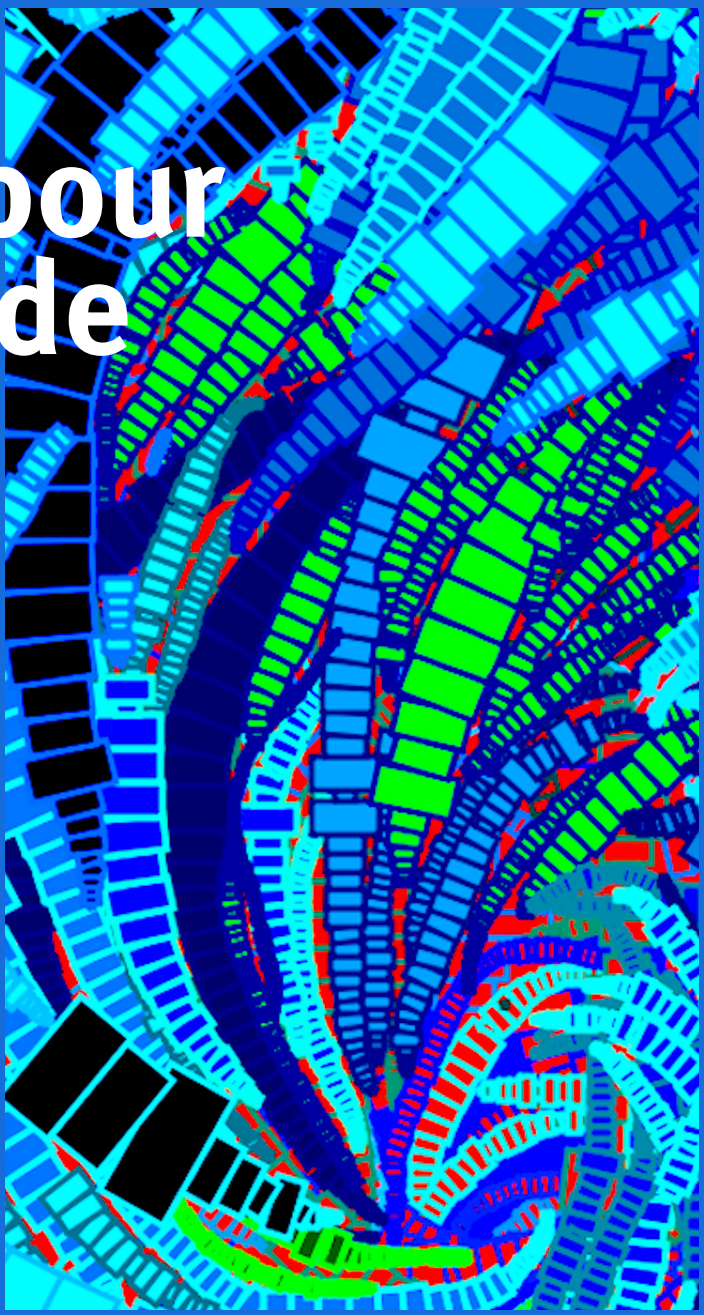
# Labour Pride



New Edition Prabha Khosla

**What Our Unions Have Done for Us**

A brief history of the role of working-class gays and lesbians and their unions in the struggle for legal rights in Canada

**Author**
Prabha Khosla

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Prabha Khosla is a researcher and activist on women's rights and cross-cutting inequalities in urban governance, planning and management.



**Prabha Khosla**

# Labour Pride

## What Our Unions Have Done for Us

A brief history of the role of working-class gays and lesbians and their unions in the struggle for legal rights in Canada

**New Edition**

# Acronyms

| | |
|---|---|
| **BCFL** | British Colombia Federation of Labour |
| **BCGEU** | British Columbia Government Employees Union |
| **BCTF** | British Columbia Teachers' Federation |
| **CAW** | Canadian Auto Workers |
| **CEP** | Communication, Energy and Paperworkers' Union of Canada |
| **CEQ** | Centrale de l'enseignement du Québec |
| **CETA** | Canadian Telecommunications Employees' Association |
| **CLC** | Canadian Labour Congress |
| **CSN** | Confédération des syndicats nationaux |
| **CUPE** | Canadian Union of Public Employees |
| **CUPW** | Canadian Union of Postal Workers |
| **FTQ** | Fédération des travailleurs et travailleuses du Québec |
| **GATE** | Gay Alliance Toward Equality |
| **HEU** | Hospital Employees Union |
| **LGBT** | Lesbian, Gays, Bi-sexual and Trans |
| **LGBTQ2** | Lesbian, Gays, Bi-sexuals, Trans, Queer or Questioning and Two-Spirit |
| **NUPGE** | National Union of Public and General Employees |
| **OFL** | Ontario Federation of Labour |
| **OPSEU** | Ontario Public Sector Employees' Union |
| **OSSTF** | Ontario Secondary Schools Teachers' Federation |
| **PSAC** | Public Services Association of Canada |
| **SFL** | Saskatchewan Federation of Labour |
| **SGEU** | Saskatchewan Government and General Employees Union |
| **USW** | United Steelworkers |



# Contents

# Acknowledgements

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A special thanks and gratitude to all who agreed to be interviewed and their patience with the long journey of this project.

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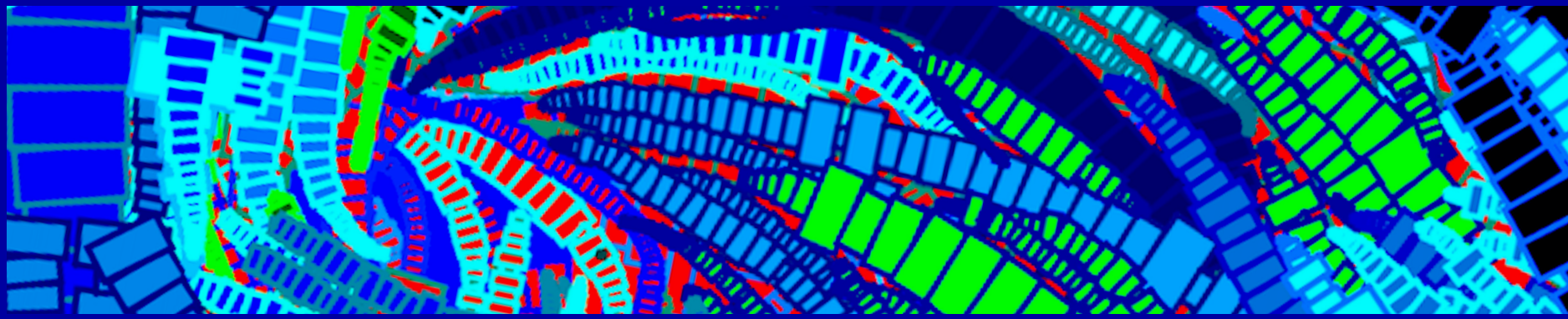
# 01

## Introduction

# A tribute to all who fought for our rights



The new edition of Labour Pride has been a few years in the making. The research, interviews and connections for this publication took place in the many territories of the nations of Turtle Island. At its conclusion, I am most grateful to be living in the unceded traditional territory of the Squamish, Tsleil-Waututh and Musqueam Nations.

The history of working-class gays and lesbians in the trade union movement is as old as the early days of union organizing, when workers began to collectively demand improvements in their working conditions and fight for better pay, rights, and benefits. This publication offers a brief account of the role of workers and their unions in support of gay and lesbian rights in Canada from the 1970s to the early 2000s. The struggles and stories provide an overview of the organizing of workers and their unions for legal rights as gay and lesbian workers in Canada.


"Job security for lesbians and gay men". Toronto Pride 1977.



The publication honours the hundreds of gay and lesbian workers who organized for rights and visibility – all those who came out, organized for inclusiveness and diversity, and fought for equal rights on shop floors and in hospitals, libraries, hotels, schools and offices. As workers, activists, and staff of unions, they challenged their unions, but did not always succeed. Many of them came out and tried to get elected to union leadership positions but were not elected. Many tried again and again to raise their voices but were ridiculed and marginalized. Many eventually quit their jobs, went elsewhere, 'played straight' or gave up on the union movement. Many indigenous and racialized people faced so much racism from workers, unions and management that coming out was not an option. All these workers' struggles were a passage to later victories.

This publication primarily documents the struggles and positive changes and victories of gay and lesbian workers and the unions that supported them. These victories have been critical to the success of the struggle for equal and legal rights for LGBTQ2 peoples in Canada. Without the engagement and investment of unions in the struggle for equality, it is doubtful we would be where we are today, even though many gains remain to be made on several other fronts.

Many unions in Canada have contributed their strength, influence, voice and resources in support of gay and lesbian workers. However, the engagement of unions in the struggle for lesbian and gay rights is uneven. While some unions took up the demands of lesbian and gay workers, others chose to not support this struggle. While some unions have 'caught' up in recent years, by devoting resources and energy to LGBTQ2 issues, others have not. Going forward it may be useful to better understand why some answer the call and others don't. Most certainly, work remains to be done and all unions can and should get involved in supporting the rights of not only LGBTQ2 workers, but the rights of *all* workers including racialized workers, women workers, workers with disabilities, indigenous workers, young workers, the organized and unorganized and the many who have face multiple and intersecting inequalities.

The research for this publication took several forms. I contacted gays and lesbians I knew in unions and who I knew had been activists in unions for many years. They gave me leads to other LGBTQ2 workers. I also contacted women's rights, LGBT rights and human rights staff of various unions. These women and men gave me more names to follow-up. Other LGBTQ2 activists identified publications, papers and union materials about LGBT rights for me to follow-up with. I interviewed numerous workers documenting their lives as union activists and leaders. I researched academic books and papers and visited archives of cities, universities and unions. A lot of historical materials such as posters, buttons, newsletters, etc. are in the homes of activists. I was not able to access many of these materials. As usual, the research was more extensive than what you will read in these pages.

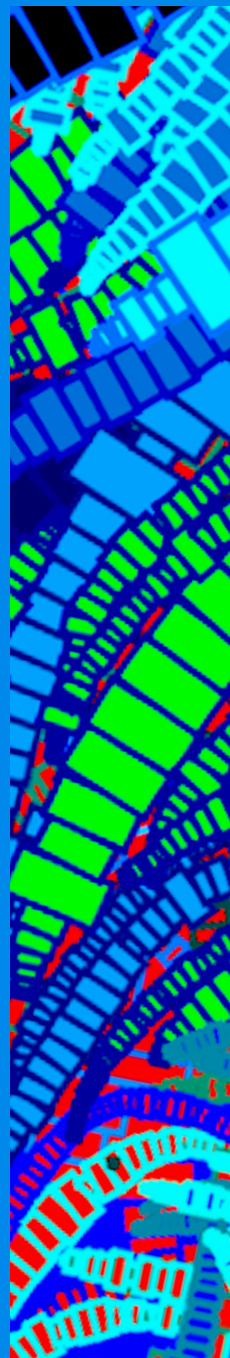
This publication attempts to cover some of the major and not so high-profile struggles for legal rights of gays and lesbians and LGBTQ2 working peoples and their unions, from the early 1970s to the early 2000s. By no means does this publication claim to be the definitive history of LGBTQ2 workers and unions. There are still many gaps. There were many LGBTQ2 peoples who were not in unions and who also fought for legal rights in Canada. They are not a focus of this publication. Their lives and contributions are covered in other essays and books.

A note on the use of terms and acronyms used to refer to gays and lesbians and what we now broadly refer to as LGBTQ2 communities. An attempt has been made to keep the use of terms to their historical periods. For example, in the early years the language used was gays and lesbians, then it became LGBT, to LGBTQ2S and still others today. These acronyms are important as they signal the growing movements for sexual orientation and gender identity (SOGI) rights. In this publication, I have roughly attempted to keep to the language of the historical periods. Towards the later part of the publication I use the term LGBTQ2. None of the terms used or not used here are meant to exclude anyone who considers themselves a part of our community.

# 02

## A note

# On Indigenous lesbian, gay and two-spirit workers



There is a large gap in the literature in terms of the lives of indigenous LGBTQ2 workers who might have been part of unions, even if, due to racism they did not have a good experience of the union or their co-workers. Due to various constraints it was not possible to do unlimited research to identify these workers. Given the history of colonialism and racism in Canada and the barriers to employment faced by indigenous peoples, it is likely that, if one were an indigenous lesbian, gay or two-spirit person and had managed to get a job, one would not bring attention to oneself by coming out. That would be asking to be fired and worse. While things have begun to change in recent years, working as indigenous workers in union or non-union jobs has meant dealing with a lot of racism from management, unions and co-workers. I hope others will take up the challenge to document their stories.

Albert McLeod, Co-director of the Two-Spirited People of Manitoba Inc. and a human rights activist for the past thirty years feels that two-spirit peoples have likely been in jobs which were unionized but were probably not out.

