



**RECORD OF
DECISIONS**

**2008 National
Lesbian, Gay, Bisexual
and Transgender
Conference**

Bristol

COMP A. ENSURING NON-DISCRIMINATION IN PUBLIC SERVICE PROVISION
Carried

This conference notes with regret the decision of the Employment Tribunal in the case of Ms L Ladele v London Borough of Islington (2203694/2007 July 2008).

Ms Ladele, a Registrar in Islington, refused to officiate at Civil Partnership ceremonies on the grounds of her expressed Christian belief. The Tribunal found that she could not reconcile her faith with taking an active part in enabling same sex unions to be formed.

- 1 Directly discriminated against on the grounds of religion or belief;
- 2 Indirectly discriminated against on the grounds of religion or belief because of Islington's decision that all Registrars should carry out civil partnership ceremonies and registration duties;
- 3 Harassed contrary to the Employment Equality (Religion or Belief) Regulations 2003.

Conference notes with concern that the Tribunal held that one of the acts of harassment was a formal complaint made by two lesbian and gay UNISON members that her refusal to carry out civil partnerships was "homophobic". Their manager, another UNISON member, was criticised for acting upon this complaint and the tribunal concluded that this too amounted to harassment as "these acts disregarded and displayed no respect for Ms Ladele's genuinely held religious beliefs"

Conference notes that whilst an Employment Tribunal cannot set a legal precedent, this judgement has created an atmosphere where some public sector workers may feel more confident in attempting to use their religion or belief as a reason for discrimination against Lesbian, Gay, Bisexual and Transgender (LGBT) service users, and furthermore that employers may feel unable to challenge such behaviour. Conference therefore welcomes Islington Council's decision to appeal the judgement.

Conference re-iterates its belief (expressed last year in motion 2: Rights at Work) that there is still a need to increase awareness that the Religion or Belief Regulations do not provide a justification for homophobic or biphobic conduct in the workplace or in the delivery of services to the community.

Conference further believes that freedoms sometimes have to be subject to limitations "for the protection of the rights and freedoms of others". Human Rights must work in a framework where there is a balance of rights for individuals, for different groups and for society as a whole. Conference is concerned that this judgement does not comply with this requirement.

Conference therefore instructs the National LGBT Committee to continue to:

- A. Widely publicise and promote the existing legal provisions in relation to equality for LGBT service users and workers, including the limitation in the Human Rights Act and the European Convention of Human Rights (article 9-2) that the freedom to "manifest one's religion or belief" is subject to "the protection of the rights and freedoms of others",
- B. Continue to work with the service groups and regions to promote awareness of employers' responsibilities relating to service users and staff.

Conference further instructs the National LGBT Committee, should this case not be reversed on appeal, to work with the National Executive Council, Labour Link, Trades Union Congress, LGBT Labour and other appropriate bodies to lobby and campaign to clarify, and, if necessary, amend the law to guard the public against discrimination and prejudice by public servants in future.

3. Gender Reassignment and Workplace stress

Carried

Conference welcomes the partnership work between the Scottish Transgender Alliance and UNISON which has resulted in the creation of a new Guide for UNISON Reps on Supporting Transgender Members at Work.

Conference also welcomes that the UNISON Bargaining Factsheet on Negotiating for Trans Workers' Rights was updated in May to take account of the new gender reassignment goods and services protections and third-party harassment protections provided by the Sex Discrimination (Amendment of Legislation) Regulations 2008.

Conference notes with concern that the recent Scottish Transgender Alliance survey of Transgender Experiences in Scotland found that 53% of the survey respondents who were known to be transgender by some of their work colleagues stated that they had experienced transphobic discrimination or harassment at work.

15% of the survey respondents stated that their employer failed to protect their privacy relating to their gender reassignment history and as a result was responsible for causing them to suffer transphobic workplace discrimination and harassment.

8% of the survey respondents stated that they had been dismissed from a job at least once due to being transgender. In addition, 13% stated that they had quit their job at least once due to fears of possible future discrimination or harassment.

Conference further notes that the current difficulties and severe delays in accessing funding for NHS gender reassignment assessment and surgery can result in intense stress for many trans employees. Such employees deserve the support of colleagues to help reduce any adverse stress-related effects on workplace performance.

Years in limbo without access to medical assistance and having to fight through lengthy NHS appeal systems (or even the courts) for NHS gender reassignment funding can significantly divert energy away from career development and cause depression and anxiety issues to develop.

Trans people can experience difficulty getting their hormone prescriptions from General Practitioners, especially if they move home and have to change health authority. This can sometimes leave them with no other option than to resort to self-medication of hormones which increases the risk of experiencing serious medication side effects due to lack of dosage monitoring.

Conference therefore welcomes the excellent new Department of Health Guidance for GPs, other clinicians and health professionals on the care of gender variant people now available from the Department of Health publications website.

Conference instructs the National Lesbian, Gay, Bisexual and Transgender Committee to:

1. Continue its work and activities developing further good practice guidance in supporting transgender workers rights;
2. Work with regions and branches to distribute existing guidance on transgender employment and health care issues to more UNISON representatives in order to better equip them to negotiate with employers on behalf of trans members;
3. Work with transgender equality organisations, the Trades Union Congress and NHS equality structures to improve availability of timely and patient-centred NHS gender reassignment assistance in order to reduce the risk of prolonged stress over gender reassignment delays affecting the workplace performance of trans employees.

4. Confusion around Gender Recognition Certificates

Carried

Conference recognises that human rights must be universal, not conditional, and therefore all trans people must have their dignity upheld and their gender identity and privacy respected regardless of their physical anatomy or legal gender.

Conference welcomes that the Gender Recognition Act 2004 makes it a criminal offence for someone who acquires information in an official capacity about a person's gender recognition history to disclose that information to a third party without the person's consent. There are only a few exceptions allowed, for example if the information is required for the prevention or investigation of a crime or in medical emergencies where the person is unable to confirm consent due to unconsciousness or incapacity.

Conference notes with concern that many employers and service providers are failing to recognise their legal requirement to maintain the privacy of trans people. The failure of many employers and service providers to train their workforces on legal privacy requirements and data protection exposes their workers to an increased risk of potential criminal prosecution.

Conference further notes with concern that many employers and service providers are incorrectly requesting to see a Gender Recognition Certificate before allowing changes in the name and gendered title on a person's employment records, payslips, etc.

The key purposes of the Gender Recognition Certificate are to enable trans people to:

- 1 Have their UK birth certificates finally corrected to reflect their acquired gender;
- 2 Have a marriage or civil partnership in their acquired gender;
- 3 Have gender-specific benefit and pension entitlements calculated using their acquired gender.

A Gender Recognition Certificate is NOT required for the purposes of changing a person's gender role in all other aspects of their day-to-day life (including using toilets and changing all documentation such as their passport, driver's licence, bank accounts, medical records, and employment records).

A person can only apply for a Gender Recognition Certificate AFTER they can show that all their day-to-day documents have been in their new name and acquired gender for over two years.

Conference affirms that the correct point when all day-to-day documents need to be updated to show only the person's new name and new gendered title is at the start of the transition process as soon as a trans person begins living in their new gender role.

Conference therefore instructs the National Lesbian, Gay, Bisexual and Transgender Committee to:

- A. Work with regions, branches and national service groups to educate UNISON members on privacy, dignity and gender recognition issues for trans people;
- B. Push employers and public service providers to implement accurate training on privacy, dignity and gender recognition issues to ensure employees are fully aware of the legal framework and potential criminal liabilities.

5. Outing Policies

Carried as Amended by 5.01

Conference notes that by their very nature, sexual matters are private and confidential. Conference further notes that some people are comfortable talking about their partner but that many people do not share such information with their managers or colleagues.

Conference supports organisations that make strenuous efforts to ensure confidentiality of procedures and information management systems that reassure staff that policies are in place to ensure confidentiality is in place.

Conference maintains that it is up to the individual if they want to 'out' themselves and that it is not for others to take that personal right away with no empathy or understanding for the consequences of their actions.

Conference further notes that 'outing' is when, against their wishes, a person's sexual orientation is revealed by another person. Conference believes that 'outing' someone without their clear permission is inappropriate and breach of that persons privacy that may constitute harassment and/or a breach of the Data Protection Act.

Conference deplores that fact that lesbian, gay, bisexual and transgendered (LGBT) members are sometimes 'outed' for malicious reasons and consequently suffer harassment by colleagues or service users/customers.

Conference requires the National LGBT Committee to actively encourage branch officers and negotiators to utilize existing employers' policies for example Harassment and Unacceptable Behaviour, to specifically outline that personal information will be maintained in the strictest confidence and that staff should not forget that even basic information such as a partner's name is confidential nor assume that this information is common knowledge.

6. Coming Out At Work

Carried as Amended by: 6.01

Conference notes that the issue of coming out at work is given insufficient attention as a union concern at the present moment. Within the Northern Region, we feel that more work needs to be done on this somewhat neglected area, its particular relevance to lesbian, gay, bisexual and transgender (LGBT) and non LGBT members. Therefore, we ask the National LGBT Committee to develop a questionnaire based survey to ascertain the level of importance coming out at work is for LGBT members at a branch and regional level;

1. Is being 'out at work' or 'not out at work' a barrier to becoming a union activist or pursuing promotion at work?
2. Is there a reluctance for LGBT members to be out at work?
3. What would help members to be more out at work? Be more active within UNISON?
4. What messages would you give and how would you ensure LGBT members felt more supported to be out at work?

That information gained from the questionnaire survey forms part of a consultation exercise and is then used to develop a toolkit and resource pack which can then be used as the basis of a training course for all members within UNISON.

We would encourage LGBT members to influence their regions to incorporate the subsequent training into their annual education and training schedule. That the resource pack and tool kit be particularly aimed at lay members, branch officers, shop stewards and Union Learning representatives.

