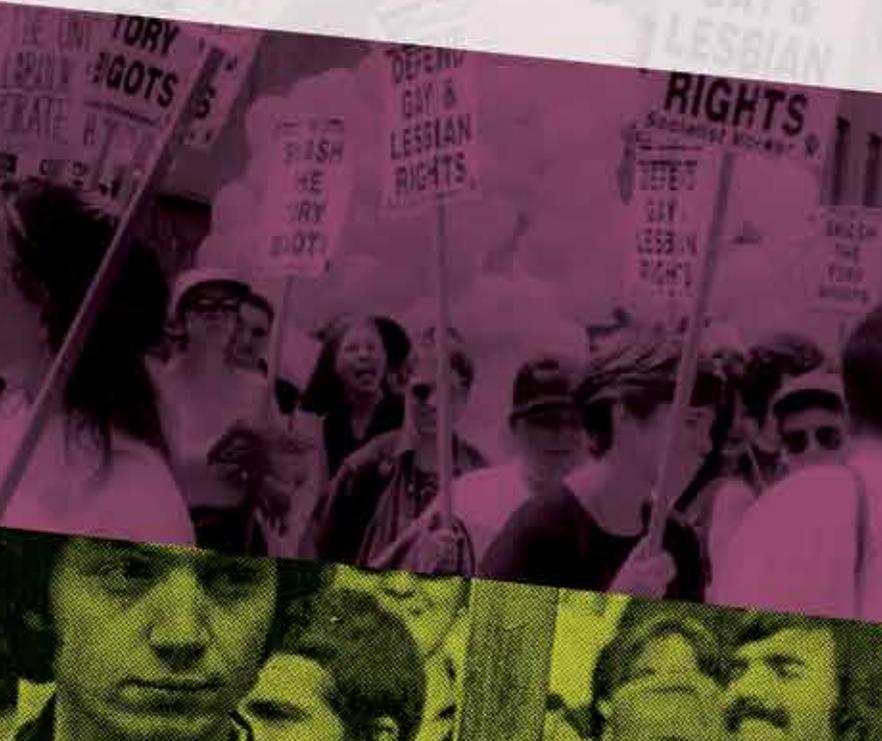


LABOUR PRIDE: WHAT OUR UNIONS HAVE DONE FOR US

WE DEMAND
OUR
RIGHTS



WorldPride Committee of the Toronto and York Region Labour Council

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Prabha Khosla

WorldPride, June 2014
Toronto, Canada

— Acknowledgements

The WorldPride Committee of the Toronto and York Region Labour Council acknowledges and expresses gratitude to the Mississaugas of the Credit River on whose lands we have settled. We acknowledge that most of us in Toronto, the Greater Toronto Area and Canada live on unceded indigenous land.

The Labour Pride Committee for this project included Carolyn Egan, United Steelworkers; Robert Hampsey; Wayne Milliner, OSSTF/FEESO; Prabha Khosla, Canadian Freelance Union (Unifor); Stephen Seaborn and Morgen Veres.

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The story of working class gays and lesbians in the trade union movement is as old as the early days of union organizing, when workers began to collectively demand improvements in their working conditions and fight for better pay, hours and benefits. This booklet offers a brief account of the role of workers and their unions in supporting gay and lesbian rights in Canada (mostly in Toronto and Ontario) from the 1970s to the early 2000s. Time and resources prevent us from presenting a definitive or comprehensive history, but the stories we do present here provide a strong flavour of the struggles of workers and their unions for LGBTIQ¹ rights in Canada.

While many significant struggles and achievements fought and won (or fought and lost) are not included here, we want to especially honour the thousands of LGBTIQ workers who began the push to create visibility—all those who came out, organized for inclusiveness and diversity, and fought for equal rights on shop floors and in offices. As workers, activists, and staff of unions, they worked hard and pushed their unions, but did not always succeed. Many of them tried to get elected, but were not elected. Many tried again and again to raise their voices but were ridiculed and marginalized. Many eventually quit their jobs, went elsewhere, “played straight” or gave up on the union movement. Although unrecorded in history, their defeats were no doubt a passage to later victories, and we honour their visibility, voice and courage.

This publication documents the more positive changes and victories of LGBTIQ workers and the unions that supported them. These victories have been absolutely critical to the success of the struggle for equal rights for LGBTIQ peoples in Canada. Without the engagement and investment of unions in the struggle for equality of gays, lesbians, and trans people it is doubtful we would be where we are today, even where gains remain to be made.

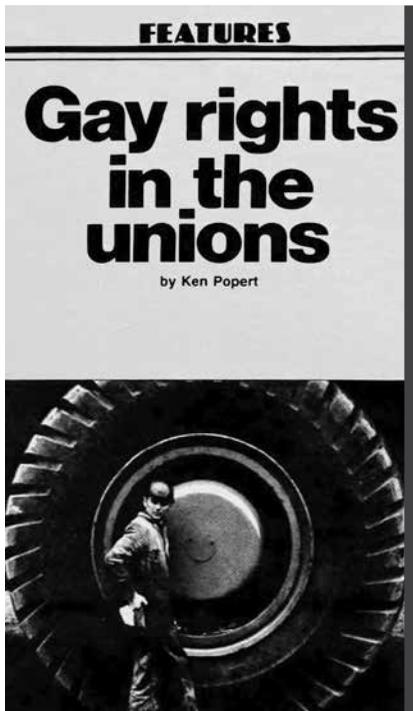
Many unions in Canada have contributed their strength, influence, voice and resources in support of LGBTIQ workers. But the engagement of unions in LGBTIQ history is uneven. While some unions took up the demands of LGBTIQ workers, others ignored the call for solidarity and kept a long distance from organizing for safety, dignity and pride of their LGBTIQ members. And while some unions have ‘caught up’ in recent years, by devoting resources and energy to LGBTIQ issues, still others haven’t. Going forward it may be useful to better understand why some answer the call and others don’t. Most certainly, work remains to be done and all unions can and should get involved in supporting the rights of not only LGBTIQ workers, but the rights of *all* workers including racialized workers, women workers, workers with disabilities, aboriginal workers, young workers, and the many who have multiple identities and face multiple discriminations.

1 A note on the use of terms and acronyms used to refer to queer communities: an attempt has been made to keep the use of terms to their historical periods. For example, in the early years the language used was gays and lesbians, then it became lesbians, gays and bisexuals, then it evolved to LGBT, to LGBTI to Queer, LGBTIQ to LGBTTIQQ2, to Queer, etc. None of the terms are meant to exclude anyone who considers themselves a part of our community.

The 1970s: Links between LGBTI communities, workers and trade unions

In Canada, the mid to late 1960s was a period that saw a tremendous growth in movements challenging the status quo. These included the women's movement, the anti-war movement, the civil rights movement and the American Indian Movement (AIM). It was also a time when women entered the paid labour force in great numbers. Women's engagement in the paid labour force in such large numbers brought significant challenges and changes to workplaces, to unions and to society at large.

There is a broad consensus in the labour movement and among the labour and feminist researchers that it was feminists in the trade union movement who first challenged patriarchal union orthodoxies. These women workers pointed out that while unions could be a vehicle for change, too often the unions themselves became an obstacle to women's equality - and thus equality for all workers.



Union sisters created women's committees and caucuses, and developed and led educational and training programmes on women's rights and leadership development. They fought for their representation in leadership and decision-making structures at all levels of their unions.

They ensured that their demands such as childcare, maternity leave, equal pay, an end to separate seniority lists, pay equity, employment equity and issues of workplace sexual harassment and societal violence against women, became core union demands for equity and equality for women workers. These demands evolved into mainstream union demands over the following decades. The structures and mechanisms that women set up in unions became the models that were subsequently reproduced by other workers such as racialized workers, gay and lesbian workers, workers with disabilities and Aboriginal workers.

