to reconcile the neutrality of public services with religious diversity.¹⁶⁶ Overall, the objective is to promote a social dialogue within

¹⁶¹ The Diversity Committee of Flanders was created in 2006, followed by the Brussels' Committee in 2007 and by the Wallon Committee in 2009.

¹⁶² Rachida KAAOISS, in charge of the Diversity Committee of Brussels region: *« Quand un fait sociétal mis sur la table et est de plus en plus vécu en entreprise, il faut ouvrir le dialogue et partager les réalités pour répondre à cette question. Il faut permettre aux travailleurs de discuter de ces questions sans être stigmatisé »*.

¹⁶³ Interview with Rachida KAAOISS.

¹⁶⁴ *Projet de lignes de force*, 10 mars 2015, congrès CSC <https://www.csc-en-ligne.be/Images/15-03-17-lignes-de-force-congres-csc-2015-tcm187-358175.pdf>

¹⁶⁵ Ibid.

¹⁶⁶ Question raised during the study day of 4 December 2012.

companies on religious diversity and establish a discussion with the employer on how to accommodate the worker willing to practice his or her religion.

The target group is mainly trade union delegates. Since Belgium's three regions implement different activities in the context of this practice, as well as specific actions in certain sectors, the public reached by the campaigns is very wide in terms of both geographical coverage and type and range of activities aimed at tackling religious discrimination at work.

Regarding financial resources, the budget of the CSC Diversity Committee principally comes from two main sources: (i) the regional governmental authorities and (ii) the monthly contributions of the CSC members. The interviewees noticed an important increase in the budget set by public authorities since 2010, which went hand in hand with an increase in the CSC Diversity Committee's activities. In the Brussels capital region, one person is fully in charge of the activities implemented by the Diversity committee, and other trade union representatives intervene in the practices occasionally. The remuneration of the CSC's permanent representatives is covered by member's affiliation fees.

6.2.4 Activities implemented

The CSC has developed a wide range of activities in the context of its fight against religious discrimination, including training programmes, publication of books, brochures and leaflets, awareness-raising videos, conferences, etc. Table 13 gives an overview of all activities implemented since 2012.

The 'study day' (*journée d'étude*) organized on 4 December 2012 by the CSC education and CSC public services was the starting point of the involvement of the CSC in promoting religious practices at work. At that 'study day', 121 CSC delegates gathered to discuss the topic "Neutrality and religion: What interaction in the public service?".¹⁶⁷ D. Cabiaux, former vice-president of the CSC public services at the time, introduced the conference with the following statement: "*We welcomed the questions of clarification of our permanent and our delegates, as an invitation to debate*".¹⁶⁸ To this end, the CSC delegates and permanent employees were invited to discuss the following questions:

- How present are religious symbols in the workplace?
- What are the concerns arising from wearing religious symbols?
- How to act when confronted with such questions at work?
- What does the law say?
- What is the role of union delegates, and what are the values that the CSC should promote?

One year later, the CSC published the book by Dominique Cabiaux, Françoise Wibrin, Luan Abedinaj and Laurence Blésin¹⁶⁹ on the same topic, which combines and summarizes the interventions of the speakers invited to the focus day (see Figure 16).¹⁷⁰

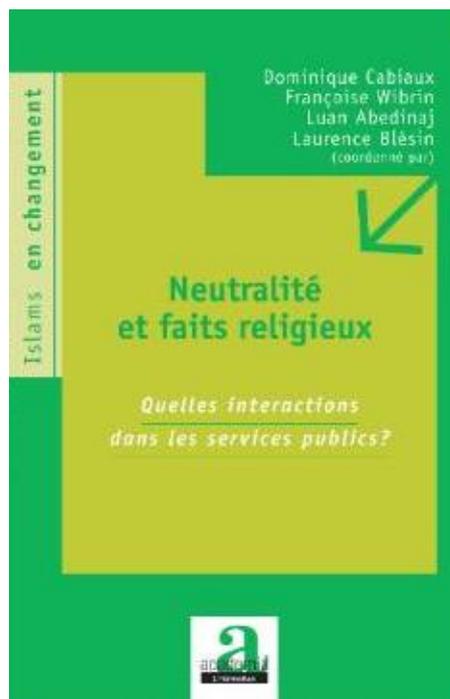
¹⁶⁷ Original title: « *Neutralité et faits religieux : quelle interaction dans les services publics ?* »

¹⁶⁸ Quote from the Welcoming word of Domonique Cabiaux during the conference of 2012, transcribed in his book p.7. Original version: "*Nous avons accueilli les questions de clarification de nos permanentes et permanents, de nos déléguées et délégués, comme une invitation (...) à débattre*"

¹⁶⁹ Vice-president at the time of the CSC Public Services.

¹⁷⁰ D. Cabiaux, F. Wibrin, L. Abedinaj, L. Blésin "Neutralité et Faits religieux, Quelles interactions dans les services publics ? » Academia L'Harmattan, 2014. Available from: http://www.crisp.be/crisp/wp-content/uploads/analyses/2014-12-05_VdeC-Academia-L_Harmattan_2014-La_neutralite_n_est_pas_neutre.pdf (accessed 04.03.2019)

Figure 16. The book "Neutrality and religion: What interaction in the public service?"



This publication was notably later distributed to participants in training sessions on similar topics. The conferences organised touched upon different aspects of the issue of religion at work. For instance, two transregional conferences took place in 2014 and 2018, on "religious, philosophic and ideologic symbols in the workplace"¹⁷¹ and "religious diversity in companies" respectively.¹⁷² They attracted around 40 delegates in 2014 and 70 delegates in 2018. The conference of 2018 was particularly innovative, in that it had professional actors present, through role play, cases of religious discrimination and examples of relevant situations which delegates can be confronted with at work.¹⁷³

Figure 17. Transregional CSC conference held on 22 February 2018 in Brussels



¹⁷¹ « Journée de formation transrégionale sur les signes philosophiques, idéologiques ou religieux ».

¹⁷² <https://www.facebook.com/CSCBHV/posts/744989232366727>

¹⁷³ Vidéo « Comment gérer la diversité convictionnelle en entreprise ». <https://www.facebook.com/watch/?v=483558822060401>

A brochure named "How to deal with the diversity of beliefs in companies?"¹⁷⁴ (see Figure 18) was published as a supporting document for this conference. It was later widely distributed to CSC delegates and to employees directly.

This brochure presents six concrete case studies of religious discrimination at work and explains the role of trade union delegates in this context. It also indicates which actions qualify as a discriminatory practice.

The annexes of the brochure introduce the legislative framework for protection against religious discrimination at national, European and international levels. It also recommends enforcement mechanisms in case of discrimination and informs employees and delegates on the right not to be discriminated against.

Figure 18. Brochure "How to deal with the diversity of beliefs in companies?"

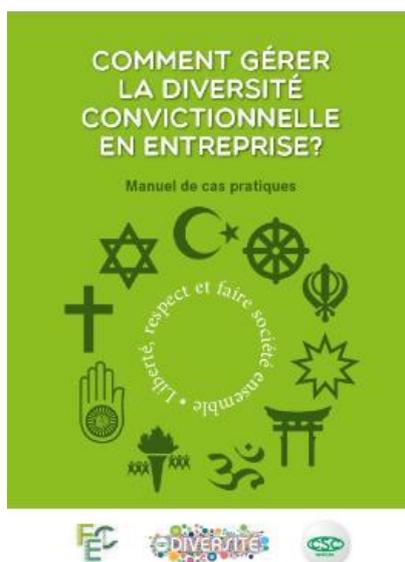


Table 13. List of activities implemented by the CSC to tackle religious discrimination

Name or type of the practice	Date of implementation	Localisation and public targeted	Impact and comments
Conference "Neutrality and religion: What interaction with public services"	4 December 2012	All French-speaking delegates of the CSC were invited to participate. The public targeted was mainly representatives from the public sector.	121 people present
Publication by D. Cabiaux, Françoise Wibrin, Luan Abedinaj and Laurence Blésin: "Neutrality and religion: what interactions in the public services?"	April 2014	Delegates in the public and education sectors.	Better understanding of the practical issues of religious practices in the public and education sector.

¹⁷⁴ "Comment gérer la diversité convictionnelle en entreprise ? » Available from: <https://www.csc-en-ligne.be/Images/brochure-diversite-convictionnelle-tcm187-426005.pdf> (accessed 04.03.2019)

Name or type of the practice	Date of implementation	Localisation and public targeted	Impact and comments
Training on Workplace Neutrality and Religious symbols	March 2014	Delegates of the Brussels-Capital region	50 delegates present
Transregional conference on the use of religious, philosophic and ideological symbols in the workplace	27 November 2014	Union delegates from the three regions were invited to participate.	40 delegates present
Evening debate on religious symbols in the workplace, with the focus group "Tayush" ¹⁷⁵	25 March 2015	Delegates from the Brussels Capital region as well as from the national CSC	around 10 participants
Training on religious diversity.	21 and 22 May 2015	Delegates from the CSC Mons	14 delegates present
Information session on discrimination when hiring and religious diversity at work	29 January 2016	La Louvière	11 delegates present
Training on religious diversity and religious symbols	10 November 2016	Permanent representatives of the CSC's diversity committees	All permanent representatives of the CSC's diversity committees in the training.
Video "Stop Racisme au Boulot"	2016	Society	Not directly tackling religious discrimination but issues relating to racism and discrimination are treated together.
Leaflet " <i>How to deal with the diversity of beliefs in the workplace?</i> "	2017	French-speaking delegates of the CSC	Guide to tackle religious discrimination, through examples of real-life situations.

¹⁷⁵ Non-profit organisation Tayush organises debates on the integration of Muslims in Belgium <http://www.tayush.com/>

Name or type of the practice	Date of implementation	Localisation and public targeted	Impact and comments
Training on religious radicalisation	5 December 2017	Permanent representatives of the diversity committees French-speaking delegates of the CSC	30 participants

Sources: Activity Reports 2012 – 2017 of the CSC Diversity. Available from: <https://www.csc-en-ligne.be/csc-en-ligne/La-CSC/Que-faisons-nous/csc-diversite/rapport-activites/rapport-activites.html>

Other activities of the CSC include direct negotiation with the employer to promote religious diversity. The interviewee underlined the example of a situation in 2015, where three employees in a company producing cars did not want to work on Fridays so that they were able to pray. The employee representatives asked the CSC's Diversity Committee of Brussels to discuss directly with the employer and negotiate an agreement. After discussion, the employer agreed to be flexible on Fridays and requested that at least one worker out of three be present, while the other two were on leave. Only two of the workers agreed to these contractual terms, thus partially accommodating their desire to pray on Fridays.

The CSC is also active in promoting the diversity of beliefs in collective bargaining. In the oil and/or service station industry, a collective agreement was signed on 3 May 2018 with the employers of Total and included a clause guaranteeing an extra day of leave for "cultural reasons". A video of a delegate who contributed to the negotiations explains this provision as follows:¹⁷⁶ *"The employee representative committee decides on the modalities of the day of leave for cultural reasons. In the Brussels Capital region, the employee has a choice between three days, 8th May, 11th July and 27th September.*¹⁷⁷ *In other areas, this day can be decided freely by the worker. It is a cultural leave 'à la carte'."*

The action of the CSC in promoting religious diversity can also be observed in its campaigns against racism, as the trade union often tackles these issues together. For instance, the CSC published a video named *"Stop Racisme au Boulot"* (Stop racism at work) in 2016, aimed at raising awareness and shock the viewer in relation to racism.¹⁷⁸ This video presents a woman wearing a headscarf being discriminated upon. This combination of racism and religious discrimination is used only in CSC's campaigns, according to the interviewee. Moreover, the CSC often proposes training on "Diversity" or "intersectionality" to its delegates. This general title allows one to include religious discrimination in a wider context and assess its interaction with other grounds for discrimination.¹⁷⁹

Finally, the annual "diversity calendar" (see Figure 19 below), published by the CSC's Diversity Committee of the Brussels-Capital region and widely distributed to the public, includes figures on religious discrimination. Similarly, the trade union press office often

¹⁷⁶ Video *"Bruno, délégué syndical CSC chez Total, nous explique comment la délégation syndicale a mis en place un jour de congé régional culturel"* (Bruno, trade union delegate at Total, explains how the delegation set a leave day for cultural reasons in a collective agreement in the petrol sector). Accessible from: <https://www.facebook.com/CSCBHV/videos/vb.169954549870201/778638849001765/?type=2&theater>

¹⁷⁷ These days correspond to regional celebration days. The 8th May marks the end of the Second World War, the 11th July is the regional holiday of Flanders and the 27th September is the regional holiday of Wallonia.

¹⁷⁸ Video *"Stop Racisme au Boulot"*. Accessible from: <https://www.youtube.com/watch?v=EheDC7asLAG>

¹⁷⁹ The activity reports of the CSC Diversity between 2012 and 2017 register around 30 trainings on the topics "Diversity", "Intersectionality" or "Discrimination at Work". Available from: <https://www.csc-en-ligne.be/csc-en-ligne/La-CSC/Que-faisons-nous/csc-diversite/rapport-activites/rapport-activites.html>

sends to delegates several articles based on religion and racism, to raise awareness on the diversity of practices and to inform delegates, for example on specific religious holidays (CSC's main newspapers are: "Info CSC" and "le Syndicaliste").

Figure 19. Page of the 2019 Diversity Calendar of the CSC



Legend: "Headscarf, kippa, cross, cape... What we wear does not matter, the importance lies in our convictions"

6.2.5 Impact of the practice

The campaigns and training sessions organised by the CSC are rated very positively by the interviewee, who considers the actions to be effective. The impact of the training and conferences can be observed in the number of delegates present to both types of events (see Table 13).

The CSC's Brussels Diversity Committee permanent representative also underlined the following impacts:

- The campaigns and leaflets led to the increase of direct calls to the Diversity Committee by employees/workers;
- Religious discrimination became a central discussion point in media, in politics, and among workers. This means that the goal of raising awareness on the importance of protecting different religious beliefs was successful;
- The presence and visibility of the CSC brochures in companies means that the topic is popular and of interest to workers. Notably, the brochure "How to deal with the diversity of beliefs in companies?"¹⁸⁰ has been printed in a high number of copies: around 800 brochures were distributed in the Brussels region and thousands in the entire Wallonia.

6.2.6 Success factors

The success of the CSC's initiative to tackle religious discrimination lies predominantly in its official engagement of 2015, during the trade union Congress. The CSC openly declared its opposition to the bans on religious symbols at work through the inclusion of line 59 in the Congress document.¹⁸¹ This declaration was collectively discussed by

¹⁸⁰ "Comment gérer la diversité convictionnelle en entreprise?" Available from: <https://www.csc-en-ligne.be/Images/brochure-diversite-convictionnelle-tcm187-426005.pdf> (accessed 04.03.2019)

¹⁸¹ Line 59 of the CSC Congress document states the following: "Nous accentuons nos efforts en faveur de diversité en s'opposant à chaque interdiction des symboles religieux ou idéologiques ou à l'imposition de

the CSC at the national level, thus becoming a line of action to follow for regional delegations. It led to increased training sessions for delegates and encouraged the CSC's diversity committees to publish leaflets on religious symbols in order to help delegates to face the situation in their companies. Other factors of success were mentioned by interviewees:

- The CSC's strategy to tackle religious discrimination in a common front with racism is essential to gain an overview of discrimination at work in Brussels, as the three organisations are present in different sectors and companies.
- The CSC organised many relevant training sessions held on various topics, dealing with different issues around religion at work. These included the question of religion in public services, religious symbols and practices at work, diversity of beliefs, and even religious radicalisation;
- The practices were initiated at different levels, either regional or sectoral (by sector), allowing specific action to be taken towards protecting religious diversity where needed. The reporting duty to the national board of the CSC allows for coordination of actions;
- Concerning resources, the budget allocated by the different Belgium regions to the respective CSC's Diversity committees contributed to the effectiveness of the practices towards protecting religious diversity that were promoted by this project;
- Finally, as underlined by Dominique Cabiaux, the method adopted during the training sessions allowed to effectively confront delegates' prejudices on religious practices, by promoting an open, "no taboo" discussion.¹⁸²

6.2.7 Hindering factors and areas for improvement

The main hindering factor pointed out by the permanent of the Diversity Committee of the Brussels-Capital region relates to the controversies of the public debate around religious symbols at work. The lively and polarised public debate and the absence of broad agreement in society about such religious symbols together with the legal uncertainties concerning headscarf bans, for instance, are all factors that make the CSC's initiative rather difficult to implement.

6.2.8 Transferable elements of the practice

Many elements of the practice were considered transferrable by the interviewees. The training pedagogy for instance, can be adapted to any other context. This pedagogy relies on the promotion of an open debate originating from experiences of the delegates and situations faced at work, as it is considered key to address effectively the practical conflicts arising from practicing religion at work. It also helps dismantle the prejudices of the delegates themselves. In this regard, CSC's leaflet on "How to deal with religious diversity at work" is particularly useful in presenting practical, real-life situations of discrimination and how best to address them. Specifically, it uses six case studies as typical examples that allows one to analyse the possible reactions of employers and the role of the trade union delegate. This use of illustrative practical examples to highlight specific issues, e.g. religious discrimination at work, and effective ways of addressing them is clearly transferrable.

certaines consignes vestimentaires, les exceptions peuvent être discutées dans le cadre du règlement de travail s'il y a une justification objective et raisonnable."

¹⁸² D. Cabiaux, F. Wibring, L. Abedinaj, L. Blésin "Neutralité et Faits religieux, Quelles interactions dans les services publics ? » Academia L'Harmattan, 2014. Available from: http://www.crisp.be/crisp/wp-content/uploads/analyses/2014-12-05_VdeC-Academia-L_Harmattan_2014-La_neutralite_n_est_pas_neutre.pdf (accessed 04.03.2019)

6.3 Belgium - Tackling racism in employment – Campaign "Racism Game Over" (CSC/ACV, FGTB/ABVV, ACLVB/CGSLB)

6.3.1 Summary of the case study

- **Country:** Belgium
- **Names of the trade union(s):** CSC/ACV, FGTB/ABVV, ACLVB/CGSLB
- **Title of the case study:** Tackling racism in employment – Campaign "Racism Game Over"
- **Links to the website of the case study (practice/s):**
CSC: <https://www.csc-en-ligne.be/csc-en-ligne/Actualite/nouvelles-2016/stop-racisme-boulot.html> ; <https://bruxelles-hal-vilvoorde.csc-en-ligne.be/csc-en-ligne/Actualite/CP-BHV/2017/RGO-signature-STIB.html>
FGTB: <http://www.fgtbbruxelles.be/campagne-racism-game-over-luttons-contre-le-racisme-en-entreprise/>
Facebook Page:
https://www.facebook.com/pg/RacGameOver/about/?ref=page_internal
- **Date when the practice/s was first implemented:** 2014
- **Whether practice/s still on-going:** The practice ended in March 2018
- **Whether the practice was included in the 2010:** No
- **Sector of the trade union/practice/s:** Intersectoral
- **Ground of discrimination addressed:** Racial or ethnic origin
- **Short description and focus of the case study:** Three Belgian trade unions joined their forces to tackle racism in society and the companies of the Brussels region. The 3-year campaign involved trade union delegates and employee representatives in companies who developed practices/tools aimed at tackling racism directly at the workplace.
- **Short description of activities:** Several tools were used to raise awareness on racism in the "Racism Game Over" Campaign. Those included:
Seminars, conferences and training sessions on best practices to tackle racism
A survey to analyse the presence of racism in Brussels-based companies
An Inter-trade-union Declaration against racism at work, signed by delegates of companies participating in the campaign (Société des Transports Inter-Communaux Bruxellois (STIB) and NH Hotel)
Creation of Works Councils "Companies without Racism" (Comité pour une entreprise sans racismisme)
- **Short description of results and impact:** The campaign was a success, as media coverage testifies. The survey conducted as part of this campaign provided a scientific basis to assess statistically the presence of racism in companies which, in turn, helped foster greater commitment to tackle racism at the workplace, but also in the society (not only regarding the employer-employee relation but also the client-worker-employer relation). It also informed the wider public on the frequency of issues relating to racism and, in general, made the society more aware of such issues.

6.3.2 Introduction

The Confederation of Christian Trade Unions is the largest of Belgium's three trade union federations. It was founded in 1904. Today, the CSC has 22 regional federations and 16 sectoral unions, with a membership of 1.7 million and over 80,000 active union representatives. The union aims to represent the interests of all workers, active and inactive, across the economic sectors in the topics related to employment, wages, social protection and the quality of life.

FGTB (the general federation of workers in Belgium) is the trade union at the federal level, aimed to maintain the social protection, social dialogue and the rights of employees. It was created in its current form in 1945. The federation comprises around 1.5 million members. In addition to the federal organisation, there are also regional representations in Wallonia, Brussels and Flanders.

ACLVB/CGSLB (also known as The Liberal Union) is one of the three representative trade union organisations in Belgium with 295,000 members, 600 employees and more than 5,000 delegates. In its current form it was established in 1930. The union aims to ensure the social protection of workers and the social rights of all rights holders.

The initiative "Racism – Game Over" began in 2014, answering a budgetary line opened by the Brussels State Secretary of equal Chances¹⁸³, to subsidise trade union and non-profit organisations projects in the Brussels region aimed at tackling racism. The three dominant trade unions of the Brussels region, namely the Christian Trade Union Confederation (*Confédération des syndicats Chrétiens*, CSC), the General Federation of Work (*Fédération Générale du Travail de Belgique*, FGTB) and the Liberal trade union (*Centrale Générale des Syndicaux Libéraux de Belgique* CGSLB) were proposed to cooperate in the implementation of the project/practice which, inter alia, involved, an extensive awareness raising campaign - terminated in March 2018.

The funding proposal to the three unions to act together as a common front was favourably welcomed by the organisations concerned which immediately submitted their action plan to the State Secretary. In 15 days, the request for subsidies including a first proposal of the project course was drafted and sent to the State Secretary. In fact, prior to this campaign, the three trade unions were already collaborating on similar issues in the Brussels region. That collaboration resulted in 1994, in the signature of a common front protocol to refuse members of far-right parties on the lists of social elections. Since 2007, Brussels' region funds "diversity plans" in companies. These plans are approved in a public framework by representatives of employers, trade unions and public authorities. That same regional funding allows the unions in Brussels to have diversity advisors.

The multicultural and highly diverse demographics of the population of Brussels, where one person in two has a foreign origin, was underlined by the three organisations as it makes trade union initiatives particularly relevant in terms of promoting diversity in the workplace. Inequalities are particularly strong in this so called "city-region", as it constitutes a crossroad for migration, as underlined by the International Organisation for Migration (IOM).¹⁸⁴ According to the study published by IOM, after Dubai, Brussels is the second most cosmopolitan city in the world. Therefore, the need to address multiculturalism and diversity and combat any associated racism was identified as a major issue in the workplace and in society by social partners.

The common front campaign "Racism Game over" was an opportunity for the three trade unions to: 1. Attract more funding to tackle racism and share financial costs of the

¹⁸³ Bianca DEBAETS, Brussels State Secretary of equal chances since 2014.

¹⁸⁴ According to the IOM, after Dubai, Brussels is the second most cosmopolitan city in the world. IOM, *Etat de la migration dans le monde 2015 – Les migrants et les villes: de nouveaux partenariats pour gérer la mobilité*, 2015. Available at: <http://publications.iom.int/fr/books/etat-de-la-migration-dans-le-monde-2015-les-migrants-et-les-villes-de-nouveaux-partenariats> (accessed 18.03).

campaign; 2. Unite efforts in companies and promote delegates' cooperation despite their diverging political orientation. The campaign was officially launched on 1 October 2015, during an inter-trade-union conference in the presence of 200 delegates and employee representatives from the three organisations. It was also pursued later that year, despite the quadrennial social elections taking place in April 2016.¹⁸⁵ During this period, the trade unions were competing with each other as they each had a political agenda to follow.¹⁸⁶ However, the shared objectives of the campaign, determined prior beginning the campaign, helped overcome these tensions and find common ground.



6.3.3 Focus of the practice

The general aim of the "Racism-Game Over" project is to tackle racism in Brussels-based companies and more generally in society, through an extensive awareness-raising campaign. The Campaign was summed up in the motto "Racism Game Over – a better way to live and to work together". Another major slogan used in the campaign is: "*Brussels, city without racism*"; as mentioned in the research document of Racism Game Over.¹⁸⁷ The action which involved a common front by the three trade unions aimed at implementing a comprehensive approach for actions against racism throughout the Brussels region.

To this end, in a common declaration, the three trade unions unanimously stated:¹⁸⁸

"Build Brussels Region without racism? With the support of workers and unionized unemployed workers, we can make a difference. We are joining forces across trade union borders to make Brussels a city where it is nice to live and work, where everyone has their place. A city where the fundamental, individual and collective rights of each person are respected."

¹⁸⁵ Rtbfb.be underlined this issue in an article of 21.03.2016 "Journée contre le racisme, les syndicats sensibilisent leurs délégués à Bruxelles". Available at: https://www.rtbfb.be/info/regions/bruxelles/detail_journee-contre-le-racisme-les-syndicats-sensibilisent-leurs-delegues-a-bruxelles?id=9246974&utm_source=rtbfbinfo&utm_campaign=social_share&utm_medium=fb_share&fbclid=IwAR2vXMFz-_MHFIAwvhc3k8GDHn7I4aIdtXr74PIK3by4gLegJfbVun974yo (accessed 18.03.2019)

¹⁸⁶ Social elections are of major importance as they determine the number of delegates from each organisation that will be represented in the company every four years.

¹⁸⁷ Research Document "Racism-Game Over : "Résultats de l'enquête auprès des délégués et représentants syndicaux à Bruxelles", March 2016. Available at: <https://www.csc-en-ligne.be/Images/Racism-game-over-tcm187-399342.pdf> (Accessed 20 February)

¹⁸⁸ Communiqué de Presse (2016), Accessible at: <https://bruxelles-hal-vilvoorde.csc-en-ligne.be/Images/CP-RGO-FR-tcm199-396584.pdf>

6.3.4 Resources of the campaign

In 2014, the first Racism Game Over Campaign was a one-shot action led by a Diversity subsidy (Employment Ministry). The project was principally financed by the Government of Brussels' Region, via its Equal Chances policy, who allocated a fixed annual budget in 2015. Following the trade unions' requests for similar budgets in the following years, the government maintained its subsidies, although with decreasing amounts. The first year (March 2015- March 2016) of project implementation, a budget of 75,000 Euros was granted to the three trade unions, which they split according to their density (40% for the CSC and the FGTB, and 20% for the CGSLB which has fewer members). The second year, 50,000 Euros were allocated. This came as a surprise for the trade unions, who expected a similar budget as in 2015-16. Finally, for 2017-2018, only 9,000 Euros were granted to the campaign. This marked the last year of the project as it represented a significant funding cut in trade unions' activities and ambitions.

The project-related finances were managed differently by each organisation, despite the objective to jointly lead a common front campaign. The interviewees underlined that certain activities, such as training sessions, were more effectively organised at the trade union level. Indeed, each trade union implemented their own training sessions, because it was important to teach their representatives the values and strategies adopted by the organisation to tackle racism (see).

6.3.5 Objectives

Objectives were set collectively by the CSC, FGTB and CGSLB every year according to the budget allocated by the Region. To determine these objectives, the three trade unions relied on the ideas submitted by the respective union delegations and employee representatives directly working in the companies. Indeed, the aim of the campaign was to adopt a 'bottom-up' approach: initiatives were promoted in companies to collectively tackle racism. During each inter-trade-union conference, brainstorming sessions and debates were organised to discuss the role of the union delegates in tackling discrimination and the possible means of action in that regard.

In the first year of the project, the objective was to conduct a survey to understand the extent of racism in companies of the Brussels region. In the second year, the trade unions put in place the project 'Companies Without Racism' (*Entreprise Sans Racisme*) and drafted the inter-trade-union Declaration against racism. In the third year, budget cuts reduced the activities of the campaign. A one-day inter-trade union forum was organized to share good practices between companies in relation to tackling racism at the workplace.

6.3.6 Activities implemented

A wide diversity of actions was implemented in the context of this campaign in an attempt to act in different professional sectors and raise awareness through various means. The Facebook page of the campaign¹⁸⁹ lists most of the activities and it was highly active when the campaign was ongoing. As mentioned above, the campaign was implemented in three stages.

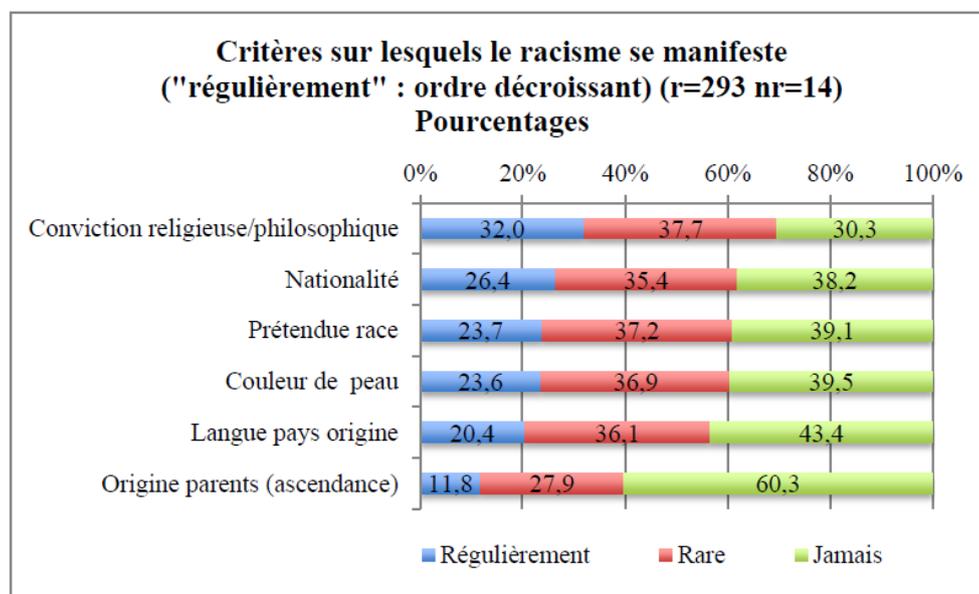
6.3.6.1 First year (2015 – 2016) (Survey)

On 21 March 2015, the international day against racial discrimination, the three trade unions announced the launch of the campaign 'Racism Game Over' to their delegates and wider public. The first action taken in this context was to conduct a survey between September 2015 and early 2016, investigating trade union representatives' experiences of racial discrimination in companies. The survey sought to better assess the extent of

¹⁸⁹ <https://www.facebook.com/RacGameOver/>

racism in companies and in public services, and to understand the perceived factors by delegates of workplace racism. It was conducted in partnership with academics from two Universities, Université Libre de Bruxelles (ULB) and KU Leuven: Professors Nouria Ouali and Albert Martens. The publication of the results had important repercussions in terms of press coverage, as can testify the number of articles published.¹⁹⁰

Figure 20. Results of the survey to the question "Towards whom are expressed racist and discriminatory behaviours observed"¹⁹¹



Legend: "Criterion manifesting racism (regularly / rare / never)". (Top-bottom criterion: Religious and philosophical belief, nationality, perceived race, skin colour, original country language, parents' origin)

In October 2015, a first inter-trade union seminar attracted around 200 delegates from the three trade unions to discuss the presence of racism at work and in society. Employee representatives were invited to share their experiences and best practices to tackle racist discrimination. For that purpose, participants were separated in different workshops to brainstorm on these issues and develop the content of the campaign (tools, means of communication, ideas for brochures, etc.).

The results of the survey mentioned above were widely discussed during this seminar. The research revealed that four out of five union representatives in Brussels had observed the use of stereotypes and prejudices in the workplace, and nearly one representative out of three witnessed "evident racist views".¹⁹² However, the interviewees underlined that only 307 delegates out of 10,000 in the Brussels region responded to the survey. The results of this survey in no way claim to represent the views and practices of union delegates in Brussels companies. It is, however, an interesting survey that reflects and actualizes some of the realities of racism (or its absence) in the workplace; realities always provisional and partial because they are linked to a given historical moment and to a specific socio-political context. This

¹⁹⁰ This research had important repercussions in the press, for instance on RTBF: https://www.rtf.be/info/regions/detail_les-syndicats-publent-une-etude-le-racisme-est-tres-courant-au-travail?id=9441326&fbclid=IwAR2XgUJnq2q4QPuqIuZ9EvVLAJJeUUKTNsdQT6cr5cs3UJf_GMGhcH8PA

¹⁹¹ Research Document p.9 "Racism-Game Over : Résultats de l'enquête auprès des délégués et représentants syndicaux à Bruxelles", March 2016. Available at: <https://www.csc-en-ligne.be/Images/Racism-game-over-tcm187-399342.pdf> (Accessed 20 February)

¹⁹² Research Document p.9 "Racism-Game Over : Résultats de l'enquête auprès des délégués et représentants syndicaux à Bruxelles", March 2016. Available at: <https://www.csc-en-ligne.be/Images/Racism-game-over-tcm187-399342.pdf> (Accessed 20 February)

relatively little number of responses, as interpreted by the trade unions, is a consequence of the moment of the survey (in a context of social elections, a delicate moment to question the actors about possible problems), but they could also be a sign of lack of importance given to the issue or taboos around racism.

Figure 21. Document presenting the survey results, March 2016



The presentation of the study during the seminar revolved around the following findings:

- Racism in workplaces exists and is common. One delegate out of three witnessed “evident racist views”;
- Racism takes multiple forms, but often it is targeted at specific categories of workers;
- Certain ways to combat racism are more efficient than others;
- It is vital to act collectively and be able to rely on others;
- Combatting racism and discrimination is a priority that should be put on the agenda of trade unions.

These observations helped to both legitimize the trade union actions in tackling racism and highlight the need for collective action by workers was necessary.

Following the publication of the study, several training sessions were organised by the three trade unions to help union delegates tackle racism at work. For instance, CSC's training on "*How to react when confronted to racist statements?*"¹⁹³ invited Professors Nouria Ouali and Albert Martens to present and discuss the survey results. It is important

¹⁹³ This training took place on 29 November 2016, around 100 delegates participated. CSC Activity report 2016, accessible at: <https://www.csc-en-ligne.be/csc-en-ligne/La-CSC/Que-faisons-nous/csc-diversite/rapport-activites/rapport-activites.html> (accessed 18.03)

to note that the common front campaigns of the trade unions did not include the organisation of training; it was thus up to each organisation to set training sessions for their respective delegates. Another relevant example is the yearly training sessions organised by the CGSLB focussing on discrimination at work, including racism.

Other common front actions were initiated, such as the campaign day of 21 March 2016 (see Figure 22), where Diversity committees of the three trade unions sought to raise awareness in Brussels by distributing leaflets. A video was also published on the actions conducted that day.¹⁹⁴

Figure 22. CSC, FGTB and CGSLB campaigning on 21 March 2016, the International day against racial discrimination



6.3.6.2 Second year (2016 – 2017), "Entreprise Sans Racisme"

After having assessed the extent of racism in companies through the survey, the trade unions decided to implement campaigns directly in companies involving employee representatives. The project '*Entreprise sans Racisme*' (company without racism) aimed at creating cooperatives of delegates and workers willing to tackle racism. Employers were not involved in this campaign, as the trade unions decided to adopt a 'bottom-up approach'.

Although five companies were selected to participate in the campaign, only two (STIB and NH Hotel) signed the inter-trade union Declaration against racism.¹⁹⁵ This Declaration was written by the delegates and indicate actions taken by workers and employee representatives to promote equality and inclusion at work and sanction all racist behaviours in their company (see Figure 23). The Declaration was drafted during the information seminar of 11 September 2017, where the three trade unions discussed the creation of the Work Councils "Companies against Racism" and the implications for delegates.

¹⁹⁴ Video on the action of 21 March 2016: <https://www.facebook.com/RacGameOver/videos/1533302656973013/>

¹⁹⁵ The signature of these Declaration was extensively discussed in the press. For instance, "*Une déclaration 'entreprise sans racisme' à la STIB*" 7sur7 : https://www.7sur7.be/7s7/fr/1502/Belgique/article/detail/3109640/2017/03/20/Une-declaration-Entreprise-sans-racisme-a-la-STIB.dhtml?fbclid=IwAR1RBsR---C5cMQK9cFuzluecVJPiMrnFp9pExxnDhSvi_UqoAiQ80qttiI; and "*Lutte contre les discriminations raciales – les trois syndicats de la STIB unis dans une déclaration 'entreprise sans racisme'*" https://fr.metrotime.be/2017/03/20/news/lutte-contre-les-discriminations-raciales-les-trois-syndicats-de-la-stib-unis-dans-une-declaration-entreprise-sans-racisme/?fbclid=IwAR05fOVztkIJCRDodO8yVTiz5JbeOBTwfo13d_W8bwvNv_rvkyKYNTPdIrc

Figure 23. Declaration "Companies against Racism, live and work together" (FR and NL).



The signature of the Declaration came together with the establishment of Work Councils 'Company Without Racism' in STIB and NH Hotel. These committees unite representatives from the CSC, FGTB and CGSLB and are meant to draw up an action plan to tackle racism in their respective companies.

The STIB (Brussels Intercommunal Transport Company) is the largest employer in Brussels. Delegates set up the Work Council against racism and signed the Declaration on 21 March 2017, stating that: "Through this signature, and in order to guarantee equal treatment, the three union delegations commit to never belittle racism and discrimination, to act concretely to prevent and tackle it".¹⁹⁶ The signature of the Declaration in NH Hotel took place on 15 December 2017. According to the members of the newly created Work Council against racism: "The Declaration is a work instrument: it is not a medal or a trial. It is a trade union commitment to work on the issue of racism."¹⁹⁷

¹⁹⁶ <https://www.7sur7.be/7s7/fr/1502/Belgique/article/detail/3109640/2017/03/20/Une-declaration-Entreprise-sans-racisme-a-la-STIB.dhtml>

¹⁹⁷ Press release FGTB 15 December 2017: <https://www.horval.be/fr/actualites/communiqué-de-presse-les-delegations-syndicales-de-la-chaine-nh-hotels-signent-la-declaration-intersyndicale>

Figure 24. Signature of the Declarations and creation of Work Councils against racism in two companies, STIB (photo on the left) and NH Hotel (photo on the right).



6.3.6.3 Third year (2018), inter-trade union forum against racism, 21 March 2018

The more limited budget of 9,000 Euros allocated in September 2017 by the State Secretary reduced the ambitions and activities of the campaign 'Racism Game Over'. Among other factors, the reduction of subsidies marked the end of the campaign.

Nevertheless, in the course of 2017 and until March 2018, the FGTB organized more than 20 training sessions about racism, its history and social functions, for delegates in several work sectors. The CSC and the CGSLB also set up multiple interventions in local and regional councils, involving theatre shows¹⁹⁸, cinema screenings followed by a debate¹⁹⁹, musical events against racism²⁰⁰, etc.

The three trade unions organised an inter-trade union forum to allow the two Work Councils against racism created as part of this project to meet and discuss their activities

¹⁹⁸ The CGSLB a playful evening "Laughs against Racism" in 2018.

¹⁹⁹ The CSC organised a cine-debate "Les Hommes d'Argile" with Mourad Boucif (realisator)

²⁰⁰ The CSC organised the musical event against racism and antisemitism "La chanson de Sarah" with Henri Goldman in February 2018

in that area. This forum took place on 21 March 2018, the International day against racial discrimination at the Museum of natural sciences, and involved activities such as: a visit of the Gallery of Humankind ("our evolution, our body"), a workshop on the discrimination sources and the legal instruments to fight them, a presentation on the history of racism in Brussels region, debate on the role of the Work Council "Companies without racism" and the sharing/exchange of practices aimed at tackling racism, an overview/summary of the actions/activities undertaken during the "Racism-Game Over" Campaign.

6.3.7 Partnership

As mentioned above, the three trade unions CSC, FGTB and CGSLB are co-owners of this campaign acting as a common front. Although most activities which formed part of this project were organised collectively by these three organisations, training sessions were organised by each union separately. This, in turn, allowed delegates to be trained against racism as perceived by the specific trade union they are affiliated to, as the three unions have different political orientations (Christian, Socialists, liberals). These differences also had an impact on the cooperation of the three unions in this project. The interviewees underlined that while the CSC considered that religious discrimination should be addressed in the Racism Game Over campaign, the FGTB argued that issues of racism and religious matters, although related, should be dealt with as complex and often imbricated issues, but separated as being different grounds for discrimination. For the FGTB, an automatic assimilation of restrictions on religious expressions to racism could jeopardize fundamental rights. Thereby, an automatic assimilation of all restrictions on religious expressions to racism could divide workers as well as the antiracist movement, instead of creating unity against racism.

This disagreement probably played a part in the termination of the campaign. Another downside of the common front action underlined by trade unions has been the necessity to negotiate and agree on the orientation of the campaign. This slowed down the decision-making process and as decisions were inevitably the result of compromises.

Besides the trade union cooperation, the organizations involved two Professors in the campaign to conduct and analyse the survey on racism at work that represented an important activity of this project.²⁰¹ This partnership between the unions and academia was very fruitful and allowed the campaign to be based on precise and evidence-based research findings.

6.3.8 Impact of the practice

The impact of the "Racism Game Over" campaign in society was assessed to be very important, notably thanks to the wide public media coverage, as proven by the number of articles written on this topic.²⁰² The interviewee from the CGSLB underlined that "*Our*

²⁰¹ Professors Nouria Ouali and Albert Martens, academics from the Universities ULB and KU Leuven. Martens, A., Ouali, N., (2016), Racism Game Over: Results of the study among union representatives in Brussels (Racism Game Over: Résultats de l'enquête auprès des délégués et représentants syndicaux à Bruxelles), March 2016.

²⁰² "1 délégué syndical sur 5 confronté au racisme lors d'embauches", LaLibre.be: https://www.lalibre.be/regions/bruxelles/1-delegue-syndical-sur-5-confronte-au-racisme-lors-d-embauches-5810c202cd701ccd4d808436?fbclid=IwAR1oOz1YGga2Q3RwfZJHpfVAxo4pfKciLW8_wMZqMTvZXBb12k8jFfxPSrU#.WBH-MAGSt00.facebook ; "Les syndicats unis contre le racisme au travail", LaLibre.be: https://www.lalibre.be/regions/bruxelles/les-syndicats-unis-contre-le-racisme-au-travail-5811142ecd70fdb1a584bbf?fbclid=IwAR24QaMcr_gUQi6kUHxOJBRDLfrtjX2rhGRiiEKHsWQJqV7rrPDOWUvHkc#.WBHahsn5ozg.facebook ; "Les syndicats publient une étude: le racisme est très courant au travail" rtbf.be: https://www.rtbef.be/info/regions/detail_les-syndicats-publient-une-etude-le-racisme-est-tres-courant-au-travail?id=9441326&fbclid=IwAR2XgUJnq2q4QPuqIuZ9EvpVLAJeUUKTNsdQT6cr5cs3UJf_GMGhqcH8PA ; "Une déclaration 'entreprise sans racisme' à la STIB" 7sur7 : <https://www.7sur7.be/7s7/fr/1502/Belgique/article/detail/3109640/2017/03/20/Une-declaration->

biggest success is that we managed to get people to talk about this topic. When society shares on the issue, we are not afraid of asking ourselves questions anymore, which raises awareness."

Inside the three trade unions, representatives became more aware of the issue of racism at work, thanks to the training sessions that were organised by each organisation. The Diversity Committees of the CSC, CGSLB and FGTB observed intense interest from the delegates for this campaign, in terms of training requests and attendance at events. The multiple inter-trade-union conferences and seminars welcomed up to 200 people. This highlights the undeniable confrontation of delegates to racism in companies. The survey on racism at work also allowed to be aware of the extent of the phenomenon.

The creation of the Works Councils against racism in the STIB and NH Hotel could also have long-term impact in these companies, as it has brought together activists to tackle racism at the workplace. However, it cannot yet be assessed, as it is unsure whether these Work Councils will continue their anti-racism activities after the end of the campaign. However, interviewees were positive that the campaign would lead to future action because, thanks to this project, delegates have been empowered and they committed themselves to act concretely against racism. They became the main actors of the activities aimed at tackling racism at work, supported by the Diversity committees of their respective trade unions.

6.3.9 Success factors

The principal success factor of this practice lies in the originality of trade union cooperation in the "Racism Game Over" campaign, as it helped develop a comprehensive approach that trade union delegates in companies could adopt when tackling racism at work. Despite some difficulties in collaborating (see 6.3.10), the creation of Works Councils against racism in the STIB and NH Hotel would not have been possible unless union delegates from different organisations had acted collectively. To this end, the three trade unions' different political orientations and convictions have been put aside to collectively tackle racism and uphold a common belief: no one should be discriminated against on the basis of their origins.