7. Workplace Blood Donor Sessions

Carried

Conference is aware that some employers encourage their employees to donate blood by allowing the National Blood Service (NBS) to run donor sessions in the workplace.

Conference notes that for people who may be unable to donate due to current donor selection criteria (including many gay and bisexual men, as well as people with medical conditions, past IV drug use and people who have lived in sub-Saharan Africa) such workplace 'blood drives', can cause anxiety if they are unable to attend to donate blood, and they may fear being 'outed' at work as a result.

Conference reiterates UNISON's call for criteria on who can and cannot donate blood to be based on up to date clinical, medical and epidemiological evidence and to continue to work with national blood services to review their procedures, so that gay and bisexual men are able to donate blood where consistent with adequacy and safety of the blood supply.

Irrespective of any future review of who can donate blood, many UNISON members will be unable to donate for what may be highly personal reasons and therefore may potentially be placed in anxiety provoking situations which employers have a duty to prevent. Conference is further concerned that some managers openly ask staff why

they have not given blood in front of their colleagues, leading to such unacceptable situations. This should not be condoned under any circumstances.

Conference calls for continued dialogue with national blood services to ensure appropriate training and guidelines for staff involved in such 'blood drives' to seek to address such issues.

Conference calls upon the National Lesbian, Gay, Bisexual and Transgender (LGBT) Committee to:

1. Publicise the new UNISON advice on best practice in workplace donor sessions and request that national service groups raise the issue with employers;
2. Seek examples of good practice in this area via regional groups and branches and include in updated advice;
3. Seek to promote this work via the Trades Union Congress LGBT Committee.

Conference calls upon regional and branch LGBT groups to publicise the advice and request that it is raised with regional service groups and local employers and feed back outcomes to the National LGBT Committee.

8. Playing Our Part - Mainstreaming Recruitment within our Self Organised Group Carried

Conference notes that trade union membership density in most employers where UNISON has members has been falling in recent years and that less than one in two public sector workers are members of UNISON. Conference recognises that we need to grow in numbers and density to grow in influence with employers and the government and ensure that we continue to have a powerful voice for equality both within the workplace and in influencing national policy debates.

Conference believes that the LGBT self organised group must play a full and active part in the recruitment of new members. Conference recognises that some positive steps are already being taken by regions, such as those at Pride events and Scotland's outreach to local LGBT groups.

Conference also recognises the importance of maximising the recruitment strength of all union activists so that they are empowered to recruit from all sections of society. Conference notes the Greater London region's success in raising awareness of transgender equality amongst activists through arranging a speaker from Press for Change to address the Greater London Regional Council.

Conference therefore calls on all regional and branch LGBT groups to prioritise recruitment initiatives and to integrate actions on recruiting and organising into their work plans. Conference further instructs the National LGBT Committee to:

1. Raise awareness of the importance of recruitment and promote best practice to branch and regional LGBT groups;
2. Continue to support regional Pride events and to promote awareness of UNISON's work on LGBT equality through all possible channels, including advertising in LGBT and other relevant publications.

Because together we're stronger.

9. Equality at the Heart of our Union - Equal Means Making it Happen

Carried

Conference affirms that lesbian, gay, bisexual and transgender (LGBT) equality is an integral part of the organising and bargaining work of the union. Conference considers that UNISON's Equality Scheme is a significant opportunity to achieve this.

The purpose of the Equality Scheme is to make sure that equality is promoted and discrimination challenged in everything UNISON does. Conference is proud that our union is the first to carry out such a comprehensive exercise. All parts of the union are involved in drawing up a positive agenda across eight strands of equality - gender, gender identity, sexual orientation, race, disability, religion and belief, age and low pay. Particular pieces of work also address other groups facing discrimination, such as migrant workers.

Regions and head office units have published three year equality action plans, out for consultation between the draft Scheme's launch at National Delegate Conference in June and 31 October 2008. The National Executive Council and regional, service group and self-organised group committees are also required to audit their policies and functions and assess their impact.

Conference believes that all LGBT members active in any part of the union have a duty to get involved. We must work hard to ensure that LGBT issues are central to the Equality Scheme. Conference requests that the National LGBT Committee and regional LGBT groups promote opportunities for members to get involved in the Equality Scheme by:

- 1 Looking at the Scheme, particularly the actions for their own region and service group;
- 2 Responding to requests for involvement and information;
- 3 If not apparent, asking what opportunities there are for involvement;
- 4 Being involved in the monitoring of the scheme's implementation;
- 5 Making sure their own union work takes on board the principles of the scheme - positive actions to promote equality and auditing their work to assess its equality impact.

Conference further believes that LGBT equality is not just the responsibility of the National LGBT Committee or regional LGBT groups. LGBT equality is a core issue within the workplace and our union and the responsibility of every member. Conference calls on every LGBT member to fly the rainbow flag and organise to ensure that LGBT equality remains at the heart of our union.

10. UNISON Equality Reps

Carried

Conference welcomes the UNISON pilot project, funded by the Union Modernisation Fund, to assess how the new role of "Equality Rep" can help branches negotiate around equalities.

Conference notes that UNISON has pledged to work with the Government to expand the role of workplace equality reps and has called for them to have statutory recognition. In announcing the key proposals for the Government's Equality Bill - Framework for a Fairer Future - in June, Minister for Women and Equality Harriet

Harman stated that there would be "a continuous and determined programme of further action ... working with the trade unions to strengthen the excellent and pioneering role of trade union equality reps".

UNISON's proposals are to use the equality reps project to recruit a new generation of activists. They will not replace the existing branch positions of equality officer, self-organised group officer and young members' officer but provide the workplace level support for these officer posts. Neither will the development of equality reps take away the responsibility from all stewards of representing members in equality cases.

The work of the Rep will include:

- 1 Working with branch equality officers to advocate for good equality practices in the workplace;
- 2 Raising awareness within the workplace of the work the union and the branch does around equality;
- 3 Encouraging the branch to prioritise equality issues; and
- 4 Signposting members with potential equality related cases to branch stewards and workplace representatives.

The new role of Equality Rep provides the opportunity to organise lesbian, gay, bisexual and transgender (LGBT) members who do not yet feel able to be stewards or branch officers.

Conference therefore urges LGBT members within the pilot regions to get involved in the project and calls on regional LGBT groups to facilitate this.

11. Equality Training

Carried

Conference welcomes the progress made in raising the profile of lesbian, gay, bisexual and transgender (LGBT) participation in our union. UNISON has been at the forefront of the equality agenda and we can be proud of our achievements in continuing to support and encourage self organisation at all levels.

We would like to encourage representatives from every branch in our union to participate in the UNISON equalities training so that we can show members how inclusive and welcoming we are, while show-casing what opportunities there are to influence and participate within our union.

UNISON's structures offer the best opportunities for people to self organise and contribute directly to the health and growth of our union. The motions and debates at conference are varied and inspirational and as such are the ideal platform for first time participants as well as seasoned participants to fully engage and understand the importance of belonging to a trade union. However, we note that it is all too easy to feel complacent and self congratulatory. Just because we identify with a particular self organised group does not make us the experts around the equality agenda.

We call on the National LGBT Committee to respond to the excellent UNISON equality training by enrolling and participating, leading by example, to encourage as many committee representatives, branch officers, stewards and members to become

equality competent by attending this important training. The opportunity can be used as a recruitment tool. As well as the important legislative information, the training highlights the criterion around fair representation, and the fact that women, low-paid, part-time, Black, disabled and manual LGBT workers are under-represented in our self organisation as well as workforces more generally. Visibility is important.

Conference further asks that the National LGBT Committee continues to work with the Trades Union Congress & Scottish Trades Union Congress to ensure that the equality agenda is incorporated at all levels of its affiliations including in Europe through the European Trade Union Congress and beyond in the International Trade Union Congress.

12. Increasing Effective Participation of Low Paid LGBT Members

Carried

Conference welcomes the new UNISON Equality Scheme which, in addition to covering the statutory equality streams of gender, gender identity, race, disability, sexual orientation, age and religion/belief, also seeks to ensure equality within the union on the grounds of low pay.

Conference acknowledges that although the lesbian, gay, bisexual and transgender (LGBT) self organised group (SOG) already focuses strongly on including and empowering women, black and disabled LGBT members, there is still much work to be done to increase the effective participation of low paid LGBT members. Despite attempts to encourage participation, low paid members continue to be under-represented at Conference and in LGBT self-organisation structures.

Conference notes that women, black workers, disabled workers, migrant workers and workers with caring responsibilities are more likely to be low paid and may face multiple discrimination.

Conference notes that many low paid workers may have difficulty becoming involved in the union and self organisation due to factors including:

- 1 access to paid time off
- 2 inability to pay for travel costs
- 3 childcare or dependent care
- 4 shift work

Conference therefore resolves to prioritise low-paid members' involvement and participation in UNISON LGBT group structures and instructs the National LGBT Committee to:

- A. Produce and disseminate recruiting and organising materials targeted at low-paid LGBT members;
- B. publicise widely the meetings for low paid members that are held at National LGBT Conference;
- C. Urge regional and branch LGBT groups to include improving the participation of low paid members in their work programmes for 2009;
- D. Explore with regional and branch LGBT SOGs the potential for pre-payment of expenses and urge them to make sure information on this is readily available;

- E. Explore opportunities for research into the barriers to low-paid LGBT members' participation;
- F. Encourage branch and regional LGBT groups to feed issues of low pay and multiple discrimination into work on the UNISON Equality Scheme.

13. Bisexual Members

Carried as Amended by: 13.01

Conference recognises the work of the National Lesbian Gay Bisexual and Transgender (LGBT) Committee regarding bisexual members within the union and striving for inclusion and active participation of this group with activities such as Bisexual caucuses and network meetings.

Conference is saddened to note however that bisexual members are still reluctant to participate for fear of being outed and discriminated against. It should still be conceded that bisexual members sometimes experience a different type of phobia to that of lesbian and gay members.