In the early 1970s, there was a significant overlap between those involved in gay and lesbian organizing and those involved in left political parties and the "independent left". According to Ken Popert, a founding member of Gay Alliance Towards Equality (GATE) and *The Body Politic* (1971-1987), (a gay monthly magazine which played a major role in the struggles of gays and lesbians in Canada), GATE had many mem-

bers who were active in the gay liberation movement and were also members of trade unions. He says gay activists learned to organize from trade unionists and from left wing parties.²

² Furthermore, Popert shares a little known fact—two gay men paid for the first issue of *The Body Politic*. They were both union members and one of them was with the Printers' Union.

An early example of lesbian and gay activists connecting with unions was the 1973 struggle to get sexual orientation included in an anti-discrimination policy at the City of Toronto. Members of GATE had first approached City Council to get their support but City Councillors did not support the resolution. This prompted GATE members to solicit support from the city's unions—CUPE Local 79, the inside workers and CUPE Local 43 representing the outside workers. Ken Popert recalls being impressed by the union executive's empathy with the oppression of gays: "The workers, (including to his surprise the women on the executive at that time) like gay men, knew what it meant to be engaged in a ceaseless struggle against powerful and antagonistic forces. Like gays they were constantly being shat on by the powers that control the media and most other institutions".³ Within a week of the meeting between members of GATE and the Executive of Local 79, GATE received a letter of commitment and solidarity from the union. It said, "We thoroughly understand your attempt to correct discrimination based on sexual orientation. As a union we feel that if someone is qualified for a position, he/she should be judged on merit only. We feel civil servants are to be in no way discriminated against with regards to hiring, assignments, promotions or dismissals on the basis of sexual orientation...You have our support".⁴ This was a radical position taken by a union at a time when lesbians and gays could be fired for being homosexuals.

Soon after, CUPE Local 1582, of the Metro Toronto Library workers became the first union to demand and fight for the protection of its gay and lesbian members—due to the organizing efforts by gay and lesbian library workers who mobilized the support of their brothers and sisters in the union.

Around the same time, Harold Desmarais, an out auto worker at Ford's Windsor Engine Plant was subject to tremendous taunting and harassment from several of his co-workers. Luckily for Desmarais, the United Auto Workers union (later the Canadian Auto Workers, and now Unifor) had a clause in its contract prohibiting discrimination based on sexual orientation—a rarity at the time. "Back then, it was sort of a catch-22 situation," he said. "People would say 'if there's nothing to be ashamed about, why are you hiding your sexuality,' but a lot of people couldn't be open about their sexuality without putting their job and even their home at risk".⁵ Harold was also an active member of Windsor Gay Unity.

These are but a few examples of the historic link between gays and lesbians organizing in the "streets" and those organizing in the workplaces. Efforts toward formal legal equality were also underway, and in 1977 Quebec became the first province to amend its legislation to include prohibition of discrimination on the basis of sexual orientation. At this time, there was no Canadian Charter of Rights and Freedoms and none of the other provinces or territories included sexual orientation as a prohibited ground for discrimination.

3 Popert, K. (1976). "Gay rights in the unions", *The Body Politic*, April. Toronto. p. 12-13.

4 Ibid.

5 www.insidetoronto.com/news-story/4059688-human-rights-advocate-harold-desmarais-to-be-inducted-into-q-hall-of-fame/

Organizing a gay steam bath in Toronto

In 1976 David Foreman, then in his mid-thirties, moved to Toronto and joined the University of Toronto's Communist Party Club, the Gay Alliance Towards Equality (GATE) and worked evening shifts at the Richmond Street Health Emporium, a gay steam bathhouse, cleaning rooms. According to David, "There were special perks there like you could have sex sometimes and you could stay over and not have to pay. But there was a little group of privileged people there who were getting special treatment by the management and I thought that was not fair to the others. So I decided to look for a union that might help me organize the steam baths".

David approached the Hotel Employees and Restaurant Employees International (HERE), a precursor of UNITE HERE. According to David, "The union was hesitant at first because they had never heard of what goes on in steam baths. But they said go ahead, and see how many names you can get". At the Bath, there were 20-30 people working in the three shifts and it had about 40+ rooms, cubicles and washrooms. David came close to signing up fifty percent of the workforce, "...but I noticed that the boss was also organizing against me. He organized a lot of dope parties for the workers and I thought to myself that I cannot compete against this special entertainment". Soon David was let go from the steam bath.

The union filed an unfair dismissal complaint at the Labour Relations Board. On the day of the hearing the owner of the Bath proposed a \$1,000 settlement for firing David. David told the union that he did not want to accept the offer as that would be a defeat. Eventually, David accepted the \$1,000, after the union lawyer said that most likely someone else would build on his work and be successful. However, she did not tell him that the settlement came with a ban from the Toronto bath houses. The following week, David tried to go to a bath house but was not allowed in and the same happened at another bath. The ban lasted almost 30 years.

Many lesbians were also not hiding who they were. The following case about the women workers of Inglis shows that lesbians were active in their unions and in leadership positions in unions of predominantly male workers.

Solidarity on the Shop Floor

In the 1960's and 1970's women were joining the workforce in large numbers in both the public and private sectors in Canada. One such workplace was the John Inglis Company, located on Strachan Avenue in Toronto. The 1200 Inglis workers, members of United Steelworkers local 2900, manufactured washing machines and other appliances. During WWII the company had produced weapons, employing mainly women workers, known as the Bren Gun Girls, similar to Rosie the Riveter in the US. After the war, most of the women were let go and men again became the majority.

It was hard work, but it was well paid. Of the women who were hired or stayed on after the war, a number were lesbians though it was not always spoken openly. Bev Brown started work at Inglis in 1976. She became active in the union and became known as someone who would stand up for her fellow workers, particularly women.

In 1979 she ran for chief shop steward. One night during the election workers were gathered at a local bar in advance of a membership meeting. The guy who was running against Bev came up to a steward, Dave Parker, and asked for his support. Dave indicated he was voting for Bev. The opponent then leaned over saying, “You know she’s queer.” Dave shot back, “Not as queer as this conversation. I’m voting for Bev”. He never told her because he didn’t want to demoralize her or hurt her, but he told fellow workers what was going on and Bev won the election handily—as well as every position she stood for after that.

There was homophobia in the plant like in every workplace but courageous women like Bev stood up to it and gained the respect of their fellow workers. It wasn’t always easy but the progressive union executive, led by President Mike Hersh, took on any harassment or bullying that went on in the workplace. The local went through a number of strikes at Inglis during the eighties, building a strong camaraderie and sense of solidarity among workers. Bev and another lesbian steward, Nancy Farmer, formed the first women’s committee in the United Steelworkers in Canada. They had each other’s backs, and Bev eventually became vice-president of the local. It was rare for women in industrial workplaces to win seats on a union executive, and Bev’s was undoubtedly the highest position held by a lesbian at that time. She was poised to take over the presidency when the plant shut down in December of 1989.

USW 2900 became a very forward looking and militant local and the union activists did what they could to create an atmosphere on the shop floor where sexuality wasn’t an issue. Interestingly, the guy who gay baited Bev during her election later ran as a steward on her team, proving that attitudes can change as people work together in a progressive union environment.

It is women like Bev who not only changed union culture, but also paved the way for others who came later.⁶

Carolyn Egan, President of the Steelworkers Toronto Area Council and a founding member of Steel Pride.