The following factors have also allowed the "Racism Game Over" campaign to have an important impact in the Brussels region:

- The budget granted by the state secretary pushed forward common efforts from the trade unions;
- The type of actions set up as part of this project was very versatile. For example, it included a declaration against racism, the creation of Works Councils against racism, a survey of trade union representatives' experiences of racial discrimination in companies, associated research into racism at work, etc.;
- Delegates were directly involved in the campaign and participated actively to its success. Events were organised to brainstorm and debate on best practices in relation to tackling racism at work, videos were published to share experiences, etc. Interviewees underlined that trade union delegates were the real 'owners' of this campaign as they oversaw the implementation of relevant actions in companies. This responsibility contributed to relevant action and successes in the workplace. It was also particularly important to develop action at the company level because the trade unions are multi-sectoral; as a result, the heterogeneity

[Entreprise-sans-racisme-a-la-STIB.dhtml?fbclid=IwAR1RBsR---C5cMQK9cFuzluecVJPiMrnFp9pExxnDhSvi_UqoAiQ80qttiI "Lutte contre les discriminations raciales – les trois syndicats de la STIB unis dans une déclaration 'entreprise sans racisme'" METROTIME https://fr.metrotime.be/2017/03/20/news/lutte-contre-les-discriminations-raciales-les-trois-syndicats-de-la-stib-unis-dans-une-declaration-entreprise-sans-racisme/?fbclid=IwAR05fOVztkIJCRDodO8yVTiz5JbeOBTwfo13d_W8bwvNv_rvkyKYNTPdIrc](https://fr.metrotime.be/2017/03/20/news/lutte-contre-les-discriminations-raciales-les-trois-syndicats-de-la-STIB-unis-dans-une-declaration-entreprise-sans-racisme/)

of work situations where racism is manifested could not have been properly tackled at the multi-sectoral regional level;

- Existence of a Diversity Committee in each trade union, and a person dedicated to the campaign at the regional level. This allowed the organisations to effectively communicate on and organise the events and other actions as part of this project. It also effectively supported actions of delegates in companies because a "contact point" was available and responsive in each trade union.

6.3.10 Hindering factors and areas for improvement

The end of the campaign was triggered by two main factors. Firstly, and most importantly, the decreasing budget allocated by the State Secretary did not, in the end, fully cover the expenses of the campaign. Secondly, after CSC's decision to retire from the campaign, the trade unions did not apply for new subsidies in 2019, due to some disagreement regarding the orientation of the campaign. As underlined earlier, the CSC (Christian trade union) considers that religious discrimination should be included in the fight to reduce racism and that both issues should be dealt with together as they are interlinked. The FGTB (socialist trade union) adopts a universalist and secular point of view and differentiates between these two grounds for discrimination. At FGTB, specific tools on philosophical and religious issues at work are developed and all kinds of discrimination are fought. For FGTB, fight racism must be universal, antifascist and anticolonial, in order to respect, protect and realize all human rights. Those different points of view were also the main hindering factors of "Racism-Game Over", as it slowed down decision-making process and resulted in long and unfruitful debates between the three trade unions.

6.3.11 Transferable elements of the practice

Of the many tools implemented in the "Racism—Game Over" campaign that are transferrable to other contexts, the following can be highlighted:

- The survey of trade union representatives is particularly relevant to understand the extent of racism in companies and know how to best tackle it. Whether it is conducted at the regional, sectoral or national level, the conclusions allow one to raise awareness in companies and society on the extent and seriousness of racism;
- The signature of a "Declaration against Racism", although being a symbolic gesture, promotes the involvement of company delegates and union structures.;
- Common front initiatives and inter-trade union action is transferrable to other discrimination grounds. For instance, the CSC, FGTB and CGSLB have recently united their efforts in strikes denouncing certain unfair measures adopted by Brussels capital government, on a topic unrelated to racism.²⁰³ This type of campaign is especially effective on topics that have little political relevance or where social partners unanimously agree.

Finally, the 'bottom-up' concept applied throughout the campaign is transferable and favours action at the local level and commitment of actors inside companies.

²⁰³ Manifestation of 6 November 2018 in Brussels, report available at: <https://www.csc-en-ligne.be/csc-en-ligne/Actualite/nouvelles/manifestation-nationale-6-novembre.html>

6.4 Denmark - The Mentor programme and the FIU-Equality Training of elected union representatives for greater equality (FIU-Equality)

6.4.1 Summary of the case study

- **Country:** Denmark
- **Name of the trade union:** FIU-Equality (*FIU-ligestilling*)
- **Title of the case study:** The Mentor programme and the FIU-Equality Training of elected union representatives for greater equality
- **Link to the website of the case study (practice/s)**
The booklet and the training courses: http://fiu-ligestilling.dk/en/tools_materials/fiu-equality-training-of-elected-union-representatives-for-greater-equality/ - enables one to download the Booklet "FIU-Equality Training of elected union representatives for greater equality"
Mentor programme: <http://fiu-ligestilling.dk/mentorprojekt/mentor/>
- **Date when the practice/s was first implemented:** The Mentor Programme was first implemented in December 2016, the education programmes started in 2005
- **Whether practice/s still on-going:** Both practices are still on-going
- **The practices were not included** in the 2010 study
- **Sector of the trade union/practice/s:** Multiple sectors
- **Ground of discrimination addressed:** Racial and ethnic origin

Short description and focus of the case study: Mentor programme - The Mentor programme was set up for migrants coming to Denmark, who are interested in working in sectors covered by the union. Members of the union have usually vocational education background, such as blue-collar workers, plumbers or nursing assistants. It contributes to their integration in the labour market, and ensures similar wages and working conditions for refugees

The Booklet FIU-Equality Training of elected union representatives for greater equality provides an overview of the FIU-Equality activities. The union provides various education programmes and training courses about equality, primarily targeting so-called shop stewards, i.e. elected representatives in FH's member unions.

Short description of activities: In the course of the Mentor programme, the FIU-Equality offers various activities for both mentors and mentees, such as training courses/sessions and conferences.

The trade union runs several activities, such as conferences, training courses, or the production of publications on relevant topics, such as cultural understanding and ethnic equality or LGBT rights.

Short description of results and impact: The Mentor programme resulted in a greater connection of migrant workers to the labour market, enhanced conditions for these workers, and increased knowledge about their rights.

The training sessions enabled shop stewards to acquire greater knowledge about antidiscrimination issues which can then be applied in cases of discrimination at the workplace and also help its prevention.

6.4.2 Introduction

The FIU-Equality (*FIU-ligestilling*) is the trade union training organisation. The union was established when the partners came together – The Danish Metalworkers' Union (*Dansk Metal*), the National Federation of Trade Unions in the Service Sector (*Serviceforbundet*) and the United Federation of Danish Workers (3F).²⁰⁴ FIU-Equality doesn't have a secretariat or staff in the traditional sense; the development tasks are undertaken of by a network of resource persons and volunteers.

The organisation provides a wide range of activities in relation to the promotion of equality, including training courses, education programmes, mentor programmes, and conferences, mainly for the elected representatives (so-called shop stewards) in the FH member unions.²⁰⁵ The union primarily targets gender and ethnic minorities when it comes to equality²⁰⁶.

The Danish labour market is becoming more ethnically diverse and the proportion of those with a non-Danish ethnic background among FH's members has increased.²⁰⁷ Therefore, the trade union has to act in accordance with this Danish labour market trend towards greater ethnic diversity. It requires putting more emphasis on enhanced inter-cultural understanding and increased knowledge of inter-cultural communication, particularly when it comes to shop stewards.²⁰⁸

6.4.2.1 The Mentor Programme

The Mentor programme was set out for migrants coming to Denmark, who are interested in working in sectors that the union is covering. It contributes to their improved integration in the labour market and ensures greater equality for migrants in terms of wages and working conditions in comparison to native Danish workers. Similar wages and working conditions for refugees. Any worker can become a mentor to a refugee and spend at least four hours a month to support that individual. A mentee agrees to meet with a mentor one or twice a month over a period of six months.²⁰⁹

The trade union aims to provide support for people coming to Denmark. Members of the trade union can apply to be a mentor on voluntary basis; the trade union then pairs him/her with an appropriate mentee.

As reported by the representative of the FIU-Equality, the Mentor programme was initiated mainly because of the union's goal to play an active role in promoting equality on the labour market. In fact, it is embedded in its founding principles – solidarity and integration. Another reason was to protect labour rights in Denmark in general, as this initiative results in more people acquiring useful knowledge about workers' rights.

During tripartite negotiations, an agreement was made regarding the increased integration of migrants into the labour market. The Mentor programme could be understood as a practical follow-up from this agreement.

Besides the above-mentioned reasons for initiating the Mentor programme, as reported by the representative of the FIU-Equality, the inception of this practice was also linked to the higher inflow of refugees to Denmark.

²⁰⁴ <http://fiu-ligestilling.dk/en/who-we-are/>

²⁰⁵ FIU-Equality Training of elected union representatives for greater equality, p. 9

²⁰⁶ <http://fiu-ligestilling.dk/en/who-we-are/>

²⁰⁷ The proportion increased from 7.1% in 2007 to 8.5% in 2013 among one million LO (since 1.1.2019 after two confederations merged, it became FH) members. (FIU-Equality Training of elected union representatives for greater equality, p. 10)

²⁰⁸ FIU-Equality Training of elected union representatives for greater equality, p. 10

²⁰⁹ <http://fiu-ligestilling.dk/mentorprojekt/mentee/>

6.4.2.2 Booklet “FIU-Equality Training of elected union representatives for greater equality” and associated activities, such as Equality training courses/sessions

The second initiative analysed in this case study is The Booklet "FIU-Equality Training of elected union representatives for greater equality"²¹⁰, which represents an overview of the trade union's activities in this area.

The trade union provides various education programmes and training courses/ sessions about equality, focused primarily on gender, ethnicity and race. The organisation mainly targets shop stewards, union representatives at the workplace, who are protected by the union. As was reported by the interviewees, this strategy enables the union to be closer to its members.

The reasons to initiate the Booklet and associated activities were mainly linked to the union's ultimate goal of creating a more equal labour market and ensuring that people are treated equally, including promoting equality for workers with different backgrounds.

The following legislative acts helped to initiate the practice:

- The Act on Equal Treatment;
- The Act Prohibiting Discrimination in the Labour Market.²¹¹

The activities represent a long-standing trade union commitment to equality, which the union has been promoting since 2005.

In addition to the influence of the legislative acts, some societal changes have also contributed to the inception of the initiative. For example, the representative of the FIU-Equality reported that when there is economic growth, it is of course easier for migrants to find a job. In contrast, if the country faces an economic recession, integration of these workers into the labour market becomes more difficult. The union is aware of that as well as of the greater vulnerability of these workers and their higher need to be protected. Furthermore, the need of representatives of migrant workers within the union to be aware of these issues is also recognised by the union.

6.4.3 Focus of the practice

6.4.3.1 The Mentor programme

According to the representative of the FIU-Equality the main objective of the Mentor programme is to ensure that everybody coming to Denmark works under the same conditions (based on what is generally agreed). Further, it aims to prevent migrant workers from being treated unequally. This also relates to supporting the better functioning of the labour market, because protecting migrant workers is closely linked to promoting equal employment rights to everybody.

The initiative aims to help newly arrived persons to Denmark to get closer to obtain a job or access education. The role of mentors involves informing them about their rights as workers and as citizens in Denmark. More specifically, the mentoring activities entail giving advice to mentees about working conditions and wages and about how the labour market is organised. Mentors also provide a range of very practical information, such as how to read a payslip. As a result, mentees should be aware of how the labour market works, what to expect, when and where to complain regarding employment-related

²¹⁰ Please note that when referring to the Booklet, trainings, or education programmes in this case study, we refer to the practice/initiative as a whole, which entails a wide range of activities offered to the elected union representative, with particular focus on ethnic minorities and workers with migrant background.

²¹¹ FIU-Equality Training of elected union representatives for greater equality

issues, etc. Most importantly, they are made to understand that they have the right to be treated equally.

The role of the trade union in this process resides in finding an appropriate match between a mentor and a mentee, while putting emphasis on pairing those coming from the same sector. In addition, the FIU-Equality has regular follow-ups with mentors, so mentees feel well-supported throughout the process. The trade union gives them a perspective about how to be a good mentor.

The characteristics of a mentee are the following:

- He/she has a residence permit or is an asylum seeker with a work permit;
- He/she speaks Danish or English at a level that makes it possible to have a conversation with a mentor;
- He/she seeks advice and guidance on education or job opportunities in Denmark.
- He/she wants to know his or her rights on the Danish labour market.²¹²

The characteristics of a mentor are the following:

- A local man or woman who will, voluntarily, share his/her industry/sector knowledge and professional networks with a mentee;
- A local man or woman who will spend his/her free time to guide a mentee closer to job or education opportunities in Denmark;
- A local man or woman who is a member of a labour union and can introduce a mentee to his/her rights as a worker.²¹³

Financial resources are primarily required for having people to run the programme, such as setting up the mentoring system, conducting follow-up conversations with mentors and other related activities.

The programme combines two different types of funding – internal union funds and public funds (through a publicly-funded programme on the integration of migrants). The initiative is one of the union's long-term activities; therefore, the union uses its internal staff capacity – employees – to run this programme.

Given that the resources from public funds were project based and, therefore, lasted only for definite period of time (two years), the Mentor programme faces some challenges in terms of sufficient funding for its long-term sustainability. As pointed out by interviewees, the programme would require more funding to fulfil its potential.

Indeed, the union is making a concerted effort to obtain more funding in order to ensure the continuation of the mentor programme in the long-term. The union is currently actively looking into new opportunities for funding, such as big private foundations and some EU funding instruments.

Obtaining public funds depends, to a certain extent, on the current political situation and climate in Denmark. As the policy focus has shifted more towards restricting the number of immigrants, it is now more difficult for the union to secure public funds in support of migrant integration. Indeed, some concerns about having less money for the programme in the future were expressed by the representative of the trade union. It seems that this political trend towards restricted migration is likely to continue. Even though the union still has its own funds, the political situation described above inevitably influences negatively their overall level of resources.

²¹² <http://fiu-ligestilling.dk/mentorprojekt/mentee/>

²¹³ <http://fiu-ligestilling.dk/mentorprojekt/mentee/>

6.4.3.2 Booklet “FIU-Equality Training of elected union representatives for greater equality” and associated activities, such as Equality training courses/sessions

The main aim of the training courses/sessions is to educate elected union representatives, so they would understand what equal treatment entails and, consequently, utilise this knowledge at the workplace itself.

Many of the equality-related education/training programmes offered by the union were part-funded by development funds from different unions. On top of that, the development of new education programmes is also financed by the union’s own funds.

Significantly, the union has a unit that solely focuses on the prevention of discrimination and covers the various types of discrimination. Furthermore, this department also employs lawyers who, *inter alia*, deal with issues relating to discrimination at work.

6.4.4 Activities implemented

The following list provides an overview of activities implemented by the FIU-Equality describe in the Booklet:²¹⁴

- Training course activities;
- Conferences;
- Dialogue meetings;
- Networking;
- Mentor programmes; and
- Publications.

6.4.4.1 The Mentor programme

The Mentor programme includes carrying out a wide range of activities:

- Various other activities that both mentors and mentees can participate on a voluntary basis and learn something together, such as training sessions, in which participants can learn about different topics.
- Conferences – for example, the union held a conference in 2018 on Female migrant workers and how the process of their integration into the labour market is developing.

The union has utilised the logo for the Mentor Programme, that is displayed in Figure 25 below.

²¹⁴ FIU-Equality Training of elected union representatives for greater equality

Figure 25. The logo of the Mentor programme



Source: <http://fiu-ligestilling.dk/>

The union also disseminates the information about the Mentor programme among the wider public through short videos (available only in Danish), for instance on Youtube.²¹⁵

6.4.4.2 The Booklet “FIU-Equality Training of elected union representatives for greater equality” and associated activities, such as Equality training courses/sessions

The trade union provides a wide range of tools for union representatives, for instance practical advice and guidance how to ensure equality at the workplace. Level of participation of elected representatives depends on how much time they have or can dedicate to this.

The activities include:²¹⁶

- Training sessions/courses, including communication and inter-cultural competence development courses:
 - Communication courses - Trainings in communication with different target groups: including ethnic minorities;
 - Courses on Inter-cultural competencies;
 - Female opinion formers training course for women with non-Danish ethnic backgrounds;
 - Courses for elected union representatives about relevant legislation
- A network that serves as a platform for exchanging good practices among network participants, e.g. equality activists and ethnic minorities. Currently, the trade union has established nine networks on gender and equality and six networks for union activities for those with a non-Danish ethnic background.²¹⁷

²¹⁵ The videos can be found here: <https://www.youtube.com/watch?v=5L6P6ZPOaUM>; <https://www.youtube.com/watch?v=jTU2DWJGgME>

²¹⁶ FIU-Equality Training of elected union representatives for greater equality

²¹⁷ FIU-Equality Training of elected union representatives for greater equality, p. 24

- Diverse personnel policy and Human Resource Management (HRM) – This applies to situations, when elected union representatives seek to make a change at the workplace, promoting for instance an LGBT-inclusive working environment
- Publications that serve as practical guides that can be used by experts, or elected representatives. Some examples are the following:
 - '25 questions and answers about equality'. Edited by Annemarie Kruuse, Susanne Fast Jensen, Margot Torp and Hanne Christensen. FIU-Equality, 2006.
 - 'The union and the Danish model ensure your rights', FIU-Equality, 2012.
 - 'Equality and diversity'. Written by Anette Wolthers, published by 3F/FIU-Equality, 2007.
 - "Diverse union and member organising" – A guide with good tips and advice for elected representatives. Written by Kristine Esrom Raunkjær and Susanne Fast Jensen, FIU-Equality, 2013.
 - "Mentor programme for women in the unions". Written by Susanne Fast Jensen and Anette Wolthers, published by LO, January 2005.
- Conferences, such as
 - Conferences held on 8 March (the International Women's day) and on 21 March (the International Day for the Elimination of Racial Discrimination) to celebrate these days and raise awareness related issues.

6.4.5 Partnership

The trade union cooperates with different partners when implementing both practices aimed at promoting equality and non-discrimination.

6.4.5.1 The Mentor Programme

The FIU-Equality collaborates with different partners while implementing the Mentor programme.

The partners for this programme are the following:

- NGOs specialising on migrants on the labour market; and
- An association of language schools

As NGOs have a specific knowledge regarding mentor programmes, they were tasked with making support calls to participants in order to talk about various issues encountered by both mentors and mentees throughout the process. The FIU-Equality benefited from this partnership by building on the existing knowledge of the NGOs, as they have already implemented such programmes several times.

The initial idea behind the cooperation with language schools was to assist the union in recruiting mentees among their students who have a migrant background. The schools offer them the possibility to be assigned to a mentor.

The partnerships with both NGOs and language schools has worked well, as reported by the FIU-Equality representative. The union appreciates the specialist knowledge provided by NGOs in relation to engaging those with a migrant/minority background.

A slight obstacle identified in the collaboration with the partners was related to the specific background of the FH members (e.g. blue-collar workers, electricians, plumbers, etc). For partners, it requires some time to properly learn who the union's members are and how they can properly use their knowledge in relation to the union's members.

6.4.5.2 Booklet “FIU-Equality Training of elected union representatives for greater equality” and associated activities, such as Equality training courses/sessions

- On various education programmes and training courses, the trade union cooperates with the following partners:
- NGOs representing different migrant groups;
- Experts (speakers) in equal treatment and non-discrimination; and
- Lawyers.

The role of the partners lies in providing knowledge that the union cannot offer based on its internal resources/capacity; and to ensure appropriate representation of different migrant and refugee groups.

Involving the partners helps the union to acquire better understanding of the current situation of migrants on the labour market by receiving specific inputs from various organisations and experts.

Moreover, this cooperation with partners helps the union to get closer to all members and identify properly their needs. Significantly, as reported by trade union representative, the partnership works well: the union has benefited from learning about the everyday life and needs of its members.

Inviting experts was highlighted as a great experience, because of their ability to describe issues related to equal treatment and non-discrimination in a way that the trade union members understand. Employers were not officially involved in either of the initiatives.

6.4.6 Impact of the practice

6.4.6.1 The Mentor Programme

Even though the practice is still ongoing, it was reported, that the intended objectives of the Mentor programme have already been fulfilled. Indeed, one of the key objectives – a greater connection of migrant workers to the labour market – was accomplished. Moreover, the ultimate goal, which was that these workers do not work under worse conditions than the rest, was achieved. This translated into activities such as regular check-ups of working conditions (e.g. contracts) within the mentor-mentee relationship.

Regarding mentees (i.e. those with a migrant/ethnic minority background), the practice’s achievements are the following:

- Certain number of mentees started some form of education, or internship, certain number got a job (on short-term as well as long-term contracts);
- Increased knowledge about their employment rights;
- Increased awareness of union membership and associated benefits – greater awareness of benefits of being a member of the union (the membership is not mandatory; improved knowledge that they can be protected through the union; etc.

It was reported, broadly speaking, that mentees have greater knowledge about their rights and a better idea about how the Danish labour market is organised and functions. This has, in turn, led to lower proportion of those who are likely to work under worse terms and conditions on the labour market.

It was highlighted that some aspects of the impact are difficult to measure, for instance, when it comes to raising awareness.

The representative of the trade union highlighted the following long-term impacts:

- Refugees become organised within the union, which raises awareness among relevant organisations, that develops greater knowledge of specific workers;
- The union can now properly identify what issues workers have encountered and how to address them appropriately;
- From a political point of view, some mentees who joined an educational programme can now better negotiate with politicians about employment rights and legislation related to equal treatment.

6.4.6.2 Booklet “FIU-Equality Training of elected union representatives for greater equality” and associated activities, such as Equality training courses/sessions

The trade union has been running a wide range of different courses, sessions and educational programmes over time that are described in the Booklet. Training courses/sessions of elected representatives for greater equality achieved their objectives as shop stewards learn more and become more knowledgeable about anti-discrimination issues in relation to migrant workers on the labour market. These programmes are to a vast extent oriented towards shop stewards. Moreover, more employees with migrant background become members of the union. As a result, a higher number of these workers is protected.

As a result of the union’s education programmes, more shop stewards acquire skills related to one’s ability to deal with cultural diversity and ensure prevention of discrimination at the workplace. Therefore, a higher number of workplaces offers help in cases related to unequal treatment.

In the long-term, this initiative may help to push for some political change at the workplace level thanks to those who participated in some of the activities and are consequently more knowledgeable about antidiscrimination and other related issues. Furthermore, it contributes to a better working culture at Danish workplaces and to raise awareness about equal treatment among union members. Union representatives with certain power position within the union, can now better advocate for its member’s rights at higher political level.

6.4.7 Success factors

6.4.7.1 The Mentor Programme

The representative of the trade union pointed out to a policy priority set up in Denmark that helped to establish the Mentor programme, which targeted the integration of refugees into the labour market.

Secondly, the fact that Denmark experienced economic growth facilitated the inception of the programme.

Lastly, the combination of partners also contributed to successful implementation of the Mentor programme. More specifically, such as their knowledge about union members with migrant background, mentor programmes in general, and the labour market.

6.4.7.2 Booklet “FIU-Equality Training of elected union representatives for greater equality” and associated activities, such as Equality training courses/sessions

The trade union acknowledges that some action is needed in order to reach out to and, target members with different, including migrant/ethnic minority, backgrounds.

There was also a need expressed by its members, as reported by the representative of the union, to enhance the workplace culture as well as reduce the number of culture-

related conflicts. As underlined, it is necessary to acknowledge the benefits of having a diverse workplace with good inter-cultural relations.

Equal treatment legislation has enabled the successful implementation of the programmes in relation to preventing discrimination and unequal treatment. Such legislation includes laws such as (i) the Act on Equal Treatment of Men and Women as regards to Access to Employment and Maternity Leave, etc. (introduced in 2002); (ii) the Consolidation Act on Prohibition of Discrimination on the Labour Market etc (introduced 2008).

6.4.8 Hindering factors and areas for improvement

6.4.8.1 The Mentor Programme

Broadly speaking, it was reported that the trade union already identified some weaknesses during the implementation of the programme. To this end, it has already been targeting those areas and working towards their improvement, such as financial constraints, which is further elaborated on below.

The Mentor programme faces some financial constraints due to a fixed period of two years for which the union has been receiving funds. Moreover, the Danish State does not provide any funds. This lack of economic resources causes problems, as the programme is of a large scale, and comprises a number of activities, some of which require a rather significant amount of time (such as the recruitment process).

The union is trying to address the lack of sufficient financial resources by applying for some internal as well as other funds in order to improve the funding base of this programme.

From a socio-political point of view, political will is required in terms of supporting migrant integration into the labour market. This should also be accompanied by a political priority to invest public money in and provide support for this policy area. Since the establishment of the programme, the above mentioned was fulfilled. However, during the implementation period of this initiative, the political context has changed in that the Danish political system, responding to public concerns, sought to lower the number of migrants coming to the country and, as a result, amended the law accordingly. Consequently, this development has had an impact on the mentor programme, not least because the number of participants has inevitably decreased.

There has also been wider political interest in integrating more women with a refugee background into the labour market in view of their lower participation in comparison to men. As a result, the trade union aims to adjust the mentor programme in this direction, e.g. helping/mentoring women refugees so as to increase their participation in the labour market. Moreover, the latest training course developed by the trade union is targeted at female opinion formers with a non-Danish background.

Lastly, a smaller issue, reported by the union representative, had to do with cooperation with local municipalities. As the trade union has to approach persons who have contact with refugees so as to reach out to them, this may be time consuming. This is one of the reasons that makes the establishment and implementation of such a programme rather difficult.

6.4.8.2 Booklet “FIU-Equality Training of elected union representatives for greater equality” and associated activities, such as Equality training courses/sessions

The success of the education programmes depends, to a certain extent, on willingness of the member organisations to put emphasis on the education/training of their representatives. For instance, as reported by the representative of the trade union, some of them decide that not a high number of representatives can attend the union's

education/training programmes. Therefore, one weakness identified relates to different priorities of different organisations which may adversely affect the take-up and attendance of the education/training programmes.

Over time, the union has been addressing issues such as those mentioned above. For instance, it is adjusting the variety of education/training programmes they offer based on what seems to be the most currently relevant topics/themes. The union needs member organisations to prioritise this area – education – which is what the FIU-Equality is trying to achieve.

The union would like to be able to cover with its activities all relevant groups of workers on the labour market, so most would be included in its efforts to raise labour market equality and inclusiveness. However, these efforts require obtaining more funds, either internally or from external sources. Transferable elements of the practice.

6.4.9 Transferable elements of the practice

6.4.9.1 The Mentor Programme

It was reported, that the Mentor Programme (and its underlying concept) could be transferable and serve as a good example for other countries. Provided that the model mentor-mentee is rather simple, it makes this practice more easily transferable to other countries and/or contexts. Yet, some conditions need to be met in order for this model to function within different contexts. For example, persons involved would need to have sound knowledge of how the labour market works. In addition, successful programme implementation in different countries requires some financial resources that is not clear will be available across the board.

Booklet “FIU-Equality Training of elected union representatives for greater equality” and associated activities, such as Equality training courses/sessions

The representative of the trade union reports that the implementation of such training depends largely on a country-specific context. Those who want to implement such practices need to be aware how these activities are funded, and who needs to be educated/trained.

6.5 EU – Statement against Homophobic Bullying

6.5.1 Summary of the case study

- **Country:** European
- **Name of the trade union:** ETUCE/ETUC/ILGA
- **Title of the case study:** Policy statement
- **Link to the website of the case study (practice/s):** <https://www.csee-etuce.org/images/attachments/statementLGBTEN.pdf>
- **Date when the practice/s was first implemented:** Implemented since 2012
- **Whether practice/s still on-going:** On-going
- **The practice was not included** in the 2010 study
- **Sector of the trade union/practice/s:** Education sector
- **Ground of discrimination addressed:** Sexual orientation, gender identity, LGBTI
- **Short description and focus of the case study:** The case study is about the adoption and implementation of a high-level strategic commitment to fight homophobia in the education sector
- **Short description of activities:** The activities were developing the initial policy statement and delivering a number of activities focussed on fighting homophobia in the education sector at the European and national levels
- **Short description of results and impact:** The key result related to the adoption of a high-level strategic policy commitment which helped to focus the ETUCE European and national level activities and gave them more prominence and political attention in the work of the trade unions

6.5.2 Introduction

ETUCE is the biggest European umbrella organisation of education trade unions. It has a membership of 132 national education unions in Europe and represents more than 11 million members at all levels of education (pre-primary, primary, secondary and higher education, vocational education and training). ETUCE is the European Region of Education International, the global umbrella organisation of education trade unions.

ETUCE is the representative voice of teachers and the education sector at European level. ETUCE is the social partner for workers in education in the European Social Dialogue for Education. Its objectives include supporting teachers, academics, and other education personnel to strive for appropriate working conditions, e.g. workplace, working time, workload, social protection, equality and protection against discrimination, representing the interest of teachers vis-à-vis the EU Institutions, promoting high quality education for all in Europe, promoting the development of strong independent and democratic education trade unions throughout the European Region, and informing the unions about the development in the EU policies in education and employment.

As a European Trade Union Federation within the European Trade Union Confederation (ETUC), ETUCE is well linked to other relevant social partners, e.g. the European Public Services Union (EPSU), UNI-Europa, etc. In 2010, ETUCE together with the European Federation of Education Employers (EFEE) achieved the establishment of the European Sectoral Social Dialogue Committee for Education.

ETUCE has a long-standing commitment to promoting the equality agenda. The issues related to the LGBTI agenda have been included in the ETUCE multi-annual work programme on a regular basis, and are discussed during the meetings of the advisory bodies of the ETUCE, Standing Committee for Equality and Equality Working Group. In 2011/2012, ETUCE conducted an EU-funded project on third-party violence in the education sector. The project results highlighted that belonging to the LGBTI community is one of major grounds for violence and harassment against teachers, academics and other education personnel. . In parallel, ETUCE and ETUC have developed a long-standing relationship with ILGA.²¹⁸ For example, ETUCE has presented its work in the annual ILGA's conferences and has invited ILGA representatives to speak at ETUCE events. Hence, it was considered timely and appropriate in 2012 to adopt and promote a joint statement on fighting homophobia in schools.

6.5.3 Focus of the practice

The joint statement treats homophobic bullying in a wide sense and covers such issues as bullying in schools, workplaces and in society. It reaffirms the commitment of ETUCE and ETUC to combat homophobic bullying and recognises the special role of trade unions as democratic representative organisations in promoting equality and in the development and implementation of anti-discrimination policies at local, regional, national and EU level.

The joint statement envisaged actions at the following two levels:

- Reviewing education curricula, contents, standards and materials so that teachers are empowered, trained and supported to address homophobic bullying when it occurs at schools through amongst others continuing professional development activities.
- Creating and nurturing a safe environment for LGBTI teachers who might be facing discrimination in their workplaces and thus address the labour market sector discrimination.

The aim of the joint statement was to outline explicitly that schools and workplaces should become safe spaces for learning, teaching and working irrespective of sexual orientation and /or gender identity.

6.5.4 Activities implemented

The work to implement the 2012 joint statement by ETUCE has been embedded in both in specific LGBTI focussed activities and the broader equality related work. For example, in all publications related to the LGBTI issues, ETUCE has referenced the joint statement as the core policy commitment at the strategic level.

ETUCE also has a Standing Committee for Equality where the issues related to LGBTI discrimination are a regular discussion item in the Committee meetings reflected in various recommendations produced by the Committee.

Equality and equality topics, including LGBTI issues, are continuously on the discussion agenda during the ETUCE decision-making events: ETUCE Conference (every 4 years) and ETUCE Special Conference (every 4 years). For example, at the last ETUCE Special Conference in 2018, a resolution on 'Setting the priorities to develop the ETUCE Action Plan for Equality, Diversity, and Inclusion' has been adopted lobbying among others, for clear, concrete guidelines on combatting harassment and discrimination within the education system. Looking forward, in 2020, ETUCE is preparing to present for adoption

²¹⁸ ILGA is a worldwide federation of 1515 member organisations from 152 countries campaigning for lesbian, gay, bisexual, trans and intersex rights.

to the ETUCE Conference a holistic Action Plan on the issues of diversity, equality and inclusion where the challenges related to the LGBTI community will be an integral part.

ETUCE also participates actively in the celebrations of the annual IDAHOT (The International Day Against Homophobia, Transphobia and Biphobia).²¹⁹

In relation to the broader equality work of ETUCE, the organisation is monitoring the EU policies in the area of LGBTI and attempting to influence the EU policy when it is relevant. LGBTI issues are also considered in the framework of implementing specific ETUCE projects. For example, in the context of running the EU CONVINCED (EU Common Values Inclusive Education) project on democratic citizenship and inclusive education, a massive open online course 'Citizenship and Human Rights Education for Change' is being developed in 2019 with a view to help teachers, school leaders, and other education personnel, as well as education trade unions and education employers to better deal with citizenship-related topics in a broad sense. LGBTI rights and issues are an integral part of the online course curriculum.²²⁰

6.5.5 Impact of the practice

For ETUCE as an umbrella European level organisation, the 2012 joint statement helped to highlight their work on LGBTI issues and thus served a strategic policy framing purpose. Having the 2012 joint statement has thus helped to keep the union's attention also on the LGBTI issues and ensure they are included in the broader equality agenda. Both ETUCE and ETUC used the joint statement in the EU policy making processes to push and promote policy results, for example, in the discussions on the horizontal anti-discrimination directive, support a more factual discussion in the skills and education agenda. The ETUC has adopted in 2016 a Madrid declaration renewing its commitment to ensure the equality and non-discrimination of LGBTI people at the workplaces.²²¹ The ETUC has also set up an LGBTIQI rights trade union network to exchange information and develop joint actions among ETUC affiliates.

At the national level of the ETUCE member trade unions, the impact of the joint 2012 statement has been varied. This is also reflective of the national trade unions level of development and interest in the equality agenda. There are examples of unions where the statement served a sensibilisation and awareness raising purpose. For example, the UK teacher trade unions NASUWT, NEU, EIS and UCU have been historically active in addressing the LGBTI issues, through specific conferences for teachers and students, instituting a network for LGBTI issues and organising a LGBTI history month.²²² In Spain, the national member trade unions FeSP UGT and FECCOO have undertaken activities at several levels, including the revision of the school curricula, anti-discrimination media campaigns, school posters, interactive learning materials, awareness raising videos and provided counselling and support to people affected by LGBTI-based discrimination.²²³ Interestingly, the Polish members highlighted the need to review the history teaching materials and bring more to the front historical figures who were largely left in the shadows of history textbooks due to their sexual orientation / minority backgrounds.

²¹⁹ <https://www.csee-etuice.org/en/news/archive/2573-etuice-celebrates-idahot-2018-the-international-day-against-homophobia-transphobia-and-biphobia>

²²⁰ <https://www.csee-etuice.org/en/policy-issues/2433-education-and-democratic-citizenship>

²²¹ <https://europeanmovement.eu/news/etuc-madrid-declaration-on-the-rights-of-lgbtqi-people-in-the-workplace/>

²²² <https://www.csee-etuice.org/en/news/archive/2679-demanding-safe-secure-and-healthy-workplaces-for-lgbti-teachers-in-the-uk>

²²³ <https://www.csee-etuice.org/en/news/archive/2113-etuice-supports-spanish-education-unions-in-their-2017-lgbti-campaigns> ; <https://www.csee-etuice.org/en/news/archive/2724-the-fight-against-lgbiphobic-school-bullying-continues>

6.5.6 Success factors

The key success factors have been identified as follows:

- The nature of the 2012 joint statement, covering several aspects:
 - Representing a joint commitment of the two key European level representatives of trade unions, cross-sectoral and sectoral, and a major international level NGO providing a high-level strategic gravitas to the statement,
 - Broad nature of the statement, covering the discrimination at schools, workplaces and the society, which allows the statement to be applied widely and cover the various aspects of LGBTI related discrimination,
 - Covering several aspects of LGBTI related discrimination, both at the level of school materials, curricula and training of teachers, as well as directly addressing discrimination experienced by teachers and students. The training of teachers is considered an aspect to be particularly important, especially in the initial teacher training.
- Embedding the implementation of the commitments within the broader ETUCE equality agenda, which ensures that the LGBTI issues are reflected in the ETUCE activities in a more cross-cutting way. This also helps to secure the necessary human and financial resources also for the LGBTI agenda in the resource framework which is limited in the unions.

6.5.7 Hindering factors and areas for improvement

In general, the problems related to LGBTI discrimination have decreased in the labour market, with sexual orientation becoming less of a taboo topic. In the education sector, progress is steady but slow, and teachers, especially teachers who have been working for many years, report on a strong need for teacher training on how to teach and deal with homophobic bullying.

The impact of the 2012 joint statement has been very much dependant at the national level on the situation on the ground. In some countries, the issue of sexual education is a hotly debated challenge and has been cut out or reduced from the school curricula. This means that the impact of the policy statement remains varied and is influenced by a range of national level factors.

There is room to improve the space for cooperation in the implementation of joint activities between ETUC, ETUCE and ILGA. For ETUCE, the issue of homophobic bullying and broader LGBTI agenda has been somewhat side-lined by the other key strategic challenges facing the education sector, such as the integration of migrant students and teachers or the gender equality issues. In this respect, the forthcoming equality plan should be instrumental in further embedding the issues of LGBTI into the ETUCE agenda and promoting further joint activities.

Staff and financial resource capacity remain a key challenge to further activities in implementing the 2012 joint statement, both for ETUCE and ETUC members. The interview partners agreed that more could have been done to implement the statement, but the trade unions face a gap in the capacity to devote full attention to the anti-discrimination agenda due to the recent socio-economic developments, such as consequences of financial crisis and austerity measures, as well as the threat to trade union rights.

Looking forward, the 2012 joint statement will be updated in the ETUCE 2020 equality, diversity and inclusion plan to incorporate new developments in the education world:

- The increasing digitalisation of education and the school environment and the resulting increased risks of cyber bullying based on sexual orientation;

- The increasing diversity of the teacher workforce itself, reflecting also the diversity of student body and the perspective diversity of the society at a large.

6.5.8 Transferable elements of the practice

A number of practice elements can be transferred successfully, namely:

- Adopting a high-level strategic policy commitment to fight discrimination on specific grounds helps to focus and highlight the union's work on the topic under a key "banner" and thus ensures that the attention to the issue stays on the union's agenda.
- Embedding the work on a specific discrimination ground within the broader union's equality agenda helps to ensure that the issue is not treated separately but is addressed through an overall equality policy approach and framework. This also helps to ensure that human and financial resources available are utilised in an optimal way.
- Having partnerships with other unions (and confederations) and key NGOs helps to ensure that activities implemented are more successful and more widespread amongst the partners.

6.6 Germany – National prize award to projects against xenophobia and racism (Association Yellow Hand – do not bother my friend)

6.6.1 Summary of the case study

- **Country:** Germany
- **Name of the trade union/ association:** Association Yellow Hand – do not bother my friend (“Gelbe Hand – Mach meinen Kumpel nicht an”)
- **Title of the case study:** National prize award to projects against xenophobia and racism
- **Link to the website of the case study/ practice:** <https://www.gelbehand.de/home/>
- **Date when the practice was first implemented:** Initiative exists since 1986
- **Whether the practice is still on-going:** Still on-going
- **Whether the practice was included in the 2010 study:** Yes, listed in the 2010 study (but not a case study)
- **Sector of the trade union/practice:** Federal level, not sector specific
- **Ground of discrimination addressed:** Discrimination on ethnic origin grounds, anti-racism and democracy building
- **Short description and focus of the case study:** The initiative addresses young workers and apprentices to help raise awareness about racial discrimination at work and the need for anti-racism and the promotion of equality and diversity in society and at work;
- **Short description of the activities:** The Yellow Hand association hosts each year a ceremony to award a prize to a project initiated by young workers and apprentices which tackles discrimination at the workplace and promotes diversity and equal opportunities. The association also provides training guides and modules for vocational training schools and young activists to prevent discrimination on the basis of ethnic origin and carries out or contributes to nation-wide communication campaigns tackling racism and promoting equality;
- **Short description of results and impact:** Over the past ten years, the prize competition has received a solid number of project contributions and, since 2013, has reached out to the political level. To this end, politicians are asked to hand out the prize to successful project participants. This is deemed to provide an even more important plank for public recognition of the voluntary engagement of young people in the fight against racism and discrimination. This has also given the competition greater visibility nation-wide and attracted more media attention and publicity.

6.6.2 Introduction

The association “Yellow Hand – do not bother my friend” (*Gelbe Hand – Mach meinen Kumpel nicht an*) has been established in Germany in 1986 following the example of the French initiative of “Yellow Hand” from SOS Racisme (“*Ne touche pas a mon pote*”). The sign of the yellow hand is the same as for SOS Racisme. The initiative in France was launched a year before in 1985 on the occasion of a large public concert to fight against racism in society. It kicked-off an anti-racism movement in particular in France due to both the growing political importance of the need to fight racism



and xenophobia and the participation in the national election of the right-wing party Front National as well several racially motivated attacks against migrants from Magreb countries.

In Germany, the initiative was picked up by the largest German cross-sector trade union Deutscher Gewerkschafts Bund (DGB) Youth Section²²⁴ at a time when more racist sentiments were also expressed in public against Turkish migrant workers in that country. The symbol of the hand was hence also important to Germany's initiative after agreement with SOS Racisme. In its early days, the association ran large public anti-racism campaigns that were also supported by well-known German actors, politicians and musicians. Since then, the Yellow Hand association supported many types of actions organised jointly with trade unions and young workers in companies that wish to tackle racism and discrimination on ethnic origin grounds in the workplace.

Over time, the association has developed a growing body of material for campaigns, workshops and seminars in companies, learning material for vocational training schools and for organising the competition for young workers and apprentices to help fund concrete preventive projects against racism. In Germany, the association is one of the oldest and long-standing initiatives that exist in terms of tackling racial discrimination.

The association is an independent initiative but closely supported by trade unions. The steering and management board of the association consists of persons from major trade unions such as the DGB, Ver.di, IG Metall, IG Bauen Agrar Umwelt (IG BAU), and IG Bergbau Chemie Energie (IG BCE).

In its early days, the association was more campaign focussed and contributed to ad-hoc or small-scale actions. In the 1980s, the Yellow Hand association was just one of many initiatives and NGOs in the anti-racism movement. Since 2005, the association's project competition for more diversity and a solidarity-based society and against xenophobia and racism has helped support more clearly an on-going and key initiative aimed at reaching out to young people and recognizing their commitment to fighting racial discrimination.

6.6.3 Focus of the practice

The main activity of the Yellow Hand association is the organisation of actions that prevent racially motivated acts and prevent discrimination based on ethnic origin at the workplace. The association functions somewhat as a networking organisation between various member trade unions of the DGB (national federation of trade unions) and its activists in the youth area by providing support for local actions against racism and producing relevant publications and information material.

For example, the Yellow Hand publishes a newsletter that reports examples from companies, trade unions and the association itself to show how one can campaign against racism and right-wing extremism and for equal treatment at the workplace. The newsletter helps actors from the world of work to network and provides suggestions as to how work against racism, right-wing extremism and for equal treatment can be anchored and implemented in companies, especially by people with a migrant background.

The Yellow Hand association targets in principle young workers and apprentices, although it also seeks to reach adults.

The association is financially supported by the DGB but has started since 2011 to also receive financial support through donations of supporting members of the association. At present, it has around 1,800 supporting members (mainly individuals but sometimes

²²⁴ DGB Youth section is the umbrella organisation for young trade union members of all eight unions comprising the DGB confederation. Young people are defined as up to 27 years of age, and currently the Youth Section represents around 0.5 million young trade union members. Its aims to represent the interests of young people in employment, education and training.

also companies) whose is continuously increasing. The association employs currently five people, of whom one to two persons are in charge of the competition, while others are involved in teaching/ training and development of teaching modules. Since 2014, the association also receives funding from a Federal State programme for more democratic decision making and democracy building for the association's youth work and teaching modules.

Since late 2018, the DGB has put in place at federal level a unit that is responsible for migrant and anti-racism policies and prevention activities to streamline all actions among DGB trade union members, including work carried out by the Yellow Hand association, and to better coordinate actions as well as to specifically influence the federal political level.

