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rail**

LGBT+ Inclusive Workplaces

TSSA Equality
Bargaining
Standard

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LGBT+ Inclusive Workplaces

TSSA is committed to celebrate, promote and manage diversity.

Our Workplace Representatives stand up for respect and equality in their workplaces every day. They do this through representing members in cases, campaigning for changes to policies and practices, holding workplace sessions on key issues of interest to members and potential members and leading on initiatives with employers to make the workplace fair and equal.

We believe that people should be able to be their true authentic selves in the workplace. Research published by Stonewall, has shown that there are business, economic and individual benefits from supporting LGBT+ staff at work.

Research demonstrates that people perform better when they can be themselves, and that staff who are able to be open about their sexual orientation and gender identity at work are more likely to be more satisfied with their job security and sense of achievement.

Employers have a duty to ensure their employees are free from discrimination, bullying and harassment on the grounds of sexual orientation and gender reassignment under the Equality Act 2010. We want employers to take practical steps to create workplaces where lesbian, gay, bisexual, transgendered and other staff can be open about their sexual orientation without fear of discrimination and which will make all employees feel more positive about the workplace as well as becoming more productive.

What is a Bargaining Standard?

TSSA Equality Bargaining Standards help our Workplace Representatives secure equality and diversity outcomes through collective bargaining, that benefit our members and potential members. A standard includes clearly identified outcomes and practical mechanisms by which to reach them. This ensures our members who work for different employers achieve a standard of working conditions across the industry. Workplace Representatives and active members, whether they have experience of the issues or not, can present our standard to their employer in a variety of forums, negotiate improvements and work together on joint initiatives until our TSSA Gold Standard is achieved.

LGBT+ Inclusive Workplaces is one of handful of bargaining standards that are designed to promote improvements in terms of equality and diversity where ever TSSA organises.

Together, these standards build a picture of what our union stands for and

how we are working to change the lives of our members at work.

TSSA members will introduce this bargaining standard to their employers. The standard is not a document we will ask employers to sign as such. Where possible our members will work with employers to audit themselves against the standard and identify areas for improvement. Employers can then identify practical actions from our standard to work on with TSSA that best fit their circumstances.

For our Reps, the standard enables them to measure the good work they are doing and plan for what they want and need to achieve. For our members, achieving our gold standard in this area will mean their employer has made a significant effort to ensure they can be their authentic selves in their workplace. For employers, our standard includes practical actions that can be taken positively and collaboratively with TSSA members, so they can achieve an inclusive workplace.

Why do we need to make our workplaces more LGBT+ Inclusive?

The law on discrimination against people on the grounds of their sexual orientation, whether they are heterosexual, gay, lesbian, bisexual or gender reassignment (trans) can be found in the Equality Act 2010.

The nature of the discriminatory treatment could be a one-off action or as a result of a rule or policy based on sexual orientation or gender reassignment. It doesn't have to be intentional to be unlawful. According to Stonewall's *LGBT in Britain: Work Report 2018* YouGov survey:

- Almost one in five LGBT staff have been the target of negative comments or conduct from work colleagues in the last year because they're LGBT, whilst more than a third of LGBT staff (35 per cent) have hidden or disguised that they are LGBT at work in the last year because they were afraid of discrimination.

- One in eight lesbian, gay and bi people (12 per cent) wouldn't feel confident reporting any homophobic or biphobic bullying to their employer. One in five trans people (21 per cent) wouldn't report transphobic bullying in the workplace.

Stonewall has highlighted the ONS' findings that in April 2013 Britain's working population at 29 million included six per cent who are lesbian, gay or bisexual. In terms of real numbers, this means that "1.7 million lesbian, gay and bisexual people are currently employed in Britain and are spread across every industry and sector."

By creating workplaces where people can be themselves all employers, regardless of industry, can benefit.

To find out more about discrimination and LGBT+ people at work visit www.tssa.org.uk/equality

Homophobia, Discrimination and 'Banter' Culture

Examples of homophobic culture within organisations have been reported as:

- Overheard homophobic language
- Witnessed explicit derision of LGBT+ people
- Recognising that preventing homophobia was not a priority of their employer.
- Realising homophobia was not reflected in policy statements, training programmes, or part of organisational culture.
- When managers ignored, or contributed towards, homophobic comments and incidents.