6 Allison Dubarry, an out lesbian of colour, recently completed three terms (2003-2012) as president of USW local 1998, the largest Steelworker local in Canada. Bev Brown died in May of 2014 and many of her fellow Steelworkers from Inglis attended the memorial, including Mike Hersh and Dave Parker.

The 1980s: Fighting back in the streets and on the job

The 1980s was an important decade in the fight for gay and lesbian rights. Gays and lesbians were openly and proudly organizing in groups and in movements for social change in numerous cities of the country.

In Toronto, the fight back decade began on February 5th, 1981 with a massive police raid on four gay bath houses. Two hundred and sixty eight men were arrested and charged as “found-ins” and nineteen others were charged as “keepers of a common bawdy house”. Code named *Operation Soap*, the bath house raid was the largest mass arrest in Canada since the FLQ (Front de libération du Québec) crisis of 1970.



Bathhouse Raid demo march, Toronto, February 20, 1981
Photo by Ted Hebbes

On February 20th, 1981 a demonstration was held against the police raids. Over four thousand angry people rallied at Queen’s Park, the Provincial Legislature, and marched to Metro Toronto Police’s 52 Division to protest the bath house raids and to call for an independent inquiry. Keynote speakers at the Rally included Lemona Johnson, wife of Albert Johnson, a black man who was killed by police, Brent Hawkes, a pastor of the Metropolitan Community Church and Wally Majeski, the President of Metro Toronto Labour Council. While Majeski took the position to support the rights of gay men against police harassment and arrests, many in the labour movement were not happy with his

stand. However, his decision to speak out in support of gay men was an important statement of solidarity for gay and lesbian workers and underlined the need to work in coalitions to defend the human rights of *all* workers.

The attack on the Baths brought many “out of the closets, (or baths for that matter) and into the streets” and raised the volume on the need for human rights protection for gays and lesbians. The massive organizing on the streets encouraged gays and lesbians to also stand up for their rights in the work place and vice versa. Over the coming two decades there was a dynamic and mutually supportive relationship between organizing for LGBT rights in unions and in society at large.

The 1980s was also the decade that saw the emergence of HIV and AIDS in gay communities (and also in heterosexual communities) and the tragic loss of so many of our friends and colleagues. The loss of so many members of “the family”, the lack of recognition, and inadequate and often offensive response by governments and medical and related institutions to the challenges of HIV/AIDS, pushed gays and lesbians to organize “in your face” activities and challenges to the status quo. Some unions too raised the ante.

Another union actively advocating on behalf of their lesbian and gay members during this decade was the Ontario Secondary School Teachers’ Federation (OSSTF). Their handbook on salary policy from the 1980s stated, “... that any discrimination in salary, promotion, tenure, fringe benefits on the basis of age, sex or sexual orientation, marital status, race, religion, or place of national origin should be opposed.” This policy was an amazing show of solidarity from a union of teachers whose gay and lesbian members were especially vulnerable to homophobic attacks due to their work with young people.

The 1980s was the decade that pushed the struggle for gay liberation toward the struggle for equality and human rights recognition. As gays and lesbians were organizing and fighting for their rights on numerous fronts, the Canadian Charter of Rights and Freedoms, a watershed document enshrining the rights of Canadians, became part of the Canadian Constitution in 1982. However, its equality rights provisions did not become legally binding until 1985. In 1986, sexual orientation was included in the Human Rights Code of Ontario and in 1987 in the codes of Manitoba and the Yukon. The inclusion of sexual orientation as a prohibited ground of discrimination was not covered in the Charter until 1995, with the Supreme Court of Canada decision on the case of Egan vs. Canada. In May 1995 the Supreme Court ruled against Jim Egan and Jack Nesbit, two gay men who sued Ottawa for the right to claim spousal pensions under the Old Age Security Act. Despite the ruling against them, all nine judges agreed that sexual orientation is a protected ground and that protection extends to partnerships of lesbians and gay men.⁷

Legislation and negotiations work in tandem. Unions negotiate new provisions that eventually become enshrined in law, and laws become integrated into the reading of collective agreements. Gay and lesbian workers first organized for their rights in their locals, at the bargaining table, winning new rights in their collective agreements. Once same-sex rights, protections and benefits began to be included in collective agreements, the grievance procedures then provided a mechanism to challenge discrimination against gays and lesbians. If a case was not resolved at the workplace, it went to arbitration at a Labour Relations Board.

The first arbitration case for same-sex benefits was filed by a worker of the Canadian Union of Postal Workers (CUPW). She was a lesbian who was denied leave to care for her ailing same-sex partner of 16 years. The collective agreement allowed employees leave in situations of illness if they were “immediate family members” and even if they were “common-law spouses”.

7 www.cbc.ca/news/canada/timeline-same-sex-rights-in-canada-1.1147516

The CUPW argued that the definitions were applicable to the lesbian and her same-sex partner and that they should be covered especially since their collective agreement prohibited discrimination on the basis of sexual orientation. However, Canada Post refused to recognize her partner as either family or a common-law spouse (Peterson, 1999, p.40-41).

The 1980s also saw a number of unions explicitly denounce discrimination on the basis of sexual orientation. For example, in 1986, the Canadian Labour Congress amended its constitution to prohibit discrimination on the grounds of sexual orientation, and in 1985, when the Canadian Auto Workers broke away from the United Auto Workers and formed their own union, the new Constitution included a pledge in the Oath of Office for all elected leadership to fight discrimination—including that based on sexual orientation.

I was one of 3 or 4 LGBT staff who formed a committee within the CUPE local to promote LGBT issues within CUSO [CUSO is a Canadian organization that recruits Canadians cooperants to work in the global South on a volunteer basis.]. I remember Moffatt Clarke, now in Vancouver, Anne Bishop, living in Nova Scotia and a lesbian from Regina who I can't remember. From about 1982ish to about 1987ish we were able to achieve the insertion of non-discrimination on the basis of sexual orientation into our collective agreement and also within the process of selection, preparation and placement of "cooperants" going to work in the global South. As a result, a section on sexual orientation was included in pre-departure discussions and a document was written on conditions relating to sexual orientation in various programming countries of CUSO. Several openly LGBT persons and couples were recruited and placed by CUSO. Lily Mah-sen, then a CUPE member and now of Amnesty International was instrumental in this. We also did conscientization within the Union and within CUSO. This set an important precedent among many for CUPE and its locals.

Trevor Cook, Montreal

The struggle for equality rights of workers in workplaces and in unions in the 1980s also involved organizing for the rights of women and racialized workers - this benefited gay and lesbian workers generally, and specifically benefited those gays and lesbians who were also racialized and thus experienced multiple discriminations. In the 1980s the Ontario Public Service Employees Union (OPSEU) began a conversation on employment equity in the province and established a Race Relations and Minority Rights Committee in the union. This committee included workers who represented the interests of workers who were women, who were racialized, who were workers with disabilities, who were Francophone and who were gay. These committee members came from different sectors within OPSEU: colleges, public sector, etc. and came from both urban and rural areas of the province. At that time, Beverley Johnson was a member of the Committee. She eventually became the Chair.

According to Beverley, “It is important to mention that there was not a lot of support in the labour movement for this work. Some union leaders supported it, but many of the rest reflected the conservatism of Canadian society in terms of equality for racialized or LGBT workers or the rights of workers with disabilities. They were not supportive of employment equity. On the other hand, this work also attracted a lot of workers who had faced discrimination or multiple discriminations and many more of these workers became active in the Union”.⁸

The work of Beverley and her colleagues from OPSEU and community-based organizations influenced the New Democratic Party (NDP) and a few years later the NDP introduced an Employment Equity Bill which eventually became law.