6.6.4 Activities implemented

The main activities implemented by the Yellow Hand association are as follows:

- Since 2005, the project competition for young workers and apprentices handing out a prize to a project/initiative that tackles discrimination at work or initiates a preventive action against racism. The competition/prize award has been placed under a changing patronage for each competition year (following the academic/school year calendar) which selects in general a politician of a Land and a representative from a trade union.
- Since 2015, it has been receiving funding from the federal budget²²⁵ for a project called – “Young workers” (*Junge Aktive*). Within this framework, the association has developed the specialist unit which provides in-company and trade union anti-racist youth work. It offers young activists advice and support in their commitment in training, vocational school and trade union youth work to prevent racist incidents and prevent the spread of stereotypes. The unit and its staff deliver tailored lectures, workshops and short projects for vocational schools. The teaching units for equal treatment and prevention of racism and right-wing extremism in the world of work where also developed within this framework.²²⁶



²²⁵ Funding line of the Ministry for Families, Senior Citizens, Women and Young People – “living democracy” (*Demokratie leben*) – sub-funding line “promotion of the structural development to a federal central organisation” (*Förderung der Strukturentwicklung zum bundeszentralen Träger*)

²²⁶ Specific teaching material can be accessed at: <https://unterrichtsmaterial.gelbehand.de/>

- From 2017 onwards, another project came to life with the support of the federal funds for “living democracy”²²⁷ (*Demokratie leben*). This project is called “Active in companies for democracy and diversity” (*Aktiv im Betrieb für Demokratie und Vielfalt*). The project develops tailor-made modules on democracy building, anti-racism work and conflict resolution for vocational schools, which are then tested and integrated into the training curriculum in accordance with the wishes and framework conditions of the participating project companies (and the participating apprentices). The material developed is evaluated and integrated into model modules which can also be transferred to other companies. The project staff from Yellow Hand advises, supports and organises training courses for trainers on these topics (using the ‘train the trainer’ concept).



- Publication of a newsletter – under the title “active and having equal rights” (Aktiv für Chancengleichheit) which provides examples from actions of trade unions. The Yellow Hand association seeks to provide, through this newsletter which is disseminated widely, inspiration for preventive actions. Each year, ten issues are published in e-mail, online and print versions.
- A database of best practices collects projects and initiatives dating back to the early days of the Yellow Hand organisation. The database includes good practice examples from trade unions, companies and vocational schools against racism and right-wing extremism as well as for equal treatment at the workplace and in society. The database offers a source for support for all those who want to become active themselves in the fight against racism and discrimination and are looking for suggestions as to initiate projects/ prepare flyers or organise workshops. On the other hand, the database provides a collection of materials, e.g. educational material, films and posters, which can be used as a basis for new actions;
- Ad hoc conferences or seminars co-organised with local unions on the topic of anti-racism or political populism to sensitise and debate current developments in society;
- Multiplier effect through training seminars for trade union activists on the prevention of discrimination based on ethnic origin grounds.

²²⁷ Further information about the funding programme is available at: <https://www.demokratie-leben.de/>

The key activity carried out by the association is the project competition for ethnic diversity, against xenophobia, racism and for a solidarity-based community targeting young people in vocational training. These are encouraged to contribute creative ideas, approaches and projects realized in their training company or vocational training school. The best initiative receives a prize and a financial award of 1,000 EUR. Those in the second and third place also receive a financial award of 500 EUR and 300 EUR respectively. In addition, a special prize goes to a selected project of the Land where the ceremony is hosted, another special prize goes to a project connected to the DGB Youth Forum of the Land where the ceremony is hosted (in 2019, it was hosted in Saxonia) and another special prize is awarded to a project connected to the DGB Youth of North-Rhinewestafllia (NRW). The special prizes linked to the DGB youth organisations aims to honor in particular trade union youth projects.



Here the Prime Minister Mrs. Schwesig of Mecklenburg Western Pomerania for the 2017/2018 Prize Ceremony

As part of the competition, the projects are evaluated on the basis of their approach to the fight against racism and promotion of equality, originality and creativity in the implementation of the project, as well as long-term effects.

Since 2013, the competition is hosted by the Prime Minister of a Land (federal entity) and a selected general secretary from the trade union side (DGB member). This approach has resulted in increased visibility both in the media and among political actors. Politicians in general are interested to host the award ceremony as the competition provides a positive signal of solidarity and strong statement against xenophobia.

The first prize of the competition in 2017/2018 was awarded to a project initiated by the vocational trainees of the Rheinbahn (a passenger railway/tram operator in Düsseldorf).²²⁸ The trainees initially wanted to print the yellow hand symbol directly on the train tickets. However, for business reasons, this was not possible. Hence the apprentices came up with the idea to provide a printed card to those that by a monthly train subscription that can be added inside to the ticketing protection. This card is aimed to make visible that the train operator Rheinbahn is engaged in preventing discrimination and show their commitment to zero-tolerance of xenophobia. The company Rheinbahn has already participated several times with various projects of vocational trainees in other years of the competition.



Winning project of competition 2017/2018

Another example is the first prize from the 2016/2017 the competition. This was awarded to a project developed by a class of the Paul Spiegel vocational training school in the city of Dorsten that helped young refugees in their region to secure a one-week internship to help them gain real experience in the world of work and, as a result, to improve their access later on to the labour market. The group of nine people managed to secure 30 internship places for young refugees in companies of various sectors in their region.²²⁹

²²⁸ Further information to the project can be found here in German: <https://www.gelbehand.de/setz-einzeichen/wettbewerb-20172018/wettbewerb-20172018-1-preis/>

²²⁹ Further information to the project can be found here in German: <https://www.gelbehand.de/setz-einzeichen/wettbewerb-20162017/wettbewerb-20162017-1-preis/>

6.6.5 Impact of the practice

One of the key impacts identified by the association's management is that the Yellow Hand association has now been active for more than 30 years and it is thought to have achieved long-lasting impact through the large volume of documentation and information flyers that it has produced over all this time. It has achieved high visibility and is easily identified by its symbol – the yellow hand – and material can be easily accessed and shared online. The association is supported by all member trade unions of the DGB and is active across the country.

The association's project competition for ethnic diversity, against xenophobia, racism and for a solidarity-based community is well known among trade union activists and young people that are already engaged in trade union circles, for example, through the youth representatives on the companies' works councils (*Jugend und Auszubildendenvertretung – JAV*). Every year, the association receives about 40 to 50 project submissions for its competition. There have also been years where the competition has attracted even higher numbers of submissions. The number of project applications has not been affected by the political or socio-economic context in the country.

It has not been evaluated to what extent the projects continued to be live after the competition, or how the award was used by the winning projects. It can be observed, however, that companies that have been active in the competition at least once, also continue to engage their apprentices in the topic. Companies are interested in general to signal that the topic is part of their diversity management and that they are sensitive to the issue and act preventively. It is not typically the case that a specific racist and/or xenophobic incident at the workplace had previously occurred in the company so that the latter is active in this area.

Within the project "Young workers" (*Junge Aktive*) implemented since 2015, the number of young people and disseminators has steadily increased: from 601 participants in 2015 to 1,620 in 2016 to about 2,204 young persons across Germany in 2017. The results for 2018, were not yet available, but it is for sure that at least the same number of participants as in 2017 was achieved.

6.6.6 Success factors

Key success factors identified are:

- Support by the DGB trade union confederation and its member trade unions – all are involved and linked to the work of the association;
- Clear symbol and wide recognition of the Yellow Hand – the association is historically rooted in a European movement against racism and xenophobia. It is an easy to identify and clear concept (i.e. fight against racism) which also informs its political action and mission;
- Identification of the supporting members, trade union members and participants of the project competition, as well as employees of the association with the "Yellow Hand" with the aims of the association has contributed to a multiplier effect (in terms of making its work known more widely) and to its long-term success;
- Clear internet presentation of the association's work, clear positioning on on-going issues that concern non-discrimination and diversity policies, regular updates of projects implemented, and ad hoc services provided; newsletter publication regularly disseminated to a large share of trade union activists to keep readers informed and updated on the work of the Yellow Hand activities;
- Continuity of the association's work over 30 years has contributed to greater awareness about its actions among trade union members and activists;

- Continuity of chairperson's engagement with the association's work (i.e. the same chairperson has been engaged in the work of the association for more than ten years). This has, in turn, helped to build a network of individual and corporate members which through their donations contribute to the sustainability of the association's operations. Such funding helps support the association's day-to-day work as well as to raise awareness and lobby at both the political and trade union levels for improved actions for equal treatment, and actions against xenophobia such as the actions of the Yellow Hand association;
- The project competition and updating of its format so that it now ensures political patronage in terms of hosting the award ceremony has increased the visibility of the prize and gives more prestige to the award. It also contributes to the public recognition of the volunteering and engagement of the young people initiating the projects that take part in the competition.

6.6.7 Hindering factors and areas for improvement

Hindering factors and areas for improvement identified are:

- There is need to evaluate impact of the prize and achievements of projects that have been supported over a longer period. This can help to better highlight the achievements and contribution made by young people, in particular, in terms of influencing the work relationships in the respective companies. Such evaluation can also contribute towards raising awareness among trade union members and wider society and point to success stories regarding the fight against racism at the workplace;
- There is need to increase awareness and visibility of the project competition more widely with vocational training schools and also among young people that are not necessarily trade union members;
- There is need to secure on a more long-term basis sufficient budget for teaching and training modules for more democracy building and anti-discrimination policies at the workplace. The relevant youth work offer could hence be further extended and built up in the future to increase the number of trainers at the workplace. These could then effectively intervene in diffusing potential workplace conflicts and regularly contribute to preventive actions in relation to racism at work;
- Further linking the various actors of trade union projects and initiatives tackling discrimination at the workplace can contribute to increased coherence and effectiveness of all combined actions combined and improve impact (for example Respekt! Initiative of IG Metall trade union, advisory services for migrant workers provided by DGB). A first step has already been taken at DGB level, the central office works reunites key actors from the sector specific trade unions and including the Yellow Hand management. The DGB central office is also active in the "Network against racism" (Netzwerk gegen Rassismus – German member of the EU organisation ENAR – European Network against Racism);
- There is need to update and maintain the good practice database which also helps disseminate other initiatives and projects as well as providing guidance and suggestions to assist adults to implement specific projects against racism at the company level.

6.6.8 Transferable elements of the practice

The concept and action that can be transferred is the project competition for young people. It would certainly need to be adapted to the country specific context. Country specific approaches would need to be developed to reach out to young people, in

particular in companies and vocational training schools. Political support for the visibility of the competition and the engagement of young people and support from employers should also be relatively easy to obtain as it is a positive contribution to the societal debate around racism and it is a way to honour and recognise volunteering among young workers.

The best possible strategy would be to involve all trade unions in an effort to widely disseminate the initiative and to streamline actions that take place in trade unions and companies. NGOs active in the area of non-discrimination and anti-racist movements can also be involved depending on the national context.

The symbol of the yellow hand could be used throughout Europe to continue to identify the action to the same anti-racist cause on an EU-wide basis.

In terms of resources, it is necessary to have a coordination and contact point and clearly sufficient financial support needs to be available to provide for continuity of actions and an attractive prize and award.

6.7 Hungary - Events on equality and non-discrimination (Liga Democratic League of Independent Trade Unions)

6.7.1 Summary of the case study

- **Country:** Hungary
- **Name of the trade union:** Liga Democratic League of Independent Trade Unions
- **Title of the case study:** Events on equality and non-discrimination
- **Link to the website of the case study (practice/s):** <http://www.liganet.hu/>
- **Date when the practice/s was first implemented:** 2009
- **Whether practice/s still on-going:** Still on-going
- **Whether the practice was included in the 2010 study:** No
- **Sector of the trade union/practice/s:** Multiple sectors
- **Ground of discrimination addressed:** Multiple
- **Short description and focus of the case study:** The dedicated equality body of the trade union confederation organises regular events in order to 1) enhance the visibility of equality issues among trade union members; 2) bring together trade unions and employers to facilitate social dialogue; 3) raise awareness on discrimination through sensitivity training; and 4) provide a platform for exchange of experience on equality and non-discrimination among trade union members.
- **Short description of activities:** Events and sensitivity training sessions on non-discrimination and diversity organised approximately once or twice a year for trade union members
- **Short description of results and impact:** The establishment of the committee has helped to ensure the greater visibility of equality issues within the union's activities, as well as, more concretely, to provide training on the equality issues, and foster greater awareness of such issues amongst its members. An additional impact of the events is that they help to facilitate social dialogue between trade unions and employers.

6.7.2 Introduction

LIGA is the Democratic League of Independent Trade Unions established in 1988. The LIGA's nearly 100 member organisations are present in all areas of the country in geographic and sectoral terms. Its membership amounts to around 100,200 employees who work in all areas of life in the public and private sectors. The main task of the LIGA trade unions is to improve the living and working conditions and social security of workers in the public sector and civil service.

The main anti-discrimination laws in Hungary are Act CXXV of 2003 on Equal Treatment²³⁰ and the Promotion of Equal Opportunities (2003. évi CXXV. Törvény az egyenlő bánásmódról és az esélyegyenlőség előmozdításáról) and the Fundamental Law of Hungary (Alaptörvény).²³¹ In addition the regulations of the European Union also influence the Hungarian Anti-Discrimination Laws.

The Equal Protection Act prohibits the following forms of discrimination: direct negative discrimination; indirect negative discrimination; harassment; unlawful segregation;

²³⁰ <https://net.jogtar.hu/jogszabaly?docid=A0300125.TV>

²³¹ <https://net.jogtar.hu/jogszabaly?docid=A1100425.ATV>

retribution; and any orders on committing such acts of discrimination. The principle of equal treatment may not be breached by behaviour, measure, condition, omission, instruction or practice based on a characteristic related to any of the grounds for discrimination, such as age, social background, ethnic origin, sexual identity, mother tongue, state of health, and disability.

In addition, the Hungarian Labour Code sets forth the principle of equal treatment regarding the employment relationship, especially in connection with the remuneration of work. Employees may ask their employer to take measures against the offender, if they become a victim of harassment. If the employer does not take the proper measures, he too will be responsible for the harassment. In case of infringement of anti-discrimination laws, the employee may appeal to the courts or the Hungarian Equality Body (*Egyenlő Bánásmód Hatóság*).²³²

The trade union implementing the practice under study here is the Democratic League of Independent Trade Unions (*Liga Szakszervezetek*) which was founded in 1988 and has been supporting workers ever since. Currently, the trade union has approximately 100-member organisations representing more than 100,000 members. The trade union membership is quite varied, with members coming from all over Hungary and from both public and private sectors.

The main aim of the trade union is to improve the living and working conditions and social security of employees in both private and public sectors. Its specific goals are focused on improving the income levels, employment security, living and working conditions of workers, improving employment legislation, and developing a good system of labour relations.²³³

The trade union started focusing its work on non-discrimination and equal opportunities in 2009 when a dedicated equal opportunities team was set up from the members of the member organisations. . In 2014, to reinforce its efforts in strengthening the trade union's work on non-discrimination, a dedicated **equal opportunities committee** was set up. The Committee has 7 members today from different trade unions and different sectors whose aim is to raise awareness among trade union members on discrimination and equality issues as well as to promote the exchange of relevant information and experience among members.

Given that no significant changes occurred in the legislation around non-discrimination since 2003, the trade union emphasized that the establishment of the team and committee and the implementation of the activities were not triggered by specific legislative or policy measures in the country.

6.7.3 Focus of the practice

The establishment of the equality committee was expected to ensure the greater visibility of equality issues within the union's activities as well as, more concretely, to provide a platform for the exchange of experience on such issues and ensure greater awareness amongst its members. The target group of the practice were the members of the trade union who were to benefit from more focussed work on equality issues.

As resources to establish and implement equality focussed activities were scarce in the union, the equality committee staff was very pro-active in applying for external funding to deliver equality related activities. This external funding enabled the delivery of a wider range of activities which were successfully implemented by the Committee. Internally, the Committee is staffed by seven members who work in the committee alongside their daily union-related activities and organise 4 meetings per year plus the events. Since

²³² L&E Global (2017); Employment Law Overview 2017 – Hungary. Available at: https://knowledge.leglobal.org/wp-content/uploads/sites/2/LEGlobal_Memo_Hungary.pdf

²³³ <http://www.liganet.hu/page/2/html/kik-vagyunk.html>

the establishment of the team in 2009 and later the committee, members have actively organised events focusing on non-discrimination and diversity issues. For example, they have been organising approximately one or two events per year on the topic depending on the funding available. The current case study focuses on the most recent activities implemented in 2017 and 2018. The focus of these activities was to:

- Enhance the visibility of equality issues among trade union members;
- Bring together trade unions and employers to facilitate social dialogue;
- Raise awareness on discrimination through sensitivity training; and
- Provide a platform for exchange of experience on equality and non-discrimination issues among trade union members

6.7.4 Activities implemented

The equality committee has been organising events since 2010 covering different grounds for discrimination. The committee uses a bottom-up approach in deciding which areas to focus on. The grounds for discrimination on which they focus their activities are always informed by the needs identified among their members. The committee constantly monitors what topics relating to equality and non-discrimination the members would be interested in.

The equality committee also follows closely the trends and developments relating to equality and non-discrimination at the EU level and takes the discussion to the national level. For instance, most recently it has done so in relation to the proposal for the Work Life Balance Directive.²³⁴

Since 2010, the committee has organised events focusing in the situation of Roma integration and Roma employees at the workplace; employment opportunities for people with disabilities; and inclusive workplaces. Most recently, the focus has been on gender equality at the workplace and women on the labour market. The most recent events on this topic were:

- Violence and harassment at work;²³⁵
- Equality at the workplace; and
- Open doors;²³⁶
- The violence and harassment at work event took place in November 2018 with the participation of trade union members and representatives of the Hungarian Equality Body as well as the Friedrich Ebert Stiftung (FES). The first part of the event consisted of presentations on the possible forms of violence and harassment in the workplace.

This was followed by a presentation on the International Trade Union Confederation's "Stop Gender-based Workplace Violence and Harassment" campaign. The representative of the Hungarian Equality Body also presented cases illustrative of their work on harassment at the workplace. This is deemed useful for trade union members as they can familiarise themselves with the case law and associated processes in case of harassment.

The second part of the event was delivered in an interactive form encouraging participants to share and discuss their experiences. The session was held by a

²³⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52017PC0253>

²³⁵ <http://www.liganet.hu/page/88/art/10023/akt/1/html/a-munkahelyi-eroszak-es-zaklatas-ellen.html?ref=evdsz>

²³⁶ http://olajipariszakszervezet.hu/files/259_tenykep_2017_majus_junius.pdf

professional coach guiding participants through different situations as part of a sensitivity training.

Figure 26. Violence and harassment at work event



A similar event was organised in 2017 as well focusing on 'Equality at the workplace'. This event also involved a combination of presentations and sensitivity training for participants in order to raise awareness on equality issues. To this end, there was special focus on working women and people with disabilities. For the latter target group, a one-day seminar was also organised in October 2018.

Lastly, LIGA regularly organises a series of events titled 'Open doors.'²³⁷ The topic of each event is selected based on the interest of member organisations. The target audience of these events is also trade union members.

Recently an 'Open door' event was organised on equality in 2017. Members are also informed about past and upcoming events and conferences focusing on non-discrimination and equality.

Participants can familiarise themselves with relevant articles of the Labour Code and the Act on Equal Treatment through presentations held by lawyers specialised in employment law. To facilitate a better understanding of the legislation case law examples are also presented and discussed with the participants. The second part of the event consists of a sensitivity training session guided by a trainer focusing on confronting social stereotypes and interactive role-playing.

6.7.5 Partnership

Over the past years, Liga Democratic League of Independent Trade Unions has worked together with two main partners in delivering the events organised by the equality committee.

The main partner and sponsor of the events is the Friedrich Ebert Stiftung (FES) who provided significant financial support over the years and has contributed to the realisation of the events. In addition to the financial support, FES also takes part in the initial planning phase of the events providing guidance for the trade union on possible

²³⁷ http://olajipariszakszervezet.hu/files/259_tenykep_2017_majus_junius.pdf

topics for forthcoming events. Based on a bottom-up approach, the trade union first identifies topics on equality that can be of interest to its members and these are also then discussed with FES.

The trade union emphasized that this cooperation and FES's guidance adds great value to their events. Experts from FES are frequent observers and presenters at the events organised by the equality committee.

The other partner organisation which often participates in the events is the Hungarian Equality Body. They were first involved in 2012 and have been working in partnership since then. The trade union perceives this as providing significant added value to their events. Through presentations from the Equality Body, members improve their understanding on how the authorities deal with discrimination cases at the workplace. The examples provided by the Equality Body are always of great interest for the participants and helps them both better understand the processes and identify whom they need to contact in case of discrimination at the workplace.

The cooperation with both FES and the Equality Body has been long-standing and fruitful, providing significant added value to the work of the trade union and the equality committee.

6.7.6 Impact of the practice

A direct impact of the practice on the ground is the significant number of trade union members who participated in the training events over the years. Since running the first event in 2010, an average of around 30-50 people have participated in each event organised by the equality committee.

According to the trade union, an additional impact of the event is that, later on, participants can act as a 'bridge'. Specifically, they bring back the knowledge they have acquired at the training event on non-discrimination and equality to their organisation and raise awareness to the topic.

The establishment of the equality committee has also helped to ensure the greater visibility of equality issues within the union's activities as well as, more concretely, to provide training on the equality issues, and foster greater awareness of such issues amongst its members.

An additional impact of the training events is that they help to facilitate social dialogue between trade unions and employers. In some of the events, employer representatives have also participated providing examples of good practices on equality at the workplace. In such a context, trade unions and employers are not 'on the opposite side' (as in the case of pay negotiation and bargaining) which, in turn, reinforces a spirit of positive collaboration among the social partners.

6.7.7 Success factors

One of the key success factors is the pro-active approach and strong commitment from the members of the trade union to establish the equality committee. Similarly, the strong commitment from LIGA to highlight the importance of the equality issues is a key success factor. Members of the Committee take up this role on top of their daily tasks showing strong personal dedication. Members take up this role on top of their daily tasks showing strong personal dedication.

The bottom-up approach in deciding which thematic areas to focus on helped to better engage the target audience of the events and ensure a strong interest from trade union members.

The equality committee also tried to ensure that the events are accessible to all members which, in turn, contributed to the success of the events. All expenses for

members were covered and the events were usually organised in central Hungary to allow easy access for all members and reduce travel time and costs.

The involvement of the Equality Body in the activities was assessed as beneficial allowing participants to gain technical knowledge on the legal framework and the case law in relation to equality and non-discrimination at work.

6.7.8 Hindering factors and areas for improvement

No significant hindering factors were identified. Difficulties mostly arose from smaller organisational aspects of the events which were easily resolved.

One challenge that the committee faced was the recruitment of participants especially in the early years when the events were less known. The 'Open doors' event on equality was a good way to bridge the gap between the member organisations and the work carried out by the committee as they promote the activities organised and highlight the importance of the topics in the interest of Members such as equality and non-discrimination.

6.7.9 Transferable elements of the practice

The establishment of the committee is a structural element transferable to other unions and national contexts; however, to enhance success, a dedicated and committed staff is a prerequisite for such activities.

The involvement of the Equality Body in the events was assessed as providing significant added value, allowing participants to gain technical knowledge on the legal framework and case law in relation to equality and non-discrimination at the workplace. Since every EU Member State has an equality body, such involvement is also a transferrable element to other countries.

The set-up of the events is also transferable to another context. The idea of using sensitivity training as part of the event was well received from all participants who perceived it as a real eye opener which helped them engage more with the topic than relying only on presentations. This good practice of sensitivity training can also easily inform other relevant practices.

6.8 France – Training Sessions on LGBT rights (UNSA)

6.8.1 Summary of the case study

- **Country:** France
- **Name of the trade union:** *Union Nationale des Syndicats Autonomes (UNSA)*
National Union of Autonomous Trade Unions
- **Title of the case study:** Training sessions on LGBT rights
- **Link to the website of the case study (practice/s):** <https://www.unsa.org/L-UNSA-se-dote-d-un-groupe-de-travail-LGBT.html>
- **Date when the practice/s was first implemented:** 2017
- **Whether practice/s still on-going:** Still on-going
- **Whether the practice was included in the 2010 study:** No
- **Sector of the trade union/practice/s:** Intersectoral, national level
- **Ground of discrimination addressed:** Sexual orientation and gender identity
- **Short description and focus of the case study:** The UNSA offers training sessions and tools to its delegates to tackle lesbian, gay, bisexual, and transgender (LGBT) discrimination in employment. At national level, these training sessions are provided annually and at regional level they take place upon request from the territorial delegations. This initiative was developed to help delegates deal with situations of alleged discrimination in employment and be aware of legal protection available in such cases
- **Short description of activities:** To date, two training sessions have taken place: one in June 2018 and one in February 2019. Speakers from the French Equality body and an association for the protection of LGBT individuals made presentations and participated in the training sessions.
- **Short description of results and impact:** It is too early to assess the long-term impact of the training provided. In the short term, the training is regarded a success and delegates are satisfied with the knowledge acquired. Discussions inside companies were provoked following the training among representatives, which contributed to raise awareness on LGBT discrimination.

6.8.2 Introduction

The intersectoral trade union UNSA (*Union Nationale des Syndicats Autonomes*²³⁸) is one of the French confederations of trade unions. It counts around 200,000 members in France and is particularly active in the public sector and in public transport. Its fight against LGBT²³⁹ discrimination started in 2013 with campaigns promoting the adoption of the Law on same-sex marriage.²⁴⁰ On this year, the UNSA participated in the Parisian pride march (*Marche des Fiertés LGBT*) for the first time, where it was noted that several activists of the trade union were also members of associations promoting LGBT rights. Emilie Trigo, representative of the UNSA at the national general secretariat, highlighted

²³⁸ National Union of Autonomous trade unions

²³⁹ The interviewees mostly discussed this initiative using the acronyms LGBT. Although online documents of the UNSA sometimes refer to a wider spectrum of individuals using the acronyms LGBTQI, this case study refers to LGBT as mentioned in the interviews.

²⁴⁰ LOI n° 2013-404 du 17 mai 2013 ouvrant le mariage aux couples de personnes de même sexe (Law of 17 May 2013 opening marriage to same-sex couples)

that this pride march was the starting point of an increasing commitment of the UNSA to tackle LGBT discrimination.

*"We want to show that we support the work of LGBT associations. Internally, in the UNSA, it allows us to discuss the phenomenon. LGBT discrimination is an issue at work similar to gender inequality or racism."*²⁴¹

Discussions on the topic during a series of meetings led to the conclusion that delegate representatives were widely uninformed of LGBT rights at work and associated means of confronting LGBT discrimination. According to a permanent representative of the UNSA national secretariat, victims of discrimination at work often turn to non-profit organisations to seek legal and judicial advice, while social partners only act as collective bargaining organisations. Only trade union members concerned directly or indirectly (e.g. through a relative or friend) by LGBT discrimination were informed on judicial mechanisms available to combat such discrimination. Others were largely ignorant of the issue or even of the existence of LGBT discrimination at work. Therefore, it was agreed that training sessions on LGBT rights should be organized to raise awareness on LGBT discrimination and inform delegates on means of action to combat LGBT discrimination. Emilie Trigo underlined the drivers of the initiative with the following: *"We found out that our members were confronted to new situations without the means to answer them. (...) When new questions and new debates arise, it calls for trade union action in their mission to address current societal issues."*

As was highlighted by the interviewees, the decision to initiate training sessions was not driven by recent legal changes in France regarding LGBT rights,²⁴² but instead by the collective realization of a general lack of awareness and knowledge on the issue of LGBT discrimination at work, even among trade union members. As Emilie Trigo observed, a hierarchy of grounds for discrimination should not be established because all should be equally tackled. Indeed, there is no valid reason to ignore sexual orientation and gender identity as a ground for discrimination if such discrimination is present in the workplace.

Since its creation in 1993, the UNSA has been committed to the promotion of minority rights. To this end, one of its specific departments in the UNSA national secretariat is in charge of "Rights and Liberties". In December 2016, the UNSA appointed a new permanent representative, Nicolas Gougain, in this secretariat, specifically dedicated to LGBT issues. In fact, Nicolas Gougain was previously the spokesperson of the non-profit organisation 'Inter-LGBT', thus his appointment to the secretariat encouraged UNSA's action in the promotion of LGBT rights. The secretariat in charge of "Rights and Liberties" organised the training against 'LGBT-phobia'.

6.8.3 Focus of the practice

The UNSA underlined three main objectives and ambitions for the training sessions:

- Train members of the UNSA to the history of LGBT rights and raise awareness on LGBT discrimination;
- Draw the legal framework of LGBT rights and understand enforcement mechanisms to enable UNSA representatives to assist victims of discrimination on grounds of sexual orientation and gender identity;

²⁴¹ Nicolas Gougain during the Parisian Pride March : *"Nous voulons montrer que nous sommes solidaires du travail des associations. Cela permet aussi de faire avancer le débat en interne, car les discriminations anti-LGBT sont un enjeu au sein du monde du travail, au même titre que l'égalité femmes-hommes ou le racisme"* <https://www.nouvelobs.com/economie/20180625.OBS8730/gay-pride-2018-des-nouveaux-et-des-absences-remarquees.html>

²⁴² LOI n° 2013-404 du 17 mai 2013 ouvrant le mariage aux couples de personnes de même sexe (Law of 17 May 2013 opening marriage to same-sex couples)

- Understand the role of delegates and trade unions in tackling LGBT discrimination.

In France, there is an existing legal arsenal protecting victims of discrimination. The primary aim of the training was to inform members on the available actions to combat and/or redress discriminatory acts for victims of LGBT discrimination and to protect the legal rights of LGBT individuals. The training also aimed at giving tips and practical advice to delegates on how to tackle situations of LGBT discrimination at work.

The target group varies according to the training. For training organised at national level, all affiliated members of the UNSA were invited to participate, but the information was specifically aimed at permanent representatives of UNSA. In this case, the primary objective is to set a coherent guideline of LGBT campaigns at national level and inform representatives in charge of regional and sectoral departments on the necessity to tackle discrimination on grounds of sexual orientation and gender identity at work. For training organised at the regional level, the group targeted by the training session is mainly employees' representatives directly active in companies or in specific sectors, to help them become aware of practical means of action in tackling LGBT discrimination at work.

The financial resources of the training sessions are discussed and allocated at the national level. During the national Congress held in April 2019, the UNSA consecrated a full-time permanent representative responsible for the promotion of employment rights and non-discrimination, as well as the UNSA's national initiatives to promote LGBT rights. Emilie Trigo is now granted the title of national secretariat in charge of Human rights and fight against discrimination. The focus on equality and diversity topics have been reinforced during this Congress.

The external speakers intervening in the training sessions have not been remunerated by the trade union and came voluntarily or were paid by their sending institution.

6.8.4 Activities implemented

The main activity implemented by the UNSA to tackle discrimination on grounds of sexual orientation and gender identity are training sessions. The UNSA decided to put in place training to raise awareness on LGBT rights and inform delegates on available protection against LGBT discrimination. To date, only two training sessions have taken place, but those will occur yearly from now on and be open to delegates in the regional organisations of the UNSA. In parallel, regional delegations are encouraged to request training at their level, which will be financed and organized by the national secretariat.

- The first training session was organized at the national level and took place in June 2018 in Ile-de-France. Its title was "*LGBT issues: Historical essential landmarks and Role of trade union*"²⁴³. It attracted around 20 participants and lasted two days;
- Shortly afterwards, the regional delegation of the UNSA in the Occitanie region asked the national secretariat to organise a similar training session at the regional level. This took place in Montpellier on 4th February 2019 and attracted around 20 UNSA delegates from different sectors. This training only lasted one day, which was identified as too short by the organisers. The legal protection of LGBT rights was not sufficiently presented to and discussed by the participants due to lack of time.

A second national training session will take place on 16 and 17 May 2019. At the regional level, a training will take place in Toulouse on 7 June 2019, the day before the pride march in Toulouse to which the UNSA will participate.

²⁴³ Original title in French: "*Questions LGBT: Les fondamentaux. Histoire, Discriminations et mise en perspective syndicale*"

The National Secretariat of the UNSA in charge of Rights and Liberties is responsible of the organisation of these training sessions. In December 2016, the creation of a new full-time position in the national secretariat in charge of anti-discrimination campaigns underscores the UNSA's commitment to the protection of all against discrimination, including safeguarding LGBT rights. Following the first training in Paris in June 2018, an action group on LGBT rights has officially been created.²⁴⁴ This commitment will be further confirmed during the National UNSA Congress of April 2019, where future campaigns to tackle discrimination on grounds of sexual orientation and gender identity will be debated, as well as allocated a specific budget.

The format of the training seeks to raise awareness of the participants by encouraging active interaction so as to jointly confront and address their own beliefs, experiences and stereotypes. Half of the session is organised as a brainstorming session, to share ideas on the role that union delegates should take in promoting LGBT rights and to discuss existing prejudices against LGBT individuals in the workplace.

The other half of the session is dedicated to teaching legal enforcement actions in case of discrimination and to enhance the participants' understanding of the extent of LGBT discrimination in the workplace. For this purpose, the national secretariat has invited in the training session at the national level two speakers with relevant expertise:

- The non-profit organisation "L'Autre Cercle",²⁴⁵ represented by Catherine Tripon, provided an overview of the current situation of LGBT individuals in the workplace and gave examples of discriminatory practices in that regard. Catherine Tripon's experience as spokesperson for LGBT rights in other trade unions makes her particularly qualified to present such an overview, while she also has a good understanding of LGBT-related issues faced by union delegates. According to her: "*This training aims at combining a political, collaborative and trade union dimension to the LGBT issues*". During the training, she focused on the role of elected representatives in tackling discrimination. By also exploring how trade unions can make perceptions evolve in the workplace, she explained that the aim is to give trainees elements to facilitate debates on sensitive issues, such as appropriate vocabulary to mention LGBT individuals and constructive arguments to promote inclusion at work. In turn, this will allow employees' representatives to deconstruct taboos and promote debate on stereotypes. The main support documents used were two books published by L'Autre Cercle: "*Mon employeur fait son coming out*"²⁴⁶ (My employer is coming out) and "*1997-2017, 20 ans déjà et des projets pour demain*" (1997-2017, already 20 years has past and the projects for tomorrow).²⁴⁷
- The French equality body, the *Défenseur des Droits*²⁴⁸, presented the French legal framework to tackle discrimination and promote the rights of LGBT individuals. This technical legal approach of LGBT rights allowed trainees to gain insights on enforcement mechanisms and adapt their reaction when confronted with discriminatory practices at the workplace. A guide published in 2017²⁴⁹ by the

²⁴⁴ <https://www.unsa.org/L-UNSA-se-dote-d-un-groupe-de-travail-LGBT.html>

²⁴⁵ *L'autre Cercle* is a non-profit organisation promoting an inclusive and respectful professional environment for all individuals regardless of their sexual orientation or gender identity. For more information on this association, consult: <https://www.autrecercle.org/>

²⁴⁶ L'Autre Cercle *Mon employeur fait son coming out*, November 2016. Available at: <https://www.autrecercle.org/comingout>

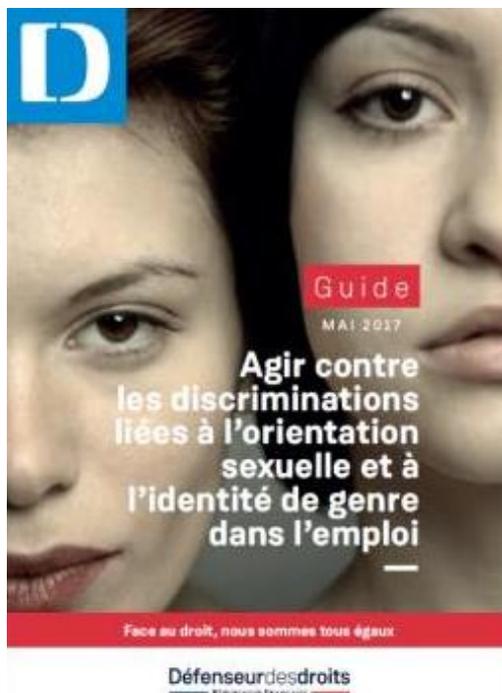
²⁴⁷ L'Autre Cercle, *diversité et inclusion 1997-2017, 20 ans déjà et des projets pour demain...*, 2017. Available at: https://books.google.be/books/about/Autre_cercle_diversit%C3%A9_et_inclusion.html?id=zWBjwAEACAAJ&redir_esc=y

²⁴⁸ Official website of the equality body *Défenseur des Droits*: <https://www.defenseurdesdroits.fr/>

²⁴⁹ Guide from the *Défenseur des Droits*, Available at:

equality body on workplace discrimination based on sexual orientation and gender identity was distributed to trade union representatives and used as a support document.

Figure 27. Support document used by the French equality body during the UNSA training²⁵⁰



Alongside these training sessions, the UNSA has been particularly involved in the organisation of pride marches in France and actively campaigned to promote LGBT rights in the following cities: Biarritz, Montpellier, Paris, Lyon, Marseille, Metz. Yearly, around 20,000 euros are spent on the organisation of pride marches in different cities. Brochures, as shown in Figure 28, are widely distributed on this day to raise awareness on the discrimination of LGBT individuals at work.²⁵¹

https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/836170010_lgbt_access.pdf (accessed 15.03)

²⁵⁰ Guide from the Défenseur des Droits, Available at:

https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/836170010_lgbt_access.pdf (accessed 15.03)

²⁵¹ <https://www.unsa.org/IMG/pdf/tract-lgbt.pdf>

Figure 28. UNSA brochure distributed during pride Marches in Biarritz, Montpellier, Paris, Lyon, Marseille, Mess.



Source: UNSA website <https://www.unsa.org/IMG/pdf/tract-lgbt.pdf>
Translation "Right of Trans are an urgency!"

6.8.5 Partnership

During the first national training on "LGBT issues: Historical essential landmarks and Role of trade union" in June 2018, the UNSA invited two external speakers to intervene during the training. Although it only occurred once, the UNSA mentioned that it will very likely reiterate this cooperation with the organisations. The combination of an equality body and a non-profit organisation committed to tackling LGBT discrimination allowed to present a comprehensive overview.

Both speakers were satisfied with their involvement in the training and the relationship with the trade union. The association "L'Autre Cercle" underlined that the informal setting of the training facilitated discussion and allowed to effectively raise taboos on the issues.

The two organisations were not compensated by the UNSA and took part I the training voluntarily, while speakers were paid by their respective sending institution. Supporting documents were not purchased by the UNSA, they were distributed freely to participants.

6.8.6 Impact of the practice

The training was assessed as a success by both the UNSA and the two speakers. Although participants' feedback was not collected individually by the UNSA, many trainees expressed their enthusiasm for and interest in further training. At the national level, highlighting the success of the first session, representatives underlined that the training should take place yearly. However, the training has taken place too recently for one to assess long and medium-term impacts.

A direct impact can still be identified: the regional representative of the Occitanie region who participated in the first training session (at the national level) requested a similar training session aimed at regional trade union delegates whose work are based in companies. Following this request, the national secretariat organised a training session in Montpellier in February 2019. Representatives are encouraged to promote the training in their regional delegations and instigate debates on LGBT discrimination.

Following the first training, a "LGBT workgroup" was officially created, with the aim to develop various tools to be placed at the disposal of UNSA delegates and activists, and answer employees' issues in relation to LGBT rights that delegates are confronted with.²⁵² The mandate of this workgroup will be officially determined during the UNSA Congress of April 2019.

6.8.7 Success factors

The format used in the training, which combined the points of view of a non-profit organisation and a legal advisor (the equality body) allows trainees to obtain a comprehensive picture of LGBT discrimination in the workplace. The main factor of success identified by the UNSA was the openness of the debate and the possibility to discuss personal stereotypes. As Nicolas Gougain underlined: *"The goal of the training is to discuss our own representations and stereotypes and be able to create definitions and terms that are of easy access for our representatives. Breaking the silence around LGBT issues allows us to mainstream communication and 'deconstruct' stereotypes"*.

Therefore, the central success of the training was to guarantee open communication between trainees on this issue, who felt free to ask questions and get rid of unfair stereotypes. The facilitation of discussion around LGBT discrimination in companies will, in turn, help mainstream the debate.

6.8.8 Hindering factors and areas for improvement

The training in Montpellier, which took place on 4 February 2019, was less successful than the first training session organised at the national level, as external speakers were not invited to present their experiences, contrary to the national training session in June 2018. The permanent representatives of the national secretariat conducted the training themselves. Moreover, support documents and PowerPoints were not given to participants, which resulted in missing technical information on the protection against discrimination and enforcement procedures in case of discriminatory acts. An area for improvement would be to ensure that future training sessions are of sufficient duration as to properly cover this legal framework.

Other possible areas for improvements include the need to ensure continuity of the training. After this course, participants were not requested to provide feedback on the training or indicate how it has affected their activity in their regional or sectoral divisions. The impact of the initiative would be greater if there was a follow-up with participants to ask their opinions about the training and how they transferred what they had learnt in their respective organisations.

Finally, the spokesperson from L'Autre Cercle mentioned that, although participants were made aware of LGBT discrimination and gained an understanding of their potentially vulnerable situation in employment, the tools given as part of the training were not sufficient to address a more complex situation of discrimination of LGBT-phobia. The training merely allowed participants to acquire basic knowledge on the good behaviours to adopt when faced with LGBT discrimination and to identify which acts can be considered as a discriminatory practice. A second training aiming at developing expertise on enforcement procedure in case of LGBT discrimination was mentioned as a chance for improvement.

6.8.9 Transferable elements of the practice

The major transferrable element is the way the training was organised, and the approach adopted to raise awareness among participants. The use of action groups to brainstorm on experiences relating to discrimination at work and to discuss the role of

²⁵² <https://www.unsa.org/L-UNSA-se-dote-d-un-groupe-de-travail-LGBT.html>

trade union activists in effectively addressing such discrimination allowed trainees to assess best practices and debate on their experiences.

Another transferrable element is the cascading approach to training in terms of inviting regional delegates of the trade union to the training provided at the national level and encourage them to request similar training at the regional level. In this case, the training can be adapted to a particular sector and address specific needs.

Finally, the involvement of the French equality body in the training was assessed as very beneficial, allowing participants to gain accurate technical knowledge on the legal framework. Since every EU Member States has such organisation, such involvement of equality bodies is clearly a transferrable element to other countries.

6.9 France – Fighting Extreme Ideas and Racism

6.9.1 Summary of the case study

- **Country:** France
- **Name of the trade union:** CGT
- **Title of the case study:** Fighting extreme ideas and racism
- **Link to the website of the case study (practice/s):**
 - Press release on the campaign: <http://rennesmetropole.reference-syndicale.fr/files/2018/06/2018-06-Note-aux-orgas-lutte-id%C3%A9es-ext-droite-et-racisme.pdf>
 - Festival against Racism: <https://www.cgt.fr/actualites/discriminations/festival-contre-le-racisme>
 - Campaign "With our Differences, let's give colours to the future": <https://www.cgt.fr/dossiers/racisme-avec-nos-differences-donnons-des-couleurs-lavenir>
- **Date when the practice/s was first implemented:** 2014
- **Whether practice/s still on-going:** Still on-going
- **Whether the practice was included in the 2010 study:** No
- **Sector of the trade union/practice/s:** intersectoral
- **Ground of discrimination addressed:** Racial or ethnic origin
- **Short description and focus of the case study:** The campaign was primarily focused on the fight against extreme-right ideas and populism, as a significant percentage of the trade union's members were found to vote for the *Front National* (main extreme right party in France). Racism and discrimination on grounds of ethnic origin were dealt together with this campaign. Starting in 2017, an in-depth campaign against racism was launched.
- **Short description of activities:** The tools developed in this campaign were the following: conferences and "focus-days"; training sessions at the national and regional levels; distribution of leaflets, brochures, fiches and development and dissemination of arguments against racism and extreme right speeches; organisation of a festival against racism.
- **Short description of results and impact:** The campaign reached almost all French regions; only a few regional delegations did not implement any activity in the context of this campaign. The communication of activities and related documents through the trade union newspaper helped the union reach most of its members.

6.9.2 Introduction

The *Confédération Générale du Travail* (General Confederation of Labour, CGT) is the largest French trade union in terms of votes from workers during trade union elections and second largest in terms of membership and affiliation. It is intersectoral and covers the entire French territory. Since 2002,²⁵³ the CGT has been involved in campaigns tackling the rise of the extreme right, alongside other French trade unions as common

²⁵³ Year of the French presidential elections which opposed Jacques Chirac and Jean-Marie Le Pen in the second turn.

front actions. Common-front initiatives with several trade unions against extreme right votes have increased considerably, in which the CGT has played a central role in their planning and organisation.²⁵⁴ Starting from 2013, the CGT realised that a specific internal initiative was necessary, as polls showed that an increasing percentage of the trade union's members voted for extreme right parties.

In this context, the national secretariat of the CGT instigated various actions to understand its members' motivation in voting extreme right parties. The main objective was to enter in dialogue with precarious workers – who were found to be more likely extreme right voters. The main actions started in 2014, with the organisation of a number of "focus days" on the question. The trade union promoted debates and intense discussions, where members could discuss their political orientation and reasons behind an extreme-right vote. This led to a deeper understanding of the situation and drivers for extreme-right voters which, in turn, can help the union tackle more effectively the rise of populism and racism. As Alain Dru, founder of the campaign stated: *"In the past, the CGT had already taken a stand against the extreme right and racism. However, this time was different due to the scale of the movement and the dissemination of these ideas among our trade union ranks. It was necessary to listen to our members and understand the underlining meaning of and driver for their vote. If we want to promote information and awareness, we need to begin from the beliefs and questions our members have."* Therefore, the ambition of the campaign was to reach the members of the CGT who were voting extreme right parties, often correlated with the most vulnerable members and those in precarious employment, according to the CGT. The goal was not to discuss with permanent secretariats or political entities, but directly with workers, in order to point out the dangers of mainstreaming racist ideas and behaviours in daily life.