Conference believes that all people should be encouraged to be proud of their sexuality and be able to participate freely within their workplaces and the union structures, and challenge any phobia they encounter and believes that must be at the core of an inclusive Lesbian, Gay, Bisexual and Transgender Trade Union group.

Conference therefore instructs the National LGBT Committee to continue to look at the participation of bisexual members, and demonstrate commitment to supporting bisexual members in their engagement and representation in our union.

Conference also calls upon the National LGBT Committee to continue to actively challenge attitudes held about biphobia by raising the awareness of bisexuality and to continue to encourage the engagement, participation and representation of bisexual members within our union.

14. Developing our links with Bisexual community groups and events

Carried

Conference welcomes the increasing profile of bisexual issues within UNISON which has occurred with the active involvement of the bisexual members' caucus. Most recently, this has resulted in the creation of a new UNISON recruitment leaflet aimed specifically at bisexual workers and also the inclusion of more bisexual content within the Out in UNISON newsletters.

Conference believes that our progress over the years in developing our black, disabled and transgender members' caucuses has been enhanced through UNISON creating good links with black, disabled and transgender community groups and events at branch, regional and national levels.

Conference acknowledges that our links with bisexual community groups and events are only just beginning and more needs to be done to improve links in order to promote the full participation of bisexual members in our structures and better incorporate bisexual equality issues into our trade union activism.

Conference notes that bisexual community groups and events are largely volunteer

run and unfunded so bisexual activists lack the resource capacity needed to reach out to us. As a result, knowledge of trade union activism and employment rights remains far too low among bisexual community groups. Unless we ensure that UNISON reaches out to bisexual community groups, this section of the workforce will remain unaware of the benefits of trade union membership and at significant risk of simply accepting biphobic employment discrimination.

Conference therefore instructs the National LGBT Committee to:

1. Continue to prioritise the development of the bisexual members' caucus and ensure that improving links with bisexual community groups and events is a key focus of the committee's work on LGBT organising;
2. Seek opportunities to work with BCN (Bi Community News), Bi-Con (the annual UK Bisexual Community Conference) and bisexual academic research networks in the UK and internationally to increase understanding of bisexual issues;
3. Offer a UNISON workshop on employment rights with a focus on workplace biphobia to Bi-Con 2009.

Conference also urges Regional and Branch LGBT Groups to:

- A. Make contact with bisexual community groups in your area and seek to develop supportive links with them;
- B. Distribute the new UNISON bisexual recruitment leaflet widely and make UNISON visible at bisexual community events in your area;
- C. Ensure that all your leaflets and website content are fully updated to be LGBT rather than just lesbian and gay.

15. Out in the Country - Addressing the Needs of Rural LGBT People

Carried

Conference notes that life for many of our members can be difficult. In addition to the challenges of heterosexism, homophobia, biphobia and transphobia, for many LGBT people rural living presents added difficulties including social and geographical isolation, transportation problems, and lack of basic resources, facilities and services. To address the social exclusion and isolation of rural LGBT people, Conference instructs the National LGBT Committee to:

1. Explore ways of tackling social and geographical exclusion for rural LGBT members, including identifying potential partner organisations working on similar issues;
2. Examine potential funding streams for research seeking to identify the specific additional challenges rural living presents and how multiple identities such as LGBT and other minority status can impact (or not) on quality of life/priorities;
3. Circulate and examine any existing research recommendations that would assist UNISON LGBT groups in enabling the participation of their rural members and consequently minimising LGBT member's social and geographical isolation;
4. Promote any relevant training or initiatives to branches or regions that would enhance resources, facilities and services for rural LGBT members.

16. Supporting Lesbian, Gay, Bisexual and Transgender (LGBT) Members in the Highlands of Scotland

Carried

This conference welcomes the recent formation of a lesbian, gay, bisexual and transgender (LGBT) Self-Organised Group (SOG) in the Highland Branch. This is an area of Scotland where there are few facilities for LGBT people. The land mass of the Highland branch is the same size as Belgium, with many small rural communities, where LGBT members may feel isolated.

The inaugural meeting of the LGBT SOG agreed to support self-identified members by:

- 1 Having a dedicated mobile phone for members to call;
- 2 Submitting articles to the branch newsletter;
- 3 Putting articles on the branch website;
- 4 Arrange a safe space social;
- 5 Sending delegates to conferences/training and events;
- 6 Electing a Chair, Vice-Chair and Secretary.

The branch has agreed to financially support the SOG to the sum of £3,000 for this financial year. We wish conference to:

- A. Note the good news of the formation of the LGBT SOG in the Highland branch;
- B. Encourage other Branches to form a LGBT SOG;
- C. Share good practice of other SOGs with branches.

17. Inclusivity at Conference

Carried as Amended by: 17.01

Conference supports the organisation and participation of events to encourage and celebrate achievements and to promote the involvement of women, black members and disabled members who self define as lesbian, gay, bisexual or transgendered (LGBT).

Conference welcomes and commends the work of the National LGBT Committee regarding the active and positive participation by those who have been traditionally underrepresented in LGBT structures.

Conference reinforces the need for the provision of caucuses and service groups to accommodate the wealth of differences and needs within all LGBT UNISON members.

Conference maintains the support to the National LGBT Conference providing a safe space for all.

However, Conference recognises, at any social event organised for the National LGBT Conference, all are encouraged to participate..

Conference further notes that for women only socials, caucuses and workshops organised for the National LGBT Conference, it should be made clear that these are open to all delegates and visitors who self define as women.

Conference therefore confirms that National LGBT Conference should be accessible and inclusive toward all LGBT delegates and visitors.

18. Equality and Human Rights Commission (EHRC) and LGBT Equality

Carried

Conference welcomes the creation of the EHRC whose job is to provide support to equality and human rights in England, Scotland and Wales, while in Northern Ireland (NI) the NI Equality Commission has existed for some time.

Conference welcomes the fact that one of the areas prioritised by the Commission has been to litigate in areas of new law including discrimination based on sexual orientation and the Commission has clearly stated its intent to undertake work related to both sexual orientation and gender identity.

Conference believes that the work of the Commission will be vital in ensuring that new legislation (including the promised 'Single Equality Bill') will prove effective on the ground as well as promoting issues of human rights.

Conference is however concerned by the appointment of Joel Edwards (at the time of appointment the General Director of Evangelical Alliance - an organisation with a track record of opposition to lesbian, gay, bisexual and transgender (LGBT) equality).

Whilst acknowledging the need for a diverse representation amongst Commissioners conference expresses concern that this appointment may undermine confidence in the Commission's commitment to challenge discrimination faced by LGBT people, especially if that occurs in a sphere related to religion or a religious organisation.

Conference reiterates its view of equality in opposing any hierarchy of oppression but also emphasising that whilst individuals and groups enjoy freedom of religion, that must not be allowed to diminish the equality protections for LGBT people.

Conference also reiterates the need for the Commission and individual Commissioners to act to uphold the aims and principles of the EHRC.

There is a need to clearly monitor the effectiveness of the Commission's work on issues of sexual orientation and gender identity

Conference calls therefore for the National LGBT Committee to:

1. Seek assurances from the EHRC of continued commitment to LGBT equality and a refusal of any hierarchy of discrimination;
2. Seek also a clear understanding of the duties of all Commissioners to demonstrate a commitment to equality for all equality strands, including sexual orientation and gender identity as a core part of the remit of the Commissioners;
3. To work with other interested groups (other Trade Unions, TUC LGBT Committee, Stonewall) to identify to the Commission and the relevant Government departments any areas of concern arising where a Commissioner is shown to be acting against one of the equality strands (e.g. on the grounds of their own religious belief);

4. To keep this matter under review and to include a summary of issues arising from the ECHR's work related to sexual orientation and gender identity in its Annual Report to Conference (especially where any of these give rise to concern).

COMP C. EQUAL ACCESS TO HEALTHCARE SERVICES FOR LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) PEOPLE

Carried

Conference welcomes recent legislation aimed at ensuring more equal access to goods facilities and services for lesbian, gay, bisexual and trans people - especially as this also means more equal access to healthcare provision.

But these are only recent legislative changes, and many reports highlight the entrenched disparities in the provision of health services for LGBT people.

The Stonewall backed report, "Prescription for Change", published earlier in 2008 highlighted again some worrying statistics with regard to lesbian and bisexual women:

1. Seventeen per cent of lesbian and bisexual women between the ages of 25 and 64 have never had a cervical smear test, compared to seven per cent of women in general;
2. One in six lesbian and bisexual women aged between 50 and 79 have been diagnosed with breast cancer, compared to one in twenty women in general;
3. Half have had negative experiences in the health sector in the last year;
4. Half of lesbian and bisexual women are not out to their GP;
5. One in ten say that a healthcare worker ignored them when they did come out;
6. Just three in ten lesbian and bisexual women say that healthcare workers did not make inappropriate comments when they came out;
7. Just one in nine felt that their partner was welcome during a consultation.

Conference welcomes the work undertaken over recent years to prioritise LGBT health issues, culminating in work with the Department of Health's Sexual Orientation and Gender Identity Group (SOGIAG) and the LGBT Health Summit as well as previous work undertaken on producing 'Not Just a Friend' in conjunction with other NHS unions and professional organisations, the more recent 'Charter for Change' and in campaigning work on the England and Wales Mental Health Act and Code of Practice.

Conference calls for this work to continue.

Conference reaffirms the crucial role that UNISON can play in tackling both workplace causes of discrimination for our members, and also in campaigning to change discriminatory healthcare service provision in our wider communities.