8 Interview with the author on May 27th, 2014.

— The 1990s: No going back

In the 1990s, unions and labour federations built on the victories won through grievances in individual unions. This was the decade that saw grievances move from Labour Board arbitrations to Human Rights Tribunals, to provincial courts, to the Supreme Court of Canada. As the agenda for equality and social unionism advanced, there was no going back. Throughout the 1990s, the workplace rights of minority workers advanced with most contracts winning human rights and equity language, same-sex benefits and eventually pensions.

In 1989 the Hospital Employees Union (HEU) in British Columbia had negotiated same-sex benefits, well before it was legally mandated in the province. Then, in a landmark decision in 1991, the union filed an historic human rights lawsuit on behalf of HEU member Tim Knodel—against B.C.’s Medical Services Commission (MSC) when it denied medical coverage for Knodel’s partner Ray Garneau, who was terminally ill. On August 31st, 1991, the B.C. Supreme Court ruled in favour of HEU and ordered the MSC to recognize same-sex partners as “spouses” and grant them medical coverage.⁹

In 1990 a group of union members founded the PSAC Lesbian and Gay Support Group (LGSG), which lobbied strongly for the rights of lesbian and gay members. Also in 1990, the first CAW Lesbian and Gay caucuses were formed in Toronto and Vancouver. A major focus of their work was to tackle the issue of same-sex benefits. In 1990, the CLC Convention adopted a resolution to make same-sex benefit bargaining a priority for all Canadian unions.

In 1991 six CAW members, with the assistance of the union, filed human rights complaints against Canadian Airlines for its refusal to recognize same-sex spouses for benefit coverage. A year later a similar complaint was brought against Air Canada. Needless to say, there was a concentration of gay men in the airline industry.

In 1991 the gay and lesbian committee of CUPE—the Pink Triangle Committee—was the first labour committee in the world to prepare an information kit on sexual orientation.

In the fall of 1992, two gay men, Michael Lee and Rick Waller, members of CTEA (Canadian Telephone Employees Association) filed separate grievances with Bell for same sex-benefits. It took until November 1994 before a judgement was delivered by the arbitrator in their favour and led to the same-sex benefits coverage for all the gay and lesbian employees and managers of Bell. Unfortunately, Waller did not survive to hear of their victory. He died of complications from AIDS a few months before the decision was announced. This was a victory for same-sex benefits in Canada before same-sex benefits were won for gays and lesbians in many other parts of the country, and it enabled LGBTI workers in other unions of Bell to also benefit from this victory.

— When I look back over my 40 years in the labour movement, one period stands out in my mind most clearly and hits me in my feelings most deeply.

⁹ www.heu.org/sites/default/files/uploads/resource/2013/11/20/NL%2011-2013%20Transgender%20Day%20of%20Remembrance.pdf

In 1991, I was President of CUPE Local One at the Toronto Hydro-Electric System where I worked as an electrician. That year we won a major breakthrough in the fight for what we now call LGBT rights. At a time when few health plans provided benefits for same-sex partners, we won far more.

In the words of the union collective agreement (the union contract) signed in 1991, “All rights and benefits conferred under this Collective Agreement to employees on the basis of a spousal relationship shall be equally conferred when the employee’s partner is of the same gender.”

Everything was included: bereavement leave, parental leave, adoption leave, health benefits and more. At the time it was daring to put forward such a demand, let alone win it. This achievement was particularly significant because it was won in a large workplace in which the blue collar workforce was dominant.

The fight for LGBT rights was interwoven with many other issues. I was determined, for example, to change Toronto Hydro’s hiring policies—its blue collar workforce was 99% white male. By the late 1980’s the winds of change were finally blowing. Toronto Hydro hired about 30 women into non-traditional work and proudly proclaimed that it was an equal opportunity employer.

Hiring women into non-trad jobs was of course a good thing. However, all the 30 women were white. Not only that, but the employer had done nothing to prepare the existing workforce for this change. They had done little or nothing to ensure that the workplace would be safe for women workers. The situation was compounded by the fact that many of the women were lesbians and many of them were “out”.

When a female apprentice experienced hazing in November, 1988, the situation came to a head. The union went to the Hydro Commission, detailed the problems in the workplace and threatened to expose their equity claims as a fraud.

There was tumult within the union organization, in the workplace and between the Hydro Commission and Toronto Hydro Management.

The union got out in front of the very complex equity crisis. We did this insisting that the old union principle “an injury to one is an injury to all” must be applied to all members, including gay and lesbian members. We also took the lead by developing bold, creative solutions.

We applied our experience with health and safety to the equity challenge and crafted another breakthrough. A joint union/employer program, established in 1992, declared workplace harassment to be a safety issue. Workers won the right to leave the workplace with pay when they experienced harassment—including harassment for their sexual orientation.

Years later, in 2010, Bill 168 was passed in Ontario. It finally brought harassment

under workplace safety legislation and included the right to refuse work due to harassment—for all workers in the province!

Most of the credit for these accomplishments goes to Local One Executive Board members, shop stewards and rank-and-file activists who stood up to the employer and, when necessary, challenged co-workers on the job. It truly was change from the ground up.

Despite our best efforts, life at work remained difficult for many people. We did however move the cause of LGBT rights forward in significant ways.

*Rob Fairley is Director of Strategic Services at
Toronto & York Region Labour Council*

Equity work in the 1990s included the formation of a number of identity-based caucuses within OPSEU, and in many other unions. The OPSEU caucuses included Workers of Colour, Aboriginal Circle, Disability Rights and a gay and lesbian caucus that eventually became the Rainbow Alliance of today. The point of the caucuses was to enable as wide a representation and engagement from the members of OPSEU as possible.

As Bev Johnson says, “Of course, as the caucuses became more active there was ‘push-back’ from other union members, this is to be expected, but one hopes that with committed leadership at the top, the rights of minority workers can be advanced”.

Early on, OPSEU participated in Toronto’s Pride Parade and, “In 1992 we had our own float in the Caribana Parade for the first time. Fred Upshaw [the President at the time], ‘got hell for this’ from others on the Executive Board. They did not approve OPSEU having a float in the Caribana Parade. They did not see the point for this. But, that participation said to our members who were not active in their locals that their union was interested in their cultural activism and that led to a lot of them getting involved in their locals. It was a low-cost event for such great returns. Until my retirement in 2005, that was the only year that OPSEU had a float in Caribana”.¹⁰

The year 1994 was a big year for labour organizing in the fight for gay and lesbian rights. It was also a momentous year for LGBTI communities organizing all over the country. It was also the year that the Canadian Labour Congress Convention floor had to debate the CLC’s first policy on gay and lesbian rights which called for workplace education on homophobic harassment, political action on lesbian and gay equality, public campaigning and legal action. It stated,

“The CLC clearly understands that sexism, racism, ableism and heterosexism share common roots. We acknowledge that we can change attitudes and be-

¹⁰ The very abridged history of the equity work in/of OPSEU was documented by the author in conversations with Beverley Johnson who was OPSEU’s Human Rights Officer.

haviour if we stand united. We know we will fail if we allow ourselves to be divided. We believe that we can be unified without uniformity and that we can celebrate our diversity without divisiveness. We will strive to achieve a truly inclusive union movement that is representative of all its members". (CLC, 1994, p. 9).

Passing the CLC pride policy did not come easily. It was preceded by intense caucusing. The floor strategy adopted by LGBT delegates was to speak at the mics so that their trade union brothers and sisters would have a glimpse of the struggles they went through in their workplaces and in the broader community. Allies in leadership, such as Harry Hynd, the Director of District 6 of the United Steelworkers, spoke about being a young man when anti-gay bigotry was the norm and of the gay bashings that took place. He apologized for not doing anything to stop them at that time. He implored all union members to do everything they could to change attitudes and support their brothers and sisters.