Albert McLeod says,

**"... in the intersection of the three spaces of indigenous, unions, and two-spirit there must have been some history about such engagements; but we lose history and there is still a lot of stigma. It was difficult to be out in those years and especially in ultra-masculine jobs. There must be history there as many two-spirit peoples had/have non-indigenous partners who were also involved in unions. Previous research on workplace issues and 2SLGBT+ peoples probably was not looking at indigenous peoples as workers."**

Additionally, Albert says,

**"You must remember that in recent decades indigenous peoples were never employed at the same rates as other people."**



## Lori Johnson, Two-Spirit Métis woman

Lori is a nurse by profession. She was also the Director of the Morgentaler Clinic in Winnipeg for ten years. Lori's family descends from Métis people who were buffalo hunters, free traders and guides on the plains of the Red River area of Manitoba. Her ancestral Scrip is in Winnipeg in the area that is now called St. James. According to Lori, "It is difficult to find two-spirit peoples who were in unions in the time horizon of your research because we often would not apply for those jobs as we knew we would not get them. Mostly what we got were low-paying jobs with no security and no protections. Métis peoples were often under-represented in good paying jobs with benefits, especially two-spirit Métis people".

"Bosses and co-workers could be overtly racist. They would openly say things like, 'We don't hire Indians here, one paycheck and you'll never see them again'. In my family my uncles used to work up north in the construction of dams, (the floodway in Manitoba), and they were skilled tradesmen such as plumbers, pipe fitters, and welders etc., but they would never let anyone on the job know they were Métis. We only spoke about ourselves as Métis within our families for fear that if employers found out that you were Métis, you would never get the job. My male family members were never in a union, they were only hired as labourers. My mum and all her sisters worked all their lives, but none of them were ever in a union. They did traditional women's work of that time – administration, secretarial work, etc. Even though they were heterosexual, they were not open about being Métis. The reality of racism in the workplace was enough of a barrier to Métis people accessing good jobs, never mind adding the matter of homophobia".

Lori says that Métis people often faced somewhat less overt racism in the workplace than for example, First Nations people. Employers were often reluctant to hire people who could be more visibly identified as indigenous. Being two-spirit was an additional barrier.

She feels that this reality is a lot better for Métis people today. With rates of higher education, training and affirmative action programs, it is her experience that there are many more indigenous two-spirit people who do hold good-paying jobs."Racism and homophobia remain a reality in society but progress in awareness and education about diversity are having a positive effect for us as indigenous two-spirit people". Lori wants it to be clear, that she cannot speak to the experience of First Nations people in the unionized workplace.

A recent publication, *Indigenous Workers, Wage Labour and Trade Unions: The Historical Experience in Canada* (Fernandez. L & Silver, J. 2017.), while not addressing 2SLGBT+ workers, provides a great overview of the engagement of indigenous women and men in wage labour and with unions. Using examples from different parts of Canada it demonstrates their extensive engagement as waged labourers in the early centuries of colonization and the exploitation of different natural resources in different part of the country. Their engagement in the waged economy is also impacted by the vast distances they travelled to get waged work and their subsistence livelihood activities in their different communities. The publication documents how, with increasing white colonial settlements, racism from companies, settlers and workers themselves became a convenient strategy to take away the waged livelihoods of indigenous workers. The popular strategy of divide and rule was used effectively by colonizers and employers in creating divisions between workers of different racial and ethnic groups and indigenous workers. For example, the precarious situation of Chinese workers in British Columbia was used to push indigenous workers out of jobs and keep wages low.



## Origins of the term Two-Spirit or Two-Spirited

While the term two-spirit has been widely adopted across Canada, many are not aware of its origin. Albert McLeod (2003) traces this history, "A number of papers by Aboriginal and non-Aboriginal authors have identified that the term was introduced into the Aboriginal gay and lesbian community in Winnipeg, Manitoba, in 1990, at one of a series of annual international (primarily Canada and the United States) gatherings (Medicine, 2002 as quoted in McLeod, 2003.). The third gathering in 1990 was sponsored by the Nichiwakan (friend) Native Gay and Lesbian Society in Winnipeg. The term Two-Spirit was coined as an alternative at this Conference. At the time some Aboriginal people had alliances with the gay community and strongly identified as gay, lesbian or bisexual. In the *Two Eagles* newsletter, of June 1990, several organizations were listed: Gay American Indians, San Francisco; American Indian Gays and Lesbians, Minneapolis; WeWah and BarcheAmpe, New York; Nichiwakan Native Gay and Lesbian Society, Winnipeg; and Gays and Lesbians of the First Nations, Toronto.


Two-Spirit People of Manitoba
Pride March. twospiritmanitoba.ca

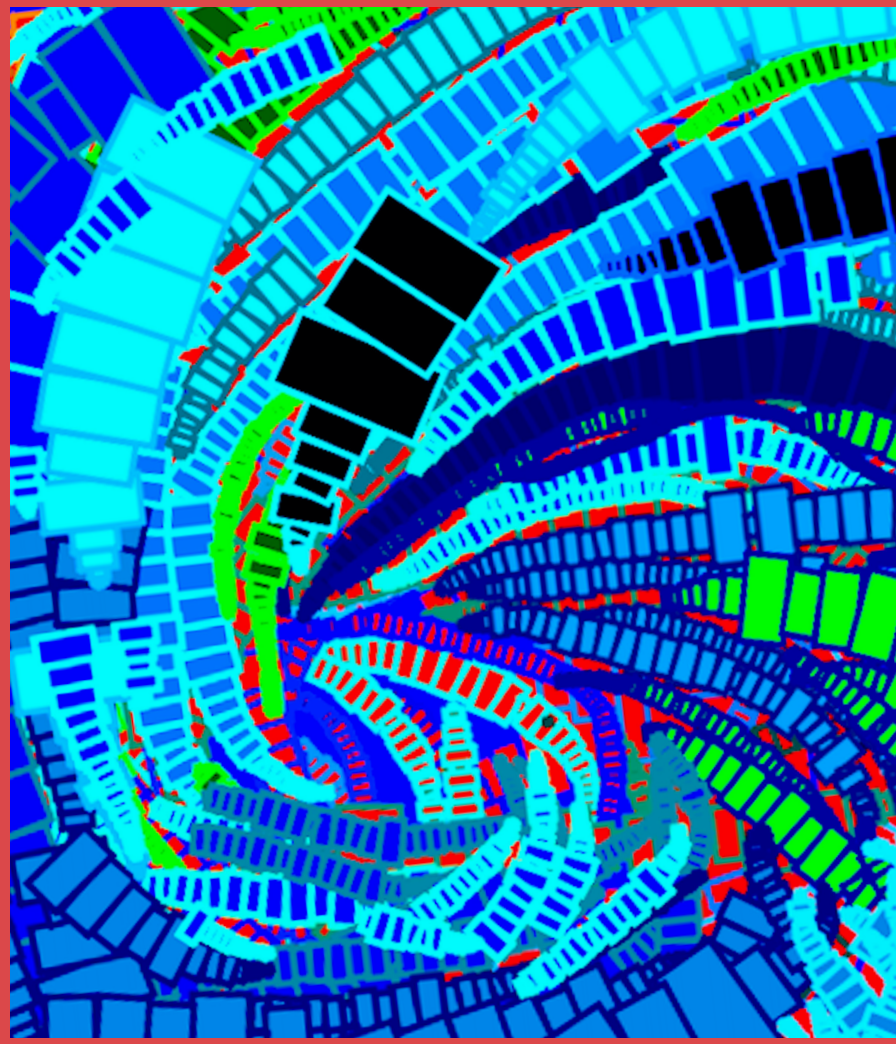
The Manitoba gathering was held in August and in the fall edition of *Two Eagles*, there were five letters from people who had attended. Three of them refer to "Two-Spirit(ed) womyn, mothers, daughters, person, people, and brothers". In the earlier summer edition of *Two Eagles* and in other writings prior to the '90 gathering there is no record of the term "Two-spirit". In 1991 the organization in Toronto changed its name to "2-Spirited People of the 1st Nations". Some authors have their own opinions as to why this change occurred (Hasten, 2002 as quoted in McLeod, 2003).

Albert also cautions us that, "Although two-spirit is an umbrella term meant to be inclusive of all indigenous peoples, it should be noted that Inuit gays and lesbians have not yet been consulted as to whether they wish to be identified with it (2003, 28)."

# 03

## The 1970s

# Links between gay and lesbian communities, workers, feminists, and trade unions



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

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

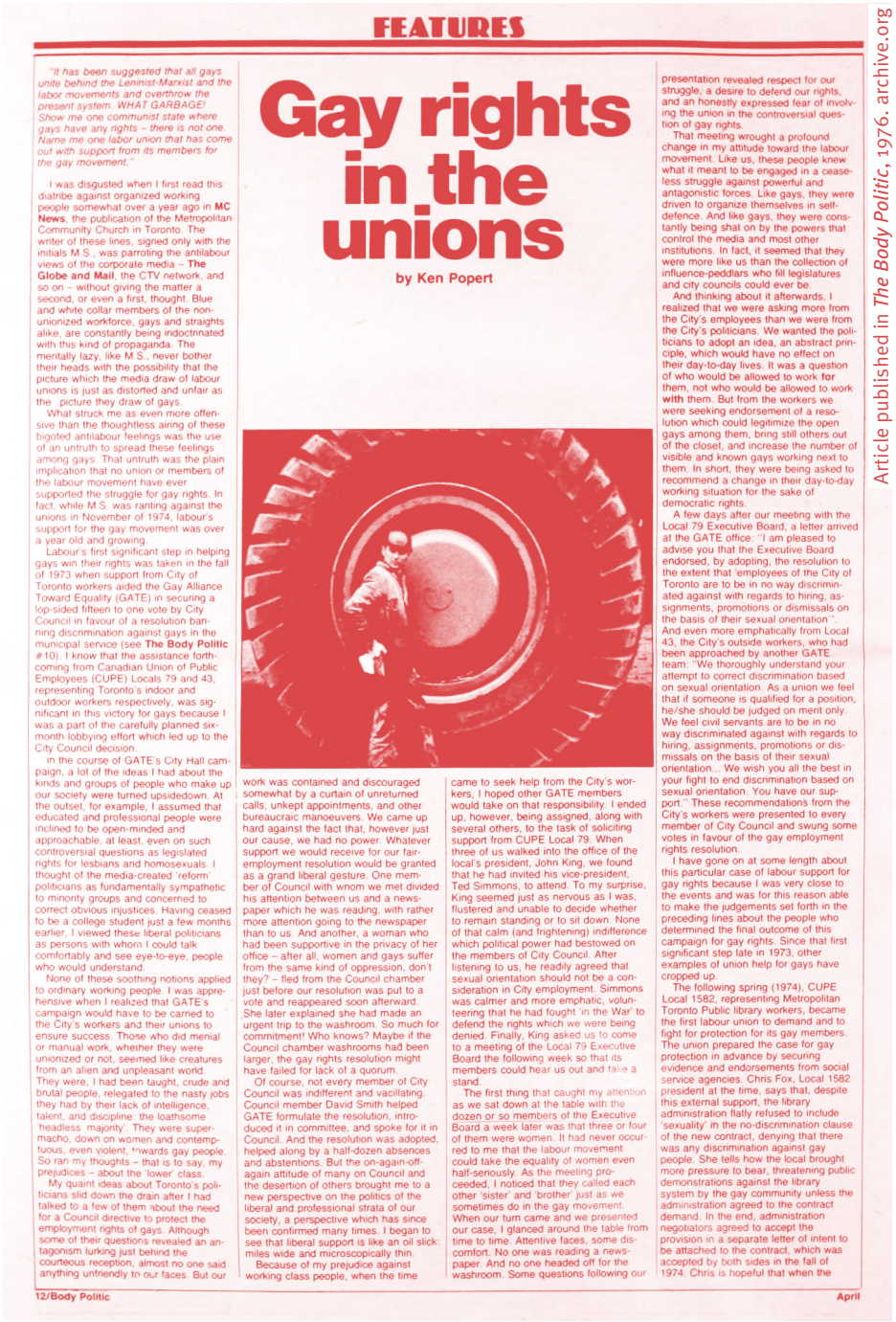
Union sisters with support from feminists outside the trade union movement created women's committees and caucuses and developed and led educational and training programmes on women's rights and leadership. They fought for their representation in leadership and decision-making structures at all levels of their unions.