Conference instructs the National LGBT Committee to:

- A. Consider how UNISON can help promote recent studies within our health branch networks, with a view to generating awareness of the issues and exploring good practice by UNISON members;
- B. As a priority, seek agreement with our colleagues in the UNISON Health Service Team, the General Political Fund Committee, and Labour Link Committee and others about how UNISON can most effectively campaign for more equal access to healthcare provision;
- C. To provide information to members generally, via OUT in UNISON, and if possible in the U Magazine, about the issues and how members can get involved.
- D. Produce LGBT factsheet information, particularly angled at drawing out campaigning activities that branches and regional LGBT groups can help deliver to tackle discrimination in both healthcare workplaces and in healthcare service provision.
- E. Work with the National Women's Committee's campaigns for cancer awareness/prevention to further raise awareness for women around the shocking statistics highlighting the difference between lesbian and bisexual women compared to women in general for cancer.
- F. Seek to maximise the use of approaches such as Human Rights Based Approaches to Healthcare and Equality Impact Assessments, with the emphasis on addressing equality issues in healthcare provision, and on health and social staff being able to demonstrate supportive attitudes towards LGBT issues.
- G. Identify opportunities to broaden this work into international spheres e.g. by working with ILGA/ILGA-Europe and by encouraging the UK Government to do so within the Council of Europe, Commonwealth and World Health Organisation (WHO).

20. Addressing LGBT Mental Health Needs

Carried as Amended by: 20.01

This Conference, welcomes the Lesbian Advocacy Services Initiative (LASI) research into lesbian, gay and bisexual (LGB) mental, emotional & sexual health that highlights and acknowledges that homophobia and heterosexism are a primary cause of mental ill health for lesbian, gay and bisexual people. Conference acknowledges that transphobia is a primary cause of mental ill health for transgendered people.

Conference notes that the key recommendations of the LASI report are:

Non governmental organisations should, in conjunction with LGB organisations, consider undertaking needs analyses of LGB people

Counselling organisations and non-governmental organisations should be required as a condition of grant aid to devise strategies and action plans to address needs and concerns of LGB people

LGB communities should be grant aided to act as advocates for themselves in relation to health issues.

These recommendations could also apply to transgender organisations and people.

In light of these recommendations conference instructs the National LGBT

Committee to:

1. Continue to tackle homophobia, heterosexism, biphobia and transphobia in the workplace and in society;
2. Work with organisations such as LASI and key mental health service providers where appropriate, to lobby for additional mental health resources for LGBT people;
3. Work to influence government, so that Equality Impact Assessments carried out by government departments and statutory agencies ensure that policies and budgets are shaped to include the needs of LGBT people;
4. Explore any relevant opportunities to work with government departments, statutory and voluntary agencies to support the gathering of data on the causes, effects and extent of mental ill health for LGBT people, so that funds can be targeted in areas of need.

21. Inequality in Goods, Facilities and Services

Carried

Conference is concerned that there remains inequality in the provision of goods, facilities and services to Transgender members especially in the case of medical treatment.

Looking at Wales as an example, last year, this conference heard how the Health Commission Wales (HCW), a body of the Welsh Assembly set up to fund specialist services in Wales, was only granting funding for gender reassignment surgery in 'exceptional circumstances'. However, this year, there was a public announcement from the Welsh Equality Minister that the HCW should be disbanded as they do not meet the needs of Wales.

It is still unknown about the position that many transgender people find themselves in, some are not even aware that there is no funding, whilst others are in the midst of treatment and appointments have suddenly stopped with no future date planned. This treatment of our transgender colleagues is unacceptable and could present serious consequences with regard to emotional issues or even employment.

Conference fully believes that there should be equal access to services regardless of sexual orientation or gender identity. The provision of services is very inadequate and managed badly and needs to change.

Conference requests the National Lesbian Gay Bisexual and Transgender (LGBT) Committee to pursue this matter with the National Executive Council (NEC) and National Service Group Executives to put an end to inequality in services, especially medical services for LGBT members.

Conference also asks the National LGBT Committee to:

1. Approach the Welsh Assembly Government, Health Commission Wales and other similar bodies across the United Kingdom and request a clarification of the status of Gender Reassignment Surgery and the provision of services to transgender people;
2. Report back to National LGBT Conference 2009.

22. Tackling Homophobia in Schools and Colleges

Carried as Amended by 22.1

Conference is aware that homophobia, biphobia and Transphobia is present in all schools and this often results in bullying which can cause permanent damage to young people and blights the schools and colleges where it takes place. Such prejudice affects all pupils, students and staff regardless of their sexual orientation and gender identity. Conference is pleased that UNISON is a key partner in the TUC for LGBT equality in education.

Conference recognises that state schools in England and Wales have a duty of care to ensure the safety and to protect the emotional wellbeing of every person in their care and that schools in Scotland must have an annual plan to encourage equal opportunities. Conference further recognises that teachers are free to discuss homophobia with their students in their classrooms, especially as Section 28 of the Local Government Act 1988, which never applied to schools, was repealed in 2003.

Conference believes that Local Authorities and the four national governments in the United Kingdom (UK) should include lesbian, gay, bisexual and transgendered (LGBT) equality education in their school curriculum including positive portrayals of LGBT identities, families and relationships. Conference further believes that schools and colleges need to protect their pupils, students, parents and staff from homophobic bullying but are not doing enough to tackle the problem of homophobic bullying. Conference also believes that effective interventions involve the entire school or college community rather than just focusing on traditional notions of perpetrators and their victims.

Conference welcomes the “No Outsiders” project that highlights resources and strategies that can be used to discuss LGBT families and relationships with primary school children. Conference is disappointed that Bristol City Council decided to pilot the No Outsiders project instead of introducing it across the city. Conference notes with dismay that two schools involved in the project were directed by Bristol City Council to withdraw the books after pressure from some members of the public. This is not just an issue in Bristol and most primary schools across the UK have never even considered introducing books of this type.

Conference requires the National LGBT Committee to:

1. Campaign for the devolved governments across the UK to include LGBT equality education in the school curriculum. This will inevitably involve working across the devolved parts of the UK;
2. Publicly support the Stonewall 'Education for All' Campaign.

COMP E. TRANSPHOBIA HARMS CHILDREN TOO

Carried

Conference notes with concern the negative impact that transphobic bullying and restrictive gender stereotypes can have upon children of all ages who:

1. Self-identify as transgender;
2. Self-identify as lesbian, gay or bisexual;

3. Appear to be gender variant in any way (often labelled as 'tomboy', 'sissy', 'butch' or 'camp');
4. Have a parent or other family member who is transgender or gender variant;
5. Have a friend who is transgender or gender variant.

Children who do not fully conform to traditional gender stereotypes (whether or not they self-identify as lesbian, bisexual or transgender are frequently emotionally, verbally and physically bullied not only by their peers but even by the adults in their lives. This can lead to children becoming withdrawn, social outcasts and in some cases result in severe depression and suicide. The effect on self-esteem, social interaction, confidence and academic achievement can often continue into adulthood and significantly reduce future employment prospects and workplace confidence.

Institutional transphobia and lack of recognition of gender diversity within families by educational and social service provider's often results in lesbian, gay, bisexual transgender (LGBT) families receiving discriminatory or inappropriate service provision.

Conference is extremely concerned that the United Kingdom (UK) Government currently fails to recognise the need for protection of children and families from transphobic discrimination and harassment in education service provision.

Conference rejects the UK Government's argument that the current inability of trans children to access medical gender reassignment processes until adulthood makes it unnecessary to provide any legal protection from transphobic discrimination in primary and secondary school education.

Conference believes all types of gender variant children and families deserve legal protection from transphobic discrimination at all levels of education services and that it is essential for the UK Government to include this within its proposed Equality Bill.

Conference is dismayed that, despite the advances within the Equality Bill, the Government's response to consultation on the Bill makes the startling claim that it is unnecessary to include school pupils and education in schools in the protections offered to transgender people. In the face of such ignorance and inhumanity, it is essential that we redouble our efforts to lobby through all channels to ensure the extension of protection to school pupils and education in schools.

Conference is further concerned by the current lack of formal training and guidance on supporting LGBT children and families for workers in the school education sector and also the health and social care sector.

Conference believes that UNISON, being an education and public service union, is well placed to create guidance on supporting LGBT children and families in partnership with other education and public service unions. To create safe LGBT inclusive learning environments for all, it is vital to address issues of gender stereotypes, gender variance and gender identity at primary and secondary school levels.

This conference therefore instructs the National LGBT Committee to:

- A. Raise these concerns urgently with the National Executive Council, National Women's Committee, Labour Link and other appropriate sections of UNISON;
- B. Seek opportunities to develop, in partnership with other unions, the NHS and transgender equality organisations, guidance and training on gender identity and sexual orientation equality issues for school education workers and health & social care workers;
- C. Work with Trades Union Congress, National Union of Students and transgender equality organisations to coordinate lobbying on improving legal protections against transphobic discrimination in education services for gender variant children and families.

24. Taking Our Place in Public Life

Carried

Conference notes that despite some high profile achievements, the participation of lesbian, gay, bisexual and transgender (LGBT) people in public and political life remains low.

Stonewall's 2008 "Serves you Right" report found that there were no openly gay or lesbian people in the British cabinet, the Scottish cabinet or the Welsh cabinet. There were only two openly gay peers in the House of Lords out of more than 700 members and only one openly lesbian MP (and member of the Government) in the House of Commons. There is also only one openly bisexual member of Parliament, and no openly transgender members of Parliament or members of the devolved assemblies

This mirrors the under representation of women and black and minority ethnic citizens elected to local, regional, national and European democratic institutions. Although just over 50% of the population are women, currently only 20% of Members of Parliament are women. Only 168 out of 20,000 local councillors are Black, Asian or minority ethnic women.

Conference notes that the Fawcett Society and Emily's List have campaigned for, and financed, an increase in women's involvement in democratic representation, and welcomes the new taskforce which has been launched, chaired by Baroness Uddin, to help more Black and Asian women to become councillors and so make councils more representative of the community.