At the end of the day, the CLC pride policy was adopted with a strong majority. More than just words on paper, it made it easier for LGBT members to demand that their unions take proactive measures to protect their rights and stop the harassment in the work places.

Also by 1994 CAW had successfully negotiated same-sex pension benefits at Northern Telecom (forcing the company to pay out of general revenue until pension legislation was amended) and the union had negotiated same-sex benefits at Nissan, Windsor Plastics, the Art Gallery of Ontario, Pinkertons, Co-op Housing Federation of Toronto, Brampton Hydro, CAMI and Falconbridge Mines. Before the law changed in 2000 (which requires employers to extend spousal benefits to same-sex couples), the CAW has successfully negotiated same-sex benefits in auto, rail, airline, hotel, auto parts -- in units with less than 100 people, to units with over 20,000 members; in units where there were some self-identified gays and lesbians, to units where there were none. As a private sector union, CAW was leading the way for legal recognition and equal rights for gays and lesbians in Canada.¹¹

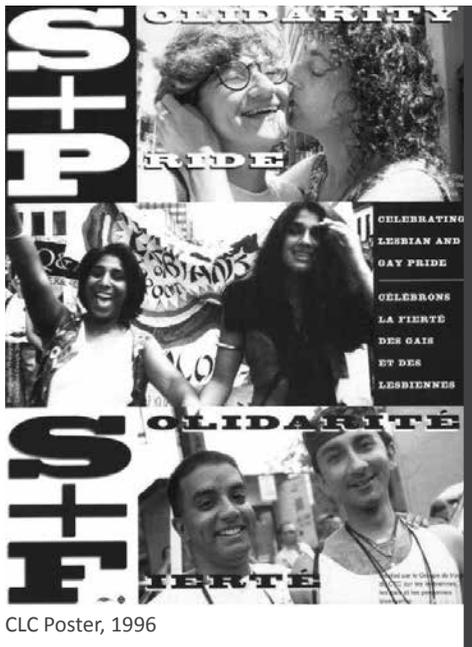
In the same year, the Ontario Federation of Labour became the first union federation (possibly in the world) to officially sanction a Gay and Lesbian Committee.

CTEA: Women's right to wear pants at Bell-a lesbian leads the way

Laura Davis worked at Bell and was a member of what was then called the Canadian Telecommunications Employees' Association (CTEA)¹². CTEA was an independent union certified in the 1940s to represent Bell employees in Ontario and Quebec. The union represented over 40,000 clerical and sales employees who were predominantly women.

¹¹ www.cawcouncil4000.com/human-rights/caw_lgbt-history.html

¹² CTEA was eventually incorporated into the Communications, Energy and Paperworkers' Union of Canada (CEP). In 2013, CEP and the Canadian Auto Workers (CAW) amalgamated to form Unifor.



CLC Poster, 1996

In CTEA, national representatives were elected and not hired. The Council Planning, a body of local presidents had asked Laura to consider running for the position of National Representative. However, there were concerns expressed by some members of the Council Planning that if Laura were elected she would “not have an easy ride” in some of the cities of Ontario because “of her sexuality”. They also said that people “would not accept her”. In 1994 women workers at Bell were required to wear “female” clothing such as dresses and wearing pants was not allowed. Laura had told the Council Planning that she did not wear dresses, but that she would ensure that she dressed well with pants and jackets. According to Laura, she did not come out on the job; she just let them assume whatever they wanted. With her pants and jacket, Laura was elected to the position of National Representative.

However, when other National Representatives asked why Laura was allowed to wear pants and they were not, they were told “because of her sexual preference”. Their response to this was that, “If Laura can wear pants, so can we!” Thanks to Laura, women workers of CTEA, many of whom were not lesbians were able to wear pants on the job!

Another time, Laura had to attend a meeting with a Bell executive and a Local President told her that she hoped that Laura would be wearing a dress for the meeting. She said, “If you don’t they may think you are a lesbian”. Laura emphatically told her that she was. To Laura’s surprise and delight, at the meeting one of the Bell executives walked in wearing leather pants! Laura sent her union sister a triumphant look.

However, there were difficult times too. Once a national rep. assumed that she was doing Laura a favour by outing her to workers in a small town before the workers had met Laura. By the time Laura got there, she knew something was not right. According to Laura she would have preferred not to be pre-judged by the women and would have liked for them to get to know her on her own terms. One or two of them got upset and said they did not want to be “hit on” by Laura. When this incident was discussed with Laura a few years later, Laura responded by saying, “We have standards, you know”, to which both women laughed.

For an example of the Public Service Alliance of Canada’s (PSAC’s) outstanding leadership early on in the struggle for gay, lesbian and bisexual rights in the labour movement, consider the following sexual orientation policy from 1994.

Sexual Orientation: PSAC Policy 31¹³

The Public Service Alliance of Canada deplores discrimination against lesbians, gay men and bisexuals, and urges all levels of government not only to prohibit discrimination on the basis of sexual orientation, but also to recognize and protect lesbian and gay relationships and families.

The Alliance has taken a leading role in negotiating collective agreement provisions which begin the process of providing protection on the basis of sexual orientation. As well, it has defended these rights at arbitrations and adjudications, and pursued these issues to the Courts. The Alliance is committed to achieving contractual recognition and protection of the relationships and the families of all members.

The Alliance believes that heterosexism (the presumption that everyone is heterosexual and that heterosexuality is superior to other forms of loving) has constructed a social edifice which denies the existence of lesbians, gay men and bisexuals, of their relationships and their families. The Alliance believes that fear and hatred of lesbians, gay men and bisexuals is passively and actively encouraged when institutions do not speak out against overt and covert discrimination against lesbians, gay men and bisexuals. To remain silent in the face of discrimination is to suggest tacit approval of harassment, intimidation and violence against gay men, lesbians and bisexuals.

The Alliance recognizes that a single individual may experience multiple grounds of discrimination at the same time, and that lesbians, gay men and bisexuals will experience the world differently depending on their sex, race, age, class, disability, language and other factors. The Alliance is committed to obtaining human rights protection on multiple and intersecting grounds of discrimination.

Internally, the Alliance will create a Union in which there is zero tolerance of homophobia and heterosexism.

To achieve the goals of this policy, the Alliance will implement the following procedures...

The PSAC engaged in a series of grievances and human rights complaints to defend lesbian and gay rights in the workplace which resulted in several victories. In 1993, the PSAC successfully argued in the Lorenzen case that a member with a same-sex spouse should be provided spousal related leave under the collective agreement. The Treasury Board had refused to allow him to take time off to care for his injured spouse and to mourn his father-in-law's death. This case was eventually won at the Public Service Labour Relations Board and set a precedent for many other similar cases.

13 www.psaunion.ca/sexual-orientation-psac-policy-31



Toronto and York Region Labour Council,
Same sex benefits demonstration, 1994

A few months later, in 1994, PSAC forced Canada Post to provide spousal benefits for same-sex partners. This case arose from a grievance that was filed by Luc Guèvremont, a Vancouver-based clerk at Canada Post. His partner had been denied reimbursement for eye glasses that should have been covered under the vision care plan.¹⁴ The Canadian Human Rights Tribunal ordered Treasury Board to provide same-sex couples with the same benefits as opposite-sex couples (1996). Finally, in the Akerstrom and Moore case,¹⁵ where two gay men em-

ployed by the Federal government were being denied equal benefits, the Federal Court ordered the Treasury Board [i.e. the Federal government] to change the heterosexist definition of “spouse” in collective agreements.