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

In the early 1970s, there was a significant overlap between those involved in gay and lesbian organizing and those involved in left political parties and the independent left. According to Ken Popert, a founding member of Gay Alliance Toward Equality (GATE), Toronto and *The Body Politic* (1971-1987), (a gay monthly magazine which played a major role in the struggles of gays and lesbians in Canada), GATE had many members who were active in the gay liberation movement and were also members of trade unions. He says gay activists learned to organize from trade unionists and from left wing parties.[1]

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





FEATURES

# Gay rights in the unions

by Ken Popert

*"It has been suggested that all gays unite behind the Leninist-Marxist and the labor movements and overthrow the present system. WHAT GARBAGE! Show me one communist state where gays have any rights – there is not one. Name me one labor union that has come out with support from its members for the gay movement."*

I was disgusted when I first read this diatribe against organized working people somewhat over a year ago in **MC News**, the publication of the Metropolitan Community Church in Toronto. The writer of these lines, signed only with the initials M.S., was parroting the antilabour views of the corporate media – **The Globe and Mail**, the CTV network, and so on – without giving the matter a second, or even a first, thought. Blue and white collar members of the non-unionized workforce, gays and straights alike, are constantly being indoctrinated with this kind of propaganda. The mentally lazy, like M.S., never bother their heads with the possibility that the picture which the media draw of labour unions is just as distorted and unfair as the picture they draw of gays.

What struck me as even more offensive than the thoughtless airing of these bigoted antilabour feelings was the use of an untruth to spread these feelings among gays. That untruth was the plain implication that no union or members of the labour movement have ever supported the struggle for gay rights. In fact, while M.S. was ranting against the unions in November of 1974, labour's support for the gay movement was over a year old and growing.

Labour's first significant step in helping gays win their rights was taken in the fall of 1973 when support from City of Toronto workers aided the Gay Alliance Toward Equality (GATE) in securing a lop-sided fifteen to one vote by City Council in favour of a resolution banning discrimination against gays in the municipal service (see **The Body Politic** #10). I know that the assistance forthcoming from Canadian Union of Public Employees (CUPE) Locals 79 and 43, representing Toronto's indoor and outdoor workers respectively, was significant in this victory for gays because I was a part of the carefully planned six-month lobbying effort which led up to the City Council decision.

In the course of GATE's City Hall campaign, a lot of the ideas I had about the kinds and groups of people who make up our society were turned upsidedown. At the outset, for example, I assumed that educated and professional people were inclined to be open-minded and approachable, at least, even on such controversial questions as legislated rights for lesbians and homosexuals. I thought of the media-created 'reform' politicians as fundamentally sympathetic to minority groups and concerned to correct obvious injustices. Having ceased to be a college student just a few months earlier, I viewed these liberal politicians as persons with whom I could talk comfortably and see eye-to-eye, people who would understand.

None of these soothing notions applied to ordinary working people. I was apprehensive when I realized that GATE's campaign would have to be carried to the City's workers and their unions to ensure success. Those who did menial or manual work, whether they were unionized or not, seemed like creatures from an alien and unpleasant world. They were, I had been taught, crude and brutal people, relegated to the nasty jobs they had by their lack of intelligence, talent, and discipline: the loathsome 'headless majority'. They were supermacho, down on women and contemptuous, even violent, towards gay people. So ran my thoughts – that is to say, my prejudices – about the 'lower' class.

My quaint ideas about Toronto's politicians slid down the drain after I had talked to a few of them about the need for a Council directive to protect the employment rights of gays. Although some of their questions revealed an antagonism lurking just behind the courteous reception, almost no one said anything unfriendly to our faces. But our work was contained and discouraged somewhat by a curtain of unreturned calls, unkept appointments, and other bureaucratic manoeuvers. We came up hard against the fact that, however just our cause, we had no power. Whatever support we would receive for our fair-employment resolution would be granted as a grand liberal gesture. One member of Council with whom we met divided his attention between us and a newspaper which he was reading, with rather more attention going to the newspaper than to us. And another, a woman who had been supportive in the privacy of her office – after all, women and gays suffer from the same kind of oppression, don't they? – fled from the Council chamber just before our resolution was put to a vote and reappeared soon afterward. She later explained she had made an urgent trip to the washroom. So much for commitment! Who knows? Maybe if the Council chamber washrooms had been larger, the gay rights resolution might have failed for lack of a quorum.

Of course, not every member of City Council was indifferent and vacillating. Council member David Smith helped GATE formulate the resolution, introduced it in committee, and spoke for it in Council. And the resolution was adopted, helped along by a half-dozen absences and abstentions. But the on-again-off-again attitude of many on Council and the desertion of others brought me to a new perspective on the politics of the liberal and professional strata of our society, a perspective which has since been confirmed many times. I began to see that liberal support is like an oil slick: miles wide and microscopically thin.

Because of my prejudice against working class people, when the time came to seek help from the City's workers, I hoped other GATE members would take on that responsibility. I ended up, however, being assigned, along with several others, to the task of soliciting support from CUPE Local 79. When three of us walked into the office of the local's president, John King, we found that he had invited his vice-president, Ted Simmons, to attend. To my surprise, King seemed just as nervous as I was, flustered and unable to decide whether to remain standing or to sit down. None of that calm (and frightening) indifference which political power had bestowed on the members of City Council. After listening to us, he readily agreed that sexual orientation should not be a consideration in City employment. Simmons was calmer and more emphatic, volunteering that he had fought 'in the War' to defend the rights which we were being denied. Finally, King asked us to come to a meeting of the Local 79 Executive Board the following week so that its members could hear us out and take a stand.

The first thing that caught my attention as we sat down at the table with the dozen or so members of the Executive Board a week later was that three or four of them were women. It had never occurred to me that the labour movement could take the equality of women even half-seriously. As the meeting proceeded, I noticed that they called each other 'sister' and 'brother' just as we sometimes do in the gay movement. When our turn came and we presented our case, I glanced around the table from time to time. Attentive faces, some discomfort. No one was reading a newspaper. And no one headed off for the washroom. Some questions following our presentation revealed respect for our struggle, a desire to defend our rights, and an honestly expressed fear of involving the union in the controversial question of gay rights.

That meeting wrought a profound change in my attitude toward the labour movement. Like us, these people knew what it meant to be engaged in a ceaseless struggle against powerful and antagonistic forces. Like gays, they were driven to organize themselves in self-defence. And like gays, they were constantly being shat on by the powers that control the media and most other institutions. In fact, it seemed that they were more like us than the collection of influence-peddlars who fill legislatures and city councils could ever be.

And thinking about it afterwards, I realized that we were asking more from the City's employees than we were from the City's politicians. We wanted the politicians to adopt an idea, an abstract principle, which would have no effect on their day-to-day lives. It was a question of who would be allowed to work **for** them, not who would be allowed to work **with** them. But from the workers we were seeking endorsement of a resolution which could legitimize the open gays among them, bring still others out of the closet, and increase the number of visible and known gays working next to them. In short, they were being asked to recommend a change in their day-to-day working situation for the sake of democratic rights.

A few days after our meeting with the Local 79 Executive Board, a letter arrived at the GATE office: "I am pleased to advise you that the Executive Board endorsed, by adopting, the resolution to the extent that 'employees of the City of Toronto are to be in no way discriminated against with regards to hiring, assignments, promotions or dismissals on the basis of their sexual orientation'". And even more emphatically from Local 43, the City's outside workers, who had been approached by another GATE team: "We thoroughly understand your attempt to correct discrimination based on sexual orientation. As a union we feel that if someone is qualified for a position, he/she should be judged on merit only. We feel civil servants are to be in no way discriminated against with regards to hiring, assignments, promotions or dismissals on the basis of their sexual orientation... We wish you all the best in your fight to end discrimination based on sexual orientation. You have our support." These recommendations from the City's workers were presented to every member of City Council and swung some votes in favour of the gay employment rights resolution.

I have gone on at some length about this particular case of labour support for gay rights because I was very close to the events and was for this reason able to make the judgements set forth in the preceding lines about the people who determined the final outcome of this campaign for gay rights. Since that first significant step late in 1973, other examples of union help for gays have cropped up.

The following spring (1974), CUPE Local 1582, representing Metropolitan Toronto Public library workers, became the first labour union to demand and to fight for protection for its gay members. The union prepared the case for gay protection in advance by securing evidence and endorsements from social service agencies. Chris Fox, Local 1582 president at the time, says that, despite this external support, the library administration flatly refused to include 'sexuality' in the no-discrimination clause of the new contract, denying that there was any discrimination against gay people. She tells how the local brought more pressure to bear, threatening public demonstrations against the library system by the gay community unless the administration agreed to the contract demand. In the end, administration negotiators agreed to accept the provision in a separate letter of intent to be attached to the contract, which was accepted by both sides in the fall of 1974. Chris is hopeful that when the

12/Body Politic April

An early example of gay and lesbian activists connecting with unions was the 1973 struggle to get sexual orientation included in an anti-discrimination policy at the City of Toronto. Members of GATE had first approached City Council to get their support, but city councillors did not support the resolution. This prompted GATE members to solicit support from the city's unions – CUPE Local 79, the inside workers and CUPE Local 43 representing the outside workers.

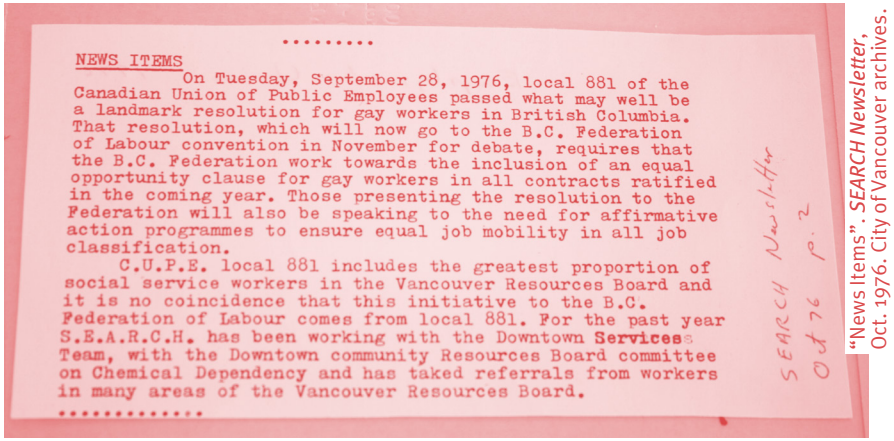
**Ken Popert recalls being impressed by the union executive's empathy with the oppression of gays: "The workers and the women on the executive, like gay men, knew what it meant to be engaged in a ceaseless struggle against powerful and antagonistic forces. Like gays they were constantly being shat on by the powers that control the media and most other institutions."[2] Within a week of the meeting between members of GATE and the Executive of Local 79, GATE received a letter of commitment and solidarity from the union. It said, "We thoroughly understand your attempt to correct discrimination based on sexual orientation. As a union we feel that if someone is qualified for a position, he/she should be judged on merit only. We feel civil servants are to be in no way discriminated against with regards to hiring, assignments, promotions or dismissals on the basis of sexual orientation...You have our support."[3] This was a radical position taken by a union at a time when gays and lesbians could be fired for being homosexuals.**

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



In 1975 the University of Regina Students' Union and the Canadian Union of Public Employees, (CUPE) Local 1486 signed the first labour agreement in Saskatchewan prohibiting discrimination on the grounds of sexual orientation. The second contract with this provision was signed between the Saskatchewan Human Rights Commission (SHRC) and CUPE Local 1871 on August 1, 1976.

On September 28th, 1976, Local 881 of the Canadian Union of Public Employees (CUPE) passed a resolution that was probably a landmark resolution for gay workers in British Columbia. The resolution which was sent to the B.C. Federation of Labour convention in November of that year, recommended that the B.C. Federation of Labour work towards the inclusion of an equal opportunity clause for gay workers in all contracts ratified for the following year. Local 881 included the greatest number of social service workers in the Vancouver Resources Board.[4] However, the resolution was not adopted at the convention.[5]



NEWS ITEMS

On Tuesday, September 28, 1976, local 881 of the Canadian Union of Public Employees passed what may well be a landmark resolution for gay workers in British Columbia. That resolution, which will now go to the B.C. Federation of Labour convention in November for debate, requires that the B.C. Federation work towards the inclusion of an equal opportunity clause for gay workers in all contracts ratified in the coming year. Those presenting the resolution to the Federation will also be speaking to the need for affirmative action programmes to ensure equal job mobility in all job classification.

C.U.P.E. local 881 includes the greatest proportion of social service workers in the Vancouver Resources Board and it is no coincidence that this initiative to the B.C. Federation of Labour comes from local 881. For the past year S.E.A.R.C.H. has been working with the Downtown Services Team, with the Downtown community Resources Board committee on Chemical Dependency and has taked referrals from workers in many areas of the Vancouver Resources Board.

SEARCH Newsletter Oct 76 p. 2

"News Items". *SEARCH Newsletter*, Oct. 1976. City of Vancouver archives.

4 For information about the Vancouver Resources Board, please see https://www.memorybc.ca/vancouver-resources-board
5 SEARCH Newsletter, October 1976.p.2.