In late 2013, a structural initiative was put in place for this campaign at the national level. The CGT established a specific committee against the extreme right and racism in the national secretariat, with the aim of creating specific tools inside the CGT against racism and organising training sessions. This group is composed of national decision-makers and representatives at the regional level. It is at the origin of the CGT initiatives to tackle racism and extreme right ideologies. Indeed, to date CGT is still very active in this field.

6.9.3 Focus of the practice

6.9.3.1 Target group:

The action of the CGT was set up at the national level, but the campaign aimed at reducing the number of extreme right voters in regions where the French political party *Front National* had the majority in terms of votes. This is specifically the case in Northern France, Vaucluse, Gard, Picardie, and Vars. The choice of intervention of the CGT was political, as the target group of this campaign was the extreme right voters among the CGT members.

6.9.3.2 Resources:

A specific budget line is allocated to the committee against the extreme right and racism at the national level. This amounts to around 30,000 euros annually and is renegotiated every year. The development of specific tools such as the Leaflet "14 Fiches to tackle extreme right ideas and racism" (see below); or the organisation of the festival was

²⁵⁴ The inter-trade union campaign against extreme right ideas have notably led the following organisations : CGT, FSU-Solidaires, FIDL, UNEF, UNL, to engage in activities such as the public presentation of the book *"En finir avec les idées fausses propagées par l'extrême droite"*. <https://www.cgtservicespublics.fr/societe/lutte-contre-les-idees-d-extreme-droite/article/communiqu-e-commun-cgt-fsu-solidaires-fidl-unef-unl-la-campagne-intersyndicale>

financed through extra funding. The festival budget was 25 800 euros, the artists agreed to lower their price because they were playing for CGT and against racism.

In terms of human resources, five permanent representatives took active part in the actions of the committee and developed the campaigns. Activities are particularly intensive before events and training sessions, i.e. at their planning, preparation and organisation phase. The rest of the time, the members do not work full-time on the campaign. The commission meets once per semester to discuss its most recent activities and future developments.

6.9.3.3 Aims and objectives:

The main objective of the campaign is to reduce the number of extreme right voters internally in the trade union and raise awareness on racism issues at work. The campaigns' specific aims vary depending on the targeted sector. For instance, in sectors with high participation rates of migrant or posted workers, the CGT's ambition is to facilitate communication and relations between workers and foster a great degree of solidarity among workers with different ethnic backgrounds. The primary objective was not to address extreme-right and racist ideas among the wider public, but rather to work internally to address such issues within the trade union itself.

6.9.4 Activities implemented

The range of activities implemented in the context of the CGT campaign, developed by the committee against racism and extreme right ideas, is very wide and diverse. Between 2013 and 2015, several 'focus days' were organised in different cities, with the intention of reaching out to members of the CGT working on the field, namely directly with workers, and understand the drivers and motivation of extreme right voters. These 'focus days' allowed delegates to debate on stereotypes and prejudices on migrant workers, and other topics covered by the arguments put forward by the *Front National* in France.

With a better understanding of the *Front National's* electorate's drivers and motivation, the CGT organised two types of training modules on the best practices to tackle racism and extreme right speeches in companies:

Long training sessions (lasting three days) at national level, targeting regional representatives. Two training sessions were held in 2017 and 2018. Future trainers and activists were trained in CGT values against racism and the CGT culture, with the aim to, first, have an impact on workers in companies and so that these are later able to train themselves other groups of workers at the workplace.

Short trainings (1 day), which started in 2016 at the regional level, for all affiliates. The content, documents, videos and exercises are provided by the national secretariat. Some regional delegations implemented the training sessions themselves, others requested national trainers. In three years, over 100 training courses were conducted on the French territory. These training sessions mainly focused on the arguments used by the extreme right and racists in populist speeches, thus giving trade union representatives tools to tackle these ideas when mentioned in the work context.

The core of the CGT's actions in tackling racism took place in 2017 and 2018. In the context of the upcoming presidential election in France, which was a key point in the CGT's campaign, the committee against racism and extreme right ideas created the campaign named "*Avec nos différences, donnons des couleurs à l'avenir*" (With our differences, let's give colours to our future). The painting of the street artist Chanoir's wall fresco in Montreuil was done at the launch of the campaign, whose work serves as a supporting visual for the campaign's poster (see Figure 29). This initiative resulted in ten videos available on the CGT website, on the need to fight racism, on real-life experiences of migrant workers who have been victims of racism, and on presentation

of arguments against extreme right speeches.²⁵⁵ The painting of the wall fresco by Chanoir was turned into a video clip named "Tous ensemble contre le racism" (*Together against Racism*).²⁵⁶

Figure 29. Poster of the campaign "With our differences, let's give colours to our future"



In the context of this campaign, in 2017, the committee published a leaflet named "Lutter contre les idées d'extrême droite et le racism" (Tackling extreme-right ideas and racism) (see Figure 30), which also served as a supporting document in training sessions. This document consists of 14 fiches focussing on various arguments used in extreme right speeches under four different themes: (i) Economy; (ii) Xenophobia; (iii) Propaganda; and (iv) Work. The fiches dealt with topics such as "Front National lies on immigration"; "Realities about refugees in France"; or "Disinformation: forceful propaganda tool of the extreme right on internet". This publication was sent to every regional delegation of the CGT, to be widely distributed to other trade union members. It is also publicly accessible on the CGT website.²⁵⁷

Figure 30. Leaflet "14 Fiches to tackle extreme right ideas and racism"



²⁵⁵ These videos are accessible at: <https://www.youtube.com/playlist?list=PLeohy5jtABLIh4tBFBucBCForSxIKF3PK>, and are also published on the CGT website.

²⁵⁶ Accessible at: <https://www.youtube.com/watch?v=aErycQli2Vo&list=PLeohy5jtABLIh4tBFBucBCForSxIKF3PK&index=1>

²⁵⁷ "14 Fiches to tackle extreme right ideas and racism", Accessible at: <https://www.cgt.fr/lutter-contre-les-idees-dextreme-droite-et-le-racisme-14-fiches-pratiques-et-argumentaires>

On 30 June 2018, the CGT organised its Festival against Racism, an innovative measure to bring both the wider public and trade union representatives together to raise awareness on discrimination at work. Throughout the day, the festival attracted 300 participants around debates, conferences, exhibitions, concerts. This day was organised in collaboration with the department of the Gard, at the initiative of the trade union.

Figure 31. Festival against racism of 30 June 2018 in Nîmes



Finally, to communicate information about the campaign, the CGT produced and disseminated leaflets, brochures and articles through the internal trade union newspaper. Moreover, a paper-based 'playful package', asking various question on stereotypes, was sent to every member of the CGT to inform them on the campaign in early 2018. This was paid through the members' monthly subscription to trade union press. The leaflet was named "*The CGT decided to lead an offensive against racism in the context of its campaign against extreme right ideas*".²⁵⁸ As can be seen in Figure 32, other brochures and advertisements, were also widely disseminated to raise awareness on racism.

Figure 32. Examples of press articles spread within the CGT campaign against racism.



²⁵⁸ This leaflet can be downloaded on the following link: <http://telechargement.cgt.fr/>, under the theme « Campagne contre l'extrême-droite »

"They work together...Racism, poison of power and of employers, divides and kills."



"Extreme right is a poison, Solidarity is the antidote."

6.9.5 Partnership

In the context of its campaign, the CGT has developed partnership with other Member States' trade unions. A debate was co-organized by the CGT and FGTB in December of 2018 on extreme right and racism, with the presence of the DGB from Germany. In June 2018, a conference was held in Strasbourg with the DGB and a two-day workshop in Berlin in February 2019. The CGT also took part in the ETUI training course "*Debunk the far-right, reinforce trade-union power*", alongside the Hungarian confederation MAZSZ, the Austrian OGB and the Belgian FGTB.

The main objective of these cooperation has been to exchange good practices to tackle extreme right ideas in other political contexts, learn from their experiences and agree on a joint plan of collective action to reduce racism and extreme right harmoniously across borders.

The principal action of cooperation with foreign trade unions took place in Strasbourg on 5 June 2018, during a conference where 100 employees' representatives gathered from both sides of the Rhine: 60 French and 40 German representatives.²⁵⁹ This action was particularly important in the Grand Est region, as a border region where movement of workers is frequent. In return, the German trade union invited the CGT to a conference on the same topic in Berlin.

²⁵⁹ Press release "*Ensemble contre les idées d'extrême droite, Rencontre européenne Strasbourg 5 juin 2018*". Accessible at: <http://www.lorraine.cgt.fr/2018%2006%2005%20cgt.verdi.pdf>

Figure 33. Campaign of the CGT (FR) and the Ver.di arbeiterinnen (DE) in Strasbourg against extreme right



Overall, the cooperation was very positive, even though Member States have different approaches of the topics discussed due to different national contexts. Therefore, the questions raised in relation to how best to confront racism and extreme rights ideas may be specific to the context of the country.

6.9.6 Impact of the practice

The campaign successfully reached most of the CGT members in France. Only a few CGT regional delegations have not implemented any action in the context of the campaign, like Paris or Haut-Rhin, but they are the exception. Moreover, the regular communication of the CGT's activities and brochures through the trade union newspaper directly informed members on the most recent actions. Following this communication, the national secretariat received more than 100 positive comments and/or questions on the campaign and its various activities. The principal successful impact is that the campaign managed to establish a debate on racism and extreme right voting among workers in companies and gave CGT delegates tools and arguments to counter hate speeches.

The campaign impacted certain regions more than others, as the objective was to tackle mainly areas where extreme right voters were the most numerous. Specific examples of impact were mentioned by interviewees: in the Northern France city of Calais, the campaign and local actions of the CGT have managed to improve relations between migrant workers and employees, in what used to be a particularly intense context. In the Alpes Maritime region, the CGT has been conducting a specific campaign on the recognition of undocumented (migrant) workers, by arguing that the non-recognition of these workers harmed the employment prospects and salaries of employees. This was particularly difficult considering the popularity of the extreme right party in this region.

Some professional federations have also implemented conferences on the social discourse of the far-right or on migrants and undocumented workers, usually in national assemblies or congress

Impact can also be assessed by evaluating the number of participants in events. The international trade union meeting in Strasbourg on 5 June 2018 welcomed 100 trade union representatives. The Festival against racism gathered nearly 300 participants. About 140 training sessions were organised for a total of 2200 CGT member since 2016.

6.9.7 Success factors

Four factors of success of this campaign can be underlined:

- The CGT put emphasis on adapting their speeches and training sessions to the participants in the campaign. To tackle racism and populism, it was considered of primary importance to understand the realities of workers and adapt the national discourse against racism, in order to best promote vision and values of inclusiveness and diversity. The objective of this campaign to effectively reduce racism internally in the trade union highlights the method used where, instead of aggressive campaigning, a soft approach was adopted.
- During training sessions and conferences, the arguments used by extreme right parties were dismantled and counter-argued, giving representatives tools (and convincing arguments) to react effectively when faced with racist speeches.
- The international scale of the practice, involving meetings with other countries' social partners, allowed representatives to gain a European overview on the rise of far-right populism and racism. This, in turn, allowed for the exchange of good practices, as for instance, has been the case with German trade unions.
- The CGT promoted the development of local networks against racism, by putting workers and relevant organisations in contact. These local actions and groups against racism guarantee a long-term of the practice.

In five years, the committee against the extreme right and racism has implemented around 100 training sessions in most of the French territory. The recent launch of the campaign "With our differences, let's give colours to our future" indicates that the CGT initiatives are on the rise and will continue to prosper.

6.9.8 Hindering factors and areas for improvement

Several factors have hampered the effectiveness of the campaign against racism and the extreme right:

- Certain regions and/or sectors, such as in the Haut-Rhin, were very reluctant to address racism and extreme right ideas and did not welcome the campaign positively. In other sectors, these issues were not considered a priority; therefore, regional and sectoral representatives were not champions of the campaign in their respective departments.
- The CGT encountered internal difficulties and controversies with the campaign and its various activities, as a number of extreme right voters were part of the CGT, even at high organisational levels. Racism remains a live issue inside the trade union and is deeply embedded in its structure. In response, in 2011, the CGT excluded members and activists who openly supported extreme right ideas from the electoral lists of the trade union elections.
- A major hindering factor to the success of the Festival against racism was pointed out by interviewees, namely the date chosen. On 30 June 2018, the French football team was in quarter final of the World Cup which, in turn, drastically reduced the number of participants.

6.9.9 Transferable elements of the practice

The following practices have been identified by the interviewed permanent representatives of the CGT in charge of this campaign as having the potential for transfer:

- The organisation of the Festival against Racism is transferrable to other contexts and campaigns on other discrimination grounds.

- A major success factor of this campaign which can be transferred is the wide range of communication means employed to share its activities and reach all of its members. The CGT used the trade union communication machinery to send information about awareness campaigns, tools and arguments, leaflets and brochures to its members.
- Finally, the cooperation with trade unions from other Member States is a transferrable method and can be used to address other grounds for discrimination. It allows representatives to gain an international overview of the practice, which is very relevant in the topics of the rise of the extreme right ideology across the EU which is also now espoused by a growing number of voters.

6.10 Italy – Office for New Rights (CGIL)

6.10.1 Summary of the case study

- **Country:** Italy
- **Name of the trade union:** Confederazione Italian del Lavoro (CGIL)
- **Title of the case study:** Ufficio Nuovi Diritti (Office for New Rights)
- **Link to the website of the case study (practice/s):** <http://www.cgil.it/tag/nuovi-diritti/>
- **Date when the practice/s was first implemented:** Ongoing activities since 1980
- **Whether the practice is still ongoing:** The office is still functioning. There is a national team, and offices are also established at local level.
- **This practice was not included** in the 2010 study.
- **Sector of the trade union/practice/s:** Multiple sectors
- **Ground of discrimination addressed:** The Ufficio Nuovi Diritti was initially set up to address issues of discrimination against LGBT groups in Italy and provide support on issues they may encounter in the labour market and beyond. However, over the years, the purpose of its work has expanded more broadly to encompass the development of a more secular culture in the country.
- **Short description and focus of the case study:** This case study explores the work of the Ufficio Nuovi Diritti, and the articulation of its main activities. The office has been established by the Italian trade union CGIL, whose main principles are in line with the principles of non-discrimination and equality, within its charter itself.
- **Short description of activities:** The main principles of the facilitates the implementation of activities by the Ufficio Nuovi Diritti. Such activities include conferences, training, support to specific cases of discrimination in the workplace, awareness raising campaigns. The activities are carried out in cooperation with associations and organisations that focus on similar topics and share similar principles at national or local level.
- **Short description of results and impact:** Over the years, the anti-discrimination activities of the CGIL have contributed to the development of political debate around the rights of minority groups, negotiations of relevant policies and legislation, inclusion of relevant issues in collective bargaining, and has also possibly contributed to some relevant cultural developments in the country. Some examples of areas of the policy making process recently impacted by the actions of the trade union include the law for the recognition of same-sex unions in Italy (*'Legge Cirinna'*), and the law on self-determination in the context of the new law on end-of-life medical care (*Legge sul biotestamento*).

6.10.2 Introduction

CGIL or The Italian General Confederation of Labour is an association representing workers and labour. It is the oldest Italian trade union organization and is also the most representative, with its more than 5 million members, including workers, pensioners and young people entering the world of work. The confederation was established in 1906. The confederation maintains a dual structure: vertical, consisting of the twelve trade federations, and horizontal, through the Chambers of Labour (of which there are 115 across the country).

The Ufficio Nuovi Diritti (which literally translates to “Office for new rights”) was established initially to speak for and lead the fight against the discrimination of LGBT people in the country, particularly within the workplace. Over the years, the office has started looking at this issue more broadly, tackling the relationship between the Catholic Church and the State in Italy, and its influence on discrimination related issues. Because of this, the office took a more specific stand on actively promoting the secularism of the State. The Office for new rights serves a political function at national level and is present at more local level through offices with specific focal points in charge of the New Rights Agenda (Nuovi Diritti agenda). In some municipalities, some information desks have been established, although these are not representative of the activities of the office as a whole.

The national office drives the strategies at national level and pushes for debate on the topic of antidiscrimination and secularism more generally. The national strategy provides a framework for the implementation of relevant initiatives at national and local level, which at local level are implemented by local offices. The widespread presence of the trade union across the national territory allows it to reach a large audience.

The driver for the setting up of this office is linked to the widespread level of discrimination across Italy against LGBT groups, where in recent years, the trade unions coordinators witnessed a constant increase of cases of harassment and discrimination. However, this type of discrimination is still widely under-reported, as reporting is often seen as a factor that could exacerbate harassment in the workplace and lead to retaliation. To tackle this type of discrimination from a more holistic perspective the office has decided over time to address this issue from a broader angle, looking at the root causes of discrimination from a cultural perspective. The deep-rooted religion beliefs in the Italian culture and the strong interlinks between Catholic Church and the States are considered by the trade union an underlining cultural factor which leads to little acceptance of diversity and triggers discriminatory behaviour. Therefore, the trade union decided to work on the boarder topic of secularism.

Interviews with partners and, specifically, with organisations fighting for the rights of LGBT groups and the parental rights of LGBT couples, reported that a strong driver for them to cooperate with the trade union comes from the difficult political situation in Italy which is currently leading to a weakening of civil rights of LGBT people: *‘in Italy we are going back in time and we are losing the rights that we have achieved in the past. Now, it is almost impossible to have a debate with policy makers at all levels on these topics’ ...‘if the ministry of family says LGBT families do not exist, this tells you a lot about where we are at the moment’.*

The lack of legislation on parental rights causes direct discrimination in workplaces as only one parent is legally recognised, for example only the recognised parent can make decision on health-related issues of the children, can pick up the kids from school, only the recognised parent has the legal right to intervene on school-related decision etc. Therefore, partners do not have access to parental leave, to associated company benefits and, in general, to benefits related to parental status.

At trade union level, the key drivers for the implementation of these activities, and for the establishment of the Office, were reported to be deeply interlinked with the principles of the trade union. Anti-discrimination is at the core of the work of the CGIL more broadly. The coordinators of the practices highlighted that these activities are in line with the commitment of the trade union to fight for equal treatment of workers in the workplace and more broadly in society, therefore the Office has always received full support from the management. As stated by the coordinators of the Office for New Rights, *“CGIL has anti-discrimination in its DNA”.*

The activities that are now led by the Office for New Rights were first implemented in 1980s. Initially, the unit was established as an Observatory and moved across different departments of the national trade union, until it, finally, became the current Office for New Rights.

6.10.3 Focus of the practice

The key objective of the Office for New Rights is to foster a culture of self-determination and secularism, within and outside the workplace. As stated before, the key activities of this office revolve around the objective of fighting against discrimination and have particularly focused on the issue of discrimination of LGBT people in Italy.

Within the trade union, there is not a specific budget earmarked for the Office for New Rights. However, the coordinators have access to the instruments and funds of the organisation more broadly. In this sense, the Office presents specific proposals and plans for activities to the management, upon management approval the staff is then able to access the general funds and implement the activities. The coordinators reported that, in line with the principles of the trade union itself, the Office has not faced internal obstacles to the implementation of their activities. In some cases, the trade union have participated in European projects that allowed them to be involved in conferences and awareness-raising activities or publications.

6.10.4 Activities implemented

The key activities that are implemented by the Office for New Rights are conferences, creating spaces for discussion with the management of the CGIL itself, creating spaces for knowledge and exchange of experiences (e.g. in relation to LGBT rights at work, challenges faced by the LGBT community).

The type of activities has changed over the past years. In fact, in the past the Office for New Rights was more involved in the political process i.e. “*sitting at negotiating tables*” with policy makers to discuss issues specifically related to employment as well as discrimination in the labour market. However, it was reported that the current political climate has changed becoming more hostile and less open to the involvement of trade unions in the decision-making process.

The Office for New Rights has a long-standing working relation with several civil society organisations. These include the civil society organisation Famiglie Arcobaleno²⁶⁰ which implements actions for lobbying and disseminating awareness on the parental rights of LGBT couples.



The lack of legal framework in relation to the recognition of parental rights for LGBT couples and the lack of open debate and discussion with policy makers, means that the organisation needs to work on a more local level and directly with employers to ensure that the rights of LGBT parents are recognised. The Office for New Rights in cooperation with Famiglie Arcobaleno works directly with companies and employers' organisations to raise awareness amongst employers, recognise the LGBT families in the workplace and stipulate company agreements to include directly in companies' regulations rights relevant to LGBT parents.

²⁶⁰ <http://www.famigliearcobaleno.org/it/associazione/chi-siamo/>

Other activities in cooperation with the Office for New Rights include awareness-raising campaigns at national and local level and participation in demonstrations. The support of the Office was reported as instrumental for the organisation Famiglie Arcobaleno which works solely on a voluntary basis and the cooperation with the trade union provides human resources and logistical support in all activities organised together. For example, at a practical level, in relation to the organisation of protests the trade union liaises with local administrations to obtain the relevant permits and logistic support; often kids are involved in the protests and, therefore, security is crucial. In awareness raising campaigns, the trade union supports the design, implementation and dissemination of the campaign through its own resources and channels.



In terms of dissemination, the figure below provides a visual of the Facebook page of debates organised by the trade union and LGBT organisations.

Figure 34. Dissemination Facebook posts on debates organised by CGIL on LGBT parental rights



Together with the association Mario Mieli which acts as advocate in defence of LGBT groups and has a long-lasting relation with CGIL, the trade union organises several activities. Some of the activities include, amongst others:

- The participation to the Parade Pride in Roma;
- Awareness raising campaigns;
- Debates on the rights of LGBT workers with members of the trade union;
- A launch event of the Turin Lovers Film Festival and a tour to disseminate the festival.

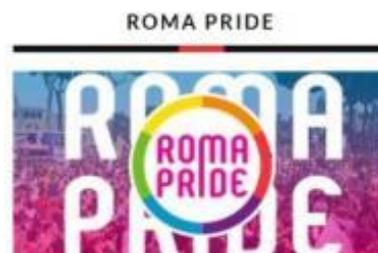


Figure 35. Presentation of the dissemination tour of Lovers Films Festival. The tours is organised in cooperation with CGIL

L'attesa è molta e intanto è in partenza un tour in Italia per i "nuovi diritti" che nasce dalla collaborazione fra **Cgil Nuovi Diritti** e il *Lovers Film Festival*, la rassegna a tematica Lgbtqi più antica d'Europa, e fra le più importanti a livello mondiale, nata nel 1986 su iniziativa di **Ottavio Mai e Giovanni Minerba**, oggi prezioso consulente alla direzione artistica.



6.10.5 Partnership

A number of activities are organised with external partners at national and local level. The Office for New Rights collaborates with the representatives of the LGBT movement in Italy to undertake activities in different contexts at national and local level (e.g. awareness raising campaigns, information events). In the area of LBGT rights, two of the main partners include the Associazione Famiglie Arcobaleno²⁶¹ which focuses on parental rights of LGBT couples and Associazione Circolo Mario Mieli²⁶² which focuses on the rights of LGBTI people and minority groups more generally.

Other partners include NGOs such as the Associazione Luca Coscioni²⁶³ which operates in the area of social rights and freedom of scientific research; and the Consulta di Bioetica²⁶⁴ related to bioethics research.

The office has participated in some working groups within the national body against discrimination, the National office against racial discrimination (Ufficio Nazionale Antidiscriminazioni Razziali, UNAR).²⁶⁵ However, there is no ongoing collaboration with UNAR.

In the past, a stronger and ongoing collaboration with previous governments existed, for example through cooperation for specific publications on relevant topics. However, it was reported that, in recent years, due to changes in the political landscape, the cooperation and relations with government representatives at national and local level have weakened.

The Office for New Rights has also an ongoing internal collaboration with other departments of the trade union.

²⁶¹ <http://www.famigliearcobaleno.org/it/associazione/chi-siamo/>

²⁶² <https://www.mariomieli.net/>

²⁶³ <https://www.associazionelucacoscioni.it/>

²⁶⁴ <http://www.consultadibioetica.org/>

²⁶⁵ <http://www.unar.it/>

6.10.6 Impact of the practice

In the specific context of discrimination against LGBT people in the country, the office has in the past been involved in the political process. For example, they have provided drafts for relevant legislation. The coordinators noted that the trade union and the office specifically has contributed to promoting and disseminating an anti-discrimination and equality culture that has impacted the development of specific legislation in the past years, such as the law for the recognition of same-sex unions in Italy (*Legge Cirinna*²⁶⁶), and the law on self-determination in the context of end-of-life medical care (*Legge sul biotestamento*.)²⁶⁷

The coordinators reported that their activities have brought about concrete impact and changes, for example within the context of collective bargaining. Progress has been made thanks to the second-level bargaining and the direct relation with employers for specific anti-discrimination cases.

The representative of Famiglie Arcobaleno reported that work carried out with the trade union has a significant impact for many at many levels:

- A direct impact on companies' practices. The trade union has negotiated clauses with employers to recognise LGBT families and parental rights of LGBT parents. Below there is an example of a clause included in a company agreement in the finance sector:

Tutte le previsioni di cui ai precedenti punti si intendono applicabili anche ai casi di ingresso in famiglia del minore adottato o affidato secondo i limiti temporali definiti dalle norme di legge, nonché per assistenza ai figli del coniuge o del convivente di fatto, purché i figli risultino nello stato di famiglia del dipendente.

- Through its members the trade union works to raise awareness and educate employers on the issues faced by LGBT parents and this has facilitated the work of the Famiglie Arcobaleno in effectively pushing its proposals with employers.
- The trade union is one of the main trade unions with offices and branches through the national territory; therefore, the awareness raising campaigns supported by the trade union reach a much wider public that it would have been possible for the organisation operating alone. Education and awareness raising is one of the main areas of work and objectives of the association; therefore, the possibility to influence a wider audience through the trade union was considered as major added value for the organisation: *'our main mission is to make people aware of our issues, to educate people and come forward with our requests, awareness-raising is a priority outcome for us and having such a big organisation on board is a major added value'*.
- The support of the main trade union for the organisation also means that the difficult cooperation with public administrations at local and national level due to the little attention to this topic from policy makers, is sometimes facilitated and negotiated through the work of the trade union.

Feedback from the association Circolo Mieli highlighted the important *'two-way impact'* of the work done in cooperation with the trade union:

- The presence of a national trade union such as CGIL provides added value to the LGBT organisations as they have access to a wider audience at national level. The trade union carries out widespread activities with their members across the national territory and reaches out to workers who would have not been involved otherwise;

²⁶⁶ <http://www.gazzettaufficiale.it/eli/id/2016/05/21/16G00082/sg>

²⁶⁷ <http://www.gazzettaufficiale.it/eli/id/2018/1/16/18G00006/sg>

- Similarly, for the trade union the cooperation with the organisation is a way to disseminate their work and engage with the LGBT community. For example, the Parade is an opportunity where many participants get in contact with the CGIL to ask information and often subscribe to the union.

Another area of added value reported by the Circolo Mieli relates to the possibility to build and strengthen networks with organisations active on other topics such as gender and migration to develop a coherent line of action and introduce the dimension of multiple discrimination. Therefore, the cooperation with the trade union allows for a comprehensive approach and wide-ranging actions.

Both interviews from the civil society organisations highlighted the multiple dimensions of discrimination and impact of discrimination on everyday life, including in workplaces *'we are not only LGBT people, we are also parents, we are women and men, we are workers, we need to pay our bills like everyone else and discrimination on the ground of our sexual orientation leads to discrimination on all aspects of our lives' ... 'there is finally an understanding of the fact that discrimination needs to be tackle at different levels and all groups need to come together to fight against multiple discrimination'.*

6.10.7 Success factors

One of the reported key success factors is the relevance of the topics addressed by the office. The topics of anti-discrimination, self-determination, lifestyle choices and secularism impact all citizens and all aspects of life, not only workplace relations. These issues are, unfortunately, still underestimated and more needs to be done to support in that respect workers and citizens in general.

The support from the management, from the trade union more broadly and the high priority of these topics within the trade union were reported as a key factor for the establishment and continued operation of the office.

Another success factor reported by interviewees referred to the fact that the trade union is one of the main trade unions in the country, a well-established organisation with strong links at national and local level. Therefore, the office can reach a large audience as well as influence, more than other organisations, local and national debates.

The representative of the Famiglie Arcobaleno reported as a key success factor for the partnership the commitment and hard work of the trade union staff working in the Office for New Rights. It was acknowledged that specifically the passion, the sensitivity, the open-minded approach and the commitment of the management and personnel of the Office were all key drivers in implementing activities at national level and local level. As was reported, this commitment and sensitivity to the topic of LGBT parental rights was not to be taken for granted in other departments of the trade union. Therefore, the human factor and personal relationships was a crucial element for the success of the partnership.

The representative of the Circolo Mieli reported the similar cultures between organisations, willingness to address discrimination and fight for the rights or minority groups as a key factor for a successful cooperation with the trade union *'we do not have the same type of collaboration with other trade unions, you need to be on the same side and be like-minded'.* Another success factor was the willingness to negotiate common objectives in the design and implementation of activities by both sides *'we may have slightly different objectives when for example decide to organise a debate or a campaign, but we always reach an agreement on a common outcome and this is what makes the relationship successful'.*

6.10.8 Hindering factors and areas for improvement

The coordinators reported the lack of financial resources as one of the main hindering factors. Even though the office has received support and funding for its activities by the organisation, trade unions have been subject to general cuts in funding, which has ultimately impacted on all strands of work including the activities of the Office for New Rights.

The national political shift towards more right-wing parties which has also adversely affected the quality of political debate was identified as a major factor hindering the implementation of the practices and the involvement of trade unions in the political debate and policy-making process.

The office had always the double or dual role of working internally with the management on the key issues of anti-discrimination and of communicating externally so as to stimulate debate and promote action. Therefore, as an area for improvement, interviewees reported the wider involvement of colleagues and other departments in the practices relating to the promotion of LGBT parental rights as well as external partnerships with other organisations.

The organisation Famiglie Arcobaleno works solely on the basis of voluntary work and its only financial support is provided by its members and small grants. Therefore, lack of finance is a major factor that hinders the possibility of the organisation implementing larger projects. The support of the trade union was reported again as fundamental in ensuring the continuity of the organisation's activities.

6.10.9 Transferable elements of the practice

The coordinators noted that the establishment of a similar office can be transferable in any trade union in other countries. The condition for this is that, within the structure of a trade union, the commitment of the management and the open and strategic support of these topics from the national level must be forthcoming. However, it was noted that this requires strong commitment from the trade union's management and depends on the guiding principles and values as well as the general culture of the trade union, especially regarding non-discrimination and equal treatment, including in relation to the LGBT community.

Interviewees noted that for the replication of this type of structure a key factor is the establishment of partnerships with local organisations and associations, to guide the design and implementation of relevant activities.

For example, the trade union facilitates the networking and collaboration between its branches and local offices of the organisation Famiglie Arcobaleno. The work at local level and the establishment of contact points throughout the national territory is a structure that could be replicated in other organisations or countries. The organisation is working on an ongoing basis to ensure the presence of contact points able to work with local partners and address the specific issues that arise in all the different territories of Italy.

The representative of Circolo Mieli reported as a transferable practice the willingness and preparatory work done at the beginning of the activities to find and agree on a common goal and objective between the trade union and the partners. This, in turn, allows for the effective design and implementation of the activity and the achievement of the intended objectives.

6.11 Malta - Equality policy in collective bargaining on economic migrants, non-discrimination and LGBTQIA (GWU)

6.11.1 Summary of the case study

- **Country:** Malta
- **Name of the trade union:** General Workers' Union (GWU, Malta)
- **Title of the case study:** Equality policy in collective bargaining on economic migrants, non-discrimination and LGBTQIA
- **Link to the website of the case study (practice/s):** No website for this practice; the website of the GWU is <https://www.gwu.org.mt/index.php?lang=en>
- **Date when the practice/s was first implemented:** N/A
- **Whether practice/s still on-going:** Still on-going
- **Whether the practice was included in the 2010 study:** No
- **Sector of the trade union/practice/s:** Multiple sectors
- **Ground of discrimination addressed:** All grounds
- **Short description and focus of the case study:** The case study elaborates on the collective bargaining on relevant groups, as well as other related activities linked that promote equality at work. The union's activities cover all regions in Malta and all eight sectors and types of workplaces in which GWU operates.
- **Short description of activities:** The union implemented and ran various activities in relation to equal treatment at work. For example, it facilitated discussions with different stakeholders, organised conferences, etc.
- **Short description of results and impact:** The efforts of the GWU were translated into proper implementation of law and application of good practices at the workplace. The ultimate goal of the trade union is to ensure equal treatment to everybody based on the value of his/her job. In this sense, the collective agreements helped to realise this GWU's aspiration. Since 2013, there have been a lot of changes concerning equal treatment at work. For example, some civil rights have been legally established, such as the right to gender identity recognition and self-determination (including recognition of the transgender dimension) and the right for same sex marriage. Malta was among the first countries to implement such measures.

6.11.2 Introduction

With roughly 46,000 members the General Workers' Union (GWU) is the largest trade union in Malta. The union was established on 5 October 1943.²⁶⁸ The union operates in eight sectors.²⁶⁹ Therefore, the composition of members is quite diverse and work in the following sectors:

- Maritime and Aviation
- Metal and Construction
- Chemicals and Energy
- Hospitality and Food

²⁶⁸ <https://www.gwu.org.mt/ReadText.php?ID1=L&ID2=44>

²⁶⁹ <https://www.gwu.org.mt/ReadText.php?ID1=L&ID2=43>

- Government and Public Entities
- Professionals, Finance and Services
- Technology, Electronics and Communication
- The trade union also includes a youth division called the GWU Youths, which represents individuals aged 35 or younger
- The trade union is *"the driving force for change and equality, a movement Which Help to Promote a More Sustainable and inclusive civil society"*²⁷⁰

The principle of equal treatment is enshrined in the GWU's constitution. To this end, GWU *"aims to provide an inclusive environment which promotes equality and diversity in accordance with the laws of Malta"*.²⁷¹

Collective bargaining in Malta takes place at company level. Each workplace or organisation has a separate collective agreement. The representative of the trade union reported, that once a collective agreement is signed, it becomes part of the law.

The practice under study here addresses discrimination based on race, ethnicity, sexual orientation and gender identity. As reported by a GWU representative, however, the initiative is not solely focused on one type of discrimination. They do not want to overlook anyone at risk of discrimination and wish to ensure that everyone is treated the same. Indeed, as pointed out by the interviewees, regardless of its members' background, the union treats everyone the same, including refugees and economic migrants. The organisation collaborates with non-governmental organisations (NGOs) to address any form of racism.

The most important aspect highlighted by the GWU representative is that when the trade union signs a collective agreement, they do not refer to people, but to the actual jobs workers perform. Therefore, as the union representative claims, they do not differentiate on the basis of gender, race, religion, etc. and there is no room for discrimination.

As highlighted by the representative of the GWU, some legislative amendments were required as both the world and work and associated working conditions have changed over time. For example, Malta's working population has become much more diverse and currently amounts to 200,000, out of whom 50,000 are foreigners. Moreover, the GWU has also reacted to the trend of cater the needs of a more diverse workforce, including migrants.

The GWU adheres to the equality policy for the GWU which means acting in line with the following acts regarding equal treatment:

- The Marriage Act
- The Equal Opportunities (Persons with Disability) Act
- The Employment and Industrial Relations Act
- The Equality for Men and Women Act
- The Civil Unions Act
- The Gender Identity Gender Expression and Sex Characteristics Act
- Legal Notice 461/2004 - Equal Treatment in Employment Regulations
- Legal Notice 85/2007 - Equal Treatment of Persons Order

²⁷⁰ <https://www.gwu.org.mt/ReadText.php?ID1=L&ID2=43>

²⁷¹ The Equality Policy for the General Workers' Union (GWU), by the Equal Opportunities Committee, 2018

- Legal Notice 524/2007 - Extension of Applicability to Service with Government (Equal Treatment in Employment)
- Legal notice 181/2008 - Access to Goods and Service and their Supply Regulations²⁷²

Apart from the GWU's equality policy for the GWU, the members of the union must also adhere to the following policies:

- Migrant Workers Policy
- Equality at the place of work with emphasis on gender policy
- Lesbian, Gay, Bisexual & Transgender Employees Policy
- Data Protection and Wage Policy²⁷³

The main underpinning principles of these policies are:

- The need to encourage social justice and equal opportunities for free and decent living
- Employment for everyone free of any form of discrimination and harassment²⁷⁴

The Act on Equal Pay was implemented in 1975, and primarily covered discrimination between men and women. At that point, there was no transgender or gay concept. The year of 2003 was highlighted in relation to the movement for the promotion of the same sex marriage which, in turn, led to the law being amended. Consequently, since 2003 the Labour Law covers all kinds of discrimination. Moreover, there has been an increase in activities in relation to LGBTQIA since 2013, as Malta won a prize about civil rights for this group for three consecutive years.

The application of equality policy has been implemented for moral and ethical reasons. According to the representative of the trade union, *"it does not lead to anything good if we treat someone differently based on his/her religion or gender"*. As a result, the union representative considers the practice as the right thing to do.

Another reason behind the initiation of this practice was a demand for action caused by a huge influx of economic migrants to Malta in recent years. The trade union had to react to this new emerging trend. As a result, the union has implemented activities, such as proposing new legislation to the government, providing diversity training to employees, or setting up refugee commissions. As stated by the representative of the GWU: *"Where there is a market, we lobby for it"*. The trade union is still being proactive in this regard, targeting new groups such as migrant workers based on current societal and economic trends.

6.11.3 Focus of the practice

The objective of the initiative, as highlighted by the representative of the GWU, is to promote equal treatment, in that there cannot be any discrimination based on race, sexual orientation or on any other grounds at the workplace.

The GWU's equality policy explicitly states that: *"It ensures that individuals are not discriminated against because of their sex/gender, family responsibilities, sexual orientation, age, religion or belief, race/ethnic origin, gender identity, gender*

²⁷² The Equality Policy for the GWU

²⁷³ The Equality Policy for the GWU, p. 3

²⁷⁴ The Equality Policy for the GWU, p. 4

expression, sex characteristics, disability and any other form which may be deemed discriminatory".²⁷⁵

This antidiscrimination principle in employment is defined by law in Malta. Some of the laws mentioned in 6.11.2 stipulate that no person can be discriminated:

- In the arrangements made to determine and in determining who should be offered employment;
- In the terms and conditions of employment;
- In determining who should be dismissed from employment;
- In not recognising the right of an individual for gender identity, gender expression and sex characteristics;
- On grounds of disability.²⁷⁶

The GWU guarantees employment underpinned by non-discrimination practices within the GWU based on its equality policy concerning the following actions:

- The selection process of elective positions in the GWU;
- The selection and recruitment process for posts/jobs at the GWU.²⁷⁷

In order to have access to a workplace, the union must be recognised by an employer. The State has also labour inspectors who check whether working conditions are in line with the law.

The trade union implements specific policies on equal pay for LGBTQIA as well as refugees and economic migrants. The latter group has always been on their agenda. Equal pay for equal work belongs to one of GWU's main pillars. The union treats everyone the same way. The GWU also collaborates with NGOs to address any type of racism that can be faced at the workplace.

In terms of financial resources, everything is covered by the union; therefore, costs are covered from membership fees and commercial activities. The union has 13 full time employees and 15 to 19 part-time employees.

Eight hundred delegates voted and participated in setting up the GWU policies. A bottom-up policy has been applied, for example, delegates are consulted on all the activities implemented by the union.

The union has a special committee that seeks to ensure equal opportunities to everyone – the Equal Opportunities Committee. Furthermore, as describes in the Equality Policy for the GWU, the Committee "*will oversee the development and implementation of non-discrimination and equal opportunities. It is an active participant in various national and European councils which deal with all equality issues. The aim of this committee is to keep abreast of any changes in legislation and national policies. It may also seek to further develop innovative policies in consultation with different stakeholders*".²⁷⁸

In addition to the Committee, the union established the post of Equality officer – currently the president of the GWU – who is in charge of the implementation of the Equality Policy.²⁷⁹

The level of resources invested into fostering equality has increased in recent years. The union has currently two departments dealing with equal treatment. A member from the

²⁷⁵ The Equality Policy for the GWU, p. 3

²⁷⁶ The Equality Policy for the GWU, p. 6

²⁷⁷ The Equality Policy for the GWU

²⁷⁸ The Equality Policy for the GWU

²⁷⁹ The Equality Policy for the GWU

Executive committee has been allocated to the Equal Opportunities Committee. Having said that, it was reported that more human resources could be further allocated to these activities. However, this depends on the union's ability to secure more funding, including public funds.

6.11.4 Activities implemented

The following activities were implemented in the framework of the practice in relation to the promotion of equality:

- Discussions
 - with the partners
 - with job seekers
 - internal discussions
- Conferences – During the last conference, the union updated the policy document on equality and also introduced a new policy regarding mental well-being. They also have a number of policies covering specific topics, such as wages for LGBTQIA, or data protection
- Working groups
- Meetings with external experts
- Training – Some ongoing training courses/sessions are, for example, a course on mental well-being, a course on industrial relations, a course on equal treatment and non-discrimination.
- Regarding migrants, a hub was created for those who are unemployed. They can obtain a job in the hub and work there for a day, which is regulated by law. Everything is handled by the organisation in charge of the hub.

The union runs these activities on regular basis and various employment-related subjects are covered, they are not solely focused on discrimination.

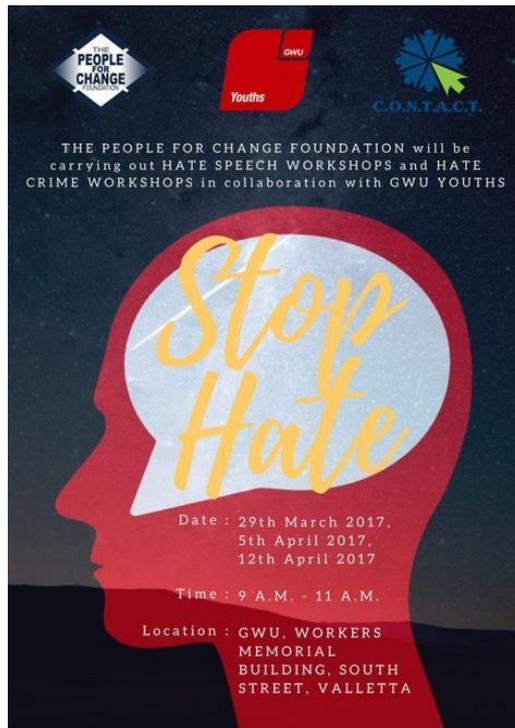
The union applies a bottom-up approach through these activities. The purpose is to obtain ideas from the public and exchange good practices in relation to equal treatment and non-discrimination at work. The GWU also invites experts in these fields.

It should be noted that the union was heavily involved in establishing the Equality Authority – the National Commission for the Promotion of Equality (NCPE).

Some examples of specific events/activities in relation to the promotion of equality that the GWU held in cooperation with the GWU Youths – a voluntary organisation, which is affiliated to and forms part of the GWU – are the following:

- Hate Speech and Hate Crime Workshops (see Figure 36) – a series of workshops on 29 March, 5 April, and 12 April 2017 also conducted by the People For Change Foundation
- Conference 'HIV+ People and Transgender People as Our Colleagues' (see Figure 37), held on 7 September, 2017 – a half-day conference, held in partnership with Malta Pride
- Pride Movie Night (see Figure 38) held on 12 September 2018 – as a part of Malta Pride 2018
- Participation in the annual Gay Pride March 2018 (see Figure 39)

Figure 36. A poster advertising Hate speech and Hate Crime Workshops



Source: Facebook page of the GWU Youths

Figure 37. A poster advertising Conference HIV+ People and Transgender People as Our Colleagues



Source: Facebook page of the GWU Youths

Figure 38. A poster advertising Movie Night



Source: Facebook page of the GWU Youths

Figure 39. Attendance of the GWU at the Gay Pride March 2018



Source: Facebook page of the GWU Youths

6.11.5 Partnership

As the list below shows, the GWU cooperated with a wide range of other partners on the promotion of equality:

- Ministry of European Affairs and Equality
- National Commission for the Promotion of Equality (NCPE)
- Chamber of Commerce
- Malta Employers' Association
- Other trade unions – Forum, UHW, Confederation of Maltese trade unions
- Participation on the National Tripartite meetings
- The GWU is also represented in the Malta Council for Economic and Social Development
- Malta Chamber of SMEs (GRTU) – their involvement in promoting equality while participating in discussions with the GWU was confirmed by a representative of the GRTU. Furthermore, the organisation was present at a seminar organised by the UNHCR on how migrants can become better integrated at the workplace. As a part of this seminar, focus groups with employers, facilitated by the GRTU, were held.
- NGOs for refugees

The extent to which the partners were involved in partnership working with the GWU to promote equality at the workplace differed. The GWU discussed specific issues encountered at the workplace related to unequal treatment and discrimination with the partners. The trade union also had bilateral discussions with the Malta employers' association and the Chamber of Commerce.