Conference believes that such practical action could be undertaken to address the under representation of LGBT people in public life, such as providing mentoring or holding outreach events at LGBT venues to make the role of councillors more widely known and better understood. There is also potential for specific work by trade unions (especially where they have an affiliated political fund) to encourage interest amongst LGBT members in standing for office as either a councillor or as a member of Parliament (including devolved assemblies).

Conference believes that much more work is needed to address the issue of under representation of LGBT people and therefore instructs the National LGBT Committee to:

1. Work with the UNISON Labour Link and LGBT Labour to explore potential initiatives for increasing LGBT representation in our local, regional, national

and European democratic institutions;

2. Work with the Labour Link to identify ways of increasing the participation of UNISON's LGBT members in the Labour Link and their local parties;
3. Explore opportunities for research into how the role of a Councillor might be adapted to attract more LGBT citizens, feeding into any relevant governmental or similar consultations;
4. Call for support via the Labour Link for initiatives such as LGBT Labour's 'Dorothy's List' which is designed to give support to candidates from LGBT communities, in particular targeting support to women and trans candidates.

25. Ramping up the Fight Against the Far Right

Carried as Amended by: 25.01

Conference notes with concern that in the 2008 local elections the British National Party (BNP) made a net gain of 10 seats in England and Wales, bringing their total number of seats to 55. In London the British National Party (BNP) crossed the 5% hurdle needed to get a "party list" seat on the Assembly.

Nonetheless, these results were significantly below the BNP's own forecasts. Conference salutes anti-fascist groups such as Unite Against Fascism (UAF) and Searchlight, in addition to the work of the Trade Union Congress (TUC), UNISON, and our regional lesbian, gay, bisexual and transgender (LGBT) groups - including Greater London's work with the Southern and Eastern Region of the TUC (SERTUC) LGBT Network to produce and distribute anti-BNP leaflets specifically targeted at LGBT communities.

Conference believes that UNISON has a crucial role to play in fighting the far right.

Conference notes that the 2009 European elections will be another battleground for the BNP, but acknowledges that whilst short-term and reactive election focused work can produce some positive results, only long-term, sustained and proactive strategies will ensure the far right is comprehensively beaten.

Conference further notes with disgust that - on the very date of the annual UK Black Pride festival - the BNP hosted a (much smaller) 'red, white and blue' event.

Conference therefore calls on all regional groups to include an anti-far right campaigning action plan in their annual work plans and to include anti-far right campaigning as a standing item on their agendas, and instructs the National Committee to:

1. Develop a comprehensive long-term and proactive strategy for campaigning against the far right and to report on this (and processes for monitoring progress) to LGBT Conference 2009;
2. Promote increased coordination and sharing of good practice by requiring regional representatives to the National Committee to provide an update on anti-far right activity and campaigning in their regular regional reports to the National Committee;
3. Encourage regional groups to include an anti-far right campaigning action

plan in their annual work plans and to include anti-far right campaigning as a standing item on their agendas;

4. Continue to work with the Labour Link and the General Political Fund, in liaison with the other national self organised groups, to explore further ways of joint working on a long-term proactive basis, including looking at how anti-far right education and campaigning can be mainstreamed;
5. Continue to work with the Trades Union Congress, Unite Against Fascism, Lesbian and Gay Coalition Against Racism, Searchlight and LGBT Labour and to explore further ways of joint working on a long-term proactive basis.
6. Work with local activists to campaign against BNP events and activities, and to continue to support UK Black Pride.

26. Reform the Homophobic Asylum System

Carried as Amended by: 26.01

Conference notes the human rights abuses perpetrated within the country of origin of lesbian, gay, bisexual and transgender (LGBT) people who make asylum applications in the UK. It also acknowledges the serious failings of the UK Borders and Immigration Agency to appropriately process and investigate such applications.

Conference believes that urgent reforms need to be made to the UK asylum system to end the injustice whereby many LGBT refugees are being sent back to viciously anti-LGBT countries like Iran, Uganda, Iraq, Nigeria, Pakistan, Jamaica and Saudi Arabia.

Conference notes:-

- 1 Immigration staff, currently receive race and gender training but no training at all on sexual orientation and gender identity issues. As a result, they often make stereotyped assumptions: that a feminine woman can't be a lesbian or that a masculine man cannot be gay. They sometimes rule that someone who has been married must be faking their homosexuality. Home Office rulings that LGBT refugees should "go home and be discreet" is insulting, humiliating and puts the returnees at risk of arrest, imprisonment, torture, mob violence and even possible murder;
- 2 At present the government's documentation of anti-gay and anti-transgender persecution in individual countries is often partial, inaccurate and misleading. It consistently downplays the severity of victimization suffered by LGBT people in countries such as Pakistan, Uganda, Egypt, Nigeria, Iran, Cameroon, Iraq, Zimbabwe, Palestine and Saudi Arabia;
- 3 Insufficient legal aid means that most asylum applicants - LGBT or otherwise - are unable to prepare an adequate submission at their asylum hearing. Their solicitors don't get paid enough to procure the necessary witness statements, medical reports and other vital corroborative evidence;
- 4 Many LGBT detainees report suffering LGBT victimisation, and say they fail to receive adequate protection and support from detention centre staff. These shortcomings need to be remedied by LGBT awareness training to ensure that detention centre staff take action against homophobic, biphobic and

transphobic perpetrators anti-LGBT abuses, and that they are committed to protect LGBT detainees who are being victimised.

Conference therefore calls on the National LGBT Committee to work with partners such as International Lesbian and Gay Association to lobby the Foreign and Commonwealth Office to implement the following five key policy changes to ensure a fair hearing for LGBT asylum applicants:-

- A. Ensure that asylum staff and adjudicators receive sexual orientation and gender identity awareness training;
- B. The official Home Office country information reports - on which judges often rely when ruling on asylum applications - must be upgraded and expanded to reflect the true scale of anti-LGBT persecution;
- C. Legal aid funding for asylum claims should be substantially increased;
- D. The Home Office needs to issue official instructions to asylum detention centre staff that they have a duty to stamp out anti-LGBT abuse, threats and violence;
- E. The government should issue explicit instructions to all immigration and asylum staff, and to all asylum judges, that homophobic, biphobic and transphobic persecution are legitimate grounds for granting asylum.

27. National Blood Transfusion Service

Carried as Amended by: 27.02

Conference notes that men who have sex with men are still barred from donating blood in an official capacity to the National Blood Transfusion Service, whether you are a 'practising' homosexual or not.

Conference also notes that the need for blood donation is continuously highlighted in the press and media and that only 6% of British people actually give blood. The ongoing discrimination faced by men who have sex with men who wish to give blood is no longer justified.

The UK Department of Health has been advised that from an analysis of 2.5 million blood donations about 30 donations were confirmed to be HIV positive. Two thirds of the men that donated tested HIV positive were heterosexual. A third were revealed to be gay men. Some had donated blood for the first time, some had donated blood at least once before in the last three years and shown to have tested HIV negative.

Research into sexual practices proves that it is specific behaviour, rather than a person's sexuality that increases risk to Sexually Transmitted Infections. Therefore, having a blanket ban on men who have sex with men donating blood is highly discriminatory and prejudicial in its application.

Conference acknowledges the hard work done so far in getting this ban changed but call on the National Lesbian, Gay, Bisexual and Transgender committee to renew its efforts in making more vigorous the changes required. We ask that Conference is updated on what progress has been made so far to lift the ban and ask that this motion be referred to UNISON National Health Service Group Executive.

28. HIV Treatment Availability and Rape

Carried as Amended by Composite Amendment 28.1

This Conference expresses its disgust at all forms of sexual assault. Victims of such crimes deserve the full support of everybody and the full protection of the law.

Incidents of rape and sexual assault remain massively under-reported and many victims remain invisible and unsupported.

A key first-response treatment which it is believed may reduce the risk of contracting HIV after exposure is "Post Exposure Prophylaxis" (PEP). In order to maximise the effectiveness of PEP in either slowing infection or prevent seroconversion it must be started urgently and in any event within three days. Its effectiveness is directly related to how quickly it can be administered.

PEP consists of a full month treatment of anti-HIV medication and requires careful consideration before being prescribed. There is no guarantee that PEP will work, and very significant side-effects may be experienced.

Conference welcomes any initiatives to promote awareness of PEP from Genito-Urinary clinics and through other sexual health routes. However there may still be many people, including healthcare professionals and the victims of sex crimes, who do not know about it or encounter barriers to its timely prescription. PEP is often also considered for needle-stick injuries and similar accidental exposure incidents.

This conference recognises that PEP is not a substitute for safer sex practices and must not be perceived as such; however it should be a consideration in all cases of sexual assault and rape.

Conference feels that HIV/AIDS is an issue for the whole of society. However the LGBT community may be more reluctant to report sexual assault and rape.

Conference therefore urges the National Lesbian, Gay, Bisexual and Transgender (LGBT) Committee to work with the National Executive Council and colleagues in appropriate service groups, including Health and Police Staff, in order to:

1. Raise a better awareness of PEP among health care providers and UNISON's LGBT membership;
2. Promote and encourage the reporting of sex crimes and campaign for resources to be made available to victims of sex crimes including those specifically aimed at the LGBT Community.
3. Collate and disseminate examples of good practice in these areas.

29. Pride is a Protest

Carried

Conference recognises that Pride events are a celebration of the lesbian, gay, bisexual and transgender (LGBT) movement's successes and achievements over the past 50 years. Conference also recognises that pride is a protest, an opportunity for our movement to organise and promote the cause of LGBT people, as well as a prime opportunity to engage with young people on LGBT and trade union issues.

Conference believes that to recruit and organise young LGBT workers, our union needs to be visible as a campaigning voice promoting young LGBT workers' interests. Pride is often now seen as a 'party' aimed at a younger audience, where the majority of parade entries are advertising products, services and employers to the LGBT community, seeking to profiteer from the pink pound. The 'Pride is a protest' entries at Birmingham, London and Manchester prides, however, have been a vibrant grass-roots presence, spearheaded by young people, demonstrating that we must not forget that the LGBT community still have some way to go before we can claim that the goals of queer liberation have been achieved.