In another demonstration of some of the historic links between gays and lesbians organizing in the "streets" and those organizing in the workplaces, on December 17th of the same year, members of Vancouver Gay Alliance Toward Equality (GATE) and a member of the Canadian Union of Postal Workers (CUPW) made a presentation on gay rights to the officers of the B.C. Federation of Labour. They called upon the Federation to include sexual orientation in anti-discrimination clauses of trade union contracts, to publicly support the inclusion of sexual orientation in the B.C. Human Rights Code and to set up a committee on gay rights within the B.C. Fed.[6]

Around the same time, Harold Desmarais, an out, autoworker at Ford's Windsor Engine Plant, was subject to tremendous taunting and harassment from several of his co-workers. Luckily for Desmarais, the United Auto Workers union (later the Canadian Auto Workers, and now Unifor) had a clause in its contract prohibiting discrimination based on sexual orientation – a rarity at the time. "Back then, it was sort of a catch-22 situation," he said. "People would say 'if there's nothing to be ashamed about, why are you hiding your sexuality,' but a lot of people couldn't be open about their sexuality without putting their job and even their home at risk"[7]. Harold was also an active member of Windsor Gay Unity.

6 Gay Tide, February 1977, p.3.

7 http://www.insidetoronto.com/news-story/4059688-human-rights-advocate-harold-desmarais-to-be-inducted-into-q-hall-of-fame/ Accessed July 18, 2019.



Efforts toward formal legal equality were also underway in other provinces and in 1977 Quebec became the first province to amend its legislation to include prohibition of discrimination based on sexual orientation. However, according to Chamberland et al[8] the Quebec Charter of Human Rights and Freedoms did not protect against discrimination on the basis of sexual orientation in matters on pension plans, insurance and benefits (Article 137), even though protection against discrimination on the basis of sexual orientation was adopted in 1977. Further, according to them, "In the years 1976-1977 the unions offered their support to lesbian and gay activists against police repression; however, this was more a formal show of support than direct action or support".[9]

At this time, there was no Canadian Charter of Rights and Freedoms and none of the other provinces or territories included sexual orientation as a prohibited ground for discrimination.


"Gay Rights for Gay Workers".

8 Chamberland, L., Lévy, J. J., Kamgain, O., Parvaresh, P. & Bègue, M. (2018). L'accès à l'égalité des personnes LGBT. In F. Saillant & E. Lamoureux (Eds.), InterReconnaissance: La mémoire des droits dans le milieu communautaire au Québec (pp. 49-112). Canada: Les Presses de l'Université Laval.

9 Ibid. p.74

## Organizing a gay bathhouse in Toronto

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

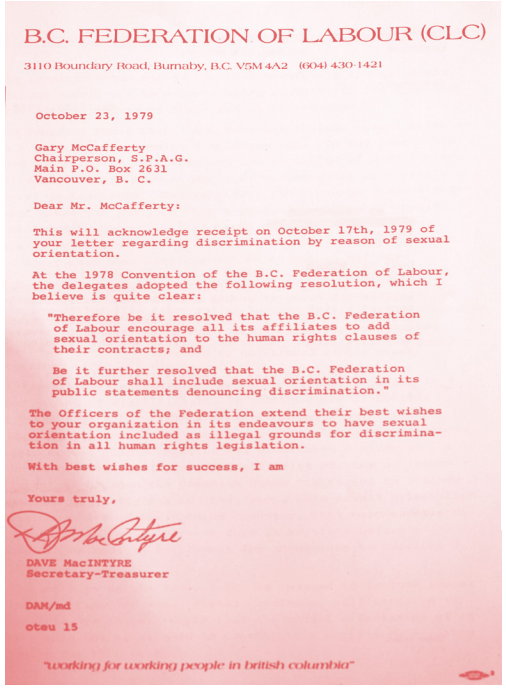
David approached the Hotel Employees and Restaurant Employees International (HERE), a precursor of UNITE HERE. According to David, "The union was hesitant at first because they had never heard of what goes on in steam baths. But they said go ahead and see how many names you can get". At the Bath, there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

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

On February 23rd, 1977, Don Hann, a gay day care worker in Vancouver lobbied the Daycare Workers Union of B.C. to form a gay caucus. One of his arguments to his colleagues was that unions were finally recognizing gay and lesbian workers and supporting them and urged uniting with gay caucuses of other trade unions. Furthermore, he stated, "Only by coming out of the closet, demanding our civil rights, soliciting the support of sister and brother trade unionists and others will we ever win our liberation".[10] Don's resolution was adopted by the meeting.

In January 1979 the Saskatoon and District Labour Council passed a resolution calling for the province's human rights legislation to be amended to prohibit discrimination based on sexual orientation.

Slowly but surely, the B.C. Federation of Labour came around to acknowledging sexual orientation in its rank and file, i.e., the existence of gay and lesbian workers. See the letter in this page.



B.C. FEDERATION OF LABOUR (CLC)

3110 Boundary Road, Burnaby, B.C. V5M 4A2 (604) 430-1421

October 23, 1979

Gary McCafferty
Chairperson, S.P.A.G.
Main P.O. Box 2631
Vancouver, B. C.

Dear Mr. McCafferty:

This will acknowledge receipt on October 17th, 1979 of your letter regarding discrimination by reason of sexual orientation.

At the 1978 Convention of the B.C. Federation of Labour, the delegates adopted the following resolution, which I believe is quite clear:

"Therefore be it resolved that the B.C. Federation of Labour encourage all its affiliates to add sexual orientation to the human rights clauses of their contracts; and

Be it further resolved that the B.C. Federation of Labour shall include sexual orientation in its public statements denouncing discrimination."

The Officers of the Federation extend their best wishes to your organization in its endeavours to have sexual orientation included as illegal grounds for discrimination in all human rights legislation.

With best wishes for success, I am

Yours truly,

DAVE MacINTYRE
Secretary-Treasurer

DAM/md
oteu 15

"working for working people in british columbia"

BCFL letter. October 23, 1979. City of Vancouver archives.

10 This information is from historical documents given to the author by Don Hann.

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

## Solidarity on the Shop Floor

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

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

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



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

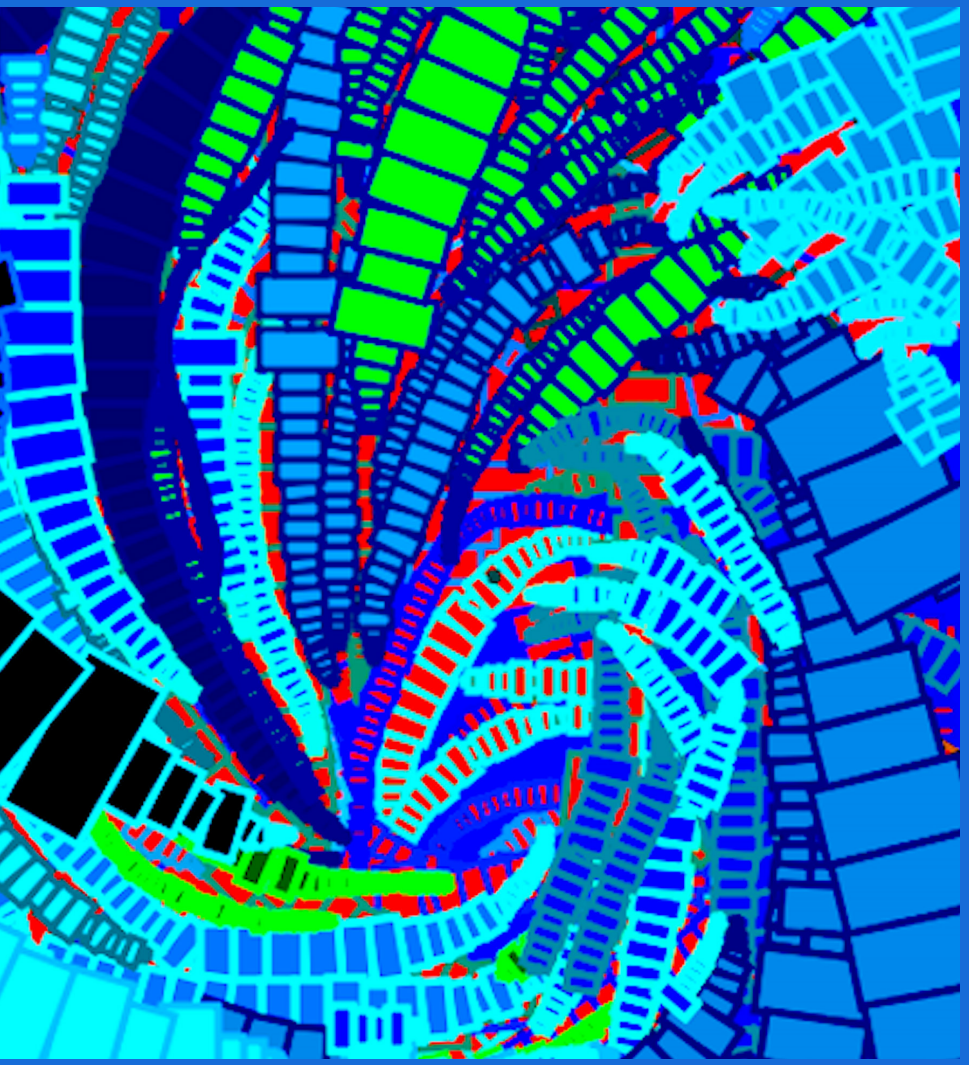
USW 2900 became a forward looking and militant Local and the union activists did what they could to create an atmosphere on the shop floor where sexuality wasn't an issue. Interestingly, the guy who gay baited Bev during her election later ran as a steward on her team, proving that attitudes can change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

It is women like Bev who not only changed union culture, but also paved the way for others who came later.[11][12]


Kitchener and Waterloo demonstrators. Toronto Pride 1975.

11 Allison Dubarry, an out racialized lesbian, was president of USW Local 1998, the largest Steelworkers' Local in Canada, for three terms from 2003-2012.

12 This information provided by Carolyn Egan President of the Steelworkers Toronto Area Council and a founding member of Steel Pride.



# 04

## The 1980s

# Fighting back in the streets and on the job

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

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


Demo against police raids on bath houses. Toronto 1981.

On February 20th, 1981, a demonstration was held against the police raids. Over four thousand angry people rallied at Queen's Park, the provincial legislature, and marched to Metro Toronto Police's 52 Division to protest the bath house raids and to call for an independent inquiry. Keynote speakers at the Rally included Lemona Johnson, wife of Albert Johnson, a black man who was killed by police, Brent Hawkes, a pastor of the Metropolitan Community Church and Wally Majeski, the President of Metro Toronto Labour Council. While Majeski took the position to support the rights of gay men against police harassment and arrests, many in the labour movement were not happy with his stand. However, his decision to speak out in support of gay men was an important statement of solidarity for gay and lesbian workers and underlined the need to work in coalitions to defend the human rights of *all* workers.


Labour Council at demo against police raids on bath houses. Toronto 1981.

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

The 1980s was also the decade that saw the emergence of HIV and AIDS in gay communities (and in heterosexual communities) and the tragic loss of so many friends and colleagues. The loss of so many members of "the family", the lack of recognition, and inadequate and often offensive responses by governments and medical and related institutions to the challenges of HIV/AIDS, pushed gays and lesbians to organize "in your face" activities and challenges to the status quo. Some unions too rose to challenge homophobia, others continued to discriminate against their gay and lesbian brothers and sisters.

## Coming Out Twice

In 1983, Jim Kane was working at CN (Canadian National Railway) in Winnipeg. He was also an active member of the union – CBRT&GW (The Canadian Brotherhood of Railway Transport and General Workers.) and the union's recording secretary. This was also the year that Jim decided to come out to his co-workers, the union and to CN.

In the Fall of 1983, Jim ran for President of his Local. He lost the vote because some members did not want to vote for him because he was gay. Jim was so upset by this homophobic behaviour that he quit the union and left his job. At this time, CN was very much a blue-collar male dominated industry and women were only just beginning to come into the CN workforce.

As a result of quitting his job, Jim resigned his position on the Executive of the Union. Later, CN hired him back to take a management position. They also told him that for them his "lifestyle" was not an issue. Over the years, Jim worked in various positions including human resources and labour relations to change policies and at various points the managers asked for his inputs as they developed policies for inclusiveness. When Jim was diagnosed as HIV+ he was involved in developing policy for people who were positive. He came out as HIV + on December 1st, 2000 but was diagnosed in 1986. Jim feels he came out twice.

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

The 1980s was the decade that pushed the struggle for gay liberation toward the struggle for equality and human rights recognition. However, activists also lost many challenges for equal rights and unions did not always support them.

## Fighting prejudice in education

In 1987, Eric Smith was teaching grades five and six at Clark's Harbour Elementary School (pop. 1,200) on the south shore of Nova Scotia. Ever since he was young, many in the community presumed he was gay. Eric was also active in the teachers' union and the year before; he was president of the union local.

In 1986 Eric was diagnosed with HIV and 'outed' by his doctor's secretary the following year. In this small fishing community, it did not take long before parents suspected he was the person who was HIV+ as they had always assumed, he was gay. Despite a gross violation of his privacy, Eric decided not to take any legal action against the doctor or his secretary.

When Eric's HIV status became public, a meeting was called, and 500 people attended. At the meeting, a southern U.S. Baptist Church film was shown which depicted a student using the same comb as someone who had AIDS, implying that if any of the students in Eric's class were to use his comb, they would get AIDS.