There is a department at the Ministry that focuses solely on equality. The trade union held several meetings with this department about equal treatment. While trying to push for some legislative changes, the trade union also held meetings with the NCPE and other relevant government bodies.

The involvement of the partners enabled effective and enhanced implementation. It helped the union to better understand each organisation's point of view in relation to equal treatment and non-discrimination.

The collaboration between the trade union and its partners worked well. To this end, the representative of the GWU emphasized the strong relationship with both the employers' organisation and the government. No major issues were encountered during the cooperation with the partners. If any, it was rather related to different views of, which is embedded in the foundations of each organisation.

The GWU negotiated the issues related to equality and non-discrimination with the government. Furthermore, the trade union took part in a tripartite employment relations board that tackled issues of national importance concerning employment legislation, which also covers equal treatment and non-discrimination in this regard.

The union negotiates with employers on daily basis. Non-discrimination is defined by law and, as argued, easy to implement. If the GWU encounters any difficulties in their efforts in that respect, the union then involves employers.

6.11.6 Impact of the practice

The efforts of the GWU were translated into the implementation of law and good practices at the workplace. A lot of legislative changes has been adopted in the area of equal treatment since 2013. For instance, regarding the legislation on equal pay for

jobs/work of equal value, at all workplaces, where the union is recognised, it was reported this has been put in action. Everybody receives the same remuneration based on his/her work, regardless of their sexual orientation, gender identity, ethnicity, etc.

As the GWU representative highlighted, legislation has changed in relation to other protected characteristics. For example, such topics as the recognition of transgender and the right for same sex marriage. Malta was among the first countries to implement such measures.

The ultimate goal of the trade union is to ensure equal treatment to everybody based on the value of his/her job. In this sense, the collective agreements have helped to realise that. For employees employed under the same employer, the value of the job is the same, because it is covered by the same collective agreement.

All the activities undertaken by the GWU have helped to realise the following and particularly trainings and workshops to disseminate knowledge at the workplace.

It was reported that even some studies showed this impact, emphasizing that there is no discrimination because the trade union makes sure that value of remuneration is based on the job.

6.11.7 Success factors

The representative of the GWU highlighted several factors that enabled the successful implementation of the practice (i.e. collective bargaining on economic migrants, non-discrimination and LGBTQIA):

- The implementation of the Labour law and specific legislative acts mentioned in 6.11.2
- The power of collective agreements
- The social dialogue
- Communication and cooperation with different stakeholders
- The collaborative relationship with employers and the government to ensure effective implementation and involvement of all relevant parties.

6.11.8 Hindering factors and areas for improvement

The representative of the GWU has not identified any weaknesses. However, one of the issues reported in relation to the implementation was that not all companies/workplaces are unionised. The union cannot monitor what is happening in such workplaces since the GWU can only have access to workplaces where it is recognised. The GWU can only acknowledge whether they follow the law, or not. The union can ask about wages, but employers are not obliged to provide them with the answer.

In order to overcome this shortcoming, the GWU suggests making union membership obligatory for all workers in Malta. To this end, in October 2018, the union made a formal proposal to the Malta Council for Economic and Social Development.

As reported by Mr Bugeja, GWU's secretary general, in November 2018: *"Our proposal is a simple one, to work so that every worker is a member of a trade union of their choice, in order to ensure that no worker can be exploited or discriminated against. I believe the proposal shouldn't have any negative impacts on the country's competitiveness, especially considering that the biggest companies in our countries*

*have expanded their operations in coordination and cooperation with the GWU that collectively represents their employee”.*²⁸⁰

In terms of areas for further improvement, the principle of equal pay for jobs/work of equal value could be widened. It is not yet being negotiated in the government, but it is on its agenda, as reported by the representative of the GWU.

6.11.9 Transferable elements of the practice

The representative of the GWU was not entirely sure about how to implement such practices in other countries, as it is largely dependent on a country context. Some elements of the practice that can be transferred can be found in 6.11.7 that elaborated on the success factors such as putting emphasis on social dialogue, or on collaboration with relevant partners.

As reported by the union representative, conditions such as consultation information or collective agreements should be in place for a successful transfer to other countries.

²⁸⁰https://www.maltatoday.com.mt/news/national/90698/general_workers_union_asks_social_partners_to_discuss_proposal_for_obligatory_union_membership#.W_VxkWyWyzk

6.12 Poland - Advocacy and legal advice for minority groups (OPZZ)

6.12.1 Summary of the case study

- **Country:** Poland
- **Name of the trade union:** Ogólnopolskie Porozumienie Związków Zawodowych (OPZZ) (The All-Poland Alliance of Trade Unions (OPZZ Confederation))
- **Title of the case study:** Advocacy and legal advice for minority groups.
- **Link to the website of the case study (practice/s):**
Trade union for Ukrainian workers: <http://www.mpupp.kit-sleuth.in.ua/en/> (in UA and EN) <https://mzzpup.blogspot.com/> (in UA and PL)
LGBT officer: n/a discontinued
- **Date when the practice/s was first implemented:**
Trade union for Ukrainian workers: <https://mzzpup.blogspot.com/>
LGBT officer: n/a discontinued
- **Whether practice/s still on-going:**
Trade union for Ukrainian workers: May 2016 – ongoing
LGBT officer: 2009-2011 (discontinued)
- **Whether the practice was included in the 2010 study:** practice not included in 2010 study. The practice was identified in 2018/2019 survey among trade union members.
- **Sector of the trade union/practice/s:** Seven sectors of economy: energy and mine; industry; education and science (incl. teachers' union); public services; building and woodworkers; transport; commerce, services, culture and arts.
- **Ground of discrimination addressed:** Discrimination on the basis of ethnic origin, religion or belief (trade union for Ukrainian workers); sexual orientation and gender identity (LGBT officer).
- **Short description and focus of the case study:**
The OPZZ Confederation has helped to set up a trade union for Ukrainian workers in Poland to represent and defend their rights. In addition, the OPZZ Confederation supports financially the provision of legal advice and counselling for unionised and non-unionised migrant workers.
In the period 2009-2011, OPZZ appointed a LGBT officer who provided advice and support to LGBT members and promoted LGBT equality in the workplace.
- **Short description of activities:**
The trade union for Ukrainian workers, set up with the help of OPZZ, is involved in advocacy work on behalf of migrant workers and participates in consultations with the government. The Warsaw unit of the OPZZ Confederation finances the legal officer who provides advice and support to migrant employees.
The LGBT officer provided advice and support to LGBT members in terms of their employment-related issues; organised conference promoting LGBT equality in the workplace; and took part in consultations with the government on the transposition of the anti-discrimination directive outside the workplace into Polish law.

- **Short description of results and impact:**

The number of unionised migrant workers remains low (over 1,000 members); therefore, the union still has to be financially supported by the OPZZ Confederation. Despite such support, the trade union for Ukrainian workers enjoys autonomy in terms of its management and advocacy work.

The post of the LGBT officer was discontinued in 2011 due to lack of financial resources, lack of interest of management to continue the activities and following the withdrawal of one of the unions from the Confederation.

6.12.2 Introduction

Ogólnopolskie Porozumienie Związków Zawodowych (OPZZ) (The All-Poland Alliance of Trade Unions (OPZZ Confederation)) is one of the main trade union confederations in Poland. It is cross-sectoral and has around 0.5 million members. It has been founded in 1984. The mission of OPZZ is stated as the defence of social and worker's rights through the work of the trade unions. OPZZ has strongly supported the demands of state-owned industry sector.

In May 2016, the OPZZ Confederation²⁸¹ helped to establish the trade union of Ukrainian workers. Since then, OPZZ Confederation supports financially the operation of the trade union of Ukrainian workers.

The practice was inspired by initiatives taken by the UK and Swiss trade unions which established similar unions for Polish workers after Poland's accession to the European Union. The practice was not triggered by EU legislation nor by any specific national legislation. None of national policy measures impacted its scope nor implementation.

The socio-economic changes, in particular migration trends, have had an impact on the types of discrimination cases reported by employees.

Following the accession to the European Union, a high number of Poles emigrated to western EU Member States (it is estimated that in 2017, over 2.1 million of Poles lived in other EU countries, compared to only 750,000 in the accession year of 2004)²⁸². This created a gap in the workforce and resulted in a higher inflow of Ukrainian workers to the Polish labour market.

In 2017, Poland issued the highest number (597,000) of residence permits in the EU for employment-related reasons. This was mainly to Ukrainian workers.

Due to these migration flows in recent years, the OPZZ Confederation felt it is their moral duty to support migrants usually in precarious employment and/or in workplaces with no or very limited trade union presence (i.e. in construction, agriculture and home care sectors). In cooperation with major Ukrainian trade union, the Confederation has helped to establish a trade union for migrant workers in Poland to combat undeclared work, social dumping and prevalent exploitation of Ukrainian workers on the Polish labour market.

In 2009, the OPZZ Confederation appointed a LGBT officer to support and represent this minority group. This initiative came about as a result of the overall left-wing and progressive profile of the trade union. The initiative was triggered by the homophobic attitudes of the Polish society and the lack of governmental support to LGBT minority groups. The practice was inspired by a British trade union – UNISON where a LGBT officer and LGBT members play an important role in the union's structure and in

²⁸¹ The Confederation represents almost 900,000 members in 86 trade unions

²⁸² GUS (2018) Informacja o rozmiarach i kierunkach czasowej emigracji z Polski w latach 2004-2017, available at: <http://stat.gov.pl/obszary-tematyczne/ludnosc/migracje-zagraniczne-ludnosci/informacja-o-rozmiarach-i-kierunkach-czasowej-emigracji-z-polski-w-latach-2004-2017,2,11.html>

developing its agenda.²⁸³ Following the secondment of an OPZZ Confederation employee to UNISON, the LGBT officer was appointed in Poland and worked in this post until 2011.

6.12.3 Focus of the practice

Two practices are focused on particular target groups: migrants (trade union of Ukrainian workers) and the LGBT minority (for whom there is a dedicated officer at the OPZZ Confederation).

The aim of establishing the trade union of Ukrainian workers was to combat undeclared work and social dumping to which migrant workers are exposed on the Polish labour market. The union is financially supported by the OPZZ Confederation through its members' fees. It has autonomous management and independence in terms of developing its programme. The union participates in consultations with the government and advocates for the rights of Ukrainian workers. Legal support provided within the trade union of Ukrainian workers is available to all migrant workers, regardless of their membership in the trade union. Although the OPZZ Confederation has regional and district level branches, both the trade union of Ukrainian workers and the provision of legal support are for the moment only based in the Warsaw region.

6.12.4 Activities implemented

This section provides an overview of the main activities/outputs implemented under the two practices presented here: the trade union for Ukrainian workers and the appointment of a LGBT officer.

6.12.4.1 Trade union for Ukrainian workers

The trade union of Ukrainian workers is involved in the following activities:

- **Advocacy** – the union is involved in dialogue with the government (e.g. calling for an amnesty for Ukrainians working illegally in Poland).²⁸⁴
- **Awareness raising** – participating and/or jointly organising conferences on the role and employment conditions of migrant workers in Poland. For example, in 2017, it supported the organisation of the conference on “Empathy and Calculation: Municipal and Woyewodski administration towards labor migration”. The aim of the conference was to highlight the problems faced by migrant workers on Polish labour market (see Figure 40). The union's website provides information in Ukrainian about its activities (see Figure 41).
- **Legal support** – the union employs one lawyer specialising in labour law who provides legal counselling to all migrant workers, regardless of their union membership. Counselling is provided in the Warsaw's headquarters of the OPZZ Confederation and by phone. Most reported cases are related to lack of / delayed payments for work already undertaken, violence or harassment in the workplace, and undeclared work. The union cannot afford to handle itself lawsuits on behalf of migrant workers but provides advice about the Polish labour law and can, on occasion, act as a mediator with employers reminding them about the labour code or pointing that a particular case of migrant worker's exploitation could be publicized in media and attract negative publicity for the employer concerned.
- All activities of the trade union of Ukrainian workers are financed by the OPZZ Confederation. For the moment, these activities are concentrated in the Warsaw

²⁸³ Rogalewski A. Presentation "Contribution and role of OPZZ in promoting LGBT equality in Poland", available at: <http://www.trade-union-rainbow-rights.org/rogalewski-1.pdf>

²⁸⁴ <https://ec.europa.eu/migrant-integration/news/poland-ukrainian-workers-trade-union-calls-for-amnesty-for-illegal-workers>

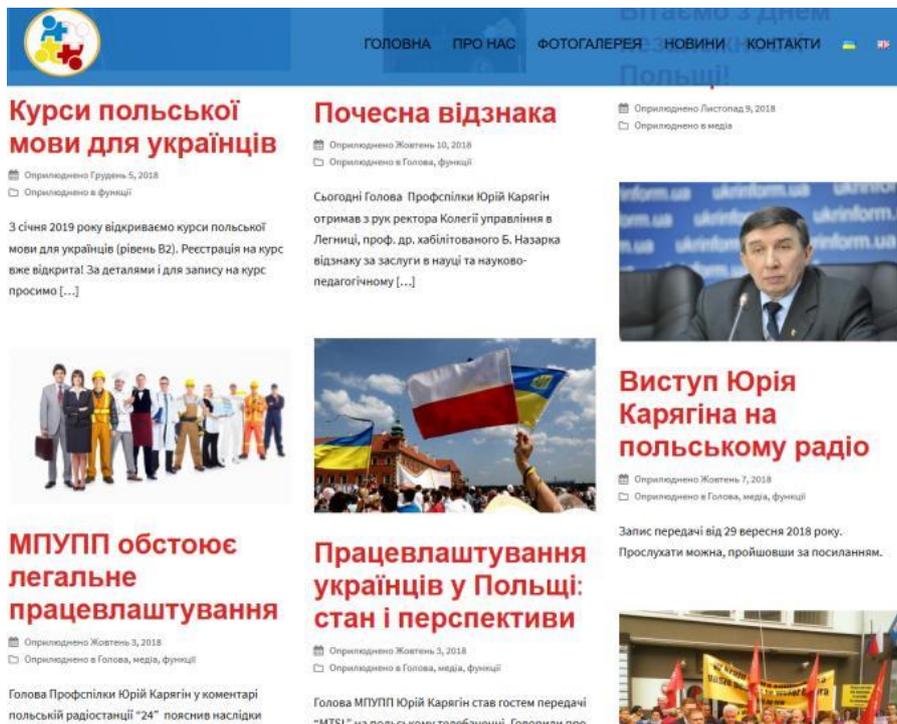
district. In the future, OPZZ would like to increase the number of Ukrainian workers represented in the regional branches of the union.

Figure 40. Flyer informing about conference "Empathy and Calculation: Municipal and Woyewodski administration towards labor migration" co-organised by the trade union of Ukrainian workers



Source: <http://www.mpupp.kit-sleuth.in.ua/en/the-trade-union-invites-to-the-conference/> (accessed on 17/04/2019)

Figure 41. Website of the trade union of Ukrainian workers



Source: <http://www.mpupp.kit-sleuth.in.ua/blog/> (accessed on 17/04/2019)

6.12.4.2 The LGBT officer

The LGBT officer, who was in post in the period 2009-2011 was involved in the following activities:

- **Advice and support** for LGBT union members on employment issues (no cases were brought to Employment Tribunal).
- **Awareness raising** – in cooperation with UNISON (British trade union), ETUC and the International Lesbian, Gay, Bisexual, Trans & Intersex Association (ILGA) OPZZ organised the conference "Extending LGBT equality to Central and Eastern Europe" during Europride 2010 in Warsaw (see Figure 42). Crucially, this was the first conference on LGBT equality organised by a trade union in Central and Eastern Europe.
- The conference explored best practice and experience in Western European trade unions in promoting LGBT equality, including:
 - supporting LGBT trade union activists
 - raising awareness of discrimination against LGBT people
 - tackling workplace discrimination on the grounds of sexual orientation and gender identity
 - Thanks to the LGBT officer, the OPZZ's delegation participated in Gay Pride for the first time
- **Advocacy** – The LGBT officer criticized the work of Minister for Equal Treatment in Poland and government's lack of initiative to promote equality on the grounds of sexual orientation and gender identity.

Figure 42. Flyer informing about conference "Extending LGBT equality to Central and Eastern Europe"

**Extending
LGBT Equality
to Central
and Eastern
Europe**

An OPZZ conference during
Warsaw Europride 2010

Date Thursday 15 July 2010
Time 9am–6pm
Venue OPZZ, ul. Kopernika 36/40, 00-924
Warsaw, Poland

Conference aims
The conference aims to explore best practice and experience in Western European trade unions to promote LGBT equality in Central and Eastern Europe by:

- promoting trade unionism to LGBT workers in Central and Eastern Europe
- supporting LGBT trade union activists
- raising awareness of discrimination against LGBT people
- finding ways to tackle workplace discrimination on the grounds of sexual orientation and gender identity, sharing good practice.

How to attend
Participation in the conference is free but by application only – deadline 28 May.

To register or for more information contact Adam Rogalewski:
rogalewski@opzz.org.pl or
a.rogalewski@unison.co.uk

The conference will be in Polish and English with simultaneous interpretation into German and Russian on request.

OPZZ & LGBT equality
This is the first conference on LGBT equality in Central and Eastern Europe organised by the Polish confederation of trade unions, OPZZ. It follows the appointment of a dedicated OPZZ LGBT officer in 2009 by OPZZ. The conference is supported by ETUC.

OPZZ
European Trade Union Confederation (ETUC)
Confédération européenne des syndicats (CES)

EUROPRIDE
WARSAW 2010
www.europride2010.eu

Supported by UNISON
the public service union

ILGA
EUROPE

Source: https://www.epsu.org/sites/default/files/article/files/LGBT_Conference_high-res.pdf
(accessed on 17/04/2019)

6.12.5 Partnership

In both practices, OPZZ cooperated with civil society organisations.

The officer providing legal support for migrant workers cooperates with La Strada which is focusing on human trafficking. On occasion, the union for Ukrainian workers also cooperates with the Polish Public Employment Services (PES).

The LGBT officer cooperated with the International Lesbian, Gay, Bisexual, Trans & Intersex Association (ILGA), UNISON (British trade union) and ETUC to organise the conference mentioned above and, on other occasions, liaised with Polish NGOs representing LGBT groups – e.g. Campaign Against Homophobia (KPH).

6.12.6 Impact of the practice

The trade union for Ukrainian workers currently has 1,007 members.²⁸⁵ The OPZZ Confederation is committed to supporting the union until it becomes self-sufficient.

The trade union for Ukrainian workers is involved in advocacy work and consults the government on important issues for migrant workers (e.g. previously mentioned an amnesty for Ukrainians working illegally in Poland).

Due to lack of funding, the legal support is provided on a small scale and only in the Warsaw district. Nevertheless, it should be noted that the support is provided to all migrant workers regardless of union membership.

The post of LGBT officer was discontinued in 2011 due to lack of funding and support from union members to promote LGBT equality. For example, following the appointment of the LGBT officer, one of trade unions withdrew from the Confederation. As can be seen from the last meeting of the OPZZ's programming board, the differences in opinions in this regard are still evident. Some members share the opinion that equality on the grounds of sexual orientation and gender identity should not be highlighted in the union's agenda.²⁸⁶

6.12.7 Success factors

The following factors contribute to the success of the two practices presented in the report:

- The management of the established trade union for Ukrainian workers is **autonomous** from the OPZZ Confederation, while the union also enjoys independence in developing its programme. This, in turn, empowers migrant workers and allows them to focus on important issues that are pertinent to them such as the call for an amnesty for illegal workers.
- Legal and **financial support** provided by the OPZZ Confederation allows the trade union for Ukrainian workers to operate until the number of its members grow to such a degree as to allow it to be self-sufficient.
- **Cooperation with civil society organizations**, such as those focusing on human trafficking, allows the union to provide support in most extreme cases of exploitation of migrant workers.
- **Naming and shaming** in the media to expose companies that offer poor working conditions to migrant workers is a good strategy when the union does not have funds to represent migrant workers in Employment Tribunals.

²⁸⁵ <http://www.mpupp.kit-sleuth.in.ua/en/how-to-become-a-member/>

²⁸⁶ <http://www.opzz.org.pl/aktualnosci/kraj/posiedzenie-komisji-programowej-opzz>

- **Pioneering initiatives**, such as appointing a LGBT officer, put the issue of equality on the grounds of sexual orientation and gender identity more visibly on the union's agenda.

6.12.8 Hindering factors and areas for improvement

The lack of long-lasting and sustainable financial support which assists social partners in their initiatives to tackle discrimination and promote diversity at the workplace is one of the factors hindering the success of the practices. Indeed, the operation of the trade union for Ukrainian workers is concentrated in the Warsaw district due to lack of sufficient funding. To mitigate this problem, the OPZZ Confederation is considering increasing the number of Ukrainian workers that are represented in management of regional branches of the OPZZ.

The weak enforcement of anti-discriminatory legislation in Poland is another hindering factor. The current Polish government does not want to develop a proper migration strategy, or to promote LGBT equality.

Homophobic attitudes of the society and views of some union members that LGBT equality should not be part of the union's agenda shows the need for actions taken by OPZZ.

6.12.9 Transferable elements of the practice

Both practices of the OPZZ Confederation were themselves transferred from West-European unions.

For these practices to be successful, it is necessary to secure the union's commitment to financially support, through its member's fees, equality and anti-discrimination on the grounds of migrant background, sexual orientation and gender equality.

The case of the trade union for Ukrainian workers also shows the importance of empowering migrant employees by giving them autonomy to self-manage their association and to independently set their agenda.

The post of the LGBT officer brought to union's attention issues that are against the mainstream, homophobic views of the Polish society. Although the practice was discontinued in 2011, it has nevertheless put the issue of discrimination on the grounds of sexual identity on the union's agenda. However, as can be seen from the recent programming meeting of the union, it will still take time for the union to agree whether it should promote LGBT equality.

6.13 Poland - Legal Counselling and Support, Awareness Raising Training for Trade Union Members (NSZZ Solidarność)

6.13.1 Summary of the case study

A summary of the case study is provided in the box below.

- **Country:** Poland
- **Name of the trade union:** NSZZ Solidarność (The Independent and Self-Governing Trade Union Solidarność)
- **Title of the case study:** Legal counselling and support, awareness raising training for trade union members
- **Link to the website of the case study (practice/s):**
 - Legal counselling: <http://www.solidarnosc.org.pl/biura-eksperckie2/pomoc-prawna-w-nszz-solidarnosc>
 - Training: http://www.solidarnosc.org.pl/images/files/szkolenia_2/Patologie_w_miejscu_pracy_2.pdf
- **Date when the practice/s was first implemented:** Since 2004
- **Whether practice/s still on-going:** Still on-going
- **Whether the practice was included in the 2010 study:** Practice not included in 2010 study. The practice was identified in 2018/2019 survey among trade union members.
- **Sector of the trade union/practice/s:** All sectors of economy and services (i.e.: energy and mine, metal, food industry, science and education, agriculture, construction, chemical, post, Transport, public services, media and entertainment, banking and insurance, health services, natural resources and environmental protection).
- **Ground of discrimination addressed:** All types of discrimination, including discrimination on the basis of racial or ethnic origin, religion or belief, sexual orientation and gender identity, individually or explicitly tackling multiple discrimination. Due to socio-economic and demographic changes in Poland, lately the focus of the practice was on the discrimination on the basis of ethnic origin, religion or belief.
- **Short description and focus of the case study:**

NSZZ Solidarność provides legal counselling and support to unionised employees and non-unionised young people on all types of discrimination, including on the basis of racial or ethnic origin, religion or belief, sexual orientation and gender identity. The trade union provides advise how antidiscrimination provisions should be included in enterprise level documents (collective agreements, work regulations, etc.).
- **Short description of activities:**

Each region of NSZZ Solidarność has legal unit that provides legal advice and support to employees. The regions have also training unit that offers, among others, training to union members on the antidiscrimination issues.
- **Short description of results and impact:**

The number of counselling sessions and training provided varies on annual basis and depends on the region. On annual basis 3 to 4 training sessions, covering the issue of discrimination in the workplace, take place in each of the regions. There

no studies demonstrating the impact of the practice on the level of awareness and the number of reported cases of discrimination. However, from personal experience of trade union representative, the inclusion of antidiscrimination clauses in collective agreements and work regulations increases the awareness of employees and employers on the antidiscrimination issues.

6.13.2 Introduction

NSZZ Solidarność is one of the main trade unions in Poland. It was established in 1980. The union represents 722,000 workers, with union members in every industry and services. It has a territorial-branch structure. 8105 thousand enterprise Union organisations (locally) are associated into 34 regions. Enterprise Union organisations are associated at the same time in the national branch sections which form 16 national branch secretariats.

Since 1996 NSZZ Solidarność providing legal support to union members.

The accession of Poland to the European Union in 2004 and the need to transpose the Directives into national law prompted the trade union to extend the scope of legal support to the equal treatment of employees on the grounds of racial or ethnic origin, religion or belief, sexual orientation and gender identity.

The support has been provided on an on-going basis since 2004 and no major changes have been made in 2010.

The practice was triggered by EU legislation and no specific national legislation nor policy measures impacted its scope or implementation.

The socio-economic changes, in particular migration trends, have an impact on the types of discrimination cases reported by employees and in effect the scope of legal advice.

Following the accession to the European Union, a high number of Poles emigrated to western EU Member States (it is estimated that in 2017, over 2.1 million of Poles lived in other EU countries, compared to only 750 thousand in the accession year of 2004²⁸⁷). This created a gap in the workforce and resulted in a higher number inflow of Ukrainian workers to the Polish labour market.

In 2017, Poland issued the highest number of residence permits in the EU for employment-related reasons (597 thousand). This was mainly to Ukrainian workers.

Due to these migration flows in recent years, the NSZZ Solidarność noted an increase in the number of reported cases of discrimination on the grounds of ethnic origin, religion or belief. This type of discrimination was very rare in the past as Polish society has always been rather homogenous. For example, in 2015, 92.8% of Poles described themselves as Roman-Catholics. Three years later this number dropped to 91.9%²⁸⁸.

The EU case law serves as an example for the Union on how to handle these new types of discrimination in Poland. In addition, the NSZZ Solidarność is using practices and experiences of trade unions in other Member States (e.g. through ETUC, ETUCE) to modify its practice and how they should respond to the growing need for support in the area of equality on the basis of ethnicity origin, religion or beliefs.

²⁸⁷ GUS (2018) Informacja o rozmiarach i kierunkach czasowej emigracji z Polski w latach 2004-2017, available at: <http://stat.gov.pl/obszary-tematyczne/ludnosc/migracje-zagraniczne-ludnosc/informacja-o-rozmiarach-i-kierunkach-czasowej-emigracji-z-polski-w-latach-2004-2017,2,11.html>

²⁸⁸ GUS (2018) Życie religijne w Polsce. Wyniki badania spójności społecznej 2018, available at: <http://stat.gov.pl/obszary-tematyczne/inne-opracowania/wyznania-religijne/zycie-religijne-w-polsce-wyniki-badania-spojnosci-spolecznej-2018,8,1.html>

6.13.3 Focus of the practice

The aim of the practice is to prevent, raise awareness, identify and support employees exposed and/or experiencing discrimination on the basis of race or ethnic origin, religion or beliefs, sexual orientation and gender identity (individually or multiple discrimination). The practice also covers other forms of discrimination particularly on the grounds of sex and age.

The practice does not focus on particular target groups (e.g. LGBT, migrants, ethnic minorities).

The support is offered to all unionised employees and non-unionised young workers and is primarily provided to members of NSZZ Solidarność who can receive free legal counselling and legal services later on when the case is brought to the labour court. This type of support is also offered to non-unionised young employees as a measure to encourage them to become a member in the future.

Trade union members can also participate in training which, among others covers discrimination in the workplace. Amongst other things, the training covers antidiscrimination issues on the grounds of racial or ethnic origin, religion or beliefs, sexual orientation and gender identity.

The employer or sector level trade unions, who are members of NSZZ Solidarność, receive advice on how non-discrimination clauses should be included in the collective agreements or work regulations.

Each of the 32 regional branches of NSZZ Solidarność²⁸⁹ have a dedicated legal unit (4-5 employees) and training unit (1-2 employees) which provide support to union members. The scope of support provided by these units is broader than just discrimination on the grounds of racial or ethnic origin, religion or beliefs, sexual orientation and gender identity. Nevertheless, some employees of legal units do specialise in these types of discrimination.

No additional resources beyond the resources needed for the day to day working of these units are being dedicated/utilised to the issues of equal treatment on these grounds. The legal and training units and their activities are financed by internal sources, namely members' fees – since no EU funding was identified to potentially finance these type of activities.

6.13.4 Activities implemented

This section provides an overview of the main activities/outputs implemented under the practice: legal counselling and training.

6.13.4.1 Legal counselling

NSZZ "Solidarność" employs lawyers specialising in labour law for the needs of employees associated with the Union. In the office of the National Commission of NSZZ "Solidarność", the legal team deals with the preparation of legal analysis, opinions on legal acts, stands for dialogue with the government, and drafts amendments to legal acts supporting the regional and industry structures of the Union.

Employees receive direct legal assistance in 32 regional legal offices (see Figure 43).

²⁸⁹ List of regional branches of NSZZ Solidarność is available here: <http://www.solidarnosc.org.pl/biura-ekspertskie2/pomoc-prawna-w-nszz-solidarnosc>

Figure 43. Information about legal support offered by NSZZ "Solidarność" on the general Union's website

Pomoc prawna w NSZZ „Solidarność”

wielkość czcionki - + | [Wydrukuj](#) | [Email](#)

NSZZ „Solidarność” na potrzeby pracowników zrzeszonych w Związku zatrudnia prawników specjalizujących się w prawie pracy. W biurze Komisji Krajowej, Zespół Prawny zajmuje się m.in. przygotowaniem analiz prawnych, opinii do aktów prawnych, stanowisk do rozmów z rządem, projektów nowelizacji aktów prawnych wsparciem regionalnych i branżowych struktur Związku.

Zespół Prawny należy do pionu kompetycyjnego członka prezydium ds. dialogu społecznego i negocjacji i jest częścią Biura Ekspertckiego Komisji Krajowej.



Zespół Prawny Komisji Krajowej NSZZ "Solidarność"



Bezpośrednią pomoc prawną pracownicy uzyskują w regionalnych biurach prawnych.

Region Gdański 80-855 Gdańsk, Wały Piastowskie 24 58 308-42-74, 58 308-44-69, 58 305-55-12 dzial.prawny@solidarnosc.gda.pl , prawnicy@solidarnosc.gda.pl	Region Warmińsko-Mazurski 10-448 Olsztyn, ul. Głowackiego 28 89 527 22 02, fax 89 527 56 22 region@solidarnosc-olsztyn.org.pl
Region Elbląski 82-300 Elbląg, ul. 1 Maja 2 55 641 58 86 do 87, fax 55 641 58 85 elblag@solidarnosc.org.pl	Region Dolny Śląsk 53-661 Wrocław, Pl. Solidarności 1/3/5 71 7810165, 71 7810166, 71 7810164 wroc@solidarnosc.org.pl

Source: <http://www.solidarnosc.org.pl/biura-ekspertskie2/pomoc-prawna-w-nszz-solidarnosc> (accessed on 18/02/2019)

Each regional office of the Union employs 4-5 lawyers (with regional variations) who provide legal counselling and services. Support to individual employees and trade unions is offered from Monday to Friday from 8am to 5pm. Due to the sensitivity of some of the cases, counselling is provided in dedicated rooms.

Figure 44. Information about office hours of lawyers in regional office of NSZZ "Solidarność" (Gdansk region)

The screenshot shows a website interface with a navigation menu on the left, a main content area, and a contact sidebar on the right.

Navigation Menu (Left):

- Praca
- Prawo
- Dyżury prawników**
- Akty prawne
- Porady prawne
- BHP
- Pracownicy Działu
- Rozwój Związku
- Szkolenia
- Promocja
- Programy Europejskie
- Sekcja Oświaty
- Sekcja Służby Zdrowia
- Sekcja Emerytów i Rencistów
- Linki
- Tygodnik Solidarność
- Oddziały Zarządu Regionu

Main Content Area:

Dyżury prawników

Biurowe Prawne przy Zarządzie Regionu Gdańskiego NSZZ „S” udziela porad prawnych zarówno w sprawach dotyczących związkowych organizacji zakładowych, jak i w sprawach indywidualnych. Z pomocy prawnej mogą skorzystać wyłącznie członkowie NSZZ „Solidarność” z aktualną legitymacją związkową. Przed przyjściem prosimy upewnić się telefonicznie, czy prawnik będzie obecny. Tel. 58 308 44 69 lub 58 308 42 74,

Dyżury prawników w okresie urlopow mogą ulec zmianie.

dzial.prawny@solidarnosc.gda.pl

Prawnik	pn.	wt.	śr.	czw.	pt.
Porady dla komisji zakładowych					
r. pr. Iwona-JaroszLipkowska Koordynator	8-10	8-16	-	9-16	-
r. pr. Tomasz Wiecki	8.15-15	-	12.30-16.00	-	8.15-15
Porady indywidualne dla członków NSZZ „Solidarność”					
r. pr. Joanna Kobus-Michalewska	-	8.30-11	O. Gdynia 11-17	8.30-16	-
doradca pr. Maria Sz wajkiewicz	8.30 -16.00	O. Gdynia 10.00-15.00	8.30-15.30	9.00 -15.30	---
doradca pr. Łukasz Sulej	-	12.10-15.10	8.30 -17	-	8-14

Contact Sidebar (Right):

Kontakt

Adres
Pokój 106, budynek Regionu Gdańskiego NSZZ „Solidarność”

Telefon
58 308 42 74; 58 308 44 69

e-mail
dzial.prawny@solidarnosc.gda.pl

Konstytucja Rzeczypospolitej

Art. 12.
Rzeczpospolita Polska zapewnia wolność tworzenia i działania związków zawodowych, organizacji społeczno-zawodowych rolników, stowarzyszeń, ruchów obywatelskich, innych dobrowolnych zrzeszeń oraz fundacji.

Ustawa o związkach zawodowych

Art. 1. 1. Związek zawodowy

Source: <http://www.solidarnosc.gda.pl/prawo/dyzury-prawnikow/> (accessed on 18/02/2019)

The free support covers:

- **Legal counselling for individual employees** – employees who feel discriminated against are provided with legal advice. During one-to-one sessions lawyers examine and identify the grounds of discrimination. Using examples of EU case law, discriminated employees are provided with possible ways of solving the issue (i.e. mediation with the employer and/or bringing the case to the labour court).
- **Legal services for individual employees** – the Union lawyers handle lawsuits. The employee is only obliged to cover the cost of court proceedings.
- **Mediation between employee and employer** – where relevant, the Union mediates between the discriminated employee and employer to find a settlement between the sides.
- **Legal advice for trade union representatives** – the Union lawyers consult employer's level documents brought to their attention by trade union representatives (e.g. collective agreements, work regulations, etc.) and provide suggestions to include anti-discrimination clauses in them.

6.13.4.2 Training

The Union offers variety of training to its members to raise awareness on discrimination on the grounds of race or ethnicity, religion or beliefs, sexual orientation and gender identity.

For example, training "Workplace Pathologies" (in Polish: *Patologie w miejscu pracy*) (see Figure 45) aims to prepare union members in each company to prevent the following irregularities in the workplace:

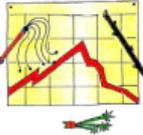
- mobbing
- discrimination

- burnout
- sexual harassment
- stress in the workplace

The two days training covers: the identification of the problems in the workplace, factors that trigger dysfunctional behaviour and work-related stress and their costs for employee and employer, ways to mitigate the problems, audits of dysfunctional behaviour in the workplace, contacts to institutions offering support and activities of the Union to combat the dysfunctional behaviour and work-related stress. The training includes theoretical part and workshops.

Figure 45. Online leaflet on the general Union's website advertising training titled "Workplace Pathologies" which covers discrimination in workplace context

Patologie w miejscu pracy



Szkolenie jest przeznaczone dla organizacji zakładowych i społecznych inspektorów pracy.

Czas trwania: 2 dni
Grupa szkoleniowa: 20 uczestników
Cel szkolenia: przygotowanie struktur związkowych do przeciwdziałania patologiom w miejscu pracy



PROGRAM SZKOLENIA



- Zdefiniowanie zjawiska patologii w miejscu pracy:
 - mobbing,
 - dyskryminacja,
 - wypalenie zawodowe,
 - molestowanie seksualne,
 - stres w miejscu pracy.
- Czynniki wywołujące powstawanie patologii w miejscu pracy.
- Strategie radzenia sobie z patologiami w miejscu pracy.
- Skutki patologii dla pracownika i pracodawcy:
 - koszty pracownika
 - koszty zakładu pracy
 - koszty społeczne
- Audyty patologii w środowisku pracy.
- Wsparcie społeczne - do kogo udajemy się po pomoc?
- Działania podejmowane przez NSZZ „Solidarność” na rzecz walki z patologiami w miejscu pracy.
- Podsumowanie szkolenia.



Source:

http://www.solidarnosc.org.pl/images/files/szkolenia_2/Patologie_w_miejscu_pracy_2.pdf
(accessed on 18/02/2019)

Figure 46. Online information about conducted in Legnica training titled "Workplace Pathologies"

W Legnicy przeciwdziałają patologiom w miejscu pracy

wielkość czcionki - + | Wydrukuj | Email



W dniach 9 - 10 września 2014 r. Region Zagłębie Miedziowe NSZZ „Solidarność” zorganizował szkolenie „Stosunki międzyludzkie w miejscu pracy”, którego celem było scharakteryzowanie patologii w miejscu pracy. Nacisk położono na **mobbing, dyskryminację i wypalenie zawodowe**. W dużej mierze zajęcia miały charakter warsztatowy. Uczestnicy mogli zapoznać się z Wewnętrzzną Polityką Antymobbingową, sposobami przeciwdziałania dyskryminacji i mobbingowi. Udział w szkoleniu wzięli związkowcy z: Faurecii Legnica Sp. z o. o. w Legnicy, oświaty legnickiej i jaworskiej, Przedsiębiorstwa Budowy Kopalń PeBeKa S.A. w Lubinie i PKP Cargo SA Dolnośląski Zakład Spółki Oddział Legnica. Szkolenie przeprowadziła Maryla Kościńska z Działu Szkoleń Komisji Krajowej.

Source: <http://www.solidarnosc.org.pl/przebyte-szkolenia/item/9172-w-legnicy-przeciwdzialaja-patologiom-w-miejscu-pracy> (accessed on 26/02/19)

The title and scope of training on discrimination differs depending on the year when it was offered and the region. For example, in December 2018 one-day training was organised on "State Labour Inspectorate. Equal treatment in the workplace".

6.13.5 Partnership

External partners are not involved in the implementation of the practice and the Union does not cooperate with national antidiscrimination bodies.

The initiative is being implemented internally by all regional units of the Union.

6.13.5.1 Impact of the practice

The number of counselling sessions and training provided varies on annual basis and depends on the region. One can assume that annually from 3 to 4 training sessions covering the issue of discrimination in the workplace are held in each of the 32 regional branches of the Union.

The Union has not evaluated the impact of its services tackling discrimination. Nevertheless, interviewee noticed a positive impact of the services on the level of awareness of employees about the types of discrimination occurring the workplace environment.

According to the interviewee the problem of discrimination is lower in companies that have access to support offered by the Union and, which are covered by collective agreements with anti-discrimination clauses or companies with workplace regulations with such clauses. Employees and employers in these companies are more aware of their rights and responsibilities, and also know where to seek support.

6.13.6 Success factors

The following factors contribute to the success of this practice:

- Support offered by the Union is quite **comprehensive and complementary**. The training increases the level of awareness of trade union representatives about discrimination and provides them with possible practical application of the Directive 2000/78/EC in the workplace. Lawyers employed by NSZZ Solidarność, provide support to company level trade union representatives by reviewing collective agreements and work regulations and suggesting in them inclusion of antidiscrimination clauses. In addition, the support offered by the Union is addressed to individual employees experiencing discrimination, providing them with legal support from the initial phase through mediation with employer to, if needed, court case.
- The services offered by the Union are provided at regional level, making them **easily accessible** for employees facing discrimination and trade union representatives who wish to attend training or consult their workplace regulations. Considering the sensitivity of discussed discrimination cases it is a good practice that the Union lawyers conduct consultations in separate rooms, ensuring privacy and confidentiality of the discussion.
- **Accessibility of case law** across EU allows lawyers to build on the experiences of other Member States and offer better support to individual employees. Through EU umbrella organisations, the Union exchanges good practices with other European trade unions. This is particularly helpful in the case of new types of discrimination cases in Poland, on the grounds of religion, ethnicity and beliefs.

6.13.7 Hindering factors and areas for improvement

External factors, such as lengthy of court cases (in some regions the procedure can take over 2 years), relatively low sanctions for employers and the lack of awareness of labour inspectorate about the importance of the issue were mentioned as factors hindering the activities of the Union. These factors potentially discourage employees to report faced discrimination on the basis of e.g. religion, ethnicity.

6.13.8 Transferable elements of the practice

Legal support offered by the Union could be replicated in other contexts. The support should be targeted to trade union representatives (allowing them to consult workplace regulations and collective agreements) and individual employees, giving them access to personalised, confidential and professional legal counselling and advice.

The key success factor is provision of this support free of charge to trade union members and in close proximity, which requires an extensive regional/ local network.

The cost to transfer this practice depends whether the union already provides legal advice in other labour law areas. With relatively low cost, support provided in the area of antidiscrimination could be provided in addition of other legal counselling.

6.14 Romania - Creating a Department For Equality (FSLI)

6.14.1 Summary of the case study

- **Country:** Romania
- **Name of the trade union:** FSLI
- **Title of the case study:** Creating a department for equality
- **Link to the website of the case study (practice/s):** www.fсли.ro
- **Date when the practice/s was first implemented:** Implemented since 2012
- **Whether practice/s still on-going:** On-going
- **Whether the practice was included in the 2010 study:** The practice was not included in the 2010 study
- **Sector of the trade union/practice/s:** Education sector
- **Ground of discrimination addressed:** Multiple discrimination
- **Short description and focus of the case study:** The case study is about the process and the results of establishing a specific committee focussed on equality issues within the trade union structure
- **Short description of activities:** The activities were developing the initial concept, establishing, and nurturing an equality specific committee and delivering a number of activities focussed on bringing the equality agenda forward in the trade union
- **Short description of results and impact:** The key result related to the establishment of the equality committee in the trade union which led to a number of equality focussed activities in the trade union and achieved a greater awareness of the equality issues amongst the members

6.14.2 Introduction

FSLI is a nationally representative trade union organization in the education sector in Romania. It includes 172,000 members organized into 62 unions at the county level. FSLI is the biggest union in Romania, covering over 60% of all employees in education sector. The union's core aims have been to ensure:

- protection of the workers' rights in education sector
- collective bargaining and assurance of decent wages
- participation in the development of legislation
- contributions to the structure and content of the reform and development of standards

The FSLI' By Laws and strategy also emphasise the continuing education and training of affiliated education sector workers. The union's philosophy was to create its own training structures capable of delivering good-quality training courses. This was achieved using the EU funding, including 2.5 million Euros between 2010 – 2015 and EUR 5 million between 2018 – 2021.

Between 2010 and 2014, FSLI was focused on implementing the project "Together for Quality in Education! Human resource development in school education through educational partnership" in partnership with the Romanian National Agency for Quality Assurance in Education. In this project, the union created the National Training Centre

which manages today a network of 8 regional centres and 16 county centres, operating in 49 certified trainers. These have trained, by 2017, 5.198 teachers in the fields of:

- quality assurance in the education system
- health and safety in schools
- school management, education management, and project management
- social dialogue and leadership, communication, collective bargaining negotiations techniques
- and another 500 teachers received training in 2017 – 2018 on the same topics

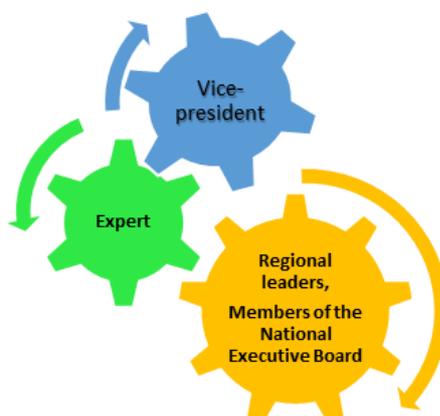
In this context, the union decided to pursue the establishment of a specific internal structure focussed on equality issues. This was also prompted by new staff joining the union's core team who wanted the union to become more active in equality issues. The union needed an equality department due to the multiple issues concerning the women access in decisions maker position, feminization of the education sector, increasing violence etc, with the "official" motivation becoming after having won a project focused on equal opportunities in education sector, funded by ESF.