The year 1994 also saw the culmination of the Campaign for Equal Families in Ontario. The Coalition for Lesbian and Gay Rights in Ontario (CLGRO) and the Campaign for Equal Families whose membership also included community-based organizations and unions mobilized to win relationship recognition for same-sex couples. Bill 167 was the first attempt to pass legislation recognizing same-sex relationships in Canada.

As this was also the year that the CLC Convention passed a resolution to actively support LGBT communities, many unions were actively involved in the push for same-sex recognition.

On May 17th, 1994, the Ontario Attorney General introduced the Bill 167 to provide same-sex couples with rights and obligations equal to opposite-sex common law couples. The legislation would have amended the definition of “spouse” in 79 provincial statutes.

According to Carolyn Egan of the Steelworkers,

“A number of Steelworkers involved in the campaign wanted to bring the issues to the streets. We wanted our unions to fight alongside us. The USW, the Toronto and York Region Labour Council, Aids Action Now!, Women Working with Immigrant Women, Desh Pardesh, and Black Cap called a demonstration for the night of June

14 www.pscunion.ca/history-making-psac-fights-lgbt-rights

15 For the details of this case see: www.cdn-hr-reporter.ca/hr_topics/trade-unions/denial-benefits-same-sex-partner-discriminatory

2nd. We leafleted the bars on Church St all week and that evening over 2,000 poured out of the bars and restaurants and took to the streets. It was a powerful march led by union banners and wound its way to the legislature demanding same sex benefits now! This was an important milestone in the involvement of unions supporting LGBTQ rights”.

The Bill was defeated on June 9th, 1994. The defeat of the Bill was attributed by many to the then Premier of the province, Bob Rae, for allowing a free vote in the House instead of requiring that all NDP members of parliament vote in support of the Bill.

In 1995, Karen Andrews, a lesbian employee of the Toronto Public Library Board, claimed that she and her live-in female partner, and her two children were entitled to family coverage under the Ontario Health Insurance Plan (OHIP). The Canadian Union of Public Employees Local 1996 supported her case. However, the Ministry of Health refused to accept the application for family coverage. The Ministry’s lawyer argued that the definition of a family in the relevant legislation restricted it to spouses of the opposite sex. While Andrews did not win her case, her challenge eventually led OHIP to make changes by enabling individualized coverage.



United Steelworkers of America, Same sex benefits demonstration, 1994

In 1997, about 300 people attended the first ever CLC Solidarity and Pride Conference in Canada. As one of the organizers of the Conference, Sue Genge recalls that Nancy Riche who was the Vice-President of the CLC at that time then opened the conference by saying, “Welcome to the first ever, Solidarity and Pride Conference” and,

“There was five minutes of standing ovation to those few words. People were crying for what that statement meant to them. Even I was crying. They were so relieved that they could be gay and lesbian and out in their unions. Gays and lesbians who were not yet out in their unions, took their holiday time to attend the conference and covered their own costs to attend. We wanted to film the conference and when we announced that those who did not want to be in the video should go to one side of the room, 30% of those attending moved to that side”.

This was the first conference of gay and lesbian rights held by any union central anywhere in the world.

Gail Owen from PSAC attended the 1997 Conference. She was the first worker to declare her trans identity. Owen has seen attitudes shift after training that promotes mutual respect and understanding. Says Owen, “There’s still lots of hate out there, I can go through hundreds of horror stories”.¹⁶



First CLC Solidarity and Pride Conference 1997.

From left to right Greg Stevenson, MFL; Jacques CUPE; Jennifer Breakspear, OPSEU/NUPGE and to the far right Stephanie Johnstone, CAW.

In 1991 Delwin Vriend, who was a lab instructor at King’s University College in Edmonton was fired from his job because he was gay. He was not a member of any union, but unions defended his unfair dismissal because they recognized this as a violation of a basic human right. The Alberta Human Rights Commission refused to investigate the case because the Alberta Individual Rights Protection Act did not cover discrimination based on sexual orientation. Vriend, with the support of many community and labour organizations including the CLC, (who had

intervener status) took the government of Alberta to court. In 1994 the court ruled that sexual orientation must be added to the Act. The government of Ralph Klein won an appeal in 1996 but the decision was overturned. In November 1997, the case went to the Supreme Court of Canada and on April 2nd, 1998, the high court unanimously ruled that the exclusion of homosexuals from Alberta’s Individual Rights Protection Act was a violation of the Charter of Rights and Freedoms.¹⁷

One of the most important cases for the rights of all LGBTIQ people in Canada was won by two CUPE national staffers in 1998. Nancy Rosenberg and Margaret Evans had both received the employee benefits offered by the Canadian Union of Public Employees (CUPE) for their lesbian partners. When CUPE was unable to register its plan to include same-sex survivor benefits, the two women—with the support of their union, who was also their employer (!),

16 www.dailyxtra.com/toronto/trans-issues-take

17 See www.cbc.ca/news/canada/timeline-same-sex-rights-in-canada-1.1147516 and www.hecanadianencyclopedia.com/en/article/vriend-case/

challenged the Income Tax Act's definition of "spouse". They said that they were being discriminated against under section 15(1) of the Charter of Rights & Freedoms, which guarantees that every individual has the right to equal benefit of the law without discrimination. The Ontario Court of Appeal, in a unanimous decision, overturned the lower court's decision and found that the restrictive definition of "spouse" in the Income Tax Act violated the Charter. The Court determined that the appropriate remedy was the immediate reading in of same-sex partners into the definition of "spouse" as it relates to private pension plans. The federal government decided not to appeal this decision. This case led to amendments to the Income Tax Act recognising same-sex common-law spouses.¹⁸

18 www.ehlaw.ca/publications/jul98/rosenber.shtml; www.en.wikipedia.org/wiki/Foundation_for_Equal_Families#cite_note-1

The 2000s: Expanding rights

The 2000s saw even more gains made by unionized workers and unions across the country. However, it is beyond the scope of this booklet to do justice to documenting the growth of the organizing for LGBTIQ rights during this decade. Suffice it to say, that a few momentous occasions cannot be ignored even in a publication as small as this one. This section will briefly cover the early trade-union advances in supporting transsexual rights as in the case of CUPE 3903; the support of young people in high schools and Gay-Straight Alliances (GSAs) in schools as embodied in the case of the CAW and Marc Hall; the challenge by unions to the corporatization of Pride; the recognition of same-sex marriage; and the election of Fred Hahn to the presidency of CUPE Ontario in 2010 (the first time an out gay man has been elected president of a major union in Canada).

Transgender and Transsexual persons are some of the most marginalized workers and union members. The years of the 2000s saw a growing awareness about the discrimination faced by trans people and their right to be and live as they choose, in equality, safety, and dignity. The Ontario Human Rights Commission *Policy on Harassment and Discrimination because of Gender Identity* states,

“There are, arguably, few groups in our society today who are as disadvantaged and disenfranchised as transgenderists and transsexuals. Fear and hatred of transgenderists and transsexuals combined with hostility toward their very existence are fundamental human rights issues”.¹⁹

At the CLC’s Solidarity and Pride conference of 2001 held in Vancouver, there were about 12 trans participants who were very active at the Conference. Their engagement led to the development of a working paper on trans issues, and was a major step forward on recognition within the pride community that unions and gays and lesbians within unions needed to take on trans issues.