Conference condemns attempts by Manchester Pride organisers to bully young workers and student activists trying to organise a political entry onto their pride parade, by suggesting that slogans and placards highlighting the struggle for LGBT equality should be 'vetted' before entry and may be deemed inappropriate if they criticise corporate sponsors and organisers. We call for solidarity with those prevented from putting forward the LGBT liberation agenda at their own community event.

Conference resolves to call on the National LGBT Committee to:

- 1 Organise mobilisation of unison members and delegations at pride events to openly oppose and challenge any attempts by pride organisers to vet, doctor or censor LGBT liberation activists organising at pride events, and to stand in solidarity with such activists. This should include distributing material condemning such actions on stalls, and encouraging unison members in all sectors to display materials highlighting and condemning such actions in their delegations to pride parades, where they are present;
- 2 Where they exist, organise linking up with 'pride is a protest' initiatives at pride events and marching alongside our fellow LGBT activists, putting forward the UNISON agenda in line with the policy and campaigning priorities put forward by LGBT conference;
- 3 Produce materials aimed at young workers for distribution at pride events setting out the work Unison has done, and is doing, to further the LGBT liberation agenda, as well as highlighting the benefits of trade union membership.

30. Freedom of Information: Disproportionate Funding

Carried

The Freedom of Information Act (2000) provides a context within which details of public service expenditure can be made public.

The Freedom of Information Act applies to all 'public authorities': - this includes

- 1 central and local government;
- 2 the Health Service;
- 3 schools, colleges and universities;
- 4 the Police;
- 5 many other non-departmental public bodies, committees, and advisory bodies.

It has come to our attention that, historically, funding of lesbian, gay, bisexual and transgender (LGBT) projects is disproportionately less than projects supporting other equality strands.

Conference therefore asks that:

- A The National LGBT Committee disseminate information to each region about how groups and individuals can make requests for information;
- B Representatives of our National LGBT Committee, Service Groups Committees, and Regional Committees take advantage of this new transparency to request figures on the relative funding of the different equality strands;
- C Information gathered is collated by the National LGBT Committee to inform Membership Participation on the implications for policy development.

31. Homophobia in Sport

Carried

Conference welcomes the initiative launched by The Premiership and Football League in trying to rid football from homophobia.

Whilst recognising that this is a good starting point, conference believes that more work is needed to ensure the campaign develops in success to the levels achieved by UNISON involvement in campaigns such as 'Show Racism the Red Card'. There also needs to be effort into challenging homophobia and transphobia in sports other than football.

Conference calls on the National Lesbian, Gay, Bisexual and Transgender (LGBT) Committee to:

1. Raise this issue within relevant bodies within UNISON (including the General Political Fund), to establish how UNISON can become more associated with this initiative;
2. Encourage regional and branch LGBT groups to make direct contact with local football clubs who are part of this initiative, to consider what joint publicity events could be organised;
3. Use the union's extensive political and campaigning avenues to further promote ending homo- and trans-phobia in organised sport more widely;
4. Provide information in Out in UNISON, the national union web-pages, and in other ways to promote the union's proactive work in helping organised sport to be more inclusive of all our communities.

32. Protecting the Health of Prisoners and Prison Health Care Staff

Carried as Amended by: 32.01

Men who have sex with men (MSM), gay men and bisexual men can potentially be at greater risk of sexually transmitted diseases. These risks can be further aggravated as a result of poor health standards and inconsistent awareness of safer sex

practices within the prison system. Gay men are still the group at greatest risk of acquiring HIV in the UK. New HIV diagnoses amongst gay men are the highest ever and are continuing to rise. Twenty-five years into the UK experience of HIV, this is not good enough. Conference reaffirms its view that HIV/AIDS is a problem for the whole of society and is not solely a matter for the LGBT community.

There are significantly higher rates of HIV and Hepatitis C in the prison population than in the general population. HIV rates in male prisoners are 15 times higher than those of men not in jail. Research has found that Hepatitis C levels in prisons are 20 times higher than the rate in the general public, with 9% of male inmates and 11% of women infected.

The Prison Reform Trust (PRT) and the National AIDS Trust (NAT) report 'HIV and hepatitis in prisons:- addressing prisoners healthcare needs' recommended male and female prisoners should be given free condoms as part of measures to halt the spread of HIV and Hepatitis in UK jails.

However a survey of prison healthcare managers found over half of prisons have no sexual health policy despite HIV and hepatitis C being commonplace.

In April 2006 responsibility for prisoners' health transferred from prisons to the NHS.

We call upon the National Lesbian, Gay, Bisexual and Transgender (LGBT) Committee to work with government departments and NGO's (Non Governmental Organisations) to lobby for a national approach and better consistency in policy and provision of the distribution of safer sex packs (including condoms and dental dams) in prisons in order to help protect the health of prisoners and health care staff against infection and disease.

We also support the call from PRT & NAT for better training for prison healthcare staff - to ensure that both prisoners and staff receive adequate information and education on HIV and Hepatitis C.

33. Working in Solidarity

Carried

Conference welcomes the progress made in raising the profile of lesbian, gay, bisexual and transgender (LGBT) participation in our union. We can be proud of our achievements in continuing to support and encourage self organisation at all levels of our union.

Most of us take it for granted that we can organise and meet to discuss work problems, engage in political debate and challenge poor employer practices. Trade unionists in many other countries risk intimidation and even death for active membership of a union. In places all over the world, our lesbian, gay, bisexual and transgender sisters and brothers face danger and are at risk of intimidation, abuse, violence and death just for being who they are.

Solidarity - joining together with others who share a common interest - is the very basis of trade unionism, and should not stop at national borders. It is vital then that we continue to support our sisters and brothers around the globe. The International Lesbian and Gay Association (ILGA) world map depicting LGBT rights graphically illustrates countries which, for example, continue to criminalise consenting same sex activity, including some which retain the death penalty for such acts. Although it is

encouraging to see an increasing number of countries with protections for sexual orientation and gender identity, it is sobering to see how far we still have to go.

Conference recognises that LGBT groups organise in ways that are culturally and politically appropriate to them. Conference affirms that solidarity actions must always be guided by the wishes of the other body, not our assumptions about their needs.

Conference instructs the National LGBT Committee to continue to:

- 1 Promote branch and regional membership of ILGA;
- 2 Forge links with sister unions and LGBT organisations abroad;
- 3 Publicise opportunities for individual members, branch and regional LGBT groups to engage in LGBT solidarity actions.

34. European Union (EU) Anti-Discrimination Legislation

Carried

Conference notes that European Union law provides protection against sexual orientation discrimination - as well as age, disability, religion and belief - in the area of employment, but that there is currently no such protection in EU law against discrimination on these grounds in areas such as social protection, goods and services, health care and education.

Discrimination on the grounds of race and gender are covered by stronger protection in EU law:

- 1 The Race Equality Directive protects against discrimination based on race and ethnic origin in all areas;
- 2 Sex discrimination is prohibited in employment and in access to goods and services, but not in areas such as education.

Conference notes that due to legislative gains in many EU member states (including the UK) there are laws at the level of individual states giving protection on the grounds of sexual orientation (discrimination on the grounds of gender reassignment is included under the Gender Directive), but such protections are not made available across the EU on a consistent basis.

Conference therefore welcomes the European Commission's proposal, announced in July, for a single 'cross cutting' Directive on discrimination on the grounds of age, disability, sexual orientation and religion or belief in areas other than employment.

It welcomes the fact that the scope of the proposed directive is identical to the scope of the EU directive protecting against discrimination on the grounds of race, but is concerned that it leaves out protection against differential treatment on the basis of marital/family status and in the area of reproductive rights. It is also concerned that gender will become the ground that is the least protected from discrimination in EU legislation.

Conference recognises that there is much work to be done as the directive needs to be adopted by unanimity by the 27 Member States in order to become EU law.

Therefore conference instructs the National Lesbian, Gay, Bisexual and Transgender

(LGBT) Committee to continue to work with the National Executive Council, Labour Link, Trades Union Congress LGBT Committee, LGBT Labour, International Lesbian and Gay Association-Europe and other relevant bodies to campaign for:

- A. The adoption of the Directive and to seek to address the flaws within the current text;
- B. The Commission to bring forward proposals to address the remaining inequality of rights and protections to ensure an equal level of protection on all grounds for all people across the EU.

Conference further calls on regional LGBT groups and branches to support campaigning initiatives, including encouraging members to contact their MEPs.

35. Building Lesbian, Gay, Bisexual and Transgender (LGBT) Equality in the Commonwealth

Carried

Conference welcomes:

- 1 The UK Government's stated commitment to working for the universal decriminalisation of homosexuality;
- 2 The development and publication this year by the Foreign and Commonwealth Office (FCO) of a strategy and toolkit for promoting and protecting the rights of LGBT people;
- 3 Increasing recognition of the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity.

Conference notes:

- A. That 86 of the 192 (45%) member states of the United Nations still criminalise consensual same sex acts between adults;
- B. That 41 of these, nearly 50%, are members of the Commonwealth;
- C. That almost 77% of the countries (41 out of 53) within the Commonwealth 'family' retain such laws, which are largely a legacy of British colonialism;
- D. The Commonwealth has extensive ongoing work programmes relating to the promotion of human rights and combating HIV/AIDS;
- E. The Commonwealth Heads of Government Meeting (CHOGM) occurs every two years;
- F. Before the last CHOGM in Uganda in 2007, Sexual Minorities Uganda (SMUG) and the International Gay and Lesbian Human Rights Commission (IGLHRC) wrote to the Commonwealth Secretariat requesting it "appeal to all Commonwealth nations that maintain criminal penalties to repeal such laws" (referring to the Singapore Declaration and the Harare Declaration made at the 1971 and 1991 CHOGMs respectively);

G. The next CHOGM is in Trinidad and Tobago in November 2009.

Conference believes that there is potential for the UK Government to take particular steps within the framework of Commonwealth institutions to promote human rights, non-discrimination and repeal of laws criminalizing consensual sexual activity.