6.14.3 Focus of the practice

The aim was to establish an internal structure focussed specifically on the equality issues within the FSLI. This was expected to ensure a stronger visibility of equality issues within the union's activities, as well as more concretely to provide training on the equality issues, and ensure a stronger awareness raising amongst its members. The target groups of the practice were the members of the trade union who were to benefit from more focussed work on equality issues.

As resources to establish and implement equality focussed activities were scarce in the union, the Equality Department staff was very pro-active in applying for external funding (including from the ESF, Erasmus+, as well as Norway grants) to deliver equality related activities. This external funding enabled the delivery of a wider range of activities which were successfully implemented by the Department. Internally, the Department is staffed by two members, the key expert and the vice-president heading the department and other 6 persons, regional leaders. Both staff members work part-time on the Equality Department related issues, alongside other union-related activities. They are supported by other union's regional leaders and members of the National Executive Board on the basis of specific needs and project related activities (see Figure 47).

Figure 47. The structure of the Equality Department

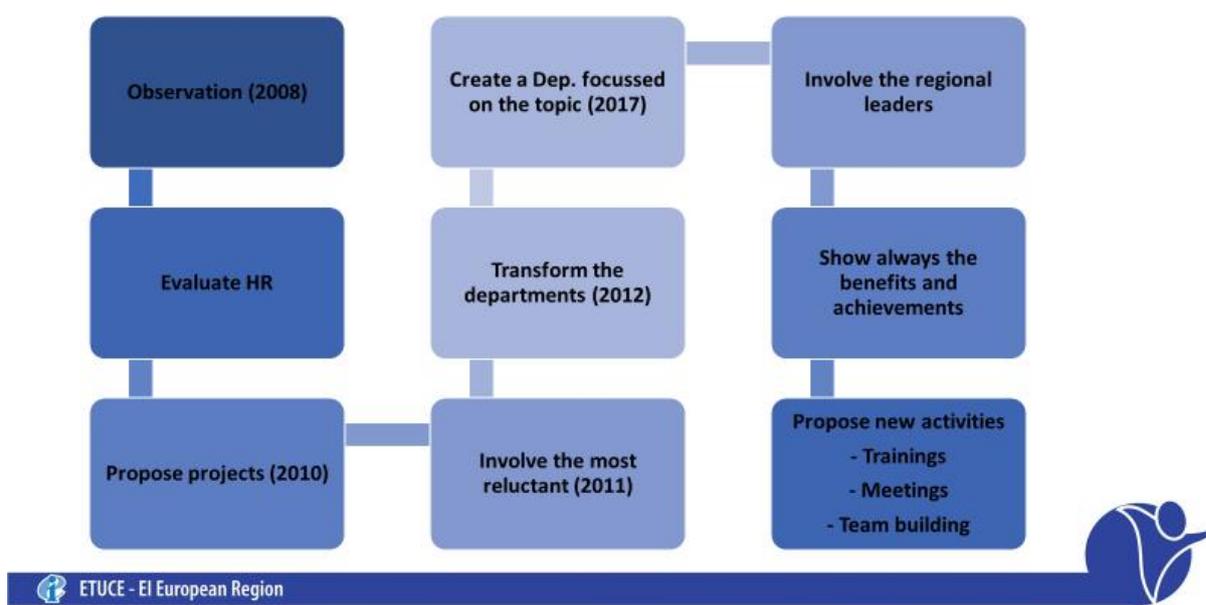


6.14.4 Activities implemented

The establishment and development of the Department's activities was a gradual process taking place over several years (see Figure 48).

The process started with the initial observation of the existing union internal structures, including the gender-balance of the management board, the existing composition of departments and committees and. Following that, the existing structure was evaluated to review the level of attention to the equality issues in the union. To demonstrate concrete and tangible value of equality related work for the union members, the promoters of the Equality Department implemented a series of concrete projects and activities for the members where equality issues were part of the overall training and continuous professional development agenda. This allowed to involve the most reluctant members and the management team who did not initially perceive the value of having a separate Equality Department. This ensured their support for the establishment of the Equality Department when a major internal reorganisation of the trade union took place in 2012. Since then, the Equality Department is operational and is involving regional leaders to deliver a range of activities focussed but not exclusively on the equality issues. The focus of the Department work has always been to demonstrate the benefits and positive achievements of the equality related work. Looking forward, the Department is planning further activities, training, meetings and team building activities to promote further the equality agenda amongst its members.

Figure 48. The process of establishing the Equality Department



The key to the success of the Equality Department work has been pro-active approach to applying for external funding to implement concrete activities focussed on the continuing professional development, which also included strong equality elements. Additional selling point internally has been the international character of the activities, allowing the learning and transfer of experiences from unions and other stakeholders abroad. The key projects implemented by the Equality Department included:

- Quality Assurance in Education - development of human resources in education in partnership with SNES-FSU France (trainings, study visit in France, Trainings Centres (TC) Network – 1 national TC, 8 regional TC and 16 at county level). The key project result was 3,000 teachers trained and certified.

- Developing the Social Dialogue – H&S for schools in partnership with LO Norway and SL Norway. The key project result was 900 teachers qualified in H&S.
- Promoting equal opportunities within trade union organizations – in partnership with Spain and Italy, 850 teachers were trained in equal opportunities teaching methods, as well as two handbooks for primary school were developed, one national curriculum approved, and 32 INFO-POINTS established in schools across all country.
- 10 mobilities programmes under Leonardo da Vinci/ Erasmus+ framework were implemented, with the result that 398 teachers were trained in Portugal, Spain, Italy. Amongst the ten mobilities programmes, four projects were specifically on equality issues, involving 80 teachers and TU leaders.
- Currently, two on-going projects on ERASMUS+ framework are focus on inclusive schools, through training the teachers on working methods for children with SEN.
- The Union implemented five other projects financed by ESF which include at least one large scale activity on the equality issues (for example, a seminar, workshop, information session).

In addition to the formal project-based activities, the Equality Department staff also delivered a range of other activities, including:

- Training on equality issues through the union's own National Training Centre (2436 teachers trained with the Union's own funds)
- Team building activities for the members of the Department and for other key FSLI staff (legal advisors, trainers)
- Organisation of meetings with key staff in order to collect their professional development needs and also to prepare them for bargaining
- Running campaigns such as STOP VIOLENCE IN SCHOOLS!
- Several law proposals submitted to the Parliament, e.g. on stopping violence in schools
- Direct negotiation with the Ministry of Education on specific equality focussed methodologies (e.g. the procedure to assure the equal conditions for the pupils with visual disabilities, autistic spectrum disorders or SEN who will enrol for the bachelorate exam in 2019) and other relevant acts (such as the Code of Ethics for teaching profession)
- Partnership agreements with several stakeholders, such as the parent's association, the Institute for Education Sciences, and several universities. [e.g. – Faculty of Communication and Public Relations who support us in elaborate researches, studies or needs analysis or in deliver trainings

The future plans of the Equality Department for the period 2018-2021 include:

- Developing and adopting the FSLI Strategy on the Equality for the Federation
- Increasing the number and the reach of equality activities at the regional level
- Improving the Department's members knowledge and competences
- Awareness raising among all stakeholders through a public campaign.

In the immediate future, the focus will be placed on the following core action lines:

- Introducing measures in new Education Act and in new Collective Labour Agreement [e.g. – 2 free days by year for medical investigation of the Teacher's child or free day with the occasion of Opening the New School Year – a woman

teacher can not join to the own child at this Ceremony because should be present at school or measures to assure teachers protection in school against the violent actions]

- Increasing the capacity of the union leaders to act as promoters of the equality concepts and to act in a more efficient way (through supporting women in the leading positions, better collective bargaining, dealing with violence in schools)
- Increasing the capacity of teachers to deliver the equality agenda in the classrooms – through deep awareness of the inclusion approach, SEN, and equal opportunities for all.

6.14.5 Impact of the practice

The key immediate impact of the practice was the establishment of the dedicated Equality Department in the union. This helped to ensure a stronger visibility of equality issues within the union’s activities, as well as more concretely to provide training on the equality issues, and ensure a stronger awareness raising amongst its members. A key direct impact on the ground amongst the trade union members was the training or other activities provided to around 8,000 members through various projects, activities and other actions of the Department.

The work of the Department had also, amongst other factors, a positive gender impact on the internal FSLI management structures (see Figure 49). Over the years of operating the Equality Department, the proportion of women in the key decision-making positions in the union has significantly increased. This reflects more appropriately the diversity of the trade union membership and the education sector workforce it represents.

Figure 49. The management structure in the FSLI

LEADING STRUCTURE	TOTAL	2012		2017	
		Men	Women	Men	Women
President		1	0	1	0
Prime - vice president		1	0	1	0
General Secretary		1	0	0	1
Executive Board	14 vice presidents	12	2	8	6
National Board	62 county leaders	51	11	42	20
Presidents of county organizations	62 county leaders	56	8	42	20

1990 – 2012	18 departments	Equality/ Women/ Youth	0	
2012 – 2017	15 departments	Youth/ Women/ Equality	1	Man
2017 – 2021	10 departments	Equality and Women	1	Woman
		Youth, Culture and Sports	1	Man



6.14.6 Success factors

The establishment and success of the Equality Department was based on the following factors:

- The pro-active approach and strong commitment of the core promoters of the idea of having the Equality Department in the union. Without this extensive personnel dedication and “push” to promote the idea of the dedicated department, organisational change in the union would have been difficult to achieve, also in the context of scarce resources and other pressing priorities. The pro-active approach also was key to attracting significant amounts of external

funding which allowed to deliver concrete activities demonstrating the tangible benefits of equality agenda to the union members and leadership (see below).

- A gradual building up of support for the establishment of the Department through a range of activities where the equality agenda played an integral role, allowing to demonstrate the value of equality awareness within the union. This meant that equality agenda was highlighted to the union members and leaders as an integral part of the overall training and continuous professional development activities.
- Using concrete and tangible training and continuing professional development activities to reach and convince the most reluctant staff and management members in the union. This helped to ensure that their initial reluctance and scepticism towards a more explicit equality agenda was overcome through concrete activities.
- Capitalising on the ongoing organisational reform process and using it meant a smoother way to establish a dedicated Equality department. This might be more difficult to achieve in the absence of ongoing process to reform the union structures. In the same vein, it has been **relatively** easier to establish a dedicated Equality department when the union was already in the process of reforming itself.

6.14.7 Hindering factors and areas for improvement

The idea of establishing a dedicated Equalities Department was initially met within the union with scepticism, reluctance and lack of appreciation for the need to put an explicit emphasis on the equality agenda in the union activities. This is also to be seen in the context of scarce financial and human resources to undertake additional activities by the union staff, as well as the focus on improving the wages and working conditions of the education sector staff (rather than the equality agenda). As such, the idea was initially met as a luxury the union cannot afford, and it took a significant amount of effort and concrete activities by the core promoters to change the initial perceptions and attitudes. The limited human resources available in the Equalities Department also remains an issue.

Looking forward, the Equality Department still has a significant amount of work to do to raise the awareness of equality issues amongst the union members and the education sector workforce. A study conducted in 2018²⁹⁰ showed a widespread lack of commitment to the equality agenda amongst the teachers. For example, over a third of teachers reported not wanting people of different race, immigrants or LGBT as their neighbours.²⁹¹ Furthermore, 13.1% of teachers still believe that the Roma children should learn in separate classrooms. 95% of teachers consider that Romania offer equal opportunities for all children but reduce this topic only to the integration of Roma/ other minorities children. In particular, LGBT issues are still a “taboo topic”, with the majority of teachers refusing to accept the existence of this category among them.

6.14.8 Transferable elements of the practice

The experience of establishing a dedicated equalities department / committee / or other structure is transferable to other unions which do not have such a structure yet. The lessons learnt from the gradual process of establishment and securing the buy-in through a step-by-step approach in FSLI is also valuable to other unions. Also useful is the rich experience of delivering concrete and tangible training and continuing professional development activities which allowed to demonstrate the practical value of

²⁹⁰ The study „Education for democracy in Romanian schools” (FES, 2018).

²⁹¹ Categories of people which the respondents would not want as neighbours: Different race – 30,5%; Immigrants – 32,4%; LGBT - 38,3%.

equality agenda to the everyday work of the education sector staff. This experience is transferable to the context of other unions because it exemplifies the typical constraints faced by the unions in relation to scarce human and financial resources and other pressing priorities.

The conditions which should be in place to make the practice transferable would be as follows:

- Ensuring there are core union staff dedicated and committed to the idea of having the Equality Department in the union. The presence of such active promoters is critical for the change to happen.
- The value of equality agenda needs to be demonstrated through concrete activities demonstrating the tangible benefits of equality agenda to the union members and leadership. If the union does not have internal funding for such activities, using the available external funding opportunities is advisable.
- Anticipating that there will be an initial resistance and lack of buy-in into the idea of Equality dedicated structure and developing strategies and activities to overcome this through concrete and tangible actions.
- Using the windows of opportunity when the union's organisational structures change to embed the idea of having the Equality Department in the new structures of the union.

6.15 Slovenia – Immigrant Children in Education (SVIZ)

6.15.1 Summary of the case study

- **Country:** Slovenia
- **Name of the trade union:** SVIZ
- **Link to the website of the case study (practice/s):** <https://www.sviz.si/vkljucevanje-otrok-priseljencev-v-vzgojo-in-izobrazevanje/>
- **Title of the case study:** A range of events organised to enable the teacher trade union members to address the needs of immigrant children in the education system
- **Date when the practice/s was first implemented:** Since 2016
- **Whether practice/s still on-going:** On-going
- **Whether the practice was included in the 2010 study:** The practice was not included in the 2010 study
- **Sector of the trade union/practice/s:** Education sector
- **Ground of discrimination addressed:** Migration background
- **Short description and focus of the case study:** The case study is about the series of events organised by the SVIZ trade union to support their members in providing good quality education and educational support to the children of migrants
- **Short description of activities:** The activities were focussed on providing support and sharing good practices between the teachers on how to best address the needs and teach the immigrant children
- **Short description of results and impact:** The key results related to the raising of awareness and visibility of how to best teach the immigrant children, sharing of best practices between the participating teachers and schools and providing structured support to educators

6.15.2 Introduction

The trade union of education, science and culture of Slovenia (SVIZ) is the largest autonomous, democratic and non-partisan interest organisation in the public sector in Slovenia, representing the interests of employees in education, science and culture sectors. SVIZ was established in 1990. The union has around 40,000 members.

In the 2015-2016 migration wave to Europe, Slovenia found itself in the situation where many migrants were coming to the country. This included also families with school-age children who as the migration situation evolved, became clear were going to stay in the country and would need to be integrated into the Slovenian education system. This prompted the SVIZ union to become active in this area and provide support to the union members and other educators in how to best address the needs of immigrant children in the education system.

Slovenia has had previous experience of integrating immigrant children in the education system due to the migrants coming to the country in the 1990s due to the war in the former Yugoslavia. However, the situation was different as the migrants spoke very similar languages and hence were much easier to integrate into the education system compared to the migrants since 2015 who spoke no Slovenian.

6.15.3 Focus of the practice

The union implemented three events during 2016-2018 period aimed at their members and other educators focussed on providing support and sharing good practices between the teachers on how to best address the needs and teach the immigrant children. This helped in terms of raising of awareness and visibility of how to best teach the immigrant children, sharing of best practices between the participating teachers and schools and providing structured support to educators.

6.15.4 Activities implemented

The union organised a series of events as follows.

The first event was organised on 30 March 2016 and was entitled "Integration of Children of Immigrants in the Slovenian Education System".²⁹² It was very well attended by around 100 teachers and was also quite prominent in the media. The Secretary-General of SVIZ Branimir Štrukelj highlighted the union's co-responsibility to help reduce the prejudices against refugees and migrants, which have recently been witnessed in Slovenia. Dr. Mitja Sarđoč, from the Pedagogical Institute of Ljubljana, spoke about the necessity and actuality of integration and acceptance of diversity in the process of public education. Two representatives of the Ministry of Education, Science and Sport, Dr Andreja Barle Lakota and Dr Stanka Lunder Verlič, presented the Ministry's preparatory measures in this area. The Ministry representatives showed the preparatory action in this area and presented a website aimed at this topic.

The round table panel also included Jelka Kusterle, the Assistant Principal of the Prežihov Voranc Primary School in Jesenice, and Zala Bojović, a German teacher at the Mõwensee-Grundschule Primary School in Berlin, who presented examples of good practice and discussed the problems that schools face when integrating children of immigrants.



The second event was organised on 6 June 2016 and was a roundtable on inclusion/integration of migrant children into kindergartens and schools in Slovenia with migrant guests talking on their experience with living in foreign country and especially with their experience with school.²⁹³ It had the aim of raising awareness of the multicultural reality, contributing to cooperation, eliminating a priori fears regarding immigrants, presenting effective educational practices, and



²⁹² <https://www.sviz.si/vkljucevanje-otrok-priseljencev-v-vzgojo-in-izobrazevanje/> (includes a video of the event)

²⁹³ <https://www.sviz.si/zivljenjske-zgodbe-pri-pouku/> (includes a video of the event)

supporting kindergarten and school employees in integrating children of immigrants in the Slovenian education system. It was entitled "Life Stories of Children of Immigrants and Refugees in Kindergartens and Schools". At this event, the union hosted Dr Marijanca Ajša Vižintin of the Slovenian Migration Institute at the Research Centre of the Slovenian Academy of Sciences and Arts (ZRC SAZU), as well as Arbnore Avdylaj, Vael Hanunoa and Simona Lečnik Očko, who talked about their own experiences of immigration. The event was attended by around 40-50 teachers and educators



The third event took place on 29 May 2018 and was a discussion of the book on inclusion/integration of migrant children into kindergartens and schools in Slovenia with its author Dr. Marijanca Ajša Vižintin (29th May 2018). The event was titled "We in other countries, others in our country" was attended by around 30 teachers.²⁹⁴ The debate, grounded in the experience in pedagogical practice, has also significantly enriched other participants. In the debate with the participants, Dr Vižintin commented, inter alia, introduced the initiative of the Velenje mayor for the extraordinary meeting of the National Council, in the light of a number of new challenges and issues. This was especially important in the absence of an integrated and inter-ministerial coordinated approach and country-wide systemic solutions to help teachers and local communities to deal with the rapidly increasing the number of immigrants and the intensive growth of the share of foreigners with permanent or temporary residence in Slovenia.

6.15.5 Impact of the practice

The key result from the events was generating a significant amount of in-depth discussions amongst the stakeholders in the education system on how best to support teachers in addressing the needs of immigrant children in the education system. The education ministry, which initially was not so active in this area, was activated and became much more aware of the needs and good practices existing in this area. The



The ministry is now close to adopting a formal strategy in this area which would set out a systematic approach to the integration of immigrant children.

The events helped to raise awareness and acceptance that the immigrant children will stay in Slovenia and that teachers need support in how to educate them. The events

²⁹⁴ <https://www.sviz.si/mi-drugje-drugi-pri-nas/> (includes a video of the event).

also showcased a lot of good practices already existing across the country's schools on how the children have been warmly welcomed and integrated. This allowed the participants to talk about their own experiences and share the good practices.

6.15.6 Success factors

The key success factors have been identified as follows:

- Support from the union senior leadership. The union leadership has been very supportive for the work of the union's Equality Committee to deliver the various activities. This has been critical in ensuring the approaches to teaching migrant children are shared across the union's work and amongst the union members and other educators. The activities were delivered as part of the union's Equality Committee work and the Committee has been operational for around 6 years, working on a range of equality issues.
- Supportive political and legislative context. Initially, the education ministry was not immediately acknowledging the seriousness of the issue and that teachers need support. However, the events and engagement throughout the events helped to change this. The education ministry, which initially was not so active in this area, was activated and became much more aware of the needs and good practices existing in this area. The ministry is now close to adopting a formal strategy in this area which would set out a systematic approach to the integration of immigrant children.

6.15.7 Hindering factors and areas for improvement

The major hindering factors have been identified as follows:

- Some media reporting at least initially was sceptical of the need to organise such activities by the union. This was changed through the union's continuous attention to the topic and highlighting many positive experiences in the education system, not just problems and issues with the integration of immigrant children.
- Within the union, there were also some voices raised insofar as calling for the union to focus on other key challenges, such as pay and working conditions of the teachers. This is rather typical when implementing the Equality Committee work. However, the Equality Committee persisted in keeping the attention on the topic as this was considered to be an important issue to be addressed by the union. In this respect, having a formal structure dedicated to the equalities issues was helpful to ensure the union's attention also to equality issues.

6.15.8 Transferable elements of the practice

A number of practice elements can be transferred successfully, namely:

- The organisation of a series of events dealing with the topic helped to maintain attention and momentum in terms of keeping the issue on the agenda of the union and the educators.
- The events organised were quite different in their nature and this mix was successful in ensuring the attention is maintained. Important was also bringing different perspectives into the events, including from teachers themselves, education experts, education ministry and migrants themselves who could share their own experiences in the education system.

6.16 Spain – Working Group on gender and sexual diversity (CCOO)

6.16.1 Summary of the case study

- **Country:** Spain
- **Name of the trade union:** Comisiones Obreras (CCOO)
- **Title of the case study:** Working Group on gender and sexual diversity
- **Link to the website of the case study (practice/s):** No link available.
- **Date when the practice/s was first implemented:** June 2017
- **Whether practice/s still on-going:** Ongoing
- **Whether the practice was included in the 2010 study:** Not included in the 2010 study.
- **Sector of the trade union/practice/s:** Multi-sectoral
- **Ground of discrimination addressed:** Discrimination on the grounds of sexual orientation and gender expression and identity.
- **Short description and focus of the case study:** The case study analyses the creation of a permanent Working Group (WG) in the trade union CCOO. This WG is composed of representatives of the different territorial and sectoral organisations associated to the union, as well as of organizations from the civil society working in the field of LGBTI. This WG has the objective of raising awareness about and train on sexual orientation and gender diversity at the workplace. It is mainly focused on trade unionists and in particular: a) those negotiating collective agreements; and b) the Equality Specialists, a role inside the companies and their work councils that the trade union is promoting. These specialists would be the representatives of the workers in each enterprise in matters of discrimination on the grounds of gender, sexual orientation and gender expression or identity. The WG has developed various communication and training activities as well as information materials including a specific guide in 2018 against LGBTI-phobia, 'Sexual and Gender Identity: A Trade Union Matter'. This guide is an update of a previous leaflet, published in 2013, to train trade unions on how to incorporate the topic of diversity into collective bargaining. The WG includes, among other participants, the Secretaries of Equality of the territorial and sectoral organizations of the union, who are the political leaders of this issue in each territory and each sector. These Secretaries design the equality agenda in coordination with the responsible department in CCOO at the national level.
- **Short description of activities:** The WG focuses its work on information, dissemination and education activities, and develops training and awareness-raising materials, as well as specific courses, conferences and other dissemination events on the subject of supporting gender and sexual diversity.
- **Short description of results and impact:** Although the practice (CCOO's WG on gender and sexual diversity) has not yet included performance or result indicators, existing evidence confirms that the work of the group has increased awareness and knowledge on issues relating to sexual and gender identity diversity among trade unionists, workers and employers. It has also promoted the inclusion of clauses relating to sexual and gender identity diversity in various collective and labour agreements.

6.16.2 Introduction

Confederación Sindical de *Comisiones Obreras* (Workers' Commissions, CCOO is the largest trade union in Spain, with more than 920,000 members and almost 95,000 union representatives.²⁹⁵ It is organized territorially in regional unions, and also in sectoral organisations (at sectoral level). Both the regional and sectoral organisations compose CCOO which is characterised by a confederal and a highly decentralised structure.

Within this context, part of these sectoral and territorial organizations had been working, some of them for more than a decade,²⁹⁶ in the fight against discrimination on the grounds of sexual orientation and gender identity and expression. This work had been carried out independently and without coordination, with the territorial and sectoral organizations developing activities and materials in their specific regions and sectors, and with very little impact in the rest of the organization members of CCOO and among society at large.

In view of the increasing number of requests for information and support related to discrimination relating to sexual orientation and gender identity, which the sectoral and territorial organizations were receiving, the consequent intensification of their activities in this regard, and the greater awareness on this issue in the workplace, there was an identified need for a better coordination and a transversal approach. Its objective was to prevent the different actions from having limited impact either at national level or from becoming too focused on specific sectors or territories.

As a result of this need expressed by its sectoral and territorial organizations, in a bottom-up approach, the Confederation focused on the issue and introduced the fight against discrimination on the grounds of sexual orientation and gender identity and expression in 2017, at the 11th Confederal Congress of CCOO. Thus, CCOO approved the change in the name and functions of the Secretariat for Women, which became the Secretariat for Women and Equality, and has since included not only work in the field of equal rights between women and men, but also activities addressing all the situations of inequality and discrimination on grounds of sexual orientation and gender identity or expression.

Within this context, the Confederation then created, also in 2017, a Working Group (WG) with the objective of raising awareness about sexual and gender diversity. The WG is made up of the persons responsible of this issue in each organisation comprising the union at a territorial and sectoral level (i.e. the Secretaries of Equality, *Secretarías de Igualdad*), as well as of representatives of civil society organisations, mainly LGBTI NGOs and associations.

The WG is focused on informing, sensitizing and training mainly (but not only) workers of the trade union itself; in particular, two main groups:

- Those who are involved in the processes of negotiating sectoral or territorial collective agreements; and
- Equality specialists (*Agentes de Igualdad*), a role inside the companies and works councils that CCOO is trying to introduce and who would be the representative of the workers in each enterprise in matters of discrimination on the grounds of gender, sexual orientation and gender expression and identity. At present, existing equality specialists deal only with gender equality issues, but it is intended that they assume also this new role.

Since its creation, the group has developed different communication and training activities as well as information and training materials, including in 2018 a specific guide

²⁹⁵ Agencia EFE National news agency (2018). <https://bit.ly/2BTKfS7>

²⁹⁶ The most active organizations in this field within CCOO has been the Federation of Services to Citizenship, the Federation of Education, as well as the Territorial Federations of the Valencian Autonomous Community and Catalonia.

against LGBTI-phobia, 'Sexual and Gender Identity: A Trade Union Matter'. This is an update of a previous leaflet - published in 2013 – aimed at training trade unions on how to incorporate the topic of diversity into collective bargaining. It generally thought that these have been achieving their objectives as they have increased the level of awareness and knowledge among the union's workers regarding employment discrimination on these grounds.

6.16.3 Focus of the practice

The main objective of the practice under study is 'to incorporate elements and strategies to combat discrimination in the workplace on the basis of sexual orientation and gender identity or expression'.

To this end, the WG develops awareness-raising activities and training materials mainly focused on union workers, who need to be trained in these areas in order to be able to work within the scope of their role as workers' representatives, and to transfer this knowledge to collective agreements, workplaces and other employees.

To this end, the practice analysed has two main target groups:

- First, the members of CCOO trade union, especially those involved in collective bargaining and those in the works councils (future equality specialists), as they both have the capacity to implement measures in collective agreements and workplaces respectively.
- Second, the public outside the trade union, mainly workers who may suffer discrimination because of sexual orientation, expression and/or gender identity in the workplace, and employers who must incorporate in their policies elements related to sexual and affective diversity and, as a result, prevent discrimination.

To this end, the practice has as its main resource the staff of the union at the national level and that of the territorial and sectoral federations taking part in the WG (the Secretaries of Equality). Likewise, it has access to economic resources from these national, territorial and sectoral organizations for the development of the information and training materials and for the organization of events.

6.16.4 Activities implemented

As discussed in previous sections, CCOO created its internal WG with the objective of raising awareness about sexual and gender diversity in 2017. It included the Secretaries of Equality of the different organisations of the union at a territorial and sectoral level, as well as representatives of NGOs and associations working in the field of LGBTI.

The group focuses its work on information, dissemination and education/training activities on the fight against discrimination based on sexual orientation and gender expression or identity in the workplace. To this end, it develops training and awareness-raising materials, holds specific courses on the subject and organises conferences and dissemination events. On the other hand, the trade unionists trained in this matter by CCOO include these issues in their respective remit and areas of work and also provide support to workers who request such help and advice.

6.16.5 Training and awareness-raising materials

The working group prepared in 2018 the guide against LGBT-phobia 'Sexual and Gender Identity: A Trade Union Matter' (*Diversidad Sexual y de Género: Una Cuestión Sindical*). This is an update of the leaflet that was published in 2013 to train trade unions on how to incorporate the topic of diversity into collective bargaining.

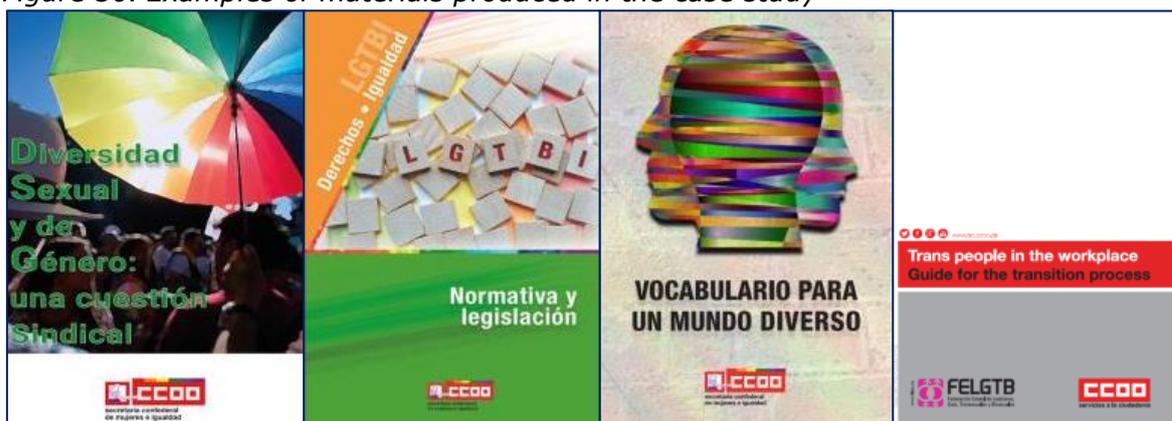
An important initiative of CCOO is the Protocol against sexual and gender-based harassment and against harassment based on sexual orientation, gender identity and/or

gender expression (CCOO, 2016). It gives detailed information about implementing equality in local CBAs and company equality plans. The guidance includes a specific protocol for action against sexual violence and harassment on the grounds of sexual orientation, gender identity and/or gender expression. The main objective is to achieve an inclusive work environment that allows LGBTBI people can “come out of the closet” without fear of discrimination and / or harassment. A range of measures are proposed to prevent harassment on the grounds of sexual orientation, gender identity or gender expression, including the negotiation of dedicated procedures and protocols, identifying LGBTBI phobia as a psychosocial risk, raising awareness and providing support to LGBTBI workers.

In addition, CCOO and its sectoral and territorial member organizations have elaborated several training and awareness-raising materials, among which the following are worth highlighting:

- 'LGTBI. Rights. Equality. Regulation and Laws' (*LGTBI. Derechos. Igualdad. Normativa y Legislación*), prepared by the Confederational Secretariat of Women and Equality of CCOO in April 2018. It contains a summary of the main legal references to the fight against labour discrimination on the grounds of sexual orientation and gender expression and/or identity in eleven of the nineteen Autonomous Communities and Cities of Spain.
- 'Vocabulary for a Diverse World' (*Vocabulario para un Mundo Diverso*). Also prepared by the Confederational Secretariat for Women and Equality of CCOO in April 2018, it is a glossary of terms and definitions normally used in the field of sexual, affective and gender diversity.
- 'Trans People in the Workplace. Guide for the Transition Process'. With versions in Spanish and English, this guide was published in 2016 and was prepared by the sectoral Federation of Services to Citizens of CCOO and the National Federation of Lesbians, Gays, Transsexuals and Bisexuals (FELGTB). It aims to raise awareness among trans employees of their rights, and to describe the mechanisms for ensuring that these rights are upheld. It also aims to facilitate relations between the company and trans employees, and to be used by union workers and in collective bargaining processes.

Figure 50. Examples of materials produced in the case study



In order (from left to right), covers of the publications 'Sexual and Gender Identity: A Trade Union Matter'; 'LGTBI. Rights. Equality. Regulation and Laws'; 'Vocabulary for a Diverse World'; and 'Trans People in the Workplace. Guide for the Transition Process'

6.16.5.1 Events

CCOO organizes workshops and seminars on information, awareness-raising and training in the fight against discrimination on sexual orientation and gender expression or identity in the workplace, both at the confederal level within its working group, and by its different territorial and sectoral member organizations. In addition, CCOO and its members take part in conferences organized by other organizations in the field. Some examples are the following:

- The Secretariat for Women and Equality Policies of the Regional Federation of CCOO in Castilla y León organized, in December 2018, the seminar 'Preventing Labour Discrimination against LGTBI Persons'. Its objective was to raise awareness of the rights of the LGBTI collective, to publicize the current legislation and advise on what should the union intervention in collective bargaining should be so as to eradicate any type of discrimination in companies.
- At sectoral level, the Federation of Services to Citizens of CCOO organized in January 2018 the '1st Annual Meeting on Sexual and Gender Diversity in Trade Union Action', with the attendance of most of the territorial and sectoral member organizations of CCOO. On the other hand, the sectoral Federation of Education of CCOO took part in the 2nd University Conference 'Educate in the Sexual and Affective Diversity', organised by the University Carlos III in 2011.
- Likewise, the Federation of Services to Citizens of CCOO took part in the 30th National Annual LGBTI Meeting, organized by the Navarrese LGTBI+ association and held in November 2018, where it organised a workshop on how to combat LGBTI-phobia in the workplace.

Figure 51. Events in the case study



In the pictures above: Seminar 'Preventing Labour Discrimination against LGTBI Persons' (above) and 30th National Annual LGBTI Meeting (below). On the right, agenda of the 1st Annual Meeting on Sexual and Gender Diversity in Trade Union Action (left) and brochure of the 2nd University Conference 'Educate in the Sexual and Affective Diversity'

6.16.5.2 Web content

In addition to the above-described activities, the CCOO working group and its members actively communicate and disseminate information on the fight against LGBTI discrimination in the workplace through its website. Examples of these web contents are:

- The manifesto published by the Confederational Secretariat for Women and Equality of CCOO, where the trade union emphasizes that the defence of freedom and equality from a sexual and gender perspective is not only a constitutional and democratic principle in Spain, but also a priority on the union's agenda (March 2019).
- Awareness-raising content published by the Confederational Secretariat for Women and Equality of CCOO around March 15, the Trans-Visibility Day, providing information about the high percentage of trans people who have suffered employment discrimination (March 2019).
- Information content about the Meeting of the Sexual and Gender Diversity Working Group of the sectoral Federation of Services to Citizens of CCOO, that took place in January 2019 (January 2019).
- The manifesto 'With L for Lesbian and V for Visibility', published by the sectoral Federation of Education of CCOO, calling for an end to lesbophobia in education and urging education authorities and institutions to implement action protocols to promote diversity in schools (April 2018).

Figure 52. Examples of materials in the case study



In order (from left to right), web contents of the Manifesto published by the Confederational Secretariat for Women and Equality of CCOO; Trans Visibility Day; Meeting of the Sexual and Gender Diversity Working Group of the sectoral Federation of Services to Citizens of CCOO; and Manifesto 'With L for Lesbian and V for Visibility'

6.16.5.3 Other activities

Finally, CCOO has also developed other actions in order to fight against discrimination regarding sexual orientation and gender diversity in the workplace, including informative videos or radio spots, and it takes part in different demonstrations and events related to LGBTI, such as specific demonstrations in response to particular problems (i.e. The union has recently supported the mobilization called by the LGBTI collectives of Madrid against the false therapies of reversion), or general pride parades and events, in order to create awareness on the society about the importance of ending discrimination on these ground in workplaces.

Figure 53. Examples of materials in the case study



Different pictures of promotional content related to the participation of CCOO in the International LGBT Pride Day.

6.16.6 Partnership

As previously explained, the establishment of the WG with the objective of raising awareness about sexual and gender diversity took place in 2018; the WG includes the Secretaries of Equality of the different organisations of the union at a territorial and sectoral level. It undertakes various activities such as training and information events, and develops different materials on this issue, including the documents mentioned above.

The creation of the WG, and the consequent development of the above-mentioned activities and materials involves a partnership comprising the trade union itself, CCOO, but also all the sectoral and territorial organizations that form the trade union, which had previously been working independently on this matter (and continue developing activities in these issues in relation to their sectoral and territorial contexts).

In addition, each of these organizations has developed their own partnerships, since they work in collaboration with different organizations at the territorial level of the Autonomous Regions, including associations, NGOs and others in the field of sexual diversity. This same approach has been followed when scaling up the practice to the confederal level, so that both the WG and its elaboration of the guide and leaflet have had the support of different organizations, including the regional LGBT organizations and the National Federation of Lesbians, Gays, Transsexuals and Bisexuals (FELGTB). Indeed, a collaboration agreement was already signed in 2007 with FELGTB, as well as with other organizations at a national, regional and local level, as the objective of CCOO is to enlarge the network of partners in order to maximise impact.

Consequently, the WG is composed of representatives of CCOO at a confederal level, the Secretary of Equality in each sectoral and territorial federation of the union, and representatives related to the matter to be discussed in the group selected by each of the territorial and sectoral organizations, mainly from associations, NGOs and others in the field of sexual diversity.

It is important to highlight that collaboration with Public Administrations has been infrequent: although there is cooperation mainly with Municipalities at the level of territorial and sectoral organisations, collaboration with regional governments or the Central Government has been scarce.

6.16.7 Impact of the practice

The interviewees have highlighted that the WG is achieving its objectives:

- from an internal point of view, because, as interviewees highlighted, 'it is increasing the level of knowledge of the union's workers regarding the issues of

fighting against employment discrimination on the grounds of sexual orientation, expression and/or gender identity’;

- from an external perspective, as the contents and the knowledge gained by the trade unionists are, in turn, being transferred to collective bargaining, sectoral agreements and workplaces, thus also multiplying impact externally.

To date, more than 200 trade unionists have received training in the issues of gender diversity and sexual orientation, provided by the Secretariat for Women of CCOO. This number also includes the actual gender equality specialists that would expand their role in the future to address gender diversity and sexual orientation. This number will soon increase as a new basic training module is at present being designed, which will be included in all the courses that will be offered from the other Secretariats of the union.

Moreover, the work of the union in this field has achieved the inclusion of clauses relating to sexual and gender diversity in seven collective agreements or agreements which have effects on employment issues (mainly political agreements affecting public servants).²⁹⁷

In addition, the practice analysed is achieving different types of impact at the level of employees of companies, companies themselves and society in general:

- An increase of the number of jobs that are free of LGBT-phobia and discrimination on the grounds of sexual orientation, expression and/or gender identity, which, as it has been highlighted by the interviewees, ‘has led to greater levels of personal freedom for employees, who previously felt self-conscious when expressing their sexual orientation or gender identity. These, can now express themselves more freely by feeling more protected and less at risk of feeling rejection or coming under suspicion’;
- An increase in awareness among employers with regard to the labour rights of LGBT employees;
- An increase in society’s general awareness in terms of diversity and the possibility for people with diverse sexual orientation and gender identity to enter and progress in any particular employment field without facing discrimination.

Finally, as an indirect effect, the persons interviewed have highlighted that ‘an increase in the affiliation to the trade union of LTBIQ people has taken place’.

6.16.8 Success factors

One of the main factors for the success of the creation of the WG is that, according to the interviewees, ‘it has involved the coordination and systematization of the work that was being done in a fragmented manner by different persons in different organizations for many years’. Thus, the previously dispersed knowledge is now better used, shared and amplified through the stronger information diffusion power of the Confederation at the national and multi-sectoral level, taking advantage of synergies and avoiding duplication of effort.

In this sense, as emphasized by the interviewees, it is important to highlight ‘the commitment and conviction of the organization at the confederal level’, as expressed by one interviewee. Indeed, since 2017 more weight has been given to the issues of

²⁹⁷ FSC-CCOO has promoted the inclusion of clauses relating to sexual and gender diversity in the 1st Collective Bargaining Agreement for the Action and Social Intervention Sector 2015-2017 (2015); 4th Agreement for the Regulation of Labour Relations in the Port Stowage Sector 2014-2017 (2014); National Collective Labour Agreement for the Travel Agency sector 2016-2018 (2016); 5th National General Collective Agreement for the Surface Regulated Parking and the Removal and Storage of Vehicles from Public Roads Sector 2013-2017 (2017); Collective Agreement of Metro de Madrid 2016-2019 (2016); Collective Plurality Agreement of Companies linked to Organizational Reasons: ADECCO Outsourcing S.A.U. and ATLAS Servicios Empresariales S.A.U. (2017); and Legislature Agreement of the General Table for Negotiation of the Civil Servants, Statutory and Labour Staff of the Regional Government of Valencia of 9 June 2016 (2016).

discrimination on the grounds of sexual orientation and gender identity and expression, including them in the remit of a Secretariat and incorporating them into the agenda of the union. According to the stakeholders interviewed, these issues 'are nowadays addressed not only in the Secretariat, but in any body or forum within the union, from those dealing with collective bargaining to Management Committees'. Likewise, some of the organizations that form CCOO have institutionalized these issues by including them in their Statutes, as it is the case of the sectoral Federation of Teaching.

The existence of the WG in itself is, according to the participants interviewed, 'a success factor as it guarantees the continuity and the presence of all the territorial and sectoral organizations, by means of a representative'. This representative usually continues his/her participation in the WG even if he/she is assigned to other responsibilities, which guarantees the continuity, knowledge and experience of the WG.

According to the interviewees, 'it has also been essential that part of the people who compose the WG is LGBTIQ', who are specifically involved in the activities that concern them most so that, in addition to the union perspective, the point of view of this specific group regarding sexual orientation and gender identity related issues at the workplace is also taken into account. For example, the above-mentioned guide *Trans People in the Workplace. Guide for the Transition Process* has been prepared, among others, by trans people of CCOO.

Moreover, as highlighted by the interviewees from CCOO, 'the personal involvement of the members of the WG, who have a deep knowledge and long experience in this field of action, has been of capital importance'.

According to the participants interviewed, an additional factor for the success of the initiative has been 'the close collaboration with the different entities at regional and local level', as a result of several years of work of the territorial organizations comprising CCOO with local associations, NGOs and municipalities. This, in turn, allows for the practices to reach a very high degree of dissemination within the trade union. This dissemination capacity is closely related to the very federal structure of the union, composed of territorial and sectoral organizations, and by the bottom-up configuration of the WG: CCOO at the confederal level not only coordinates the activities developed by its member organizations, but also it provides an important channel for dissemination to publicize its practices at a national and multi-sectoral level.

That said, the existence in Spain of a regulation for same-sex marriage²⁹⁸ has also allowed for more rapid progress, as it has promoted and safeguarded some rights that do not need to be negotiated because they are already recognized by law. Such rights include as the marriage leave for people who marry people of the same sex under the same conditions as those in heterosexual marriages.

Finally, the fact that training and information are mainly provided to internal members of the union, who will then transfer this knowledge to the negotiating tables, collective agreements, workplaces and specific employees, 'allows for a multiplier effect of the initiatives developed', as it has been remarked by the interviewees.

6.16.9 Hindering factors and areas for improvement

As highlighted by the interviewees, one of the factors that may limit the impact of the WG activity is the 'insufficient access of the union to political levers of power in matters of discrimination on the basis of sexual orientation, expression and/or gender identity in the workplace, both at government level and in relation to parliamentary groups or political parties'. Thus, in terms of the law-making process in this area, as it has been remarked by the interviewees, 'the union is often informed of them, but not included in the various working groups that design the proposals or contribute to the diagnosis of

²⁹⁸ Law 13/2005 of 1 July 2005 amending the Civil Code on the Right to Marry. <https://bit.ly/2hdPTIX>

the situation for which intervention, including legislation, may be required'. This, in turn, means that the legislative outcomes and related rules and norms do not include the vision of the union and the work and knowledge that it has about discrimination on the basis of sexual orientation, expression and/or gender identity in the workplace, despite its considerable expertise derived from years of activities in this field by the members of the WG.

On the other hand, it has been necessary to carry out important communication and awareness-raising activities internally within the union, as there was some reluctance among some members to understand why the fight against discrimination on the grounds of sexual orientation and gender identity is an issue that must be addressed by a trade union. Indeed, in this regard, there is still scope for improvement in order to achieve greater impact of the working group and the activities it undertakes.

In addition, the lack of legislation requiring the effective inclusion in the workplace of anti-discrimination issues on grounds of sexual orientation or gender identity has also limited the impact of the practice. It is difficult, within the framework of collective bargaining, for the employer to recognise that there is discrimination on this issue in his/her company, and a law requiring the inclusion of these elements in collective bargaining would accelerate the achievement of this practice's objective to fight against discrimination.