Eric Smith, 1989. Halifax Rainbow Encyclopedia.

No meetings were held by health department staff to assure the public that Eric, as a teacher who was HIV+, was not a danger to the children. The kids on the other hand were supportive of Eric and they were excited to be in his class. He dressed casually, was friendly and accommodating and a fun teacher who did things like play disco music for the students while they worked. Despite his popularity with the students, Eric lost his job.



Eric wanted his job back; but the Nova Scotia Teachers Union never really attempted to get Eric reinstated. Instead, the union wanted $200,000 in compensation for Eric from the School Board. However, the School Board did not have the money, so Eric did not get any compensation.

Eric continued to live in the community still hoping to get his job back. However, the police were concerned about Eric's safety and felt they could not guarantee it. It was around this time that the Province approached the Union to see if Eric would be willing to join the Nova Scotia Task Force on AIDS. He agreed and was seconded to the Task Force on his teacher's salary. He worked there for a year. The idea was that after a year he would go back to the school; but the parents organized against him once again.

The Provincial government intervened again and offered Eric a position for three years with the Dept. of Education in Halifax to develop an AIDS curriculum for high schools. In 1991, after the three years were completed, Eric was still not able to resume his job. Finally, Eric settled with the government. His demands were that there should be AIDS education in schools and that sexual orientation and rights of peoples with HIV and AIDS be included in the Human Rights Act. In exchange for this, Eric agreed to give up fighting for his teaching job. The Union did not support Eric to get his job back and neither did they apologize.

In December 2018, Eric Smith was awarded the Nova Scotia Human Rights Award.

As gays and lesbians were organizing and fighting for their rights on numerous fronts, the Canadian Charter of Rights and Freedoms, a watershed document enshrining the rights of Canadians, became part of the Canadian Constitution in 1982. However, its equality rights provisions did not become legally binding until 1985. The prohibition of discrimination on the basis of sexual orientation was incorporated into the Québec Charter of Human Rights and Freedoms as early as 1977. Sexual orientation was included in the Human Rights Code of Ontario in 1986 and in the codes of Manitoba and the Yukon in 1987. The inclusion of sexual orientation as a prohibited ground of discrimination was not covered in the Canadian Charter, Section 15, until 1995, with the Supreme Court of Canada decision in the case of Egan vs. Canada. In May 1995 the Supreme Court ruled against Jim Egan and Jack Nesbit, two gay men who sued Ottawa for the right to claim spousal pensions under the Old Age Security Act. Despite the ruling against them, all nine judges agreed that sexual orientation is a protected ground and that protection extends to partnerships of lesbians and gay men.[13]

13 http://www.cbc.ca/news/canada/timeline-same-sex-rights-in-canada-1.1147516 Accessed July 18, 2019.

## Legislation and collective bargaining work in tandem

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


"For Lesbians Rights". Montreal demo 1984. Jean-Marie Vézina, CSN.



The first arbitration case for same-sex benefits was filed by a worker of the Canadian Union of Postal Workers (CUPW) in Quebec in 1986. She was a lesbian who was denied leave to care for her ailing same-sex partner of 16 years. The collective agreement allowed employees leave in situations of illness if they were "immediate family members" and even if they were "common-law spouses". The CUPW argued that the definitions were applicable to the lesbian and her same-sex partner and that they should be covered especially since their collective agreement prohibited discrimination based on sexual orientation. However, Canada Post refused to recognize her partner as either family or a common-law spouse (Peterson, 1999, p.40-41) Needless to say, the CUPW worker did not get the leave.

In 1988 Karen Andrews an employee of the Toronto Public Library Board claimed that she and her live-in female partner, and her two children were entitled to family coverage under the Ontario Health Insurance Plan (OHIP). The Canadian Union of Public Employees, (CUPE) Local 1996 supported her case. However, the Ministry of Health refused to accept the application for family coverage. The Ministry's lawyer argued that the definition of a family in the relevant legislation restricted it to spouses of the opposite sex. While Andrews did not win her case, her challenge eventually led OHIP to make changes by enabling individualized coverage.

**Rights were won through pain and humiliation. Below, Darlene Bown explains what happened to her when she tried to get same-sex benefits for her partner.**

On September 13th, 1988, Darlene Bown was hired to work in food services in a hospital in Victoria, B.C.

"I was out as a lesbian in my personal life but not at work as it was not safe. My partner decided to go back to university, so I applied to have my partner put onto my benefits. At this time, I was working in housekeeping. My manager was supportive, so I went to human resources to file the paperwork. When I told HR my partner's name I was questioned if my partner's name was wrong as it looked and sounded like a women's name, I said she is a woman. When I left that office, I heard laughter breakout from the office that I had just left. I will always remember how it made me feel. It was my worst nightmare; I was being discriminated against right to my face. Everyone was laughing at me. I cried the rest of the day. I wanted to quit my job right there and never go back. I booked off sick and only with the support of my partner did I return to work.

My manager had his clerk process my paperwork which had my women partner's name on it. That was back in the summer of 1992.

Word spread like wildfire throughout the hospital that I was a lesbian. I was a shop steward and on the local executive and I won the member of the year award that year. Once the word got out that I was a lesbian, a co-worker went to another shop steward and accused me of sexually harassing her. The accusation was never investigated, and I was removed from my position as a shop steward and from the local executive. I was called 'dyke' in the halls by trades people and received threatening phone calls at home. My coming out was not supported by my union or my co-workers. By now it was 1993 and I was working in Central Processing Services where operating room instruments are sterilized. Thankfully, the Hospital Employees Union (HEU) Provincial Office did not support the Local's decision to remove me from the Executive.

In that same year, HEU held a focus group for LGBT people at the summer school training. This essentially forced many people to come out as that was the only way you could be in the focus group. I had a woman walk up to me and tell me her name was Louise. She said, 'I am a lesbian and you are a lesbian too'. I was shocked when she said that, but I said 'yes'. Since then I have never looked back. I have been with HEU from the start of its inclusion of LGBT people and even today I am active in the union. Thanks for HEU learning and growing with me".

The 1980s also saw several unions explicitly denounce discrimination on the basis of sexual orientation. For example, in 1980, the Canadian Labour Congress amended its constitution to include sexual orientation. In 1985, the Canadian Auto Workers (CAW) broke away from the United Auto Workers and formed their own union. The first CAW constitution contained Article 2 – Objectives: "To unite all workers who are under the jurisdiction of CAW Canada into one organization without regard to ...sexual preference..." This reference had not been included in the UAW Constitution. In 1994, the language was changed to "sexual orientation".

## Quebec lesbian and gay workers

This was also the case in Quebec. The CSN has an early history of the self-organization of gay and lesbian workers. In June 1988, at the National Congress, a gay man called for an informal meeting of lesbian and gay workers. A handful of workers met and proposed the creation of the *Comité CSN sur la condition des lesbiennes et des gais*. It was not part of any official structure but more of a working group. A formal Committee with an official mandate from the CSN's Conseil confédéral was created in March 2-4, 1989. Its mandate was, "...inquire into the realities of the members of these minorities in our movement and in the workplaces and propose counter-measures aimed at eliminating all forms of discrimination by members of these minorities".



**Les lesbiennes et les gais sortent des placards**

C'est à un Conseil confédéral postérieur au 54e Congrès de 1988 que fut votée la formation d'un comité dont la responsabilité serait de faire enquête, et de proposer les mesures correctives appropriées, sur les diverses formes de discrimination en milieu de travail que subissent les lesbiennes et les gais.

Les membres du comité se sont fixé les objectifs suivants: *«1) réaliser une enquête sur la réalité vécue par ses membres; 2) recueillir des témoignages; 3) s'intégrer dans le réseau des organisations de lesbiennes et de gais dans le but d'être visible; 4) développer un réseau de militant-es qui rejoint le plus possible les diverses régions du Québec; 5) développer diverses revendications dans le but d'améliorer la situation des lesbiennes et des gais du Québec.»*

Déjà, nous informe-t-on, des contacts ont été établis avec quelques organisations de lesbiennes et de gais de Montréal afin de faire connaître le comité CSN. De plus, un questionnaire a été distribué aux délégué-es au dernier congrès pour amorcer la réalisation du premier objectif.

Dans le but d'être plus visible à l'intérieur du mouvement, le comité s'est doté d'un sigle, celui de la CSN intégré dans le triangle rose international de la communauté gaie. Le comité cherche également à mettre sur pied une équipe de militant-es provenant de toutes les régions du Québec afin d'avoir une vision plus juste des situations vécues et tolérées dans leur milieu de travail, et pour leur permettre de témoigner, de collaborer aux travaux du comité, de véhiculer l'information et de supporter ses revendications.

Renseignements: Comité des lesbiennes et des gais, Secrétariat général, 1601 de Lorimier, Montréal H2K 4M5. ■

"Lesbians and Gays are Coming Out". *Nouvelles CSN*, 311, 1989.

Members of the committee set themselves the following objectives: "1) conduct an inquiry into the reality of members; 2) collect testimonies; 3) integrate into the network of lesbian and gay organizations in order to be visible; 4) develop a network of activists that reaches out as much as possible to the various regions of Quebec; 5) develop various demands in order to improve the situation of lesbians and gay men in Quebec". The Committee adopted the pink triangle as its logo.[14] The Committee, the *Comité confédéral LGBT*, became a permanent advisory body to the confederation.

14 NOUVELLES CSN 311 1990-09-20 page 14. Accessed July 24th, 2019

"I was one of three or four LGBT staff who formed a committee within the CUPE Local to promote LGBT issues within CUSO [CUSO is a Canadian organization that recruits Canadians to work in the global South on a volunteer basis.]. From about 1982ish to about 1987ish we were able to achieve the insertion of non-discrimination based on sexual orientation into our collective agreement and within the process of selection, preparation and placement of Canadians going to work in the global South. As a result, a section on sexual orientation was included in pre-departure discussions and a document was written on conditions relating to sexual orientation in various programming countries of CUSO. Several openly LGBT persons and couples were recruited and placed by CUSO. Lily Mah-Sen, then a CUPE member and now of Amnesty International was instrumental in this. We also did conscientization within the Union and within CUSO. This set an important precedent among many for CUPE and its locals."

***Trevor Cook, Montreal***

## The fight against crosscutting inequalities

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

According to Beverley, "It is important to mention that there was not a lot of support in the labour movement for this work. Some union leaders supported it, but many of the rest reflected the conservatism of Canadian society in terms of equality for racialized or gay and lesbian workers or the rights of workers with disabilities. They were not supportive of employment equity. On the other hand, this work also attracted a lot of workers who had faced discrimination or multiple and intersecting discriminations and many more of these workers became active in the Union".[15]

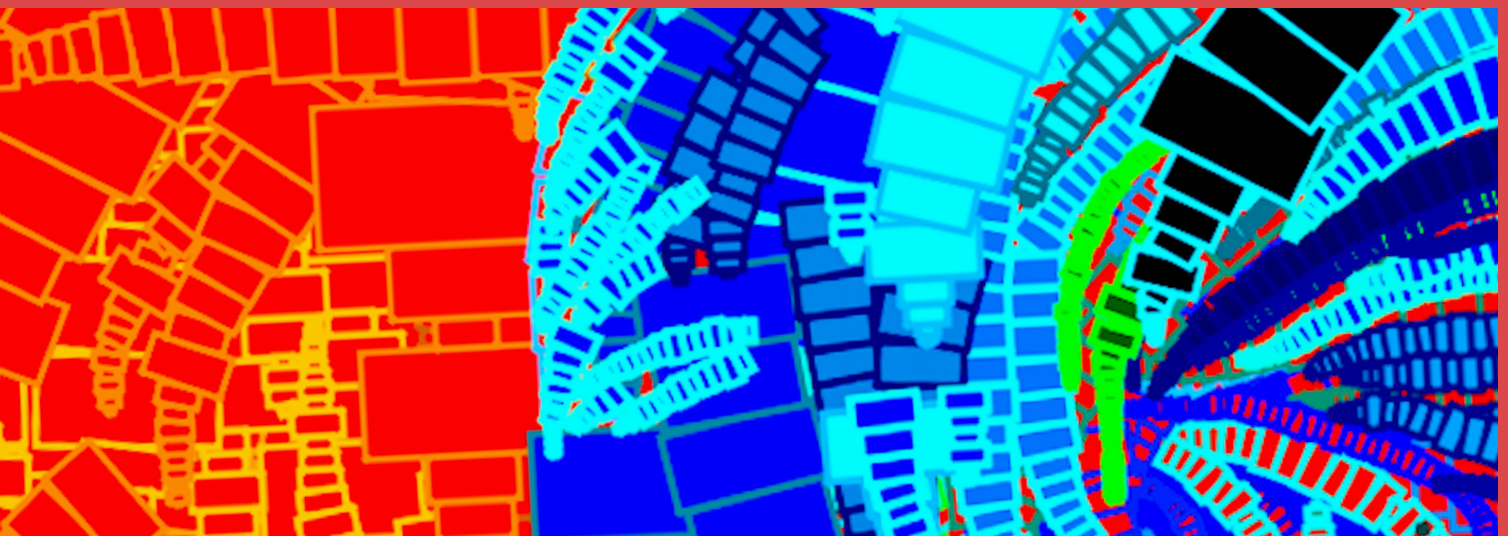
The work of Beverley and her colleagues from OPSEU and community-based organizations influenced the New Democratic Party (NDP) and a few years later the Ontario NDP introduced an Employment Equity Bill which eventually became law.