In terms of actual rights for transsexual workers in bargaining and contracts, in 2001 CUPE Local 3903 representing teaching assistants and part-time faculty at York University in Toronto negotiated a historical first, *Transsexual Transition Leave*. Workers are entitled to up to eight paid weeks off for their transition leave. Additionally, they bargained and amended harassment and discrimination language to include transsexual transition status, gender expression and gender identity as the basis of discrimination. Also included in this ground breaking agreement was an increased allotment to the *Ways and Means Fund*, dedicated to supporting transitioning members. This paved the way for the creation of a *Transition Fund*, the first ever of its kind, in subsequent rounds of bargaining.

Trish Salah was central to the organizing for trans rights at York University. According to her,

“A lot of these gains were made incrementally. We changed by-laws and our constitution, to explicitly cover transsexual and transgender members, affirmed trans

¹⁹ www.cupe.ca/updir/New_Trans_Fact_Sheet.pdf

women's involvement in the women's caucus, and through resolutions sent to the national convention, managed to lobby and win three trans seats to CUPE's Pink Triangle Committee. The victories for trans rights at York University have been critical in influencing collective bargaining in unions in many universities in Canada and the US."

Interestingly, the largest number of workers covered by protection based on gender-identity is in the auto sector. The Canadian Auto Workers (CAW) in its collective agreements with Ford, General Motors and Daimler Chrysler in 2002 recognized gender identity as a prohibited ground of discrimination (Hunt. G. et al., 2007, p.148).

While the struggle for trans rights in unions and workplaces has moved ahead, there is still a long way to go in translating these rights in collective agreements to reality. According to Marion Pollack who just retired from CUPW after working at the Post Office in Vancouver for 37 years,

"Five years ago we were at the national human rights committee meeting and this woman who we know is a trans woman was waiting for the end of the meeting to talk to us. She had transitioned on the job in a post-office in a small town in Ontario. She had already transitioned and there were washrooms there, but they refused to let her go to the women's washroom and they had a washroom that was designated only for her. She was in the HR meeting but could not raise this issue there. We were very upset to hear what she had to say and of course we dealt with this right away. We need advocates in the workplace—wonderful and important to have them in the union offices, but need them in the workplaces to deal with the day to day stuff."

Pollack feels, "... people are very uncomfortable with folks transitioning on the job," but perhaps things are changing? She says, "We had a manager transition on the job in Vancouver, it must have been 2008 or 2009 and he was really supported by management. That is good. We went and told them that they should also be supportive of workers when they transition."

According to Salah,

"There is still a lot to be done, for example, in support of sex-workers. Both CUPE and the CLC committed to playing a leadership role in the decriminalization of sex work with the adoption of resolutions at their conventions in the early 2000s. However, not much has been done. Attempts at solidarity with sex workers were blocked at senior levels of CUPE National by moving the work from the Pink Triangle Committee to the Women's Committee and/or deferring that work to the CLC."

To move this struggle forward, Salah says, "One thing that the unions can do at this critical time [with current discussions in Ottawa to change legislation re: sex workers] is to honour the resolutions they adopted to work in solidarity with sex workers to fully decriminalize sex work".

A Prom Triggers a Storm: Canadian Auto Workers and allies support a gay high school student

In 2002 Marc Hall, a 17 year old high school student at a Catholic school in Oshawa, Ontario set off a fire storm when he challenged his school because they refused to let him take his boyfriend to the high school prom. His disagreement with his school over this led to the involvement of the CAW in his case as well as numerous other community based organizations and individuals in Oshawa and Toronto.

Hall took the Durham Catholic District School Board to court, arguing that his constitutional rights had been violated. In May 2002 the Ontario Superior Court of Justice issued an injunction permitting Hall to attend the prom with his boyfriend.²⁰

The support by the leaders of CAW for this young gay man created a lot of discussion and mixed feelings in the work force of auto workers and in the city of Oshawa. According to Mike Shields, who was president of Local 222 at the time,

“Some workers were very negative that I had gotten involved to support Marc. Union reps told me to lay off and focus on grievances. At one point, two union members came to a meeting with a petition that had 2000 signatures and said that I should keep my nose out of that business. At that meeting another member said that he supported the actions of the union and this got a unanimous vote. I guess people were willing to sign the petition, but they did not want to be seen publicly opposing this. Afterwards, when some of them heard the Court’s verdict, they said, ‘I guess Shields was right after all’”.

The discussion about sexual orientation in the CAW Local was important for many other reasons too. Says Mike, “That year I went to the Pride parade in Toronto. I saw some guys there that I thought were from the Chrysler Plant. Of course, I don’t know them all, there thousands of workers there. I noticed this one guy who was working on the sound system... about two months later he turned up in my office. He said, ‘You know I am gay. I have been a member of the union for 25 years and have never felt the union was mine until now.’” If you can get more workers to be active in the union, then that sure is a good reason to have discussions about sexuality and sexual orientation in the workplace!

After the Marc Hall case more workers came forward and applied for same-sex benefits. CAW in Oshawa had same-sex benefits from 1996 onwards, but still many people had not applied for them. Despite the many gains that unions have made for workers and for everyone else who is LGBTIQ, it is still not easy to be out on the job and workers still fear social isolation and harassment.

²⁰ www.dailyxtra.com/toronto/news/hall-drops-case-catholic-school

Corporate involvement in the activists' Pride, Toronto

The growth of organizing of the LGBTIQ movement and the organizing for LGBTIQ rights also saw the growth of more Pride parades and events across Canada.

In Toronto, many LGBTIQ activists in communities and in trade unions saw the growing corporatization of Pride in Toronto as a problem compromising community priorities. In particular, they questioned corporate involvement in Pride where the rights of LGBTIQ workers on the job were not being addressed.

While this tension continues today and raises additional challenges each year, union activists took the initiative to develop a Corporate Code of Conduct for Pride. See below.



Corporate Code of Conduct for Pride Day CLC Solidarity & Pride Working Group²¹

PREAMBLE

Over the past few years, corporate sponsorship of Pride Day has increased dramatically. We need to take stock of this reality to assess if the sponsorship is actually benefitting the gay, lesbian, bisexual, transgendered communities. As workers, as individuals and as citizens we have developed this Code of Conduct as a starting point to measure corporate responsibility to our community. The Code of Conduct provides standards for sponsorship of Pride Day. Companies that do not live up to this standard should not be included as sponsors of our events!

GLBT RIGHTS AT WORK

Does the company have an anti-discrimination policy, including sexual orientation and gender identity?

Does the company have an anti-harassment policy, including sexual orientation and gender identity?

Does the company provide training on these policies?

RIGHTS OF WORKERS

Are workers in the company unionized?

Do workers receive a fair and living wage?

²¹ An earlier version of this Code was developed by the Workers' Organizing Rainbow Coalition of Toronto.

Does the company follow basic workplace law, i.e. employment or labour standards, human rights, health & safety?

Does the company sponsor, use or endorse the use of workfare recipients?

ACCESS AND EQUITY

Does the company have an employment equity plan and hiring policy?

Does the company advertise job opportunities in the GLBT communities and press?

SAME-SEX BENEFITS

Does the company have a same-sex benefits plan including medical, dental, adoption assistance, child care benefits, relocation benefits, family/personal sick leave for partner care, bereavement leave, pension plan - in short, equality of benefits

SOCIAL EQUITY

Does the company contribute a substantial part of its revenue to non-profit and/or advocacy organizations supporting the lesbian, gay, bisexual, transgendered communities such as AIDS organizations, social housing and community health clinics?

PRIDE DAY BOOTH SPONSORSHIP (CO-SPONSORSHIP WITH COMMUNITY GROUPS)

Is the company willing to donate a portion of money raised on Pride Day to the group that they co-sponsor?