Additionally, LGBT+ employees have reported direct harassment, inter alia, in the following ways:

- Unequal treatment, for example, when entering a civil partnership.
- Discrimination in relation to their career progression.
- Exclusion by their colleagues.
- Inappropriate questions or comments.
- Subjected to, or overheard, homophobic language

From Stonewall's *LGBT in Britain: Work Report 2018*

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Inclusive Rail is TSSA's campaign to make the railway inclusive of Lesbian, Gay, Bisexual, Transgendered and other workers who may be intersex or identify as queer or non-binary gender. We will engage with individuals and groups who want to be part of making a difference, through collaboration and workplace leadership.

Our campaign includes the following elements and will grow as we work with others to make the railway LGBT+ inclusive.

#NoBystanders

People are asked to pledge to not stand by and watch bullying or harassing behaviours, but to take appropriate action www.tssa.org.uk/NoBystanders

Role Model Posters

Our poster campaign features TSSA members and staff who are LGBT+ and proud. These posters are designed to break down stereotypes of LGBT+ and acknowledge and celebrate diversity within the rail industry.

LGBT+ Inclusive Workplaces, TSSA Bargaining Standard

We are asking employers to work with us to make their workplaces inclusive for LGBT+, striving to reach our Gold Standard

Working together

To succeed we need to work together. We will work with Stonewall to build an industry forum with employers. We will also work with LGBT+ organisations and passenger groups to enhance our LGBT+ community's passenger experience.

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TSSA's partnership with Stonewall means the world to me. It shows that my union supports and encourages the LGBT+ community. The TSSA is challenging discrimination and that makes me very proud to be a member.

Cherise, MTR Crossrail, TSSA Member

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mtrcrossrail |

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Some people are surprised when they find out I'm bi. My interests and work as an engineer don't match the stereotype of queer men. But what you do doesn't define your identity. The LGBT+ community is as diverse as any other.

Aneurin (Nye) Arney, TSSA Member

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Tamara is a TSSA member at Network Rail. She is active in our TSSA LGBT+ Network and in her workplace staff network, Archway.

'Knowing my employer is LGBT+ inclusive means it is less stressful knowing the atmosphere will be friendlier, more welcoming and I will be respected. It means I can focus on my work and if there are any issues I can be confident that they will be dealt with professionally and taken seriously.'

Tamara came from another industry where she felt unsupported by her employer when she raised concerns. She was headed towards an employment tribunal, but instead chose to leave despite that meaning a significant pay cut. *'The hardest thing was that they stated they wanted a more diverse workforce, they wanted to retain staff and for staff to learn more skills. But in the end they didn't live up to any of that'.*

Tamara 'checked up' on her current



employer, Network Rail, before applying for the job, by searching their website and making sure they had supporting policies and LGBT network in place. By meeting the bargaining standard we set for LGBT+ Inclusive Workplaces, an employer can increase their workforce diversity and their chances of attracting and retaining skilled workers.

Dave Drewry is a TSSA member who works for Southeastern Railway. He feels his employer is supportive of LGBT+ in his workplace. 'Knowing I have support, makes my work life better' explains Dave.



'Without it, I would expect I would feel unwelcome and unable to fulfil my potential at work'.

Dave is active in our TSSA LGBT+ Network. He has already created a difference by asking David Statham, Managing Director, to sign our #NoBystanders Pledge. Dave is now working with Southeastern management on what our union can do jointly with them to make LGBT+ employees feel more included.

'I had a positive response when using the bargaining standard. It is a good document and easy to understand too'.

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TSSA Bargaining Standard: LGBT+ Inclusive Workplaces

There are three levels to TSSA's standard, Bronze, Silver and Gold. To achieve Bronze and Silver an employer will achieve 80% of the level. To achieve Gold, an employer will achieve and maintain 80% of Gold, Silver and all of Bronze.