15 Interview with the author on June 27th, 2014.

# 05

## The 1990s

# No going back



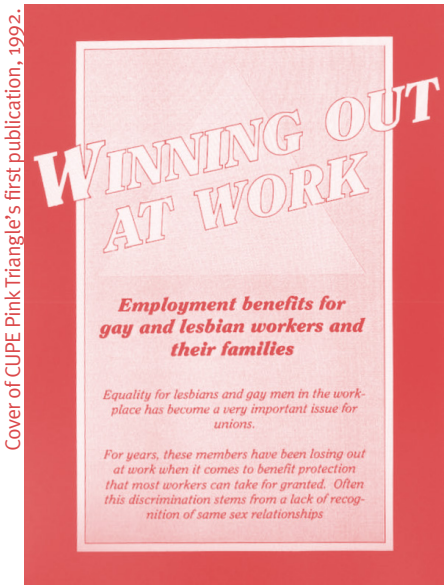
In the 1990s, unions and labour federations built on the victories won through grievances in individual unions. This was the decade that saw grievances move from Labour Board arbitrations to Human Rights Tribunals, to provincial courts, to the Supreme Court of Canada. As the agenda for equality and social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

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

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



In 1991 six CAW members, with the assistance of the union, filed human rights complaints against Canadian Airlines for its refusal to recognize same-sex spouses for benefit coverage. A year later a similar complaint was brought against Air Canada. Gay men were a significant part of the workforce in the airline sector.




Cover of CUPE Pink Triangle's first publication, 1992.

In 1991, the gay and lesbian committee of CUPE, the National Pink Triangle Committee, was formed. In 1992, they were the first labour committee in Canada and possibly internationally, to prepare an information kit on sexual orientation.

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

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

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

Early on, OPSEU participated in Toronto's Pride Parade and, "In 1992 we had our own float in the Caribana Parade for the first time. Fred Upshaw [the President at the time], 'got hell for this' from others on the Executive Board. They did not approve OPSEU having a float in the Caribana Parade. They did not see the point for this. But that participation said to our members who were not active in their locals that their union was interested in their cultural activism and that led to a lot of them getting involved in their locals. It was a low-cost event for such great returns. Until my retirement in 2005, that was the only year that OPSEU had a float in Caribana".[16]

## The 1993 Quebec Human Rights Commission *Inquiry into violence and discrimination against gays and lesbians*

In 1992, following the killings of nine gay men over two years in Montréal, the *Table de concertation des lesbiennes et gais du Grand Montréal* (The Gay and Lesbian Concertation Table of Greater Montreal) asked the Quebec Human Rights Commission to hold a public inquiry into the violence and discrimination perpetrated against members of the gay and lesbian communities.

This same year, 1992, was also the 15th anniversary of the prohibition of discrimination based on sexual orientation in the Quebec Charter of Rights and Freedoms. The Human Rights Commission was requested to explore several issues, such as violence and discrimination from the police, in workplaces and how the government was addressing this violence and discrimination or not.


Kiss-in to protest police violence at Police Station 25. Montreal, 1990. André Querry.

The *consultation publique sur la violence et la discrimination envers les gais et lesbiennes* (The public consultation on violence and discrimination against gays and lesbians) was held from November 15 to 22, 1993. This was the first inquiry of its kind in North America and was a turning point for the gay and lesbian communities in Quebec as well as for Québécois society. The final Report of the Commission was released in 1994.

The *Confédération des syndicats nationaux* (CSN) and the *Conseil central du Montréal métropolitain* (CCMM-CSN), one of CSN's regional councils, made a joint submission to the Inquiry. The submission highlighted the need for legal protections against discrimination as fundamental to gay and lesbian rights as workers and citizens, the recognition of same-sex couples and the inclusion of non-discrimination clauses in collective agreements. The CSN also recommended that the Human Rights Commission develop educational campaigns, funded by the government, to raise public awareness about protections in the Charter based on sexual orientation. The police, health, education and justice sectors were specifically identified for this. Their submission included the results of a survey of workers in the workplace on gay and lesbian rights.

16 The very abridged history of the equity work in/of OPSEU was documented by the author in conversations with Beverley Johnson, a black heterosexual who was OPSEU's Human Rights Officer.

In 1990, the previously mentioned committee of lesbian and gay members of the CSN had conducted a survey of the members of its component unions.[17] The results were submitted to the Quebec Human Rights Commission's inquiry to demonstrate what the workers themselves wanted. A total of 467 persons completed the questionnaire. Briefly, the results of the survey were:

- 1% of the respondents identified as lesbian or gay;
- 87% of the respondents said they wanted the CSN to defend gay and lesbian workers from discrimination;
- 73% considered it fairly or very important for the inclusion of a non-discrimination clause in collective agreements;
- 63% felt it was quite or very important that same-sex spouses were recognized;
- 55% felt it was fairly or very important for lesbians or gay spouses to get parental leave.[18]

*Intersyndicale des femmes du Québec* submitted testimony on the issues relating specifically to lesbians, particularly access to health and social services and the question of same-sex spouses. They also described the violence imposed on lesbians due to heterosexism, and notably the psychological violence experienced in workplaces.[19] In 1993, the *Intersyndicale des femmes du Québec*[20] represented 150,000 women workers in different areas of employment.[21]

At the same time, the Canadian Life and Health Insurance Association (CLHIA) also made a submission to the Quebec inquiry.[22] The Association represented about 100 companies that provided health and life insurance in the country. The submission reiterated the heterosexual definition of 'spouse', stating that the CLHIA would wait for legislative changes.

17 Édition spéciale de NOUVELLES CSN 8 mai 1990 – 55e congrès. Accessed July 23rd, 2019.

18 The results of the survey were compiled from DE L'ILLÉGALITÉ À L'ÉGALITÉ and also provided by Prof. Line Chamberland.

19 Commission des droits de la personne et des droits de la jeunesse (1994). DE L'ILLÉGALITÉ À L'ÉGALITÉ Rapport de la consultation publique sur la violence et la discrimination envers les gais et lesbiennes. p.15.

20 *La violence faite aux femmes dans les milieux de travail: la discrimination faite aux lesbiennes* is a report submitted by the Intersyndicale des femmes du Québec to this inquiry. It is available in the document centre of the Commission for Human Rights and Youth Rights of Quebec.

21 Ibid. p.133.

22 Ibid. p.107.



**The early to mid 1990s were years of intense organizing and coming out across the country, including in Alberta.**

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

Vriend took the government of Alberta to court with the support of many community and labour organizations including the CLC who had intervener status. In 1994 the court ruled that sexual orientation must be added to the Act. The Progressive Conservative government of Ralph Klein won an appeal in 1996 but the decision was overturned. In November 1997, the case went to the Supreme Court of Canada and on April 2, 1998, the high court unanimously ruled that the exclusion of homosexuals from Alberta's Individual Rights Protection Act was a violation of the Charter of Rights and Freedoms.[23]

Court protects gays

Alberta's Klein accepts rights decision, won't use notwithstanding clause

The Globe and Mail

The Supreme Court of Canada flexed its judicial muscle yesterday and did what the Alberta government has steadfastly refused to do — bring gays and lesbians under the protection of provincial human-rights legislation.

The court criticized a "cruel" historical omission that not only plundered homosexuals' sense of self-worth, but implicitly encouraged others to discriminate against them.

BY BRIAN LAGHI, Edmonton
KIRK MARIN, Toronto

In response, Premier Ralph Klein said the province accepts the decision of the court to read rights into the Alberta Human Rights, Citizenship and Multiculturalism Act, and that he does not intend to use the Constitution's notwithstanding clause to circumvent the judgment.

The ruling means the human-rights tribunal must include sexual orientation on the list of prohibited grounds of discrimination.

"It's pretty hard to go against

Article on Delwin Vriend's victory in Supreme Court. *Globe and Mail*, 1998.

23 See http://www.cbc.ca/news/canada/timeline-same-sex-rights-in-canada-1.1147516 and https://www.thecanadianencyclopedia.ca/en/article/vriend-case Accessed July 18, 2019.

## CLC unions push for non-discrimination clauses

In another historic first, in 1992, the City of Montréal became the first employer in Quebec to offer same sex benefits (for the purposes of the group insurance) to their inside workers, CUPE (SCFP Local 429) and its outside workers, CUPE (SCFP Local 310).[24]

The year 1994 was an important year for labour organizing in the fight for gay and lesbian rights. It was also a momentous year for gay and lesbian communities organizing all over the country. This was the year that the Canadian Labour Congress Convention floor debated the CLC's first policies on gay and lesbian rights. Convention delegates overwhelmingly endorsed two policy papers: "*Confronting the Mean Society*" and "*Sexual Orientation*". The 'mean society' paper mandated the CLC to establish four working groups for equality-seeking constituencies, one of which was the Gay, Lesbian, Bi-sexual group, later renamed the Solidarity and Pride Working Group to be inclusive and to avoid the problem of having to change initials. The 'sexual orientation' paper denounced discrimination based on sexual orientation and called on affiliated unions to bargain non-discrimination clauses. It also encouraged affiliates to develop anti-harassment policies to include sexual orientation, bargain better protection for LGBT workers, recognize same-sex spousal benefits, etc.

24 Thanks to François Bellemare, Assistant Regional Director for CUPE/SCFP in Quebec. http://memoireduquebec.com/wiki/index.php?title=Homosexuels_au_Qu%C3%A9bec Accessed October 22, 2019.

**The CLC paper on Sexual Orientation stated:**

**"The CLC clearly understands that sexism, racism, ableism and heterosexism share common roots. We acknowledge that we can change attitudes and behaviour if we stand united. We know we will fail if we allow ourselves to be divided. We believe that we can be unified without uniformity and that we can celebrate our diversity without divisiveness. We will strive to achieve a truly inclusive union movement that is representative of all its members". (CLC, 1994, p. 9).**



CLC Pride pin.


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

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

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

In 1994, the Ontario Federation of Labour approved the creation of a Gay and Lesbian Committee.

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

Laura Davis worked at Bell and was a member of what was then called the Canadian Telecommunications Employees' Association (CTEA).[25] CTEA was an independent union certified in the 1940s to represent Bell employees in Ontario and Quebec. The union represented over 40,000 clerical and sales employees who were predominately women.

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

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

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

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

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

## Racialized gay men in the Montreal labour force

Jean Lortie, the Secretary General of the CSN (*Confédération des syndicats nationaux*) in Quebec, began his working career in 1979 at the young age of 16. He began working in a hotel, the Holiday Inn in Montreal, and this hotel is still his home union (i.e. union local).[26] The Federation of Commerce [*Fédération du commerce (FC-CSN)*] is Jean Lortie's Federation and includes workers from diverse sectors such as retail, food services, finance and hotels.

"Flamboyant gays of Montreal", André Querry.

26 In contrast to many but not all union structures in English Canada, the CSN is a trade union confederation as it has a decentralized administration and empowered local unions. Its total membership is over 300,000 workers, in nearly 2,000 workplace unions primarily in Quebec with some members across Canada. The CSN is well known for its political mobilization and activism for the rights of workers and a democratic State. CSN in dialogue with progressive civil society organizations is committed to quality public services and a tax system capable of re-distributing wealth to build a society where no one is left out.

The union is a primary grouping of workers (Each bargaining unit is an autonomous union, as local unions and their members are issued their own legal certification.) Members bargain their own collective agreements and make all decisions concerning their union life. The CSN has eight federations of professional and sector specific unions. The Federation's role is to provide affiliated unions with the necessary tools to negotiate and enforce their collective agreements. In Quebec, the unions come together into 13 regional central councils that cover the Province. Union life in each region revolves around the central council. Additional information about the CSN available at: https://www.csn.qc.ca/ and https://www.csn.qc.ca/se-syndiquer/en/what-is-the-csn/ Accessed March 9 2021.



Living and commuting from the suburbs to downtown Montreal, Jean soon realized that Montreal was a different city than the one where he lived. His colleagues at work were Haitians, Vietnamese, Chinese, West Indians and of other ethno-cultural communities – people he had hardly seen in the suburbs. Furthermore, many of them were gay, flamboyant even and often not out to their families. As a young worker, still unsure of his sexuality, he was in awe of this new culture of racialized working-class gay men. According to Jean, white Catholic men were a minority in his union local. In Montreal, during the 1970s, the 1980s and into the 1990s the hotels, the hospitality sector and parts of the health sector were a few workplaces where out men could get jobs. These were workplaces where gay men were accepted and many of them were racialized. Of course, they also had white workers and black women workers from English and French speaking backgrounds. Even today, this sector is heavily racialized.