Is the company willing to have its sponsorship advertisement smaller than the advertisement for the community group it co-sponsors?

In 2002, in response to economic inequality, neoliberalism, and the corporatization of the pride parade itself, unions including the CAW, CUPE, PSAC and USW, joined with community groups to march in a separate section of the parade, under the banner "People before Profits".

Equal Marriage

Equal marriage was legalized in Canada in 2005. The victory for equal marriage has to be attributed to hard work of numerous organizations and individuals. Providing leadership to the campaign was Canadians for Equal Marriage, a public interest group representing Egale Canada, PFLAG Canada, the Canadian Federation of Students, the Canadian Labour Congress, the Canadian Psychological Association, the Canadian Association of University Teachers, and the Canadian Association of Social Workers, among others. Many rank and file LGBTIQ union members were active in this campaign and they lobbied their unions to support the campaign. Many allies in the union movement supported their brothers and sisters in the campaign for equal marriage.

Buzz Hargrove, the CAW national president at the time had the following to say in a *National Post* editorial;

“I support equality. And so, I support same-sex marriage. I also support debate. Part of my leadership role as president of the Canadian Auto Workers is to encourage debate among the elected leaders of the union and the quarter of a million Canadians who are our members. In the 1980s and 1990s we debated the issue of bargaining same-sex benefits. We also took leadership on the issue, using our collective power to make corporations do what was right, before it became law... Gays and lesbians deserve the same choices as everyone else. Anything less is unacceptable to me, to the majority of Canadians, and to those who have not so far been given the choice. Canadians are ready. Gays and lesbians deserve no less than full equality. The debate can go on, but leadership and action need to be taken now”.

As a country, we’ve had debate on same sex marriage and have heard clearly from the Supreme Court. Let’s finish what is already in place for 87 percent of Canadians who live in provinces that have passed same-sex marriage legislation. It’s now time for us to move ahead.²²

Marriages between same-sex couples were allowed in Ontario and British Columbia beginning in 2003.

CUPE: The first out Union President

Interview with Fred Hahn, CUPE Ontario President—The first out gay man elected President of a large union in Canada²³

Q. As an out gay man, how did you get elected President of CUPE Ontario?

The first union meeting I went to was my first week on the job. This was in 1990. I was not out in the workplace and in the union at this time. It was amazing to hear that we had won same-sex benefits! I became active in the union.

My first Convention was in 1993 or 1994 and people on the floor of the Convention called me “faggot”. I went to the meet and greet of the first evening. There, a man came up to me and poured a glass of beer on me and told me I had no right to be in the union. We realized that there was nothing that we could officially do about this kind of harassment. Later on, we [the union] developed an Equality Statement and it was appended to the Constitution. This statement had to be read at the beginning of all meetings, workshops and Conventions. Thus, if someone felt that they had not been treated well by someone there was a process for grieving this inappropriate behaviour.

22 www.caw.ca/en/4367.htm

23 Interview with the author on June 3rd 2014.



Fred Hahn, CUPE Ontario President

I was elected to President of my local when Mike Harris became Premier. We were the first strike against the Harris government. In December of that year we beat back all the conditions they wanted us to compromise on. That gave me a level of credibility with people who only saw me as the “gay” guy. Now they also saw me as a trade unionist. People were surprised when I was elected. I have since gained the support of many members who might not have thought they’d ever support a “gay” president. That’s because they also simply see me as “their” president regardless.

Q. What do we still need to do to advance LGBTIQ rights?

First and foremost we need to do more bargaining for workers who are transgender. I am proud that our local at York University was the first union in the country to negotiate paid leave for workers who are transitioning.

We need more educational work and training for our members and to connect the trainings to the work of our unions. For example, members need to understand why racism is to the advantage of the employer and how racism hurts us as workers and unions. We have made legal change and in leadership thinking but have not yet truly activated members and got into members’ home communities and made change there.

Throughout history, communities and unions have fought for their rights and freedoms. These rights and freedoms did not come easily. Without organizing together to stand up and support each other the gains would have been small. The history of the success of LGBTIQ rights in Canada demonstrates the importance of unions to Canadian society and for Canadian democracy. It also demonstrates that we need to build alliances with others who are struggling and whose rights are also being violated. Democracies need strong social institutions; unions are one of these social institutions.

The economy has changed significantly since the 1970s due to the impact of neo-liberalism.²⁴ The loss of good paying jobs, the increasing precariousness of work or the lack of work altogether is increasing poverty and marginalization in the country. The attacks against workers and their unions are further eroding the gains for equality and dignity.

The policies of right wing conservative governments have been creating more unemployment, more job insecurity, have increased privatization and a further loss of jobs and wages, given more tax breaks to companies that are already not paying their share of the taxes, strengthened racist immigration and foreign-worker policies, not respected treaties and not negotiated in good faith with indigenous communities, violated collective bargaining agreements, made cuts to social services and the social safety net and put the natural environment at greater risk. All these measures have contributed to higher unemployment for younger women and men, higher unemployment for older women and men, higher poverty for single mothers, more insecurity for seniors and deepened inequality across the country.

Such measures will erode the gains made by LGBTIQ workers and communities and will further undermine the unions that supported these victories for equality.

We still have a long way to go for equal rights for LGBTIQ workers and communities and all our brothers and sisters. We still have to deal with on-going concerns such as young queers and young people and suicide, the many forms of violence and discrimination that are still endemic in our society and the slow progress on trans rights.

LGBTIQ communities need to continue to be part of creating a democratic and inclusive Canada. Get involved and create the Canada you want in your community groups; sports, arts and culture groups; women and youth groups; anti-racism groups; anti-poverty groups; organizations in support of indigenous peoples; disability rights groups and your unions. If you don't have a union, join one. If you have a union, become an active member stand up for your rights, and use the union as a vehicle for social change.

24 If you would like to understand neoliberalism—what it is, how it works and who it impacts—watch this great (12 minute) video made by two Toronto gay activists, Tim McCaskell and Richard Fung www.vimeo.com/6803752

In Conclusion

There is no doubt that the many rights that LGBTIQ communities enjoy today would not have been won without the support, organizing and financial assistance of trade unions. Trade unions have won:

- Changes in anti-discrimination legislation. Along with supporting LGBTIQ workers, unions have also organized for and won pay equity, employment equity, challenged the definition of family for parental leave, bereavement leave, and family leave. Unions have fought against discrimination in hiring and promotion—struggles which have benefited LGBTIQ workers, racialized workers, workers with disabilities, Aboriginal workers, women and all those that face multiple discriminations. The struggle is one.
- Same-sex (equal) benefits in collective agreements for partners and families. Through the efforts of unions, these rights have been extended to the rest of the LGBTIQ communities who do not belong to unions through court challenges to federal and provincial laws.
- The right to safe and harassment-free workplaces and the inclusion of harassment in health and safety legislation.
- Legal recognition of equal (same-sex) marriages.
- Support for LGBTIQ communities who don't have unions - such as young people in schools, the Gay Straight Alliances (GSAs).
- Support for all of us, no matter who we are, to live a life of dignity and self-respect in a democratic and inclusive Canada.

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CAW	Canadian Auto Workers
CETA	Canadian Telecommunications Employees' Association
CLC	Canadian Labour Congress
CUPE	Canadian Union of Public Employees
CUPW	Canadian Union of Postal Workers
GATE	Gay Alliance Towards Equality
HEU	Hospital Employees Union
OFL	Ontario Federation of Labour
OPSEU	Ontario Public Service Employees Union
OSSTF	Ontario Secondary Schools Teachers' Federation
PSAC	Public Service Alliance of Canada
USW	United Steelworkers