Finally, the limited resources available to the union and allocated to the WG and its activities may have hindered its operation and the implementation of its activities, limiting the impact of both. Indeed, the budget assigned to the Secretariat for Women and Equality did not increase when the strand "Equality" was added to that of "Women".

6.16.10 Transferable elements of the practice

The main elements for the possible transfer of the creation of the WG to other contexts are as follows: a) the existence of a permanent working group or structure in the trade union on issues of sexual orientation and gender identity; b) the allocation of the responsibility for these matters to specific persons within the organization (such as the Secretaries of Equality); c) the internal capacity of the union's own workers that will multiply their impact in the companies; d) the inclusion of these issues in the trade union's action agenda; and e) the collaboration with local, regional and national LGBTIQ organizations.

The relative ease of implementing these elements makes the practice transferable to other contexts, as long as the conditions of strong commitment and conviction on the part of the trade union are met. In this sense, the inclusion of these issues in the statutes of the union, the creation of specific positions in the organization chart dealing with these matters (Secretaries of Equality), the provision of adequate resources and the participation of experts from the union itself as well as the collaboration with LGBTIQ organizations are all essential for the success of the practice.

In this regard, it is worth highlighting that different organizations from countries such as Argentina, Ecuador or Chile, including not only trade unions but also public administrations working in the labour area, have asked CCOO to help with the transfer of some of the above-mentioned guides and materials to their countries. In addition, trade unions from Denmark, the Netherlands or El Salvador have asked for information on the work the union is undertaking in the field of anti-discrimination because of sexual identity and gender orientation with the ultimate aim of replicating its activities in their respective countries. Furthermore, the sectoral Federation of Teaching of CCOO is currently working on these issues with the Education International, a Global Union Federation representing organisations of teachers and other education employees.

Finally, the Institute for Women and Equal Opportunities of the Ministry of Health, Consumer Affairs, Well-being and Equality of the Government of Spain, has used 'the excellent documents published by CCOO' to develop part of the report 'LGBT People in

the Field of Employment in Spain: Towards inclusive Workspaces with Sexual Orientation and Gender Identity and Expression' (*Las Personas LGBT en el Ámbito del Empleo en España: Hacia Espacios de Trabajo Inclusivos con la Orientación Sexual e Identidad y Expresión de Género*).²⁹⁹

CCOO is also trying to analyse the effective implementation of the role of Equality Specialists in works councils that deals not only with gender equality issues, as is now the case, but also includes gender diversity and sexual orientation matters. To do so, CCOO is trying to promote a European pilot project in order to test different approaches for this role in different Member States and labour market contexts.

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²⁹⁹ Instituto de la Mujer y para la Igualdad de Oportunidades (2017). *Las Personas LGBT en el Ámbito del Empleo en España: Hacia Espacios de Trabajo Inclusivos con la Orientación Sexual e Identidad y Expresión de Género*. Specifically, it is in part based on the documents 'Equality and Social Policy. Collective bargaining and equality' (2016), edited by the Secretariat of Equality and Social Policy of the Federation of Services to Citizenship of Comisiones Obreras and 'Trans People in the Workplace. Guide to the Transition Process' (2016), published by the Federation of Services to Citizenship of Comisiones Obreras and by the State Federation of Lesbians, Gays, Transsexuals and Bisexuals (FELGBT).

6.17 Sweden - Workplace for all (Vision)

6.17.1 Summary of the case study

- **Country:** Sweden
- **Name of the trade union:** Vision
- **Title of the case study:** Workplace for all
- **Link to the website of the case study (practice/s):** <https://vision.se/mangfald> and <http://enarbetsplatsforalla.se/>
- **Date when the practice/s was first implemented:** 2016
- **Whether practice/s still on-going:** The practice is still on-going and embedded in wider strategy on equality and non-discrimination
- **Whether the practice was included in the 2010 study:** No
- **Sector of the trade union/practice/s:** Open to all sectors
Ground of discrimination addressed: Multiple discrimination
- **Short description and focus of the case study:** The Workplace for All practice is embedded in the broader agenda of Vision supporting equality, diversity and non-discrimination
- **Short description of activities:**
 - 1) Short informative educational video about equality and diversity
 - 2) E-education platform 'Workplace for all'
 - 3) Detailed guidance for managers and elected representatives on active measures in relation to promoting equality and non-discrimination at the workplace
- **Short description of results and impact:** No formal evaluation has been carried out but the trade union received an overall positive feedback on the initiative, especially on the e-education tools, which many organisations included in their own internal training material. Another direct impact of the measure is that now all new trade union member has to complete the e-education tool.

6.17.2 Introduction

Workplace for All is being implemented by Vision (formerly SKTF and *Sveriges Kommuntjänstemannaförbund*) which is one of the leading trade unions in Sweden. It has 195,000 members representing a wide range of professions including professions that support welfare in the public sector and in related private enterprises or employed in the Swedish church or the free churches.

Vision brings together 15,000 managers, which makes it the biggest trade union representing public service management in Sweden.³⁰⁰

The idea of supporting diversity and non-discrimination at the workplace was based on the recent legislative changes regarding Sweden's Discrimination Act (*Diskrimineringslagen*). The Swedish Discrimination Act is based on EU directives and establishes a general framework for combating discrimination together with promoting equal treatment in the working life.

³⁰⁰ <https://vision.se/Om-Vision/In-English/>

The Discrimination Act prohibits discrimination on the grounds of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation and age. An employer may not discriminate against an individual who is an employee, temporary employee, a job-seeker, a trainee or a pupil in a work experience company placement.³⁰¹

An amendment to this legislation was introduced on 1 January 2017 which requires employers to take “active measures” to combat discrimination in all its forms.³⁰²

Under the new rules, companies with 25 employees or more must work “systematically” to combat all forms of discrimination and document this work on an annual basis. Salary surveys, which were previously required to be carried out every three years, must now be conducted every year by companies with at least 25 employees.

Companies are also required to carry out internal investigations to assess the risk of discrimination or harassment and to document their findings. “Reasonable” anti-discrimination measures, such as adjusting managerial and organizational structures to deter discrimination, must be applied where necessary. Companies found to be in breach of the new rules can face fines calculated on the basis of their financial strength.³⁰³

6.17.3 Focus of the practice

To support the above-mentioned changes, especially in relation to the ‘active measures’ introduced by the legislative amendment of 1 January 2017, Vision created the Workplace for All initiative which aims to facilitate discussion with employers on equality and support preventive measures against discrimination.

The Workplace for All practice is embedded in the broader agenda of Vision supporting equality, diversity and non-discrimination. Indeed, its activities are strongly interlinked with and supported by their other actions on promoting equal treatment.

The Workplace for All initiative offers multiple entry points for people to take part as it targets different types of stakeholders from individuals interested in equality at the workplace to managers implementing active measures. The aim is to make it accessible for everyone, easy, quick to understand and as comprehensive as possible with the aim to provide information on non-discrimination at the workplace for all.

The target group of the initiative is also wide-ranging from individuals interested in equality measures to employers responsible for ensuring active measures are in place to support non-discrimination. All the measures are available online and hence nationally available.

The Workplace for All initiative was first developed in 2016 and was financed solely by the trade union. No external funds were used. The development of the tools was rather expensive, but these were built and set-up in a way that is sustainable, while the relevant content can be updated continuously without any significant extra investment. There is a dedicated unit within the trade union’s education unit which was responsible for planning and establishing the e-education platform ‘Workplace for all’.

³⁰¹ <http://www.industriarbetsgivarerna.se/in-english/employers-information/discrimination-and-equal-opportunities-in-the-working-life>

³⁰² <https://www.bna.com/sweden-antidiscrimination-amendments-n57982085058/>

³⁰³ Ibid

6.17.4 Activities implemented

Vision's diversity platform consists of the following main elements:³⁰⁴

- Short informative educational video about equality and diversity
- E-education platform 'Workplace for All'
- Detailed guidance for managers and elected representatives on active measures to promote diversity and non-discrimination at the workplace

The section below describes in greater detail the contents of Vision's diversity platform.

6.17.4.1 Awareness raising video

A short informational video targets those with limited time available and highlights the positive changes that have taken place over the past 100 years and which have contributed to a more equal society. It is also used at events to engage the audience and promote the e-education/training platform.

Figure 54. Together we change norms – Awareness raising promotional video

Do you have three minutes?

Over the past 100 years, many positive changes have taken place that have contributed to a more equal society. See Vision's short film about how it happened when women in Sweden got the right to vote, when the Gender Equality Act came into force and what remains to do - to create a workplace for everyone.



6.17.4.2 E-education platform

The e-education/training platform Workplace for All³⁰⁵ offers skills development on diversity. The online course focuses on how diversity affects every part of our working life. It consists of different videos, questions and exercises which help participants explore and think about how diversity can contribute to a more inclusive working life. The set-up is easily accessible and can be completed in a short timeframe (within

³⁰⁴ <https://vision.se/mangfald>

³⁰⁵ <http://enarbetsplatsforalla.se/>

approx. 20 minutes). Vision explain that the aim of making it short easy to comprehend and accessible was to provide an entry point for individuals to the discussion on non-discrimination at the workplace.

The set-up of this platform is user-friendly and accessible. Users are guided through each section which, as shown in Figure 55 below, provide easy to understand everyday examples of potential discrimination.

Figure 55. Workplace for All e-education platform

We are treated differently

We are treated differently in our workplaces, depending on who we are and how others perceive us. It affects us during our whole work life, from getting a job and going on to make a career for ourselves.

Click on the symbols below to read more



Getting a job



Feeling good at work



Receiving appreciation for ones skills



Salary and salary trend



The possibility of having a career

An example

The general assumption is that women more often than men will go on parental leave, and be gone for a longer period of time. Being away from work for a long time can mean that women are not considered for the same kind of positions that men are.

What's the reason for this?

Like many other norms, these expectations are based on how our society used to look. This norm stems from an old-fashioned and far too narrow view of parenting, still affecting many people's working life and career opportunities.

After completing the online training, the platform also provides users with useful every day tips that they can implement in their work life. These tips aim to help eliminating discrimination at the workplace. Tips provided by the platform on how to make one's workplace more inclusive are shown in Figure 56 below.

Figure 56. Workplace for All e-education platform

Your opportunity to make a difference

Here are some concrete tips that can help you make your workplace more inclusive for everyone. By exploring new perspectives and thinking about what you express, and how you do it, you will change your own approach and how people perceive you.

Click on the tips you want to save and add your own. Click on the button at the bottom when you are finished.

Helpful tips to help you every day.

- Remember that disabilities are not always visible.
- Remember that families come in many different forms.
- Remember that what I say and do affects the work environment of my colleagues.
- Use the word "partner" to avoid making assumptions about others.

Add your own tips

6.17.4.3 Guidance for managers and elected representatives

The third type of support provided by Vision on diversity is guidance for managers and elected representatives³⁰⁶ on active measures introduced in the recent amendment of the Discrimination Act.

Vision with more than 15,000 managers among its members is the biggest trade union representing public service management in Sweden. It, therefore, provides a great variety of guidance materials and support services for their manager members on active measures aimed at promoting equality, diversity and non-discrimination in the following areas:³⁰⁷

- Working conditions
- Provisions and practices regarding salaries and other terms of employment
- Recruitment and promotion
- Education and other forms of skills development
- Opportunities to reconcile work and parenting responsibilities

The guidance documents provided by Vision were developed by the Swedish Equality Ombudsman and include:

- Checklist for managers about active measures to promote equality, diversity and non-discrimination at the workplace
- Digital guide to active measures and
- #metoo checklist for managers

6.17.4.4 Additional support measures

In order to promote the measures and raise awareness to the issues of equality and non-discrimination, Vision made the use of **e-education platform and associated training mandatory** for all its new members. With more than 195,000 members in total and 1,250 new members in March only, this ensures that the 'Workplace for All' platform is reached by a broad range of audience.

As the example provided in Figure 57 below shows, Vision also launched a **social media campaign** to promote its tools on diversity and non-discrimination and raise awareness on equality at the workplace.

Figure 57. Tweet from Vision to raise awareness to the issue of equality at the workplace



Lastly, Vision also published a list of **good practices**³⁰⁸ on its website highlighting examples of diversity at work that can act as an inspiration to other members.

³⁰⁶ <https://vision.se/for-dig-som-ar/Fortroendevald/Arbetsmiljo1/diskriminering-och-aktiva-atgarder/>

³⁰⁷ <https://vision.se/Yrken/Chef/Verktyg/diskriminering---guide-for-chefer/aktiva-atgarder/>

³⁰⁸ <https://vision.se/Din-trygghet/Mangfald/goda-exempel/>

6.17.5 Partnership

Vision has not worked with partners during the development of the tools. It was financed from the trade union's own budget and the project was coordinated by the employees of the education unit. However, Vision established good working relationships with employers and trade union members who are the main target audience for the tools.

During the development of the tools, Vision regularly organised reference group meeting with the participation of 3-4 local trade unions to gather their feedback and provide input to the different initiatives.

6.17.6 Impact of the practice

No formal evaluation of the tools (e.g. the e-education/training platform) has been carried out since they were introduced to the public. However, the interview conducted with the representative of Vision suggests that overall Workplace for All and the other activities supporting diversity and equality at the workplace were well received by employers and the general public.

Vision continuously receives positive feedback from employers who often feature the e-platform on their internal learning pages.

The social media campaign and the wide-spread use of the platform also increases the visibility of equality issues both within the trade union movement and among the general public.

A key direct impact among new trade union members was that the training is now a major component of their on-boarding process.

6.17.7 Success factors

The success of the project is to a large extent based on the strong pro-active approach demonstrated by the trade union committed to promoting the idea of equality and non-discrimination. This was also supported by dedicated financial and human resources from the trade union's own annual budget.

Vision also capitalised on ongoing legal developments in favour of promoting active measures in terms of promoting diversity and non-discrimination at the workplace. This also helped to facilitate the establishment of the tools such as the e-education/training platform as there was an increased interest in issues related to non-discrimination and equality.

The interviewee highlighted that the guidance documents and the e-education/ training platform is set up in a neutral way which can be utilised in a variety of situations. This has also favoured greater take-up and use of the tools and guidance documents.

Discussion on equality was gradually introduced in the activities of the trade union which, in turn, helped demonstrate the value of equality awareness within the union. In practice, this meant that the equality agenda was introduced to the union members and leaders as an integral part of their overall training and continuous professional development activities.

6.17.8 Hindering factors and areas for improvement

The implementation of the tools went rather smoothly without any significant difficulties. An area for improvement identified by the interviewee was that currently the e-education/training platform is mostly used by stakeholders who are already engaged with equality and non-discrimination at work.

There are planned updates for the e-education/training platform and the aim for the future updates is to try and reach out to those currently less interested in and not

engaged in the discussion about the need to support diversity and non-discrimination at the workplace.

6.17.9 Transferable elements of the practice

Many of the different elements under Vision's diversity agenda are easily transferable. The guidance notes for managers and elected representatives on active measures that promote diversity and non-discrimination at the workplace as well as the e-education/training platform can without difficulty be implemented in other Member States or trade unions.

Similarly, the compilation of good practices can be easily done by other trade unions without significant additional administrative or financial costs.

The financial investment required at the development phase was identified as a potential hindering factor in relation to transferability. The development of an online education/training platform requires significant investment which might not be available in all trade unions.

The establishment of the diversity agenda also required dedicated human resources. In some trade unions this might pose a challenge, if no such staff are available.

Lastly, the specific socio-economic situation of a country was highlighted by the interviewee as a significant influencing factor when it comes to transferability. Vision noted that the implementation of such measures as those presented here was successful in Sweden, not least because it took place against a backdrop of economic growth. As a result, the general public was no longer concerned about the financial crisis and its negative impact and thus started to think about and take up other employment-related issues such as the equality and diversity agenda. As was pointed out, in other Member States where the economic situation is less favourable, the public might not be ready to take up such issues.

6.18 The Netherlands - Network Roze FNV: The Dutch Pink Network representing LGTBI+ (FNV)

6.18.1 Summary of the case study

- **Country:** The Netherlands
- **Name of the trade union:** FNV (Federatie Nederlandse Vakbeweging: Federation of Dutch Trade Unions)
- **Title of the case study:** Network Roze FNV (Network Pink)
- **Link to the website of the case study (practice/s):** <http://www.netwerkrozefnv.nl/>
- **Date when the practice/s was first implemented:** Since 2015
- **Whether practice/s still on-going:** Still on-going
- **Whether the practice was included in the 2010 study:** No
- **Sector of the trade union/practice/s:** Cross-sectoral
- **Ground of discrimination addressed:** Discrimination against LGTBI+ (Lesbian, Gay, Transgender, Bisexual, Intersex and other) in the workforce
- **Short description and focus of the case study:** Network Roze is the network representing LGTBI+ people in the largest Dutch trade union confederation. Its aims are to combat the discrimination and improve the integration and inclusion of LGTBI+ people in both the workplace and the wider workforce (e.g. jobseekers). The network is active in the Netherlands and internationally.
- **Short description of activities:** Network Roze tries to change attitudes, perceptions and views about LGTBI+ people by influencing influencers, e.g. the FNV parliament of members who are involved in collective labour agreement negotiations, as well as international organisations. Apart from having an influencing role, the network collects and disseminates good practices and supports LGTBI+ members directly by a surgery in which LGTBI+ people experiencing difficulties at the workplace can receive support.
- **Short description of results and impact:** Network Roze is making a difference nationally and internationally. Nationally, its rainbow checklist with guiding principles is helping workplaces become more LGTBI+ friendly by ensuring collective agreements take into account factors pertinent to the workplace and/or labour market integration and inclusion of LGTBI+ people. Internationally, it puts LGTBI+ issues on the table with transnational organisations and calls for action to be taken to improve the situation of this group of people that worldwide still is systematically discriminated against both at the workplace and in society as a whole.

6.18.2 Introduction

The FNV, the Federation of Dutch Trade Unions (Federatie Nederlandse Vakbeweging), is the largest trade union federation in the Netherlands. The FNV has more than a million individual members from various unions over a total working age population (15-64-year olds) of 8,376,400³⁰⁹ in 2018. This means that around one-eighth of Dutch employees are members of the FNV. Network Roze (Network Pink) FNV is a network for LGTBI+ (Lesbian women, Gay men, Transgender people, Bisexual people, Intersex

³⁰⁹ Eurostat, Employment by sex, age and citizenship (1 000) [Ifsa_egan], accessed on 15/03/2019, available from: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=Ifsa_egan&lang=en

people and others (+)) across the various unions affiliated to the FNV. Netwerk Roze FNV aims to prevent and combat discrimination, and to improve the inclusion and equal treatment of LGTBI+.

Netwerk Roze FNV was set up in 2015, after several of the individual trade unions in the confederation merged into the FNV and ceased to operate as separate unions. Netwerk Roze FNV brings together previous efforts of the unions that merged into FNV on representing the interests of LGTBI+ employees. Prior to 2015, the separate unions had, to varying extent, already taken internal action to ensure the interests of these groups were represented. For example, Abvakabo (the public service union prior to merging into FNV) regularly published magazines for its gay and lesbian members. This was needed as discrimination and exclusion of LGTBI+ was and, according to Netwerk Roze, is still ongoing in the Netherlands, despite the fact that homosexuality has not been a criminal offence since 1971. The Netwerk Roze interviewee points out that discrimination and exclusion are also still rife internationally, marginalising LGTBI+ people around the world. This is something which the individual unions then, and Netwerk Roze now, show solidarity with. The experience of these former individual trade unions (going back 30 years), both in terms of improving equal treatment of LGTBI+ as well as combatting the discrimination they face when looking for work and, in the workplace, has been merged into Netwerk Roze FNV.

The active members of Netwerk Roze FNV are called *kaderleden* (literally: 'context members'). These 'context members' are volunteers that are committed to a particular topic. Their activities will take place in the context of this topic. These topics include specific (larger) companies, sectors or sub-sectors, Dutch regions or local authorities, or cross-cutting topics such as a dedicated women's network. In the case of Netwerk Roze FNV, the topic is LGTBI+ (i.e. the context of their operation). Their activities focus on representing LGTBI+ people including by producing and disseminating guidelines for LGTBI+ friendly collective agreements (the 'rainbow checklist'), collecting and disseminating best practices, and providing support to LGTBI+ workers. The work of Netwerk Roze feeds into the day-to-day work of the FNV trade union federation. Netwerk Roze FNV's 'context members' lobby with the FNV's parliament of members, which includes representatives from all 26 sectors covered by the federation. The parliament of members sets the strategic direction for the federation and makes decisions on proposals from the federation's governing board. The FNV also has a dedicated member (i.e. not a 'context member') whose remit is to support minority groups. Netwerk Roze FNV also works with individual members of parliament who represent the federation during negotiations for sectoral collective agreements, for example to ensure that the collective labour agreement also takes into account the interests of LGTBI+ people.

6.18.3 Focus of the practice

Netwerk Roze FNV seeks to achieve three key objectives:

1. Combatting discrimination of LGTBI+ people
2. Improving integration of LGTBI+ employees at work
3. Improving inclusion (i.e. normalisation) of LGTBI+ employees at work

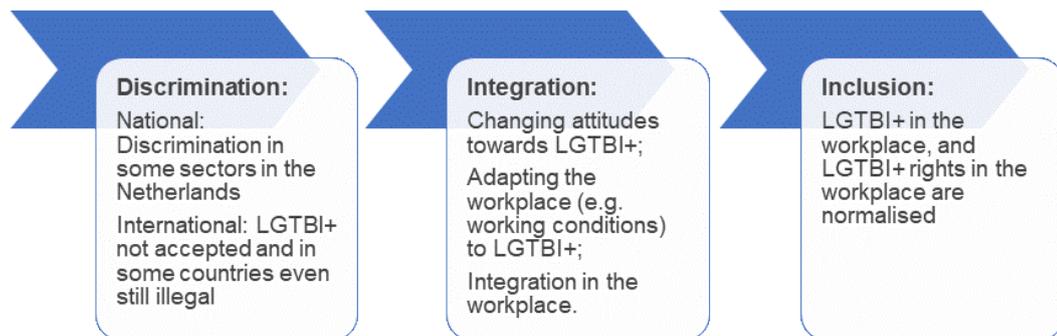
According to the interviewee from Netwerk Roze FNV, to achieve full inclusion of LGTBI+ people in a country or sector (key objective three), one has to start with promoting non-discrimination, i.e. combatting discrimination more generally, and ensuring that workers' rights and human rights generally also apply to LGTBI+ people. The next stage is to achieve the integration of LGTBI+ employees at work. This refers to the integration of LGTBI+ individuals at the workplace, i.e. 'fitting in' while still being themselves. Only then can one focus on achieving their inclusion at the workplace, which means a situation in which being LGTBI+ is seen as normal. Note that inclusion does not refer to the inclusion of LGTBI+ people generally (this would be covered under combatting discrimination and integration), but rather refers to society's inclusion of LGTBI+ people

and their needs into what is seen as 'normal'. This normalisation (or inclusion) process requires both society and work environments to adapt, e.g. in terms of changing the workplace policies, culture and norms (and often attitudes in the workplace) to ensure that LGTBI+ workers can be themselves.

These different stages mentioned above and summarised in Figure 58 below reflect the various degrees of progress towards inclusion of LGTBI+ people at the workplace. The Network Roze interviewee indicates that the degree of progress varies greatly across the various sectors in which the FNV represents its members. For example, discrimination in the construction sector is still an issue, whereas in hospitals the onus is more on improving the inclusion (i.e. normalisation) of LGTBI+ staff.

Netwerk Roze FNV strives to achieve these objectives in the Netherlands, but also extends this internationally, out of solidarity with LGTBI+ worldwide who experience discrimination in the workplace. Indeed, this part of its activities is funded by an FNV-budget dedicated to international solidarity. The national activities from Netwerk Roze FNV are also funded by the FNV budget which, in turn, consists of members' contributions and from employer contributions to the FNV for its role in establishing collective agreements.³¹⁰

Figure 58. LGTBI+: From discrimination to inclusion



6.18.4 Activities implemented

Netwerk Roze FNV represents the interests of LGTBI+ people through various activities which are described in this section.

6.18.4.1 Collecting and disseminating good practices

Figure 59. Netwerk Roze FNV logo



Netwerk Roze FNV collects and disseminates good practices that demonstrate successful approaches to issues experienced by LGTBI+ people either in the workplace or when looking for work on its website.

Source: Netwerk Roze FNV website <http://www.netwerkroze.fnv.nl/>

Coming out works better! Best Practices for the establishment of an LHBT-network is an important document that provides guidance for setting up a LGTB network at work and provides good practice examples of companies that are LGTB-inclusive. The original document is written in Dutch (*Uit de kast werkt beter! Best Practices voor het starten*

³¹⁰ The General Employers Organisation Netherlands (AWVN: Algemene Werkgeversvereniging Nederland) pays an amount to each involved trade union for every agreed collective labour agreement.

van een LHBT-netwerk³¹¹) and was published in 2011, before Netwerk Roze FNV came into existence. However, Netwerk Roze FNV still actively disseminates this document. A transcript is available in English.³¹²

Aside from best practices, Netwerk Roze FNV's website collects and disseminates articles that are relevant to LGTBI+ people in the workplace and wider labour market. Some examples are:

- An article from FNV Magazine, a magazine pitched to older FNV members describing the needs of gay pensioners and cases of discrimination of gay pensioners in some mainstream care homes;³¹³
- An information sheet from the Transgender Network TNN (Transgender Netwerk Nederland) and the University of Humanistic studies (Universiteit voor Humanistiek) on transgender people and work.³¹⁴
- An information sheet from the Dutch knowledge institute Movisie together with the NNID (Dutch Network for Intersex [people]/DSD (Disorders of Differences of Sex Development) on intersex people.³¹⁵

6.18.4.2 Influencing

According to the interviewee, Netwerk Roze FNV is primarily a network which is active in influencing policies and procedures, and cooperating with others within the trade union, in order to make workplaces more inclusive of LGTBI+ interests, meaning that workplaces take into consideration and normalise the needs of these workers. To this end, members of Netwerk Roze FNV work together with other FNV 'context members', board members of the FNV, advisors and lawyers.

One tool created by Netwerk Roze FNV which helps them extend their influence is the Rainbow checklist for CAOs.³¹⁶ CAOs (*collectieve arbeidsovereenkomts*) stands for collective agreements. The rainbow checklist provides guiding principles for works councils and CAO negotiators to support them in making both the workplace and CAOs LGTBI+ inclusive. The checklist sets out elements of the CAO which are important in combatting discrimination and improving the integration and inclusion of LGTBI+ employees. The interviewee provided the example of transition leave for transgender people, a topic which is very specific to transgender employees, which is not something currently included in CAOs. The TNN initially made the proposal for transition leave and the FNV was the first to endorse it. The TNN tried to gain government support for this proposal but was not successful. In absence of a law ensuring transition leave, the FNV encourages sectors to include this in their CAO as part of the rainbow checklist to make the workplace more inclusive of (i.e. normalise) transgender employees. Netwerk Roze FNV has also gained support for the checklist from the FNV's members' parliament, which is important in ensuring take-up by the individual members who sit in works councils and negotiate CAOs for their respective sectors.

³¹¹ The report, in Dutch, can be accessed online at: http://www.trade-union-rainbow-rights.org/best-practices_lhbt-netwerk.pdf

³¹² The English transcript can be accessed online at: http://www.trade-union-rainbow-rights.org/best-practices_lhbt-netwerk-engels.pdf

³¹³ The magazine, in Dutch, can be accessed online at: http://www.netwerkrozeFNV.nl/wp-content/uploads/2015/09/FNV-2015_3-SE.pdf

³¹⁴ The fact sheet, in Dutch, can be accessed online at: <http://www.netwerkrozeFNV.nl/wp-content/uploads/2015/03/TransgenderenWerkfactsheet2017.pdf>

³¹⁵ The information sheet, in Dutch, can be accessed online at: <http://www.netwerkrozeFNV.nl/wp-content/uploads/2016/10/Intersekse-vraag-antwoord-MOV-11177833-1.0.pdf>

³¹⁶ The checklist, in Dutch, can be accessed online at: <http://www.netwerkrozeFNV.nl/wp-content/uploads/2015/07/CAOregenboogchecklist.pdf>

Under the 'influencing' role, the interviewee also mentions that the network can highlight emerging issues to the FNV so that it is aware of barriers and difficulties faced by its LGTBI+ members. One such issue is the case of families with multiple parents (e.g. three parents, not referring to adoption, or two gay couples (male and female couple) who decide to bring up a child together). The rights of the third (and fourth) parent who is not the biological parent may not be clear, while they do have "traditional" parental responsibilities. In the interest of these people, their rights as a working parent should be made clear so that they have the same rights as traditional working parents.

Another example of 'influencing' is a call for action from the chair of Netwerk Roze FNV following reports of structural discrimination of LGTBI+ asylum seekers in Dutch centres where these wait for decisions on their application for refugee status (so-called asylum seeker centres (*asielzoekerscentra*)), in the media, and from the COC. The COC is a Dutch organisation representing LGTBI+ interests generally (COC stands for *Cultuur- en Ontspanningscentrum* (Culture and leisure centre), a name stemming from 1949). In a letter calling for action,³¹⁷ the chair from Netwerk Roze FNV asks FNV colleagues to get in touch with their local centre, and ensure management sees the safeguarding of LGTBI+ asylum seekers as a priority issue and takes action to guarantee their safety.

6.18.4.3 International activities

Netwerk Roze FNV actively represents LGTBI+ interests internationally and extends its main objectives (combatting of discrimination, improving integration and promoting inclusion of LGTBI+ people) globally. Nationally, it does this by e.g. arguing against pension fund investments into countries that do not accept LGTBI+ people, e.g. countries where homosexuality is a punishable offence, sometimes even carrying the death penalty. However, it mainly focuses on building and maintaining international networks in order to exert influence abroad with the aim of improving the situation for LGTBI+ people in both the workplace and the wider labour market.

Figure 60. Cover of the international rainbow checklist for collective agreements

For example, the rainbow checklist for collective agreements³¹⁸ is available in English. It is based on the aforementioned Dutch version. The text is adapted for an international audience, i.e. including guiding principles for making the workplace more inclusive of LGTBI+ people which are not present in the Dutch version because they are already considered basic employee or human rights in the Netherlands and do not, therefore, need to be covered explicitly in Dutch collective agreements. Apart from listing LGTBI+ related elements which should be taken into consideration in collective agreements, the checklist also provides a basis for the monitoring and evaluation of collective agreements.

Source: Netwerk Roze FNV, available from: <http://www.netwerkroze.fnv.nl/wp-content/uploads/2017/02/Checklist-collective-bargaining-LGBT-issues-ENG-new-layout.pdf>



³¹⁷ The letter, in Dutch, can be accessed online at: <http://www.netwerkroze.fnv.nl/wp-content/uploads/2016/05/oproep-netwerkroze.pdf>

³¹⁸ The checklist, in English, can be accessed online from: <http://www.netwerkroze.fnv.nl/wp-content/uploads/2017/02/Checklist-collective-bargaining-LGBT-issues-ENG-new-layout.pdf>

Figure 61. Logo of the "Freedom at work" conference from 2016



In the summer of 2016, Netwerk Roze FNV hosted a conference dedicated to LGTBI+ workers' rights to exchange experiences, enhance expertise and create new incentives and opportunities for cooperation between trade unions. Around 90 participants joined from 20 countries across the globe. The conference was titled "Freedom at work". A report summarises the various speeches,³¹⁹ and workshops on over 20 topics facilitated by individuals and representatives from organisations around the world.

Source: Freedom at work Facebook page. Access to the page requires a Facebook account.

The full conference report is available online.³²⁰ A Facebook page³²¹ continues to be maintained to share relevant news with conference participants and to provide a platform for them to keep in touch.

Under its principle of solidarity, Netwerk Roze FNV also maintains bilateral relations with other trade unions. For example, even prior to 2015, the then separate trade union Abvakabo (now part of FNV) worked closely together with the Turkish non-governmental organisation KAOS GL (Kaos Gay and Lesbian Cultural Research and Solidatiry Association, or in Turkish: *Kaos Gey ve Lezbiyen Kültürel Araştırmalar ve Dayanışma Derneği*). Netwerk Roze FNV continues this relationship. The onus is on exchanging experiences and expertise. The initial exchange was facilitated by TIE-Netherlands (TIE: Transationals Information Exchange), an organisation that ceased operations in January 2017. Tie-Netherlands³²² was part of an international network dedicated to training, support and advice for trade union activists.

6.18.4.4 Hotline

The FNV (Not Netwerk Roze FNV) runs a hotline³²³ which is open to FNV members who want to complain in confidence or ask for information or advice regarding experiences of discrimination, racism, (sexual) intimidation, bullying or other inappropriate behaviour at work. The hotline is not dedicated to LGTBI+ workers specifically but, as the interviewee from Netwerk Roze FNV points out, the team that answer the phone are trained to recognise and help, or at least refer to the appropriate advice and/or support services those who experience difficulties at the workplace because they are LGTBI+.

6.18.4.5 LGTBI+ surgery

As the interviewee from Netwerk Roze FNV points out, it is unusual for 'context members' to give direct support to FNV members. However, the walk-in surgery from Netwerk Roze FNV is an exception. The interviewee explains that because one of the 'context members' involved in Netwerk Roze FNV is experienced in supporting LGTBI+ employees who face issues such as discrimination or bullying at work, the network opted to offer this walk-in surgery. The surgery is accessible through an appointment and welcomes LGTBI+ people who experience issues at work because of their identity. As

³¹⁹ Speeches from the FNV, Netwerk Roze, FNV, Public Services International (PSI), Education International (EI) and the European Trade Union Confederation (ETUC)).

³²⁰ The report, in English, can be accessed online from: <http://www.trade-union-rainbow-rights.org/ONLINE%20VERSION%20CONFERENCE%20REPORT%20FREEDOM%20AT%20WORK.pdf>

³²¹ The Facebook page requires a Facebook account to access.

³²² The TIE-Netherlands website (mainly in Dutch) is still online as of March 2019, and can be accessed from: <http://www.tie-netherlands.nl/home>

³²³ Information about the hotline is disseminated on the FNV's website: <https://www.fnv.nl/service-contact/vertrouwenstelefoon>

the leaflet in Figure 62 states “The FNV also represents LGTBI+: For questions related to work and income, we offer a surgery with specialists in the area of LGTBI+”.

Figure 62. Excerpt from Netwerk Roze FNV’s surgery



Source: Netwerk Roze FNV surgery leaflet available from: <http://www.netwerkrozefnv.nl/contact/>

6.18.4.6 Publicity

Netwerk Roze FNV, in addition to the abovementioned activities, also ensures it publicises itself widely, so that FNV members and non-members know that Netwerk Roze FNV exists and that it represents the interests of LGTBI+ people in both the labour market and the workplace. One relevant event at which Netwerk Roze FNV is present is Roze Zaterdag (Pink Saturday), which is an annual event in June.³²⁴ Every year, Roze Zaterdag takes place in a different city. It is also present at the Amsterdam Pride³²⁵ which is a festival celebrating and expressing the diversity of the LGTBI community.

6.18.5 Impact of the practice

This section provides an overview of the impact of the practice against each of the three objectives set out in 6.18.3. The objectives present tangible goals that directly reflect the different stages towards the inclusion of LGTBI+ workers in different sectors not only in the Netherlands, but also worldwide. These three different stages are visually shown in Figure 58 and were discussed earlier in 6.18.3.

6.18.5.1 Combatting discrimination of LGTBI+

According to the interviewee, Netwerk Roze’s national achievement is that, at least within the FNV, discrimination against LGTBI+ workers is clearly not tolerated and the FNV does not shy away from taking a stance against discrimination. The interviewee provided the example of the FNV’s reaction to the recent Nashville declaration. Netwerk Roze FNV published its response, backed by the FNV, rejecting the Nashville Declaration and stressing that for the FNV, ‘gay rights equal human rights equal trade union rights’. The FNV also embodies these principles as the largest trade union confederation and a partner at the negotiating table for collective agreements and at other fora.

Internationally, Netwerk Roze FNV has initiated international collaboration for the non-discrimination and inclusion of LGTBI+ workers worldwide by proposing orchestrated action at the Public Services International (PSI) Conference. The proposal has been adopted as Resolution number 11.³²⁶

³²⁴ The website for Roze Zaterdag (in Dutch), is accessible at: <https://www.rozezaterdag.nl/index.php>

³²⁵ The website for the Amsterdam Pride (in English), is accessible at: <https://pride.amsterdam/?lang=en>

³²⁶ Resolution number 11 can be viewed as part of the Resolutions adopted by PSI Congress 2017, available online from: <http://congress.world-psi.org/wp-content/uploads/2017/12/EN-Vol-3-Resolutions-adopted-by-Congress-Nov-2017.pdf>

According to this Resolution, PSI will:

...propose and facilitate the setting up of a joint cross-GUF³²⁷, international working group, consisting of active union members working on defending LGBTQI rights, for generating ideas for actions and activities, and for supporting the GUF staff, noting that the experiences of the EI³²⁸/PSI LGBT Forum can be used as input for this work.

The objective of stimulating a more active input from trade unions around the world is the need to address the ongoing discrimination of gay people (in over 70 countries, homosexuality is a criminal offense). However, as the interviewee for Netwerk Roze FNV points out, this is only half the work that is required. While the PSI has agreed to take action, at present tangible results need to be achieved through influencing trade unions in countries and sectors where discrimination of LGTBI+ employees still occurs.

6.18.5.2 Improving integration of LGTBI+ at work

Most collective agreements will come up for renegotiation over time and will benefit from the Dutch CAO rainbow checklist which will help make workplaces friendlier for LGTBI+ staff and support their integration and inclusion. The interviewee from the Netwerk Roze FNV provided the example of the checklist currently being used in negotiations in Rotterdam, and guiding principles listed in the checklist have been included in an agreement for a public transport provider in Amsterdam. It also appears that the checklist can have some impact when the government cannot or chooses not to act: for instance, in the case of transition leave, the government could not agree to TNN's proposal to provide this as a legal right. Through highlighting transition leave in the rainbow checklist, collective agreements can achieve this in sectoral or company-wide collective agreements. The Dutch rainbow checklist includes a chapter on gender identity and asks the user to consider whether the employee has to use their own annual leave to attend medical consultations or procedures relating to their gender transition. The rainbow checklist provides checks related to:

- Discrimination in general
- Adherence to official diversity charters or standards
- Recruitment
- Gender identity
- Employees' relationships
- Employees' children
- Health care
- Contact with customers, clients, patients, students, parents and others
- Undesired behaviours: bullying, social exclusion, (sexual) intimidation and discrimination at work
- Domestic violence
- Quality assurance, monitoring and evaluation

6.18.5.3 Improving inclusion of LGTBI+ at work

According to the interviewee from the Netwerk Roze FNV, the ideal which Netwerk Roze seeks to achieve, is to normalise LGTBI+ in the workplace. This is a long-term goal and, as the interviewee points out, certain sectors in the Netherlands are still quite far removed from achieving this goal. To illustrate this point, the interviewee provided an

³²⁷ GUF: Global Union Federation

³²⁸ EI: Education International

example: in hospitals, LGTBI+ related discrimination is rarely an issue and the onus is now on inclusion. In sectors such as construction and at the police, however, such discrimination is still common. The interviewee from Netwerk Roze FNV does believe that the network's activities are helping to bring about positive change in terms of LGTBI+ being ultimately normalised in the workplace by paying attention to, raising awareness of and calling for action on these issues. Raising awareness and calling for actions on issues encountered by LGTBI+ can lead to these being addressed, for example, by being included in law on either discrimination or working conditions. In a very recent example, a proposal for an amendment to the *Wet gelijke behandeling*³²⁹ (Law on equal treatment) from 1994 (latest amendment 2015) was accepted on 12 March 2019.³³⁰ The amendment foresees that transgender and intersex people cannot be discriminated against, including in (but not limited to) the workplace. This automatically affects the 1999 *Arbeidsomstandighedenwet*³³¹ (Law on working conditions, latest amendment at the start of the 2019 calendar year), which states that the employer has to have a policy for the prevention or at least limitation of psychosocial burden on employees, including discrimination (Article 3.2).

6.18.6 Success factors

Generally, the key success factor for Netwerk Roze is support from the trade union.

Indeed, the interviewee from the Netwerk Roze FNV points out the importance of the support from the FNV as a trade union confederation. As the largest confederation of trade unions, the FNV as a whole can instigate change in the fight against the discrimination of LGTBI+ people in work and for their inclusion in the workplace. The FNV's commitment is evident from its dedicated member for diversity, its continued financial support for Netwerk Roze, as well as the endorsement of its members' parliament of the rainbow checklist. In particular, the checklist has enabled the Netwerk Roze FNV to make a tangible difference, as it can be used in collective bargaining.

Part of this rainbow checklist, and particularly important for establishing LGTBI+ friendly working conditions according to the interviewee, is the 'partner definition', i.e. how one's 'partner' is defined. The collective labour agreement may attribute particular rights to the other partner in the relationship, but if it is not clear who is considered to be such a partner, employees may not be able to access these rights. Related issues concern questions such as

- 'is a same-sex partner considered a partner under this definition?'
- 'does a partner have to live at the same address?'
- 'what if there are more than two parents to a child, e.g. two gay couples raising a child?'

To ensure that working conditions can also apply inclusive of LGTBI+ in their family situation, i.e. LGTBI+ workers have access to the same provisions as other workers, a well-thought-out partner definition is key. The interviewee points out that this means involved parties have to change their views and let go of the traditional image of a family. This can be difficult to achieve in some sectors and countries. The interviewee also points out that, ultimately, normalisation (inclusion) of non-traditional families

³²⁹ The *Wet gelijke behandeling* is available online from: <https://wetten.overheid.nl/BWBR0006502/2015-07-01>

³³⁰ On 12 March 2019, the Dutch Senate (Eerste Kamer) accepted the amendment, after the House of Representatives (Tweede Kamer) had accepted it on 3 July, 2018. See, for example, the timeline for this law on the website of the Senate (in Dutch), accessible at: https://www.eerstekamer.nl/wetsvoorstel/34650_initiatiefvoorstel_bergkamp

³³¹ The *Arbeidsomstandighedenwet* is available online from: <https://wetten.overheid.nl/BWBR0010346/2019-01-01>

reduces bullying through acceptance of diversity, i.e. there is no deviation from the norm that may encourage bullying as diversity is then the norm.

Finally, the interviewee points to the importance of support from international organisations, as it allows for working conditions-related improvements for LGTBI+ people around the world and, therefore, allows for the improvement of the employment situation of *all* LGTBI+ people. In relation to the continuum in Figure 58, such developments help move the global starting point (i.e. combatting discrimination) of those countries currently furthest away from inclusion closer to integration and, ultimately, to a situation where LGTBI+ are fully accepted at the workplace and in society.

6.18.7 Hindering factors and areas for improvement

Netwerk Roze FNV's main limiting factor are its limited financial resources. As a network, it runs on volunteers. The budget for its national and international activities decreases every year. This reflects the reduced budget for the FNV as a whole. It does not, however, mean that the equality of LGTBI+ workers within the FNV is seen as a lesser priority. As a result of the limited resources, Netwerk Roze FNV cannot hire in professional services to conduct their own research, run its own campaign or provide more support to influence negotiations for large collective agreements by ensuring negotiators effectively use the rainbow checklist and its guiding principles for inclusion of LGTBI+. As the interviewee from Netwerk Roze FNV points out, all of these, are activities the Netwerk Roze 'context members' would like to do but are not able to due to lack of financial resources.

One of the reasons for the decrease in overall budget could be the reduction in the number of members of the FNV. This reflects the wider situation in the Netherlands, where between 1999 and 2016 the number of people who were trade union members declined by 21 percent.³³² The decline seems to have slowed down in recent years but was (and still is) most strongly felt by trade union federations such as the FNV.

Limited resources are not just a problem for Netwerk Roze FNV. In an article on Network Roze's website which reports on the outcomes of the PSI conference (i.e., the international working group), it is highlighted that a major concern going forward is the lack of resources (time and money) that may be freed up to focus on improving the working conditions and labour market position of LGTBI+ people globally. As the article explains: whenever trade unions are assigned extra tasks (e.g. to support workers with a minority background), LGTBI+ issues are likely to lose out and be subsumed under the umbrella term of diversity.³³³ Indeed, with the international scene currently being currently receptive for this issue, the interviewee is worried that Netwerk Roze FNV may not have the resources to keep pushing, or push harder, for LGTBI+ interests at trade unions internationally and at organisations such as the international labour organisation (ILO): "*there is still a lot to be done*".