In 1981, Jean began a bachelor's degree in history at the University of Montreal. During these years he continued to work at the hotel on weekends and during the summers. He remained active in the union at the hotel and was often engaged in conflict resolution. In 1983, the union asked him to join the Executive committee and Jean was elected Treasurer of his union local. At that time, he was also the Treasurer of his student union. In 1986, at the age of 23, Jean was elected to the position of Treasurer of the FC-CSN - a full-time position in the Executive committee of his federation. In 1998 he was elected president and he remained at the FC-CSN until May 2011 when he was elected to the full-time position of Secretary General of the CSN, a position he still holds today.

## HIV, AIDS and the hotel workers

According to Jean Lortie, in the 1980s AIDS was beginning to take a toll on the workers in the hotels. Many men were falling ill. The death of Renaud Leblanc, a colleague, was very hard on everyone. Quite a few black men died of AIDS and many of their families did not know they were gay. These were sad and difficult times for the women and men working in the hotels. Having to deal with the illnesses and the stigma of AIDS and the need to challenge AIDS as 'not a gay disease' was an impetus for men to come out of the closet. It brought a different engagement of the men with the society around them as well as with their union. With the illnesses and loss of their partners, the issue of same sex benefits became important for hotel workers.

Young Jean Lortie as FC-CSN treasurer. *Nouvelles CSN*, 1989.

On July 23rd, 1993, the collective agreements at the Ritz Carlton and the Montreal Crescent hotels adopted a new definition of spouse including two people of the same sex. This was the second time a union in Quebec successfully negotiated same sex benefits. Soon after, 29 collective agreements were negotiated in the hospitality sector, affecting more than 8,000 workers. This recognition allowed couples to benefit from social leave related to their spouse or to benefit from rights under certain benefit or medical insurance plans. Also, in 1993, the principle of racial non-discrimination was adopted by the hotel sector unions and the general assemblies were expected to adopt it by June 1994. These were moments of pride for the union.

The 1990s was also the decade of the establishment of immigration and gay and lesbian committees in several unions in CSN and in the other trade union federations in Quebec. In 1998 the CSN helped establish the Coalition for the Recognition of Same Sex Spouses.



**Droits des gais et lesbiennes: il faut renforcer les lois!**

La CSN et le Conseil central du Montréal métropolitain ont déposé, le 22 novembre, un mémoire à la Commission des droits de la personne afin d'éliminer les situations discriminatoires dont sont victimes les gais et les lesbiennes, mal protégés par les législations actuelles. La CSN et le conseil central ont fait valoir que les lois doivent être renforcées pour permettre une reconnaissance pleine et entière de leurs droits.

Il est demandé à la commission de recommander à Québec d'intervenir auprès d'Ottawa pour inclure dans la Charte canadienne des droits et libertés l'orientation sexuelle comme motif de discrimination. On réclame également que dans la Charte des droits et libertés du Québec, on annule l'article qui prévoit un traitement différent pour les couples de gais et de lesbiennes en restreignant aux seuls couples hétérosexuels l'accès aux bénéfices des contrats d'assurances et aux régimes d'avantages sociaux.

La négociation regroupée de l'hôtellerie, cet été, a permis d'inclure une clause de reconnaissance de conjoint de même sexe. M.C.

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"Reinforcing Laws for Gais and Lesbians Rights," *Nouvelles CSN*, 1993.

From the 1990s onwards, CSN was active in other campaigns for the equal rights of gay and lesbian workers such as for marriage rights in the early 2000s. Unable to convince the Canadian government to modify the federal legislation on marriage, activists managed to press the provincial legislature into creating "civil unions" in the Quebec civil code in 2002, a first in North America.[27] This change in the law enabled the recognition of and legal rights of same sex spouses and same sex parents, although heterosexual couples can also decide to register a civil union, which is different from a civil marriage and from a *de facto* union (common-law partnership). [28]

In assessing the current moment in our collective struggles, Jean Lortie, the Secretary General of the CSN, feels we need to unite for collective action and overcome the individualism of "me, me, me" that he feels is dominating LGBTQ2 communities these days. As an example of this fragmentation, he points to the attacks against feminists in the country.

27 That was two years before Massachusetts became the first U.S. state and the sixth jurisdiction in the world to legalize same-sex marriage.

28 https://www.justice.gouv.qc.ca/en/couples-and-families/marriage-civil-union-and-de-facto-union/civil-union Accessed July 18, 2019.

## Public Service Alliance of Canada (PSAC's) early policy on sexual orientation

PSAC's 1994 policy on sexual orientation was an outstanding example of leadership early in the struggle for gay, lesbian and bisexual rights in the labour movement.

### Sexual Orientation: PSAC Policy 31[29]

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

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

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

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

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

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

29 http://psacunion.ca/sexual-orientation-psac-policy-31 Originally accessed in May 2014. Not accessible anymore.

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

A few months later, in 1994, PSAC forced Canada Post to provide spousal benefits for same-sex partners. This case arose from a grievance that was filed by Luc Guèvremont, a Vancouver-based clerk at Canada Post. His partner had been denied reimbursement for eyeglasses that should have been covered under the vision care plan.[30] The Canadian Human Rights Tribunal then ordered Treasury Board to provide same-sex couples with the same benefits as opposite-sex couples (1996). Finally, in the Akerstrom and Moore case, where two gay men employed by the Federal government were being denied equal benefits, the Federal Court ordered the Treasury Board [i.e., the Federal government] to change the heterosexist definition of "spouse" in collective agreements.[31]


PSAC Pride, 1996.

30 http://psacunion.ca/history-making-psac-fights-lgbt-rights Accessed July 18 2019.

31 For the details of this case see: http://www.cdn-hr-reporter.ca/hr_topics/trade-unions/denial-benefits-same-sex-partner-discriminatory Accessed July 18 2019.



## The Campaign for Equal Families

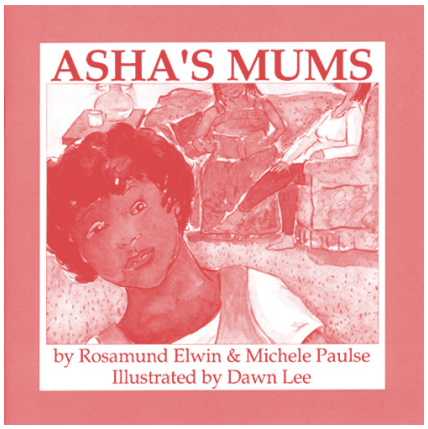
The year 1994 also saw the culmination of the Campaign for Equal Families in Ontario. The Coalition for Lesbian and Gay Rights in Ontario (CLGRO) and the Campaign for Equal Families whose membership also included community-based organizations and unions mobilized to win relationship recognition for same-sex couples. Ontario's Bill 167 was the first attempt to pass legislation recognizing same-sex relationships in Canada. On May 17th, 1994, the Ontario Attorney General introduced Bill 167 to provide same-sex couples with rights and obligations equal to opposite-sex common law couples. The legislation would have amended the definition of "spouse" in 79 provincial statutes.

According to Carolyn Egan of the Steelworkers, "A number of Steelworkers involved in the campaign wanted to bring the issues to the streets. We wanted our unions to fight alongside us. The USW, the Toronto and York Region Labour Council, Aids Action Now!, Women Working with Immigrant Women, Desh Pardesh, and Black Cap called a demonstration for the night of June 2nd. We leafleted the bars on Church St all week and that evening over 2,000 poured out of the bars and restaurants and took to the streets. It was a powerful march led by union banners and wound its way to the legislature demanding same sex benefits now. This was an important milestone in the involvement of unions supporting LGBT rights".

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

## James Chamberlain and the Three Books: An elementary school teacher takes on the Surrey District School Board No.36.

In 1996, James Chamberlain was a young, gay and new elementary school teacher in Surrey, a suburb of Metro Vancouver, B.C. He was also an active member of Gay and Lesbian Educators (GALE), challenging homophobia and lobbing the education sector for the need to recognize and support lesbian and gay teachers as well as lesbian and gay children in the schools of BC.




*Asha's Mum*, Children's book.


*One Dad, Two Dads*, Children's book.

Realizing that there was a child in his class with two mothers, James Chamberlain decided to read children's books to his students to support the child and to encourage the other children in the class to recognize and accept different kinds of families, be they different due to race or sexuality. The books he read were, *Asha's Mums*, *Belinda's Bouquet* and *One Dad, Two Dads*, *Brown Dads, Blue Dads* –all of them about same-sex parents. At the same time, in the Fall of 1996, a delegation from GALE met with the Provincial NDP government's Minister of Education to lobby him for action to challenge homophobia. James Chamberlain was one of the people in the delegation. This meeting resulted in a circular from the Ministry to the School Boards informing them that a variety of families including those from same-sex parents should be included in the family-focused discussions in elementary schools.



Early in 1997, James's school principal informed him that books about same-sex parents needed to be submitted for approval to the School Board. She also told him that she did not think the School Board would approve the books. James Chamberlain was committed to continue reading the books and supporting the children in his classes and provided his list of books for approval for the Kindergarten and Grade 1 class to the School Board. He did not hear back for three months and decided to investigate. The investigation eventually led to a confrontation between progressive parents and supporters of LGBT rights and the Christian conservatives on the Surrey School Board. At the meeting of the Surrey School Board to discuss the request for the use of the books in the school, many people and organizations demonstrated their support for LGBT positive literature in the schools. This included most of the parents of the elementary school class (17 out of 20), as well as the B.C. Civil Liberties Union and GALE. Despite extensive support, the Surrey School Board voted 5 vs. 2 to ban the books from the school.

James did not give up his efforts for the need of LGBT positive books in his School and eventually him, a parent and a teacher from Coquitlam fought the Surrey School Board to the Supreme Court of Canada. This process took six years!

While James Chamberlain was taking on the Surrey School Board, he and other gay and lesbian teachers were continuing to lobby the B.C. Teachers Federation (BCTF) to develop relevant LGBT programmes for students in the schools. In this process the gay and lesbian teachers were supported by the women's rights caucus of the BCTF. In 1997, the following motion was brought to the BCTF's AGM:

> "That the BCTF create a program to eliminate homophobia and heterosexism within the B.C. Public school system, and that as a first step, the AGM recommend to the Executive Committee that a seven member ad hoc committee be appointed to develop recommendations on strategies for achieving the elimination of homophobia and heterosexism in the public school system, and request that the ad hoc committee report back to the 1998 AGM."

While the motion was challenged by some teachers from Surrey and Abbotsford, it was accepted by the AGM. Simultaneously , three hundred LGBT students and their friends picketed the AGM in support of the gay and lesbian teachers and the motion.

***Gay and Lesbian Educators (GALE)***

*Gay and Lesbian Educators formed in the early 1990s to address homophobia in the schools as well as to defend their rights as lesbian and gay educators. It consisted primarily of lesbian and gay teachers and administrators. They were also active in the B.C. Teachers Federation (BCTF), trying to build support for a LGBT positive curriculum, lobby for their rights as lesbian and gay educators, and gain recognition as a rights-seeking constituency within the BCTF. One of their early actions was to compile a list of lesbian and gay positive children's books that could be used in the school system.*

In 1997, the Fall BCTF Assembly passed the first motion to support the legal costs of fighting the Surrey School Board. Over two years, the BCTF made three donations ($100,000 in total) to the Chamberlain et al vs. Surrey School District court case.

Now, more than 20 years since James Chamberlain challenged the Surrey District School Board, he is still involved in the struggle for equality and inclusion of LGBTQ2 rights in the educational system in BC. Today, the BCTF is an exemplary union with a wide range of initiatives in support of LGBTQ2 positive schools and curriculum along with materials on anti-racism, anti-sexism, in support of indigenous rights and addressing intersecting inequalities. It also continues to support LGBTQ2 teachers and parents.[32] Presently, James is the principal of an elementary school in Vancouver.[33]


CLC poster, first Solidarity and Pride Conference, 1997.

32 See the link below for the wide range of LGBT+ materials produced by the BCTF. https://bctf.ca/socialjustice.aspx Accessed July 18, 2019

33 Check out this beautiful video interview of James Chamberlain from 2018. https://www.youtube.com/watch?v=-flenW92So2k&feature=youtu.be Accessed July 18, 2019.


First CLC Solidarity and Pride Conference, 1997. From left to right Greg Stevenson, MFL; Jacques (Last name not known), CUPE; Jennifer Breakspear, OPSEU/ NUPGE and to the far right, Stephanie Johnstone, CAW.

## CLC Pride and Solidarity Conference

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

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

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

Gail Owen from PSAC attended the 1997 Conference. She was the first worker to declare her trans identity. Owen has seen attitudes shift after training that promoted mutual respect and understanding. Says Owen, "There is a still lot of hate out there. I can go through hundreds of horror stories".[34]

34 http://dailyxtra.com/toronto/trans-issues-take Accessed in May 2014. Link no longer active.

