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“Extending equality: Trade union actions to organise and promote equal rights, respect and dignity for workers regardless of their sexual orientation or gender identity”

**National case studies on LGBT workers and trade union involvement in South and East European countries.
Italy**

My name is Maria Gigliola Toniollo; I am the Director of the New Rights Section of the Italian General Confederation of Labor, the eldest Italian trade-union and the most representative one with about six million members including workers, young people entering the world of work, students and retired people.

What is the New Rights Section?

It is a part of the trade union in which the work changes every day in accordance with the history and the social and political evolution of the country, but one thing is absolutely sure; it's groundwork strongly support the secular state, individual rights, human and social rights and freedom. In Italy the problem of the continuous interfering of the Vatican's Hierarchies imposing power and their strict beliefs in old doctrines, into the Italian political choices is really heavy, not so easy to understand, thinking e.g. of another catholic country, Spain, where individual rights (artificial inseminations, lgbt rights, short time to divorce, public financing to Catholic Church...) are decided in a very different way.

The “New Rights Office” is committed to unveil prejudices to fight back all reassuring *clichés* and all kinds of servitude whether open or hidden, to moralistic principles and stereotyped family concepts, to choose and stand for the rights of the individual and the values of people's self determination thus fighting stereotypes and prejudice. Therefore new rights offices are an important example of “good practices” inside the trade union and are the result of the collaboration between the Cgil and the associations. For that reason we proposed to the representatives of the national associations in Italy to sign the Memorandums of Agreement with our Organization.

Why new rights?

The trade union commitment and efforts against discrimination against lesbians, gays and transsexuals in the workplace was born in the context of a political scenario increasingly responsive towards important values such as autonomy, State secularism and individual freedom. The New Rights Section of the CGIL focuses on activities in the following areas: genetics (e.g. the right to self-determination to artificial insemination, or the rights to take advantage of new scientific discoveries, such as the genome sequence); free speech and free internet; right to privacy; fight against homophobia and transphobia; rights and sexuality.

Our background includes an array of experience in both direct and indirect forms of discrimination. Furthermore, as in all the other countries in the world, in Italy the way of living and working are deeply changing. We are losing most of our stability; it is more and more difficult to find a job or to keep one's job, or simply to know if next year, next month or even tomorrow someone will be working. The employer prefers to make temporary contracts, not to make commitments to the employees, and not to be obliged to resolve personnel" problems.

In its first article, the CGIL Statute states and recognizes full equality in rights and duties for all its members without discrimination based, inter alia, on sexual orientation and gender identity. After years of struggles, the trade union gives to issues concerning discrimination because of sexual orientation and gender identity the same importance given to other areas, making possible the establishment of local offices throughout Italy.

Therefore, we perform important political activities in the headquarters of the Union; we are in collaboration and have continuous contacts with Italian and European MPs of all centre left parties. Moreover, the New Rights Offices are working in several cities in Italy making available advisory and guidance services for the protection of the workplace (not only) rights of the rights of homosexuals and transsexuals.

In Italy, homosexual and transsexual people suffer two different forms of discrimination at the workplace: on the one hand, prejudice in their relationships with colleagues and managers, which cause isolation, bullying and mobbing, limitations to their career development and, at the extreme, job loss; on the other hand, partners' benefits are generally not recognized by the law. These conditions heavily affect workers' social security and access to healthcare. Discrimination at the workplace against homosexuals and trans-people is rarely noticeable, since there are specific laws protecting all workers.

The Cgil condemns the continued discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) workers calling for resolute action by international and national union bodies, union federations and social allies. However, discrimination based on sexual orientation or gender identity, far from making reference to exclusively private facts, is only the tip of the iceberg, concealing an infinite range of discrimination possibilities

Cgil calls on all unions to include in their education strategies and programs information and training on the elimination of discrimination based on sexual orientation, gender identity and gender expression, and to ensure that all legislations include rights and protections, that all industrial instruments and collective agreements include right language.

Cgil supports Lgbt issues in Etuc and Ituc official policies and still remains, after 20 years of activity, the only Italian example, at the trade union level (and one of the first at general political level), of the active, explicit and formal protection of gay, lesbian and transsexual workers. The Italian experience is probably for many reasons among the most advanced in the world, and understandably cannot be an immediate (legal, political and cultural) model for many other countries.

The main fields:

The implementation of the Directive 2000/78/EC

The Italian decree in compliance with the Directive 78/2000CE is the first act in Italy which explicitly prohibits discrimination on ground of sexual orientation at the workplace.