Bronze

Engage with TSSA on issues regarding workplace culture and inclusivity and share information on the same

Participate in/audit themselves against the Stonewall Index

Recognition of TSSA Equality Representatives (includes paid facility time)

Establish a committee whose remit covers issues relating to (a) sexual orientation and (b) gender identity diversity and inclusion, that includes TSSA Equality Representatives

Conduct Equality Impact Assessments, and comply with the public sector equality duty (if applicable)

Have policies in place, develop new policies or review existing policies in consultation with TSSA representatives, specifically policies that address:

- Tackling discrimination, explicitly banning discrimination on the grounds of (a) sexual orientation and (b) gender identity
- Bullying and harassment, communicates a zero-tolerance approach against bullying and harassment on the grounds of (a) sexual orientation and (b) gender identity
- NOTE: The policy should explicitly include examples of bullying and harassment on the grounds of sexual orientation and gender identity
- Transitioning at work

- Use of facilities and dress code for non-binary people
 - Implementation of any employer guidelines or guidance that exists in the above policy areas, that guidance will be followed unless there are circumstances that restrict the ability to follow the guidance. If a guidance is not followed there is a reason provided that will be made available to TSSA workplace representatives on request
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Review all terms and conditions to ensure LGBT+ employees and their families are offered equal treatment to all other staff

Agreement / commitment in writing to work with TSSA and its workplace representatives on solutions and initiatives to improve inclusivity of LGBT+ employees. This will give our members confidence that they will be able to freely engage in LGBT+ workplace activities.

Silver

Become a Stonewall Diversity Champion

Work with TSSA to produce and agree a plan, implementing recommendations from Stonewall and / or TSSA Representatives

Senior Management sign TSSA's #NoBystanders Campaign pledge

Agreement to conduct training with staff specifically covering sexual orientation and gender identity, stereotypes and language, with training content and provider agreed in consultation with TSSA Equality Representatives

Establish a monitoring and consultation process in relation to equality, diversity and inclusion of LGBT+ staff, including transparency and use of staff surveys, that feeds into the committee.

Provision of specific training for customer facing external interactions, mindful of touch points where service users encounter the company.

90% or more of staff who deal with bullying and harassment complaints undergo training that specifically covers how to manage challenging and inappropriate behaviour, incidents of homophobic, biphobic and transphobic bullying and harassment.

Have a plan for how to effectively recruit people who identify as LGBT+ into the business

Gold

Joint campaigning with TSSA on LGBT+ awareness and issues including tackling bullying and harassment.

Senior management training that includes LGBT+ awareness and issues.

Staff Networks established with TSSA involvement and provided resources for activities.

Establishes and regularly promotes a transparent process for reporting by employees of homophobic, biphobic and transphobic bullying and harassment incidents, including those by customers

Senior management provided with training suitable for their role and which builds on general staff training and how to deal with complaints

Be socially responsible by community engagement and participation with LGBT+ community organisations, to strengthen support for staff and positive messaging and service for LGBT+ passengers, doing this jointly with TSSA.

Evidence of meeting each level of the standard is provided to TSSA annually along with discussions on further company and joint initiatives. Where any of the above material is absent or unavailable, employers should remedy this shortfall and make it the subject of discussion with TSSA.





www.tssa.org.uk/join



TSSA Helpdesk

helpdesk@tssa.org.uk

0800 328 2673 (UK)

1800 805272 (RoI)

Useful Links & References

TSSA www.tssa.org.uk/equality

Stonewall www.stonewall.org.uk

LGBT in Britain: Work Report 2018, research carried out by YouGov and published by Stonewall, available at: www.stonewall.org.uk/sites/default/files/lgbt_in_britain_work_report.pdf

Sexual Orientation Toolkit, published by Stonewall and available at: www.stonewall.org.uk/sites/default/files/employer_toolkit.pdf

Statistical bulletin: Sexual identity, UK: 2015, published by the ONS on 5th October 2016 and available at: www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2015

Toolkit www.stonewall.org.uk/sites/default/files/employer_toolkit.pdf

Producing modelled estimates of the size of the lesbian, gay and bisexual (LGB) population of England Final Report available at: www.gov.uk/government/uploads/system/uploads/attachment_data/file/585349/PHE_Final_report_FINAL_DRAFT_14.12.2016NB230117v2.pdf

Equality and Human Rights Commission's Website available at: www.equalityhumanrights.com/en/advice-and-guidance/sexual-orientation-discrimination

www.equalityhumanrights.com/en/advice-and-guidance/gender-reassignment-discrimination