6.18.8 Transferable elements of the practice

Netwerk Roze FNV has already published an international version of its rainbow checklist for CAOs in English with the intention of facilitating its dissemination and transfer to other countries. However, for the checklist to have an impact, the context in which it is implemented should provide trade unions with a strong collective bargaining position. In addition, collective agreements that are binding or universal allow for greater impact. In the Netherlands, by far most employees are covered by collective agreements which

³³² Reported by the Dutch national statistics institute CBS (Centraal Bureau voor de Statistiek), available online (in Dutch) at: <https://www.cbs.nl/nl-nl/nieuws/2016/43/aantal-vakbondsleden-daalt-maar-minder-snel>

³³³ The article, in Dutch, is available online from: <http://www.netwerkroze.fnv.nl/vakbonden-gaan-internationaal-meer-samenwerken-op-lhbt-gebied/>

are generally agreed for a sector and/or large organisations. Most of these collective agreements are declared to be binding for the entire sector by the government. For countries where trade unions do not enjoy a strong bargaining position, or where collective agreements do not have a strong legal status, the impact of the checklist may be limited.

As part of the collective labour agreement, the interviewee points out that the definition of one's 'partner' is of particular importance to ensure LGTBI+ employees have access to the same rights and working conditions. This consideration is part of the rainbow checklist and could be adopted by other trade unions when influencing the collective bargaining progress to be inclusive of all type of families. However, in countries that have a strong traditional view on what a family should look like, a change in attitudes, views and cultural norms so as to support the inclusion of all types of families may be difficult to achieve.

6.19 The United Kingdom – Diversity in Fire Brigades (FBU)

6.19.1 Summary of the case study

- **Country:** The UK
- **Name of the trade union:** The Fire Brigades Union (FBU)
- **Title of the case study:** Diversity in Fire Brigades
- **Link to the website of the case study (practice/s):** <https://www.fbu.org.uk/topics/bemm>
- **Date when the practice/s was first implemented:** Implemented since 1990s
- **Whether practice/s still on-going:** Still on-going
- **Whether the practice was included in the 2010 study:** Yes
- **Sector of the trade union/practice/s:** Firefighters sector
- **Ground of discrimination addressed:** Black and Ethnic minority
- **Short description and focus of the case study:** The case study is about the adoption and implementation of a range of union policies, procedures and activities to reflect the ethnic diversity in the union and ensure better recruitment, retention and promotion of black and ethnic minority (B&EMM) members.
- **Short description of activities:** The activities were focussed on actions to reflect the ethnic diversity in the union and ensure better recruitment, retention and promotion of black and ethnic minority (B&EMM) members
- **Short description of results and impact:** The key results related to the establishment of the specific union structures, regular activities and noticeable impact on the inclusion of (B&EMM) members in the fire service

6.19.2 Introduction

FBU is a long-established (since 1918) union representing workers in the fire brigades across the UK. It represents around 34,000 men and women in the fire and rescue service, including control staff and retained firefighters. The FBU offers a number of services to members. Amongst the key union priorities is the promotion of equality, tackling discrimination in the workplace and support to equal opportunities in the fire and rescue service irrespective of race, gender, ethnic background or other personal characteristics.

FBU is organised regionally, with regional sections across the UK, and thematically, consisting of six sections. One of the sections is dedicated to the promotion of black and ethnic diversity within the union and combatting discrimination on ethnic background grounds (other equality sections relate to the promotion of women's and LGBTI issues). The section started in early 2000s as a self-organised section in London. Then, a group of union members decided to self-organise and act to address the issues that black firefighters are treated differently, not getting promotion opportunities and the fact that the number of successfully recruited candidates did not reflect the ethnically diverse make-up of the overall British society. Thus, the B&EMM section ensures a specific focus on this area, it is a formally established FBU structure via the union's rulebook with a specific remit.

6.19.3 Focus of the practice

The union implemented a number of structures and activities to improve the ethnic diversity and promote the anti-discrimination agenda.

In terms of the union structures, the B&EMM section at the national level of the union consists of the chair, secretary and vice-chair. In addition, there are regional B&EMM representatives at the level of each of the 12 FBU regions. Furthermore, the union has the so-called “fairness at work” officials who are regionally based and look after the equality issues at the regional level from a more cross-cutting equality perspective. The structure is replicated at each of the regional levels of the FBU.

The key activities of the B&EMM section are focussed on raising awareness of the equality agenda, promoting diversity in the recruitment, retention and promotion practices in the fire service and providing visibility to race and ethnicity agenda across the union and fire service workplaces.

6.19.3.1 Activities implemented

FBU and the B&EMM section has implemented a number of activities to promote more inclusive fire services for their black and ethnic minority members.

At the union level, as a local government association, FBU set a group on inclusivity in the fire and rescue service, composed of the representatives of the management, trade unions and the government. Satellite meetings were organised in all 5 regions to provide small forums to discuss the discrimination in recruitment, retention and promotion. The outcome was the Inclusivity report with key recommendations to embed the inclusivity in every aspect of the FBU work and workplaces in the fire and rescue service.³³⁴

The union then promoted active positive recruitment campaigns to reach out to potential ethnic minority recruits. This was to demonstrate the message that fire service was a career service for everybody. The B&EMM section and the union also helped to set the minimum standards based on best practice examples on how inclusive recruitment process could look like. However, the standards remain to be interpreted at the regional and branch level, and the lack of nationally enforceable standards remains an issue. Recruitment is regionally and locally fragmented and is not benefitting from learning from experiences in other workplaces.

B&EMM section also pushed through the equality considerations to be included more broadly in the online and offline union member training courses to give visibility and attention to the topic.

Another area of activity currently is to ensure the FBU adopts a formal policy on equality as part of its constitution and rulebook so that it is clear that harassment and bullying on any grounds is an offence which is not tolerated by the union. The work on this policy is currently ongoing and is planned to be finalised in 2020.

B&EMM section is also looking to undertake more data collection and research on the extent to which the current fire service is discriminatory, how covert / overt the discrimination is and other key aspects. In relation to data, a major push needed is to change legislation and enable the collection of ethnic background of the applicants to the fire service (currently not collected). Then the section could analyse the profile of applicants, the community and fire workforce to understand any patterns in discrimination.

At the level of individual union branches, the core B&EMM section activities are:

- Regular, mostly quarterly, meetings amongst the black and ethnic minority members where a broad range of issues affecting the members are discussed, the discussions from the regional committees reflected and vice versa, issues are identified for follow-up either to the management or the regional union structures. The meetings provide a regular safe space for the members to share

³³⁴ <https://www.fbu.org.uk/publications>

their views and experiences which they might not be entirely comfortable doing in the regular union meetings at the branch level.

- Outreach activities: the outreach team regularly organises outreach events in the communities with a higher ethnic minority presence. Such information days help the potential recruits from the black and ethnic minority background to get to know the fire service, the expectations and requirements in the recruitment process and see the actual firefights from the ethnic minority background as role models. It is also a concrete opportunity to ask concrete questions, and get information and concrete tools on how to apply to become a firefighter.
- New recruits with the ethnic minority background receive from the B&EMM section an informal support service. After they join, a B&EMM section member would contact them on a regular basis to see how they are settling in after starting, whether there are any issues emerging. This provides an informal setting to discuss and identify any potential challenges.
- Workshops for promotion: when specific promotion rounds are coming up, the B&EMM section would organise specific workshops with senior black / ethnic minority managers to share their experiences on the road to promotion. This helps the members to understand better and prepare for the process of promotion.
- Encouraging B&EMM section members to get involved in the union and local community events where traditionally black / ethnic minority firefighters would not be expected to appear (e.g. Notting Hill carnival). This is to raise awareness and provide the black / ethnic minority firefighters with a bigger profile outside their traditional settings.
- The union work related to discipline issues. Statistics show that typically black / ethnic minority firefighters are disciplined more disproportionately compared to their share in the overall fire service workforce. B&EMM section works then with the members to ensure they have the right representation and support them fully through the discipline process. B&EMM section also holds meetings with the management to ensure they are educated and understand the situation and social background of black / ethnic minority firefighters.

6.19.4 Impact of the practice

The impact of B&EMM section has been to promote the more inclusive and open workplaces in the fire and rescue service towards the workers from the black / ethnic minority. Whereas in the 1960s and 70s the fire service could have been called institutionally racist, the situation now has improved dramatically through the work of B&EMM section across various areas of recruiting, retaining and promoting firefighters in a more open and more transparent way. An additional impact has been an active empowerment of the black and ethnic minority firefighters themselves to stand up and find their voice in the fire service. The work of the B&EMM section has provided them with a support and influence to change the discriminatory practices in the workplaces.

On the other hand, all stakeholders interviewed agreed that further momentum in this area needs to be maintained. The recruitment, retention and promotion practices have become less overtly discriminatory, but the discrimination can happen in a more covert and subtle way. In the words of one interviewee, *“people get complacent thinking the problem is solved and the union has other issues to address”*.

6.19.5 Success factors

The key success factors have been identified as follows:

- Support from the union senior leadership. The union leadership has been very supportive for the work of the B&EMM section throughout its creation and development of the various activities. This has been critical in ensuring the positive equality agenda is embedded across the union's work.
- Support from the management. This has been critical in implementing less discriminatory practices in recruitment, retention and promotion. Concretely, the support has manifested also in management supporting the release time for the members of the B&EMM section so that they can contribute to the section activities.
- Supportive political and legislative context. The work of the B&EMM section has prospered especially under the Labour government when the national government has actively promoted the positive equality agenda through a range of legislative and non-legislative activities. This has been reversed since 2010 Conservative government has been in place as it has paid less active attention to the promotion of equalities agenda.

6.19.6 Hindering factors and areas for improvement

The major hindering factors have been identified as follows:

- Certain level of complacency in the union. Given the past successes of the B&EMM section, it has become difficult to motivate the members to get involved in the B&EMM section work as many consider that the problems have been already addressed – or become involved when a specific problem is identified, rather than being proactive. So the inclusion and equality strategies are in place in the union and fire service, but the challenge is to keep the momentum going when the discrimination is perhaps more covert and subtle.
- Fluctuation in funding and political attention to the equality agenda. As explained above, the work of the B&EMM section has prospered especially under the Labour government when the national government has actively promoted the positive equality agenda through a range of legislative and non-legislative activities. This has been reversed since 2010 Conservative government has been in place as it has paid less active attention to the promotion of equalities agenda. Also, when the cuts in the fire service are considered, the equalities activity budget has been traditionally amongst the first activities to be cut. This affects negatively the stability and political attention to the topic.
- Decentralised structure of the fire service and the union. As the fire service is organised at the regional and local levels, the B&EMM section activities take place at these organisational levels, with the national section playing a coordinating role. On one hand, this ensures that local B&EMM sections respond flexibly to the needs and issues of their members on the ground. On the other hand, the decentralised structure makes it challenging to develop and enforce national standards on e.g. ethnically positive recruitment or share best practices across the different fire service workplaces.

6.19.7 Transferable elements of the practice

A number of practice elements can be transferred successfully, namely:

- Creation of specific union structures dedicated to fighting the discrimination on ethnic minority grounds.
- Development of regular union activities – meetings, recruitment, retention, promotion practices – so that equality agenda is embedded throughout the work of the union.

6.20 The United Kingdom - Personal, Social and Health Education statutory (PSHE)/ Relationships and sex education (RSE) curriculum (NEU)

6.20.1 Summary of the case study

- **Country:** United Kingdom
- **Name of the trade union:** National Education Union (NEU)
- **Title of the case study:** Personal, Social and Health Education statutory (PSHE)/ Relationships and sex education (RSE) curriculum
- **Link to the website of the case study (practice/s):** <https://neu.org.uk/>
- **Date when the practice/s was first implemented:** n/a
- **Whether practice/s still on-going:** On-going
- **Whether the practice was included in the 2010 study:** No
- **Sector of the trade union/practice/s:** Education
- **Ground of discrimination addressed:** Multiple but mostly focusing on sexual orientation and gender identity
- **Short description and focus of the case study:** The practice focuses on a campaign for statutory, age-appropriate and inclusive relationships and sexual education as well as personal, social, health and economic education
- **Short description of activities:** The campaign involves a broad range of activities including the preparation of guidance documents and training materials, conferences and awareness raising activities
- **Short description of results and impact:** Although statutory PSHE has not yet been introduced, NEU was successful in achieving inclusive and age-appropriate RSE and health education. It also ensured that LGBT+ content is integral in secondary education and that more content on gender equality is included in the curriculum.

6.20.2 Introduction

NEU has been formed in 2018 from the previously separate unions ATL and the NUT. Currently, the National Education Union is the UK's largest education union. NEU members together are more than 450,000 teachers, lecturers, support staff and leaders working in maintained and independent schools and colleges across the UK. Its aim is to shape the future of education for the benefit of teachers, support staff, leaders, and pupils. Equality is considered to be a key priority of the union, and the union works to ensure that its members do not face barriers to promotion, representation or participation.

At present, state-funded schools are not required to teach personal, social, health and economic education (PSHE), although some chose to do so. From September 2019 onwards, schools will be required to teach relationships and sex education (RSE), but not PSHE. However, education staff believe that PSHE lessons should also be made compulsory for all school children, and that PSHE lessons are the best place to teach RSE.³³⁵

³³⁵

https://consult.education.gov.uk/pshe/relationships-education-rse-health-education/supporting_documents/RSE%20impact%20assessment%2010.7.2018.pdf

The lack of statutory PSHE in England means that some children and young people may not receive any sex education, other than what is taught in the national curriculum for science. The National Education Union (NEU) argues that this is contrary to the European Convention on Human Rights on the child's right to education, as well as the UN's convention on the rights of the child. Since young people are legally able to have sex at the age of 16 in the UK, there is a strong argument for ensuring that pupils are able to receive some sex education before that age. The UK Government has also stated that non-statutory PSHE is no longer compatible with English case law.

Many schools already teach PSHE education successfully; yet it is not a priority in all schools due to its non-statutory curriculum status. This, in turn, threatens the consistency of standards and the time spent teaching PSHE.³³⁶

The NEU has campaigned for statutory PSHE for many years – as highlighted through a series of motions passed at their annual conferences with the aim of influencing the Government's policy on the issue.

Given the growing concern around child sexual abuse and exploitation and the increased risks associated with growing up in a digital world, there was a particularly compelling case for the Government to act in relation to pupil safety. A key piece of legislation was passed through Parliament in 2017 making it necessary for primary schools to teach relationships education and secondary schools to teach relationships and sex education (RSE) from September 2019.³³⁷

According to NEU, lack of statutory RSE arguably has a greater impact on certain groups, in particular, women and girls, LGBT+ people and children with special educational needs and disabilities. Thus, NEU has campaigned for an inclusive RSE, one that ensures LGBT+ content is included and is integral to the RSE and PSHE curriculum and welcomed the legislative changes which have made RSE mandatory.

NEU's own research "It's Just Everywhere" shows that sexism and sexual harassment are commonplace in schools and that, therefore, there is an urgent need to educate children and young people about harmful behaviours and attitudes that can lead to gender inequality and gender-based violence.

In addition, a recent survey³³⁸ carried out by NEU among education staff working in primary and secondary education found that 91% feel that PSHE should have a regular slot in school timetables and be an integral part of the school curriculum.

Yet, almost 70% said that staff in their school have not had sufficient training to deliver high-quality PSHE or RSE. Moreover, 56% believe that having inadequate resources with which to teach PSHE or RSE is the main barrier to delivering high-quality PSHE and RSE in all schools.³³⁹

In recent years, NEU has been working at the national level through lobbying to influence guidance and support given to school and reinforce the importance of PSHE and RSE.

³³⁶ <https://www.pshe-association.org.uk/sites/default/files/PSHE%20workload%20report%20FINAL%20version%204%206%202018.pdf>

³³⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/595828/170301_Policy_statement_PSHEv2.pdf

³³⁸ <https://neu.org.uk/press-releases/pshe-and-sre-should-both-be-compulsory-all-school-children>

³³⁹ Ibid

6.20.3 Focus of the practice

The practice focuses on a campaign for statutory, age-appropriate and inclusive PHSE and RSE in order that:

- Children and young people are equipped with the skills to develop happy, healthy and equal relationships with others, no matter what their identity, and can make well informed, safe decisions about their lives;
- the status of these subjects in the school curriculum is enhanced and the importance of social and emotional learning within the education system is further strengthened;
- To support schools to implement statutory PSHE and RSE in order to ensure consistency across England.

In particular, NEU wanted to ensure:

- All teachers have access to training;
- All schools have access to high quality guidance and resources in relation to PHSE and RSE.

6.20.4 Activities implemented

The campaigning and lobbying activities involved a number of other activities in order to provide adequate support for statutory RSE. Firstly, NEU conducted a **survey** among its members to gather an evidence base for the need for reform in PSHE and RSE and, in particular, to show that there is support among its members for statutory PSHE. The results received great media coverage.

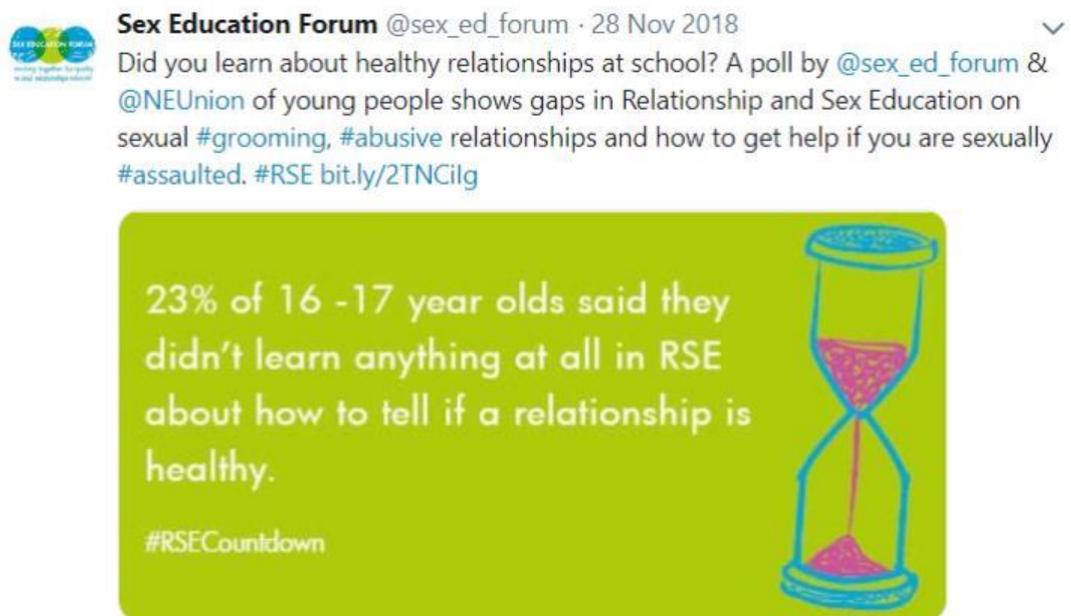
Since then, NEU has worked closely with the Department for Education (DfE) to influence what is included in the statutory RSE curriculum and health and education guidance. In addition, NEU has also worked closely with key stakeholders in the sector such as the Sex Education Forum (SEF) to map where relevant topics are currently missing from RSE in schools and highlight what areas related to RSE children and young people want to know more about.

Based on the evidence gathered, NEU responded to the Government consultation on RSE guidance and what support schools need to implement in that regard.³⁴⁰

NEU has also undertaken significant **awareness raising** activities along with the Sex Education Forum (see Figure 63) in order to actively update its members through blogs, briefing papers and other social media posts.

³⁴⁰ <https://consult.education.gov.uk/pshe/relationships-education-rse-health-education/>

Figure 63. Awareness raising to the importance of RSE



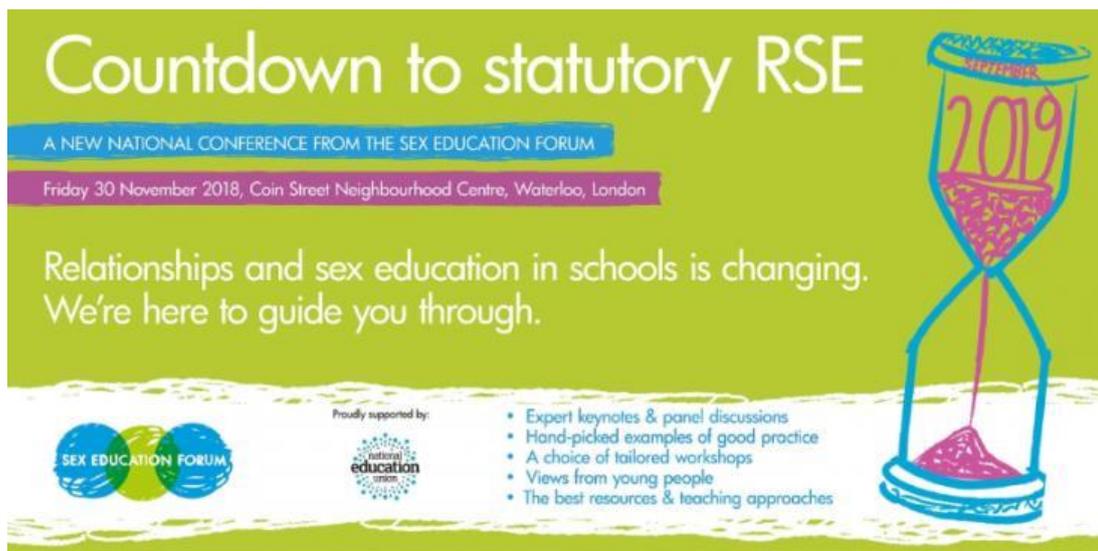
NEU in cooperation with the **Sex Education Forum** prepared a **guidance document on the 10 principles of high-quality evidence based RSE** and another guidance document with SEF and the PSHE association on a **roadmap to statutory RSE** which highlights key steps schools should take to meet the new requirements by 2020.

In order to raise awareness and disseminate the results of the research, in November 2018 NEU organised a **conference**³⁴¹ for its members with SEF on Countdown to Statutory RSE (see Figure 64). The programme included:

- Workshops catering for primary and secondary education professionals, with a stream for teachers new to RSE as well as experienced educators wanting to develop their career as PSHE and RSE specialists;
- Sessions focused on a whole-school approach and safeguarding, LGBT inclusive RSE, gender identity and gender equality, faith school case-studies and parental engagement; and
- Resource and information stand and ample opportunities to network and access a wide range of RSE resources.

³⁴¹ <https://www.sexeducationforum.org.uk/training/calendar/conference-countdown-statutory-rse>

Figure 64. Countdown to statutory RSE conference



This event was followed by another conference in March 2019 for independent schools (see Figure 65).³⁴² Topics discussed during the conference included:

- How the new guidance will affect schools;
- What can be done to improve the quality of teaching and learning of RSE;
- Opportunities for cross-curricula learning;
- What best practice(s) can be found in schools; and
- Where to access resources and support.

Figure 65. Countdown to statutory RSE conference for independent schools



³⁴² <https://www.sexeducationforum.org.uk/training/calendar/conference-countdown-statutory-rse-independent>

In April 2019, NEU will launch its AGENDA toolkit which shows how schools can empower young people to speak out on sexism, sexual harassment and gender equality in their school (see Figure 66). The toolkit was prepared in partnership with a professor from Cardiff University.

Through starter activities and case studies, the AGENDA toolkit provides an overview of creative and rights-based approaches to a range of issues including: feelings and emotions; friendships and relationships; body image; consent; gender and sexuality equality and equity; gender-based and sexual violence. Specifically, it includes:

- a rights-respecting whole-school approach to gender equality, relationships and sex education;
- case study examples of how schools have supported children and young people to learn and become aware about issues that promote equality and foster positive relationships;
- advice for children and young people on how to speak up and/or take action on sexual harassment among other topics, including a range of cross-curricular examples from dance and movement (expressive arts) to digital story telling (using ICTs).

Figure 66. Example of activities included in the AGENDA toolkit³⁴³



NEU continues to roll out its training programme to its members to prepare them for the advent of statutory RSE. A recent survey carried out by NEU (see 6.20.2) showed that many members felt they are not fully equipped to provide PSHE education. These training courses are run by the Sex Education Forum (SEF), part of the National Children's Bureau.

The **training course** 'Get ready for statutory! Relationships and Sex Education' is available for primary, secondary and special schools. The training sessions are

³⁴³ <https://neu.org.uk/agenda>

interactive, and participants work both individually and in groups to explore the implications of RSE statutory status and identify realistic, achievable goals for their school.³⁴⁴ During the course participants:

- Review and update existing provision in line with new legislation;
- Brief colleagues on new legislation, guidance and Office for Standards in Education, Children's Services and Skills (Ofsted)³⁴⁵ requirements, including safeguarding;
- Identify good practice and understand how to assess, monitor and evaluate teaching and learning in relation to RSE;
- Learn how to facilitate consultation with staff, pupils and parents;
- Apply a range of resources and approaches to ensure Relationships Education is inclusive and needs-led.

The costs associated with NEU's activities include one policy officer's time to influence, campaign and lobby Government for policy change and develop written responses, briefings, etc. This work is being overseen by the policy manager. In addition, the head of training was responsible for running the RSE training along with SEF. In terms of financial investment, around £2,000 was spent working with partners such as SEF and over £10,000 on developing the AGENDA resource with Cardiff University.

6.20.5 Partnership

Partners have been involved in supporting NEU to train teachers and develop resources to support schools. The two main partners of the National Education Union in this process are the Sex Education Forum³⁴⁶ and Cardiff University.

The Sex Education Forum is part of the National Children's Bureau and was established in 1987 with the aim of ensuring that all children in England receive quality advice and education about relationships and sex education.

The Sex Education Forum advocates and campaigns to ensure children and young people's entitlement to RSE is firmly embedded into national and local government policies in relation to education and wider public understanding.

It also supports professionals to whom it provides reliable information and high-quality training, so that they are well informed and competent to commission, teach and research RSE.

In particular, NEU have partnered with the SEF to run a conference in November 2018 on 'Countdown to statutory RSE'. The training programme offered by NEU is also delivered by the SEF.

Both NEU and SEF have a good working relationship and the cooperation so far has been fruitful in terms of delivering RSE-related training to NEU members.

In addition, NEU worked closely with a professor from the University of Cardiff to develop the AGENDA toolkit resource. The work is still ongoing, but NEU highlighted that the cooperation so far added great expertise to their work in the areas of RSE.

No significant difficulties or hindering factors were identified in relation to the cooperation among partners.

³⁴⁴ <http://www.sexeducationforum.org.uk/training/our-training-packages/get-ready-statutory-relationships-and-sex-education-primary-secondary>

³⁴⁵ <https://www.gov.uk/government/organisations/ofsted>

³⁴⁶ <https://www.ncb.org.uk/about-us/our-specialist-networks/sex-education-forum>

6.20.6 Impact of the practice

Although statutory PSHE has not yet been achieved, NEU was successful in promoting inclusive and age-appropriate RSE and health education. This is deemed as a huge step forward to improve RSE and PSHE education across the England. Moreover, through effective lobbying, NEU ensured that:

- LGBT+ content is integral in secondary education. For instance, in primary schools, RSE education may involve talking about LGBT+ families. In secondary education, schools will have to teach about sexual orientation and gender identity. The Government's guidance states that schools will be 'free to determine' how they cover LGBT+ content and when;
- more content around gender equality included in the guidance; and
- key content is delivered in a timely and age-appropriate way to meet the needs of children and young people. In particular, NEU managed to secure amends to RSE curriculum to ensure content on menstruation was included in the health education curriculum in primary education

On a more practical level, the conference organised in cooperation with SEF was attended by around 150 people, mostly teachers and education professionals. At this event, NEU could reach out to their members directly and reinforce the importance of PHSE and RSE in schools.

No evaluation has been conducted on the impact of the training session, but overall the initiative was welcomed by teachers. As mentioned previously, in NEU's recent survey many teachers felt they are not properly prepared to teach this subject. NEU received positive feedback from the participants after the event who highlighted that it was thought provoking with plenty of hands-on activities providing a holistic approach to teaching RSE in schools.³⁴⁷

NEU's AGENDA toolkit will be launched in April 2019, and thus too early to judge on its potential impact. However, it will reach all of NEU's 450,000 members and will be promoted across the union.

As was highlighted by interviewee, the lasting impact will be schools delivering high quality, inclusive RSE that is fit for the 21st century. Training will ensure that teachers are confident and well equipped to deliver this subject well. The work is still ongoing, and NEU aims to continue lobbying for statutory PSHE education in schools.

6.20.7 Success factors

A number of success factors were identified based on the interview and the desk research:

- Legislative reform in relation to making RSE statutory was a key element laying down the foundation for the changes. Without these legislative changes, NEU would not have had the opportunity to lobby strongly for the cause statutory PSHE and influence policy making in this field;
- There was also consensus and support across union and within third party sector³⁴⁸ about the importance of the statutory RSE and PSHE and need for change. This consensus was also reinforced by the political parties.

³⁴⁷ <http://www.sexeducationforum.org.uk/training/our-training-packages/get-ready-statutory-relationships-and-sex-education-primary-secondary>

³⁴⁸ Non-governmental organisations that are value-driven and which principally reinvest their surpluses to further social, environmental or cultural objectives. It includes voluntary and community organisations, charities, social enterprises, cooperatives Definition available at: <https://www.nao.org.uk/successful-commissioning/glossary-of-terms/#T>

- Prior to the legislative changes, NEU already had an increased focus and had undertaken considerable work on sexism and sexual harassment. Taking up the issue of statutory RSE/PSHE fitted very well in their overall policy objectives and reforms. This also ensured that the dedicated human and financial resources were available to carry out the work in that regard.

6.20.8 Hindering factors and areas for improvement

Hindering factors were identified in relation to external factors. For example, certain elements of RSE were opposed and thus could not be as 'strong' as NEU initially campaigned for. Opposition mainly has come from individual parents, faith groups and campaigning bodies. Even though RSE will be statutory from September 2019 onwards, the opposition still goes on and continues to be an issue in lobbying for statutory PSHE.

In terms of maximizing the impact of RSE and PSHE in schools, NEU perceives the parental right to withdraw their children from the relevant classes as a hindering factor. This means that some children still miss out on the sex education element of RSE up until 3 months before they turn 16.

In the future, NEU plans to work together with other organisations, especially unions, to secure statutory PSHE. While the lack of cooperation was not identified as a hindering factor, working together with other unions would definitely improve their lobbying potential.

In relation to the conference organised in cooperation with SEF, the key barrier was the cost to attend which not all members could afford.

6.20.9 Transferable elements of the practice

There are several elements of the practice that can be easily transferred. The AGENDA toolkit resource was highlighted as being transferable to almost all contexts and is already available in Wales and will be launched in England in April 2019.

The organisation of a series of events dealing with the topic helped to raise awareness and helped to keep the issue on the agenda of the union and the education community. This element can easily be transferred into another national context.

Another transferable element is the way the training courses are organised. The participatory approach during the courses helped to deepen participants' knowledge on the topic as well as to bring different perspectives, including from teachers themselves and education experts, into the interactive sessions thus enriching the overall debate.

The current campaign on RSE and PSHE also raised awareness about discrimination based on sexual orientation and gender identity. However, the approach adopted by NEU could also be transferred to campaigns for fighting other grounds for discrimination, for instance, race and ethnicity as well as religion and belief.

6.21 The United Kingdom – I can act but I won't pretend (Equity UK)

6.21.1 Summary of the case study

- **Country:** The UK
- **Name of the trade union:** Equity UK
- **Title of the case study:** I can act but I won't pretend
- **Link to the website of the case study (practice/s):**
<https://www.equity.org.uk/media/1805/i-wont-pretend-campaign.pdf>
<https://www.equity.org.uk/media/1263/agenda-for-change.pdf>
<https://www.equity.org.uk/getting-involved/campaigns/manifesto-for-casting/>
- **Date when the practice/s was first implemented:** 2016
- **Whether practice/s still on-going:** The practice is still on-going and embedded in the wider strategy 'Agenda for Changes'
- **Whether the practice was included in the 2010 study:** No
- **Sector of the trade union/practice/s:** Media and performing arts
- **Ground of discrimination addressed:** sexual orientation and gender identity
- **Short description and focus of the case study:** In the media and performing arts sector acceptance of discrimination, harassment or other inappropriate behaviour is considered as 'the price to pay' to enter the world of entertainment and pursue a career. Harassment and discriminatory language are deep-rooted in the culture of the sector and have become common practice leading to extremely low levels of awareness amongst workers and high acceptance from the industry. This has led Equity to take action to raise awareness and work on behavioural change strategies in the sector on the basis of various activities, ranging from awareness raising campaigns to the production of guidelines for the casting process.
- **Short description of activities:** Equity activities aimed at tackling discrimination and harassment involve three main areas/strands of work: 1) the campaign 'I can act but I won't pretend'; 2) the Manifesto for Casting; and 3) the Agenda for Change strategy.
- **Short description of results and impact:** Raising awareness on the issues of harassment and abusive behaviour is the main outcome of the campaigns and dissemination work of the union. The ultimate 'hard outcome' of the overall work carried out by the trade union included the inclusion of clauses relating to discrimination and harassment in collective agreements and in workplace guidelines. The union has also provided evidence to Government Committees working on the revision of regulations on workplace harassment, thus having the potential to inform policy at the national level

6.21.2 Introduction

Equity UK is the main independent trade union in the entertainment industry in the UK, with approximately 45,000 members as performers and creatives.³⁴⁹ The industry includes the two sub-sectors of live performance (e.g. theatre, clubs) and recorded media (e.g. broadcasting, filming). The union works to improve the working lives of members and represent their interests at local, national and international level. The union works to negotiate with employers, organise workplaces, set minimum pay levels,

³⁴⁹ <https://www.equity.org.uk/at-work/>

lobby government departments and ministers, campaign, take up legal claims and provide a range of benefits for members.

Equity has a long-lasting tradition of working on topics such as sexual harassment and antidiscrimination on the grounds of sexual orientation and gender identity. The practices identified as part of this study and the active work of Equity on the topics of harassment and discrimination have been driven by the peculiar nature of the sector where acceptance of discrimination, harassment or other inappropriate behaviour is considered as 'the price to pay' to enter the world of entertainment and pursue a career.

It was reported that, compared to other sectors, in the entertainment sector there is a much higher level of acceptance of discrimination, harassment and other inappropriate behaviour towards all groups including LGBT, women and men in general. Performers and actors are either advised not to disclose their sexual orientation and/or accept discrimination, harassment and other inappropriate behaviour as features deeply ingrained in the sector. Therefore, behaviour associated with harassment and discriminatory language is deep-rooted in the culture of the sector and have become common practice leading to extremely low levels of awareness amongst workers and high acceptance from the industry.

The figure below shows a statement from the campaign 'I can act, but I won't pretend' on the issue of harassment in the sector.

Figure 67. 'I can act, but I won't pretend' campaign, statement on broad cultural issues affecting the sector



In addition, a surplus of labour supply in this sector means also that workers feel compelled and under pressure to accept discrimination and harassment in order to secure a job (e.g. a role, a gig, etc.) and/or stay employed.

Therefore, the key priority for Equity in this area is to prompt cultural changes by recognising abusive behaviour and reporting it more widely.

A world-wide survey from FIA (International Federation of Actors) on LGBT actors reported that one in 10 respondents have experienced recent incidents of harassment

and discrimination. The discrimination is more likely to occur during the initial casting process; on average, there were more than three times as many who reported such incidents during the hiring process than after. FIA clearly reports that there is an issue of employment discrimination against LGBT performers worldwide.³⁵⁰

Harassment and discrimination on the ground of sexual orientation is a topic closely entwined with other grounds of discrimination (e.g. gender and race discrimination) and lack of equal opportunities mainly at the entry level. Harassment and discrimination towards minority groups was reported as part of a general culture in the sector which, ultimately, aims at undermining the working conditions and reduce protection for all workers. Therefore, the activities that Equity implements on harassment and discrimination are part of its overall work aimed at creating a level playing field for all workers in the sector and improving the working conditions and employment protection for all.

6.21.3 Focus of the practice

Equity addresses the issue of discrimination on all grounds in three main areas/strands of work:

- The campaign 'I can act but I won't pretend'
- The Manifesto for Casting
- The Agenda for Change strategy

The campaign 'I can act but I won't pretend'³⁵¹ was launched in 2016 and specifically focused on the issue of discrimination on the ground of sexual orientation. The objective of the campaign was to primarily bring about cultural change in the sector by raising awareness among workers of behaviour associated with harassment and encourage them to report such incidents. The campaign focused on the LGBT community and used high-profile people in the industry to support workers coming out and denounce abusive behaviour.

Figure 68. 'I can act, but I won't pretend' campaign, statement in support of coming out and report abusive behaviour



³⁵⁰ FIA (2016) Preliminary survey results on discrimination of LGBT performers

³⁵¹ <https://www.equity.org.uk/media/1805/i-wont-pretend-campaign.pdf>

In 2017, Equity launched its Manifesto for Casting³⁵² which provides guidelines to make the casting process more inclusive and fairer for everyone. The Manifesto addresses all grounds of discrimination and denounces the fact that common practices in the casting processes lead to a systematic exclusion of some groups (e.g. groups from ethnical minorities). For example, in the phase of casting preparation, the Manifesto's guidelines provide the following advice:

- **Job advertisements** - Where roles are advertised, the casting breakdown should be presented in the most inclusive way possible;
- **Inclusive casting** - A diverse range of performers should be auditioned for every production, including voice-only performances. Greater consideration should be given to specific characteristics for any given role;
- **Local talent** - Consideration should be given to professional talent from where the production is made;
- **Access** - The building where auditions are held should be accessible and reasonable adjustments;
- (a legal requirement) should be made to the audition process to ensure all performers can participate.

In 2018, Equity launched the Agenda for Change³⁵³ which focusses on the issue of sexual harassment. To this end, the Agenda states that *'Equity is taking a lead in creating the culture shift that is the proper response to the tide of horrifying revelations of sexual harassment.'* The objective of the Agenda for Change is to induce cultural shift in the sector and encourage employers to introduce guidelines to combat sexual harassment. As the Agenda report states: *'The wider demand in this report is of those who hold position of authority and manage the industry. We are asking engagers, agents, casting directors and boards to have and enforce proper codes of conduct.'*

One staff member is responsible for the work of the three strands discussed above. There is not a specific budget allocation; rather, when the decision to develop a strand of work is made within the union, this is financed as part of the regular union activities. As such, Equity's work towards fighting discrimination and harassment is embedded in the workload of the organisation. The bulk of the financial resources are taken by the budget dedicated to the communication activities of the trade union. The personnel involved in the communication tasks for these strands comes from the union's communication team.

6.21.4 Activities implemented

In the three areas of work: the campaign 'I can act but I won't pretend', the Manifesto for Casting, the Agenda for Change, Equity UK has implemented a range of activities. These include:

- High-profile events dedicated to the launch of strategies and campaigns;
- Awareness-raising activities, dissemination campaigns and distribution of relevant documentation amongst members through the Equity magazine, social media and branch meetings;
- Social media campaigns to maintain a high profile of the union's activities in the field of equality and non-discrimination and raise awareness amongst members and workers, also in sectors not covered by collective agreements;

³⁵² <https://www.equity.org.uk/getting-involved/campaigns/manifesto-for-casting/>

³⁵³ <https://www.equity.org.uk/media/1263/agenda-for-change.pdf>

- Concerted union effort to embed standards in industrial agreements. In relation to the Manifesto for Casting, clauses on harassment and non-discrimination have been embedded in industrial agreements. The principles in the Manifesto for Casting provide common standards that have been embedded in industrial agreements in the sectors of life performance (e.g. theatre, clubs) and recorded media (e.g. broadcasting);
- In sectors not covered by collective agreements workers who report cases to the unions are the only entry point to companies. In this instance, reported cases of discrimination and harassment are used by Equity to negotiate with offending companies the implementation of company guidelines and workplace good practices. Equity has ongoing cases where negotiations with employers not covered by collective agreements have led to changes in workplace practices in terms of the casting process. However, since the sector is very dispersed and many employers are not covered by collective agreements, this is an ongoing and long-term process;
- Dissemination of the trade union work and periodic meetings with members in trade unions branches are used to highlight policies and successful cases where reporting of discrimination and harassment incidents has led to changes in the workplace;
- Dissemination campaigns on the issues of discrimination and harassment and signposting of support available through social media and the trade union newsletter.

Figure 69. Equity post on Facebook page to disseminate drop-in sessions for members



Another activity which part of the Equity strategy is the Manifesto for Casting which focusses on the casting and recruitment process and is closely linked to the Agenda for change. Both, the Manifesto for Casting and the Agenda for Change tackle harassment and abuse in the workplace and inform reporting procedures (e.g. trade union dedicated number, local contact points) available within the trade union to expose abuse and act upon.

As part of the Agenda for change strategy, Equity has implemented and is currently implementing a number of activities:

- Reviewing internal procedures on how to deal with allegations of bullying, harassment and sexual harassment;

- Providing internal training for staff on how to deal with these issues and on how to report cases of discrimination and harassment;
- Implemented an Equity helpline as the first point of contact for members who have concerns on bullying, sexual harassment and mental health. One staff member has been taken on to advice on improvements to the helpline;
- An awareness-raising campaign targeting members will be organised with a step-by-step guide available in various accessible formats (including a pocket-sized guide) in casting, rehearsal and performance spaces. The guide will clarify what constitutes unacceptable behaviour and signpost available help and advice in cases of harassment;
- The union aims to include in industrial agreements references to engagers' own policies on dignity and respect at work and include the principles of the Manifesto for Casting.

The figure below provides an example of a recent post on Equity UK's Facebook page on dissemination work carried out by the union.

Figure 70. Facebook post on Equity page



6.21.5 Partnership

To implement these strands of work Equity works in cooperation with several partners. These include the sister unions in the sector, while the union is also member of the Federation of Entertainment Unions (FEU). Unions in similar sectors face common issues (e.g. temporary work, low wages, high levels of abusive behaviour); therefore, many areas of work overlap and there is an ongoing cooperation which also include activities to fight harassment and discrimination in the workplace.

An important area of work where the union has significant collaboration is the monitoring of the sector's workforce. The fragmented nature of the sector and the specific type of working relations (e.g. high levels agency work, temporary work, self-employment) means that a large part of the workforce cannot be easily tracked. The main impact of these types of working relations is that workers are more vulnerable than in other sectors, more exposed to possible harassment and less likely to report cases of harassment, bullying and discrimination.

Specific collaboration with other trade unions of FEU in relation to the three strands of work discussed in this case study include, for example, the identification of topics in relation to discrimination and harassment for the awareness raising campaigns, their target groups and the main messages for wide dissemination.

6.21.6 Impact of the practice

As part of the Agenda for Change, the union is currently working with a number of bodies at national level. For example, the UK Government is currently reviewing the law on sexual harassment and the union has provided evidence to its Women and Equality Committee.

Still in the context of the Agenda for Change strategy, across the performance and media sector, the trade union has worked with employers' organisations not covered by collective agreements to raise awareness and embed good practices and guidelines in their internal policies. An important entry point are workers who report cases to the unions and through these case workers the union tries to collaborate with the employers to raise awareness and introduce guidelines in workplace practices.

Although, there has not been a structured evaluation of the three strands the interviewee believed that across the union through social media campaigns, meetings at local branches and the union newsletter the attention on these issues and the available support has been kept high.

One of the main long-term benefits identified by the union related to the greater awareness that its work is raising on the issues faced in the sector, specifically the high levels of harassment and its negative impact on all aspects of entertainment work. For example, it was reported that people are more aware of the vulnerability of the workers in the sector and the impact of discrimination on other employment practices (i.e. workers in vulnerable position are more likely not to report harassment and to accept less favourable working conditions).

6.21.7 Success factors

One of the success factors identified was the fact that these strands of the union's activity in relation to discrimination and harassment are embedded within the overall work of the trade union. As was pointed out, *'therefore there is not a budget that at some point will end, it is a matter of identifying where the priority areas are and make it happen as part of the overall union activities.'*

Other critical factors identified as essential for driving these types of activities are the prioritisation of these issues from the trade union, understanding of the specific challenges faced by the sector and its negative impact on the workers.

6.21.8 Hindering factors and areas for improvement

No hindering factors were identified in relation to implementing the practices. It was reported that embedding the policy within the overall work of the union meant that all policy areas were given the same attention.

6.21.9 Transferable elements of the practice

One of the transferable elements identified was the way the Agenda for Change strategy was embedded within the other policy areas of the union and integrated with all other strands of work. This was possible, in the first place, as it was recognised by the union that discrimination and harassment have an adverse impact on other 'more traditional' areas of work of trade unions such as wages and working conditions in general. As was stressed, *'we cannot continue thinking that the issues of harassment and abusive behaviour are separated from other areas of work, as discrimination has a cascade effect which impact on all aspects of work such as pay.'*

The interviewee reported that the way in which unions have identified the policies and embedded standards into collective agreements and encourage employers not covered by collective agreements to integrate good practices into their policies is, ultimately, the most transferable element of the practices presented here. As was pointed out, *'you work with key employers covered by collective agreements and then you work with those not covered to adopt could practices as a cascade effect. The key thing is to work strategically within the framework of the collective agreement, but then you use those frameworks to encourage employers outside the framework.'*

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