Conference instructs the National Committee to work with the National Executive Council International Committee, Trades Union Congress, International Lesbian and Gay Association and other stakeholders involved in the FCO strategy, to explore the potential of progressing this agenda in the lead up to the 2009 meeting.

36. UNISON Participation in International Lesbian and Gay Association (ILGA)

Remitted

Conference recognises that an ever-increasing amount of the lesbian, gay, bisexual and transgender (LGBT) agenda is at a European and World level. Significant legislative and policy gains in relation to LGBT equality have been achieved through European structures. Time and again, UNISON members have shown their solidarity with brothers and sisters across the world who are subjected to inequality and persecution. In light of this, conference welcomes the increased participation of UNISON in the structures of ILGA. Increased delegations and affiliations support the work of this important and influential Non-Governmental Organisation.

Conference is concerned, however, that in our enthusiasm to support ILGA we may undermine the democratic structures of our own organisation. As more regions and branches affiliate to ILGA, more potential delegates come to the fore. This clearly needs to be co-ordinated in order to maintain ILGA's diverse balance of affiliate organisations and delegates and to ensure that UNISON's input is co-ordinated and representative.

Conference believes that we should always strive to be as democratic as is possible in our activities and actions, maintaining and strengthening the highly praised lay-member-led ethos that UNISON boasts. Conference believes that this principal should apply in selecting delegates to ILGA conferences and nominations to ILGA Boards.

Conference, therefore, instructs the National LGBT Committee to bring forward proposals to the 2009 National LGBT Conference that will seek to put in place true democracy in relation to ILGA delegates and nominations, specifically including: -

1. The means by which National LGBT Conference can vote on delegates to ILGA Conferences;
2. The means by which National LGBT Conference can vote on nominations to ILGA Boards;
3. The means by which National LGBT Conference can influence UNISON's input to ILGA structures, for example through motions or workshops.

37. Criminalisation and enforced testing of people suspected of being HIV positive in Egypt

Carried

This not only violates the most basic rights of lesbian, gay, bisexual and transgender (LGBT) people and people living with HIV, it also threatens public health, by making it dangerous for anyone to seek information about HIV prevention or treatment.

The most recent arrests occurred after police followed up on information coerced from men already in detention, according to the Health and Human Rights Program of the Cairo-based Egyptian Initiative for Personal Rights (EIPR).

Two of the newly detained men tested positive for HIV. As in previous cases, authorities forced the new detainees to undergo HIV testing without their consent. All those testing positive have been held in Cairo hospitals, chained to their beds.

Other facts particular to Egypt underline a high magnitude of risk: up to 30% of married women in remote rural areas have sexually transmitted infections. Data on condom use rate among married women using contraceptives reflect a decline. In addition, Egypt has high levels of Hepatitis C, a virus with similar modes of transmission to HIV.

There is also evidence of high-risk behaviour, such as needle sharing and unprotected sexual relations among injecting drug users. At particular risk are up to 1 million street children in Cairo and Alexandria who are often subjected to violence and sexual exploitation.

The high level of stigma and discrimination against people living with HIV is an important reason for the limited number of people undergoing voluntary testing. This is especially the case for high-risk groups such as sex workers, intravenous drug users and men having sex with men.

The absence of information and knowledge on sexually transmitted diseases and HIV/AIDS, together with the lack of counselling and guidance at schools and within the family and the health system, put young people at particular risk.

Conference calls upon the National LGBT Committee to work with Amnesty and through the Trades Union Congress and International Lesbian and Gay Association Europe to raise the issue within the United Nations Economic and Social Council (ECOSOC) to put pressure on the Egyptian authorities and to publicise the behaviour of the Egyptian authorities through UNISON Communications to alert members of the actions of a country where many UNISON members would be spending holidays.

COMP D. EQUALITY IS FUNDAMENTAL

Carried

Conference believes that equality is fundamental and that members represented by our self-organised groups and young members organisation may face particular barriers in the workplace and in getting involved and active in our union. Indeed many members face multiple barriers.

Conference notes that the introduction of the public sector equality duties has seen some improvements in the workplace but that there is still a lot more to be done.

Conference believes equality is everyone's responsibility and therefore welcomes the work that UNISON has carried out to promote equality within the union and with employers over recent years including briefings and training on the public sector equality duties.

Conferences welcomes the introduction of the UNISON Equality Scheme and the pilot project for union equality representatives which complements the existing equality provisions within our structures to ensure that all our members take responsibility for ensuring equality is taken seriously.

Conference therefore instructs the National Lesbian, Gay, Bisexual and Transgender (LGBT) Committee to work with the other self organised national committees, young and retired members' organisation and the National Executive Council to:

1. Publicise and stress the importance of the Code of Good Branch Practice, Guidelines on Self Organisation and Representation Guide;
2. Encourage and support members of self-organised groups and young members to become active within their branch structures, in particular to get involved with the union equality representatives pilot project and other equality initiatives;
3. Reiterate the responsibility of all activists to make sure equality is taken seriously and mainstreamed in all union activities;

Remind branches, via branch secretaries, of their particular responsibility to support self-organisation and mainstream equality.

39. Support for ILGA Scholarship Programme

Carried

In a number of countries around the world, Lesbian, Gay, Bisexual and Transgender (LGBT) people struggle to be visible in civil society or gain recognition for their rights within the framework of human rights legislation.

Trade unionists and community activists have for a long time recognised the importance of solidarity in the establishment and protection of human rights.

LGBT people in too many countries live in extreme isolation and perpetually under threat. This isolation and threat contribute to the barriers to their involvement in organisations offering solidarity, including trade unions.

Conference instructs the National LGBT Committee to explore ways in which UNISON may support the attendance and inclusion of LGBT activists living within particularly repressive circumstances at International Lesbian and Gay Association (ILGA) conferences.

A report back to be made by the National LGBT Committee to the 2009 National LGBT Conference.

40. Quotas are not enough

Carried

Conference notes that UNISON has shown its commitment to equality for Black members - and to Black Lesbian, Gay, Bisexual and Transgender (LGBT) members - through reserved seats on the National Executive Council, National LGBT Committee and other national self-organised group committees, and through the requirement for fair representation in conference delegations and all union structures. Nonetheless, quotas are not enough and Black LGBT members continue to be under-represented within UNISON.

Conference therefore calls on regional LGBT groups to continue to take active steps to recruit and organise Black LGBT members. Conference instructs the National LGBT Committee to:

1. Investigate the possibility of leadership training for Black LGBT members;
2. Seek the inclusion of UNISON events of relevance to Black LGBT members and potential members in Black History Month and LGBT History Month;
3. Seek to support networking for Black LGBT members, including by email.

41. Discrimination by Association

Carried

Conference welcomes the recent European Court of Justice (ECJ) ruling in *Coleman v Attridge Law* which dealt with the scope of Council Directive 2000/78/EC. The ECJ ruled that the purpose of the directive is to combat all forms of discrimination on the grounds of disability in the field of employment and occupation, and therefore it must apply not simply to a category of person but by reference to the grounds of discrimination (which in this case was disability).

Sharon Coleman brought a claim against her employers for disability discrimination claiming that she was harassed and discriminated against because she was the carer of her disabled son. The ground of discrimination was her son's disability and her association with him.

The ECJ stated that a narrow interpretation restricting the application to those who are disabled would reduce the effectiveness and protection the Directive intended to guarantee.

The Directive also applies to age, sexual orientation and religion and belief. Conference notes that the (then) Department for Trade and Industry's Explanatory Notes, which accompanied the Sexual Orientation Regulations when they were published in 2003, states that 'direct discrimination on grounds of sexual orientation covers discrimination against a person by reason of the sexual orientation of someone with whom the person associates' (para 26). Further, the Advisory, Conciliation and Arbitration Service (ACAS) website gives an example of a worker who is harassed because of their gay son and says 'this may be harassment on grounds of sexual orientation'.

Yet despite this, in 2008 the Employment Appeal Tribunal ruled that someone who was neither gay nor thought to be gay, but who was subject to homophobic harassment, was not covered by the sexual orientation regulations.

Conference is concerned that in commenting on the Coleman ruling, the Government Equality Office has confirmed that it will amend domestic disability legislation at the first opportunity but remains to be convinced there is a problem with the legislation on the other grounds, including sexual orientation.

Conference therefore requests that the National Lesbian, Gay, Bisexual and Transgender (LGBT) Committee:

1. Call on members to provide examples of such discrimination by association in employment, including their outcome;
2. Work with the NEC and Labour Link to make a robust case for clarity in UK legislation that discrimination by association is unlawful on grounds of sexual orientation; and
3. Publicise details to LGBT members.

43. Getting away with murder

Carried

Conference notes the recent report 'Getting Away With Murder' from the UK Disabled People's Council (UKDPC) endorsed by the TUC and Crown Prosecution Service, which looks at all aspects of disability hate crime and follows recent cases of violent attacks and deaths of disabled people. Whilst these attacks have been targeted specifically at disabled people, the police have been unable to establish that many of these attacks were motivated by hatred on the grounds of disability.

The report highlights the gap between statistics on disability hate crime and results of self-reporting surveys, the disparity between sentencing for disability hate crime and other forms of hate crime and the language used to describe disabled people ("vulnerable") and the crimes against them ("bullying"). Amongst its recommendations, it calls on the government to commission a review of all violent deaths of disabled people over an agreed time period, it calls for guidance to key practitioners to help them spot early warning signs of a hate crime and says a discussion is needed about the prevention of hate crime.

Conference is opposed to hate crime across all grounds, including HIV, and as a Lesbian, Gay, Bisexual and Transgender (LGBT) self organised group we have continuously campaigned to strengthen the laws in respect of hate crimes and to extend the aggravated sentencing provisions for crimes motivated by hate on the grounds of sexual orientation, gender identity and disability.