The points in the decree, which are a serious problem as they are an expression of a negative political will, are:

- The introduction of a provision that makes it possible, for the first time in our history, discrimination in the armed forces and the police;
- The introduction of an ambiguous provision concerning the possibility for the employer to check the suitability of applicants for a job, without specifying the means and the objects of the check, contrary to the Directive which only allows at most a check based on age;
- The reference to pedophilia, which sounds as an intent to make an association between pedophilia and sexual orientation; The lack of the shift of the burden of proof of discrimination whereby the employer must provide evidence of not discriminating;
- The lack of legal standing for associations and organizations;
- The lack of any reference to articles 12 – 14 of the Directive which address diffusion of information, social dialog, and dialog with non governmental organizations.

I must point out that these are only the major breaches.

As you can see, we evaluate the problems in two ways: politically and technically. In order to obtain a correct implementation of the Directive: Cgil launched a big campaign for the implementation of the Directive distributing twenty thousands postcards to be sent to the Prime Minister's Office, asking for a prompt implementation;

We organized hearings with the members of parliament, and sent them documentations, opinions and comments to the different drafts of the decree;

We organized initiatives and participated to political demonstrations together with the most important LGBTI associations in Italy.

After the approval of the decree:

We immediately met some members of Parliament and proposed them a draft law to repair the important points above mentioned;

Furthermore we are working to write up new codes of conduct for the employers, new handbooks for an easy consultation for the workers, to inform them of their rights, a vademecum to distribute in particular to job sections of the courts and bar associations.

Transsexual Transgender

The transsexual community has an even greater problem because people don't know anything about this situation, so what they hear and read about it is often a much distorted view. Prejudice arises especially from Media and Press. The collective image is very harmful and destructive to the advancement of these groups. This is the reason I want to speak more about this situation: for transsexual or transgender individuals the situation remains nearly impossible in the workforce, until the transsexual condition becomes widely known, going beyond the vulgar presentation by the media.

Our political activity has been mainly turned to:

- guarantee an effective protection against discrimination of transsexual and transgender persons and workers, also by introducing provisions explicitly prohibiting discrimination based on gender identity;
- monitor and actively promote and support the application of national and European provisions on sexual discrimination and equal treatment between men and women to transsexual and transgender workers, as established by the Court of Justice;

- promote and support initiatives aiming at disseminating information, in particular at the workplace, concerning the protection offered by national legislative provisions on equal treatment to transsexual and transgender persons, and the remedies for the victims of discrimination;
- support and promote good practices, positive actions, codes of conduct, exchanges of experiences aiming at ensuring a favorable environment at the workplace for the transgender person and transsexual person;
- support and promote the application of collective agreements in order to guarantee equal treatment and, in the case of transition, to ensure the utilization of the provisions concerning social and health protection.

Our main actions in this field were:

- meetings with the Ministry of Health for problems on the distribution of hormones to trans people;
- to draft and support the discussion in the Parliament of bills of law

We succeeded to:

- obtain that "gender identity" was officially mentioned in the Action Program of the ETUC in the Prague Congress;
- add a paragraph on transgender and intersex issues in the final resolution of "Workers out", the 2nd World Conference of Lesbian and Gay Trade Unions in Sidney.

Same sex and de facto couples

The legal recognition of the different forms of family, without any discrimination on grounds of marital status, sex and sexual orientation of the partners, represents a fundamental step towards a new, modern, civil and lay society. It also means the complete refusal of any discrimination as well as the substantial implementation of the principle of equal treatment, by granting to all citizens the whole range of patrimonial and extra patrimonial rights connected with the choice of a life in common as they are generally granted as a consequence of marriage.

The recognition of new forms of family directly concerns the role of trade unions. Equal treatment of workers also includes the extension, in the public and private sectors, of rights and benefits, which are granted to married workers.

So the political activity of our organization is:

- to organize political initiatives and work in relation with members of parliament in order to amend the national legislation recognizing de facto couples and same-sex couples, as stated by the European Parliament;
- to support at national and international level, together with the Etuc members, the extension to de facto and same-sex unions the rights and benefits coming from work agreements (benefits granted by the employer; rights and benefits recognized by the law and the collective agreements) which are now recognized to married couples, in order to substantially combat every form of direct and indirect discrimination and different treatment on the grounds of sex, sexual orientation, marital status;
- to support the extension of social security and pensions to de facto and same-sex unions, in order to grant the same level of protection to the workers;
- to support equal treatment of de facto and same-sex unions in collective bargaining, collective agreements, individual contracts.

Hiv/Aids

We call on all unions to develop policies on HIV/AIDS in the workplace in which the rights

of infected and affected workers are protected, and to recognize the multiple discrimination experienced by LGBTI people living with HIV/AIDS. We call on the ITUC, its affiliates and other labor internationals to strengthen their commitment to the global fight against HIV/AIDS by working for access to low cost, good quality essential HIV medicines for people living with HIV/AIDS and building solidarity across national borders.

The close cooperation that has being developed between the ETUC and the Platform of European Social NGOs, will be particularly significant for the above mentioned and other purposes.