Conference therefore instructs the National LGBT Committee to work with the National Disabled Members Committee to:

1. Publicise the report and encourage members to engage in dialogue and public events called to discuss the issues raised;
2. Continue to publicise and encourage the reporting of hate crime, bearing in mind the range of media necessary to reach all who may be affected.

44. Hidden from hate

Carried

Conference notes that people living with HIV and AIDS are considered disabled from the point of diagnosis under the Disability Discrimination Act (DDA) 2005. However, Conference is disappointed to note that the Ministry of Justice did not accept an amendment to section 146 of the Criminal Justice Act to give people living with HIV the same protection against hate crimes as that available to other disabled people. Under the Criminal Justice Act, when it comes to sentencing in court, it can only be argued that people living with HIV have been subjected to a disability hate crime if they have a physical or mental impairment. This does not take into account the DDA 2005 definition.

Conference believes that this does not take into account the social stigma and discrimination still faced by people living with HIV. Conference notes with concern that one in three people have reported that they faced discrimination because of their status and that the National AIDS Trust (NAT) has received a number of complaints about hate crime and believe many more go unreported.

Conference therefore instructs the National LGBT Committee working with other appropriate structures of the union including the National Disabled Members Committee, other SOGs, young members and Labour Link to:

1. Raise awareness of this campaign and push for an amendment to recognise disability hate crime against people living with HIV from the point of diagnosis;
2. Publicise information about NAT's campaign for criminal law to reflect the 2005 DDA definition of disability;
3. Encourage members to report hate crime;
4. Encourage members who may have experienced hate crime on the basis of their HIV status to report this to NAT.

ND1. Equal Marriage Law

Carried – but not selected to go to NDC

This Conference welcomes the recent introduction of Civil Partnerships for same sex couples.

Conference believes, however, that current provision is not entirely satisfactory as same sex couples who may wish to marry are prevented from doing so and opposite sex couples are barred from entering Civil Partnerships. In addition, where a person seeks to obtain a Gender Recognition certificate they are required to first obtain an annulment of their marriage. Conference believes that this is unfair and discriminatory, placing an additional hurdle in the way of people seeking Gender Recognition.

Conference believes that equality before the law is a key principle that should be at the heart of a society that seeks to treat all equally.

Conference therefore calls on the NEC to campaign on full equality seeking opportunities to raise this via our contacts in Labour Link seeking to make the case for equal marriage and civil partnership laws.

COMP NDC1. NON-DISCRIMINATION IN PUBLICLY FUNDED SERVICES

Carried and selected as a motion to National Delegate Conference

Conference notes that some high profile media coverage of a 2008 employment tribunal judgment suggested that civil registrars were not obliged to carry out civil partnership ceremonies if that contravened their religious beliefs.

The Tribunal found in favour of an Islington Registrar who refused to officiate at Civil Partnership ceremonies on the grounds of her expressed Christian belief. The Tribunal held that the Registrar was both directly and indirectly discriminated against. A claim of harassment was also upheld.

Conference is concerned this may have led some people to believe that it is lawful to harass or discriminate against Lesbian, Gay, Bisexual and Transgender (LGBT) people when providing services, undermining equality.

Conference recalls that an employment tribunal ruling does not set a legal precedent. More significantly, other employment tribunals have taken a different approach. Examples include that of a magistrate refusing to hear family cases that might result in children being placed with same sex couples, where the Employment Appeal Tribunal and Court of Appeal upheld the original finding that it was not religious discrimination to require him to take these cases.

Conference believes that freedoms sometimes have to be subject to limitations "for the protection of the rights and freedoms of others". Human Rights must work in a framework where there is a balance of rights for individuals, for different groups and for society as a whole.

Conference believes that there is still a need to increase awareness that the Religion and Belief Regulations do not provide a justification for homophobic or biphobic conduct in the workplace or in the delivery of services to the community.

Conference underscores the importance of all public services being provided without discrimination and meeting the needs of all. Conference believes that religious belief should not be allowed to create an 'opt out' from this core principle.

Conference further notes with concern that changes which came into force in September 2008 give new exemptions to faith based voluntary aided schools, so that for the first time non-teaching staff may be discriminated against on grounds of faith and whether their conduct is in accordance with the ethos of the school.

Conference also expresses its concern that religious exemptions for voluntary aided and voluntary controlled faith schools have a negative impact on the learning environment for young LGBT people and those from LGBT families.

Conference therefore instructs the National Executive Council to:

1. Continue to campaign vigorously for all public services to be based on the

principle of non discrimination and access for all;

2. If necessary - should it not be made clear on appeal that civil registrars do not have the right to opt out of civil partnership services - work with the National LGBT Committee, Labour Link, Trades Union Congress, LGBT Labour and other appropriate bodies to lobby and campaign for a change in law to ensure equality for LGBT people in employment and service delivery;
3. Widely publicise the existing legal provisions, including the Human Rights Act, relating to LGBT service users and workers;
4. Lobby for all state-funded schools to have recruitment and employment policies that do not discriminate on grounds of religion and belief.
5. Continue to work with the service groups and regions to promote awareness of employers' responsibilities relating to service users and staff.

ND3. Making rights real

Carried and selected as a motion to National Delegate Conference

Conference welcomes the Human Rights Inquiry being undertaken by the Equality and Human Rights Commission. The inquiry will:

1. Assess progress towards the effectiveness and enjoyment of a culture of respect for human rights in Great Britain; and
2. Consider how the current human rights framework might best be developed and used to realise the vision of a society built on fairness and respect, confident in all aspects of its diversity.

The Inquiry covers England and Wales, with the Scottish Human Rights Commission considering the possibility of parallel work.

Conference further welcomes the Commission's submission in June 2008 to the United Nations Human Rights Committee on the UK government's performance under the International Covenant on Civil and Political Rights (ICCPR). Many of the ICCPR rights are reflected in the European Convention on Human Rights, incorporated into UK law through the Human Rights Act 1998.

In the submission, the Commission criticised the Government for failing to adequately promote and educate the public on why human rights are universal and an essential part of a democratic society in which everyone is treated with dignity and respect. It expresses concern that "human rights are in some respects under threat in Britain in a number of ways: the government's previous insufficient promotion of the importance of human rights, a failure to embed a human rights approach to the work of public authorities, and political action possibly to amend the effect of the Human Rights Act. This has not only inhibited the development of a culture based on human rights, it may jeopardise their very existence."

The submission raised a number of concerns about government legislation, policies and practices including issues about:

- A. The DNA database;

- B. Identity Cards;
- C. The use of stop and search powers;
- D. Disabled and older people's treatment in health and social care;
- E. The treatment of transgender prisoners;
- F. Difficulties faced by transgender people in gaining gender recognition if they are married.

Conference believes that UNISON has a crucial role in campaigning to develop a human rights culture where there is a greater understanding by individuals and public authorities of how human rights should work at the practical level.

Conference therefore calls on the National Executive Council (NEC) to:

- I. Continue to promote understanding and use of human rights as an essential principle in defending the rights of our members and a vital tool for trade unionists and groups facing discrimination to challenge inequality and injustice;
- II. Seek to work with other appropriate organisations to respond to the Inquiry's recommendations and campaign to develop a human rights culture;
- III. Explore further ways of promoting the use of human rights based approaches in public services, including through the Positively Public campaign.

ND4. Equality is Fundamental

Carried – but not selected to go to NDC

Conference believes that equality is fundamental and that women, black, disabled, Lesbian, Gay, Bisexual and Transgender (LGBT) and young members may face particular barriers in the workplace and in getting involved in the union. Indeed many members face multiple barriers.

Conference notes that the introduction of the public equality duties has seen some improvements in the workplace but there is still a lot more to be done. Conference welcomes the proposed extension of the duties to cover sexual orientation, gender reassignment, religion or belief and age.

Conference believes equality is everyone's responsibility and therefore welcomes the work that UNISON has carried out to promote equality within the union and with employers over recent years, including briefings and training on the public sector equality duties.

Conference welcomes the introduction of the UNISON Equality Scheme and the pilot project for union equality representatives which complement the existing equality provision within our structures to ensure that all our members take responsibility for ensuring equality is taken seriously.

Conference therefore instructs the National Executive Council to:

- 1. Remind branches of their responsibility to support self-organisation and

mainstream equality;

2. Publicise the importance of the code of good branch practice, guidelines on self organisation, branch representation guide;
3. Encourage and support members of self organised groups and young members to become active within their branch structures, in particular, to get involved with the union equality reps pilot project and other equality initiatives;
4. Reiterate the responsibility of all activists to make sure equality is taken seriously and mainstreamed in all union activities.

LG1. Delivering local government services without prejudice

Carried and Selected for Local Government Service Group Conference

Conference notes that whilst an Employment Tribunal ruling does not set legal precedent, widespread publicity for the judgement in the case of Ms Ladele v London Borough of Islington (2203694/2007 July 2008) added to the false impression that local government workers can claim their religion or belief as a reason for discriminating against lesbian, gay, bisexual and transgender (LGBT) service users, and furthermore that local government employers may feel unable to challenge such behaviour.

Conference believes that freedoms sometimes have to be subject to limitations “for the protection of the rights and freedoms of others”. Human rights work in a framework where there is a balance of rights for individuals, for different groups and for society as a whole.

Conference reiterates its belief that there is a need to increase awareness that the Religion or Belief Employment Regulations do not provide a justification for homophobic, biphobic or transphobic conduct in the workplace or in the delivery of local government services.

Conference therefore instructs the Local Government Service Group Executive to:

1. Continue to work with sector committees and regional local government committees to promote awareness of employers' responsibilities to promote LGBT equality and combat prejudice and discrimination;
2. Work with regions and local government branches to encourage instances of discrimination to be identified and challenged.