## Quebec gay and lesbian labour activists create inter-union body

In Quebec efforts to create an inter-union committee of gays and lesbians began in 1996 following the release of the 1994 report *De l'illégalité à l'égalité*. The *Forum des gais et lesbiennes syndiqués du Québec* (FGLSQ) was officially created in 1997 by the Confédération des syndicats nationaux (CSN), the Centrale de l'enseignement (CEQ) now changed to Centrale des syndicats du Québec (CSQ) and while the Fédération des travailleurs et travailleuses du Québec (FTQ) did not join the Forum at its inception, affiliates of the FTQ such as SCFP (CUPE), TCA (CAW), STTP (CUPW) and AFPC (PSAC) were active in the Forum in their own capacities. In 1997, 70 union representatives met to discuss their conditions as lesbian and gay workers and in 1998 they elected board members and voted on by-laws. Their objective was to pressure the Quebec government to change laws in support of gays and lesbians by building synergy between different unions to create and distribute information on the realities of gay and lesbian workers, to establish a network of local respondents and to lobby for the interests of lesbian and gay workers within governments, institutions, unions and community organizations.


Jacques Pétrin (1948-2018), standing up, a gay activist from CEQ/CSQ, was one of the Forum's leaders. 1999. Jacques Tricot, CSN.


The main union centrals in Quebec participated together in the Montreal Pride parades with a labour float. Jacques Tricot, CSN.

A 14 LA PRESSE, MONTRÉAL, JEUDI 26 NOVEMBRE 1998

**La FTQ s'ouvre aux droits des gays et lesbiennes**

*Débat émotif à la FTQ sur les droits des conjoints de même sexe*

CLAUDE-V. MARSOLAIS
QUÉBEC

Une grande intensité émotive s'est manifestée hier au Centre des congrès de Québec lorsque des délégués au 25e congrès de la FTQ ont déclaré publiquement leur orientation sexuelle dans le cadre de l'adoption d'une résolution sur les droits des conjoints de même sexe.

« J'aurais moins peur qu'on m'annonce qu'un avion va s'écraser dans 15 minutes que de venir déclarer mon orientation ici devant l'assemblée », a confié François Bellemare, agent de bord chez Canadien International, en venant appuyer la résolution exhortant le gouvernement du Québec à reconnaître les conjoints de même sexe dans sa législation.

Selon la résolution, les gais et lesbiennes doivent jouir d'un traitement égal et non discriminatoire et avoir accès à tous les avantages sociaux auxquels ont droit les personnes hétérosexuelles. En conséquence, la FTQ s'engage à faire inscrire dans les conventions collectives une clause spécifique de non-discrimination à l'endroit des gays et lesbiennes.

Un autre délégué gay, Jean-Pierre Leclerc, a fait rire l'assemblée en disant que c'était son conjoint qui avait « un bogue » avec la mesure de non-discrimination des avantages sociaux. « Je me vois mal aller annoncer à mon employeur que je suis un... une tapette, m'a-t-il lancé lorsque je lui ai parlé de la résolution de la FTQ. Cela a bien failli tourner mal ! »

Jean-Pierre Daubois, représentant des gens de métier à la GM de Sainte-Thérèse, a relaté le cas d'un confrère gai qui était l'objet des sarcasmes d'un autre employé. « Je trouvais qu'il en mettait trop et j'ai proposé que l'on publie un pamphlet pour dénoncer la discrimination basée sur l'orientation sexuelle. Cet employé lui a dit : « Es-tu gay ou quoi pour passer pour une tapette. Ceci m'a convaincu qu'il fallait agir. Lorsque le conjoint du confrère gai est mort des suites du sida, j'ai lancé une collecte de fonds pour la recherche sur le virus du sida et on a ramassé une grosse somme d'argent parmi les travailleurs de GM. »

Un autre représentant syndical du Syndicat canadien de la fonction publique (SCFP), Raymond Tremblay, est venu raconter le cas d'un collègue qui avait perdu son conjoint. « Son employeur a refusé de lui accorder les trois jours de congé que la convention collective prévoit dans le cas de décès pour les couples hétérosexuels. Il en était très vexé », a-t-il souligné.

C'est avec une belle unanimité que les 1210 délégués officiels ont adopté la résolution de principe sur le plan d'action de la FTQ.

Toutefois, il y a eu des tiraillements quant à l'adoption d'une seconde résolution prévoyant la création d'un comité des droits des gays et des lesbiennes afin de lutter contre la discrimination et l'homophobie.

Le secrétaire de la FTQ, Henri Massé, est intervenu pour dire qu'il était mal à l'aise avec la résolution et qu'il préconisait un comité plus large englobant les droits civiques en général. Il a rappelé que la FTQ avait déjà créé dans le passé un comité sur les communautés culturelles, mais que ses membres avaient saboté le comité parce qu'ils ne voulaient pas être singularisés. « Nous sommes capables de défendre les droits des travailleurs et les droits des minorités au sein de la centrale », a-t-il lancé.

Malgré cette intervention de poids, les délégués ont finalement résolu de créer un comité des droits des gays et des lesbiennes tellement il y a du chemin à faire pour éliminer la discrimination basée sur l'orientation sexuelle dans les milieux de travail. Peut-être un jour se sabordera-t-il à son tour !

**Les femmes en colère contre Clément Godbout**

CLAUDE-V. MARSOLAIS
QUÉBEC

Tout ne tourne pas rond entre le bureau de direction de la FTQ et les femmes militantes de cette centrale. Hier après-midi, elles ont bousillé le programme quotidien du congrès qui devait porter sur l'emploi parce qu'elles n'étaient pas d'accord avec l'interprétation du président sortant, Clément Godbout, sur l'élection de trois femmes au bureau de direction.

Les 390 femmes déléguées au congrès se saires afin de les inciter à reprendre la plénière. Elles se mirent à chanmmer « So..so..solidarité, on veut voir Clément », jusqu'à ce que ce dernier daigne les rencontrer.

Le représentant de *La Presse* qui était entré dans la salle en même temps que le président de la FTQ a été refoulé à l'extérieur par un garde de sécurité de la centrale qui lui a signalé que le linge sale se lavait en privé.

En fait, le malaise avait surgi le matin au congrès lorsqu'il fut question des statuts de la FTQ en ce qui concerne les trois postes de vice-présidents réservés aux femmes. Lors du

« D'après nos conseillers juridiques, les trois postes réservés aux femmes doivent être comblés par le caucus des femmes de la FTQ, mais elles doivent être issues de trois syndicats différents », a-t-il tranché d'une façon qui se voulait définitive.

La sensibilité de la gent féminine fut quelque peu écorchée, et une femme, Suzanne Amiot, du Syndicat canadien de la fonction publique (SCFP), en appela de la décision du président, mais elle retira sa proposition en tentant que celle-ci serait balayée par une assemblée dominée par des délégués mâles. C'est par la suite que les femmes décidèrent de se regrouper dans leur caucus, sans

Dans les corridors, une femme commentait ainsi les événements : « La place des femmes dans la société sera encore au cœur des débats de société lors du deuxième millénaire même si certains croient qu'elle a été définitivement réglée ».

Une chose est certaine, c'est que ce 25e congrès de la FTQ est ponctué par de nombreux rebondissements. Après avoir accepté dans la même journée que les couples de même sexe soient reconnus officiellement dans la législation et qu'ils aient droit aux avantages sociaux prévus pour les couples hétérosexuels, les militants syndicaux de la

The FTQ resolved to establish a first LGB committee after an emotional debate on same-sex partners. *La Presse*, 1998.

For the Fédération des travailleurs et travailleuses du Québec (FTQ), November 25th of 1998 is an important date as it was then that the federation established its first LGBT committee. It joined the Forum soon after. The Forum organized several conferences and workshops for union activists. It also ensured a visible labour presence at the annual Montréal Pride march. They disbanded in 2004 due to divisions between the unions.

Known under different names today, the committees established within the CSQ, CSN, CUPE and FTQ by LGTBTQ+ members never stopped since to fight for inclusion of sexual minorities in the labour movement and for a change in attitudes on the part of other members.

## Lesbian Feminists lead the way in Saskatchewan

Donna Smith is widely credited with being the person in Saskatchewan who consistently organized and fought for the rights of gays and lesbians in unions and communities. In 1989, Donna was a staff member at the Saskatchewan Government and General Employees Union (SGEU) and a member of the Saskatchewan Federation of Labour (SFL).

She had been married to a man for 10 years, had three children, and her colleagues were in disbelief that she came out as a lesbian. According to her, growing up in a small town, her expectations were to be married and have kids and she did not know any gay or lesbian people. She now embarked on "a whole new life and a whole new world out there" and started to explore the gay and lesbian community.

The 1997 CLC Solidarity and Pride Conference in Ottawa was Donna's first exposure to understanding trade unionism as a working-class lesbian. This is when she realized that she should be active as a lesbian activist in the union. She said, "I met a lot of people from other unions who were lesbian and gay. I felt I must be involved". As soon as she got back from Ottawa, she went to speak with Barb Byers who was the President of the SFL at the time; in fact, she was just the 2nd woman president of the SFL. Donna spoke with Barb Byers about wanting to start a Solidarity and Pride Committee and was told she would need to speak to the Executive Committee of the SFL. Donna says it was a challenge for her to speak to the Executive Committee as they were mostly "white straight men and senior leaders of unions". Donna succeeded in lobbying for the new Committee. She became the chair of the new Solidarity and Pride Committee in 1998. The local bar where workers from PSAC, CUPE and CEP used to meet used this opportunity to recruit individuals to be on the Committee. However, before they could join the Committee, they were required to come out to their union which was often a difficult decision for them.




Donna Smith, SGEU, Chair of SLF Solidarity and Pride Committee, 1998.

According to Donna, "When Barb was still President; we did a flag-raising at the City [Regina] during Pride week. It was either 1998 or 1999. This is when other people also marched in Pride as a movement. For the SFL these were historic events and encouraged other unions to come out and take a stand".

After these initial steps, Donna never looked back. "I have been a Saskatchewan representative on the CLC Solidarity and Pride Committee since 1998, spending many years as the vice-president or alternate vice-president representing LGBT workers on the Canadian Labour Congress (CLC) Council. I sat as the Saskatchewan representative on the CUPE National Pink Triangle Committee for nine years and am a member of the CUPE Saskatchewan Committee Against Racism and Discrimination (CARD). I have also been president of my local for six years". (Smith. D. in Hansen and Paavo, 2019, 38-39).

## Prairie School for Union Women – the personal is political

The Prairie School for Union Women (PSUW) ran its first school in the spring of 1997. It was a project of feminists in the labour movement and an initiative of the then President of the SFL, Barb Byers. A minority of the founding sisters were lesbian feminists. The objective of the PSUW was to develop women's personal and leadership skills, to build solidarity among women workers and to increase women's leadership in the labour movement. Even today, 22 years since its founding, the PSUW runs an annual four-day school of courses for women trade unionists.

As the school evolved, they expanded their courses and looked for new materials. Donna Smith suggested they do a course on what it means to be LGBT in the labour movement. The first year this course was offered was 1999 and was called, "Lesbians in our Unions". Sue Genge from the CLC and Carroll Anne Sceviour from the OFL were the first facilitators of the course. The following year, the course was re-developed by CUPE and named "Inside and Out". Other courses the school taught included feminism and unionism, collective bargaining, health and safety, Turtle Island, and various others all presented from a feminist perspective.

The Prairie School for Union Women was founded in 1997.

PRAIRIE SCHOOL for union women

Jan Cibart, a lesbian feminist and a nurse from Regina has her own experience to share about the Prairie School. While Jan had been a nurse and a union member since she was 19, she did not become active in the union until the nurses went on strike in 1999, when Jan was in her mid-30s. The strike motivated Jan to become active in the union, and it was a momentous year for Jan on several fronts. She decided to come out to her family, her union, get pregnant and have a child, and she did not want to raise a child in the closet. This was also when she got a phone call from the President of the Saskatchewan Union of Nurses asking her if she would like to be on the provincial Solidarity and Pride Committee. She also became a member of the SFL Executive. All in one year!

Donna Smith had wanted Jan to go to the PSUW, but Jan did not. According to a laughing Jan, she felt "...the Prairie school was a lesbian feminist cult and that she was not one of those". However, once she got there, she loved it so much that she began teaching the Inside and Out course the following year! Jan and Sinda Cathcart, a lesbian feminist who had been there from the beginning taught the Inside and Out course for many years and later it developed into an umbrella course on human rights.

Jan Cibart continued her work as a lesbian feminist union leader and in 2009/10 she represented Canadian labour at the International Labour Organization (ILO).

Donna Smith continues to support the progressive work of the labour movement and to highlight the importance of bridging the LGBT community and the labour movement.

## LGBT Rights Recognition in the Income Tax Act

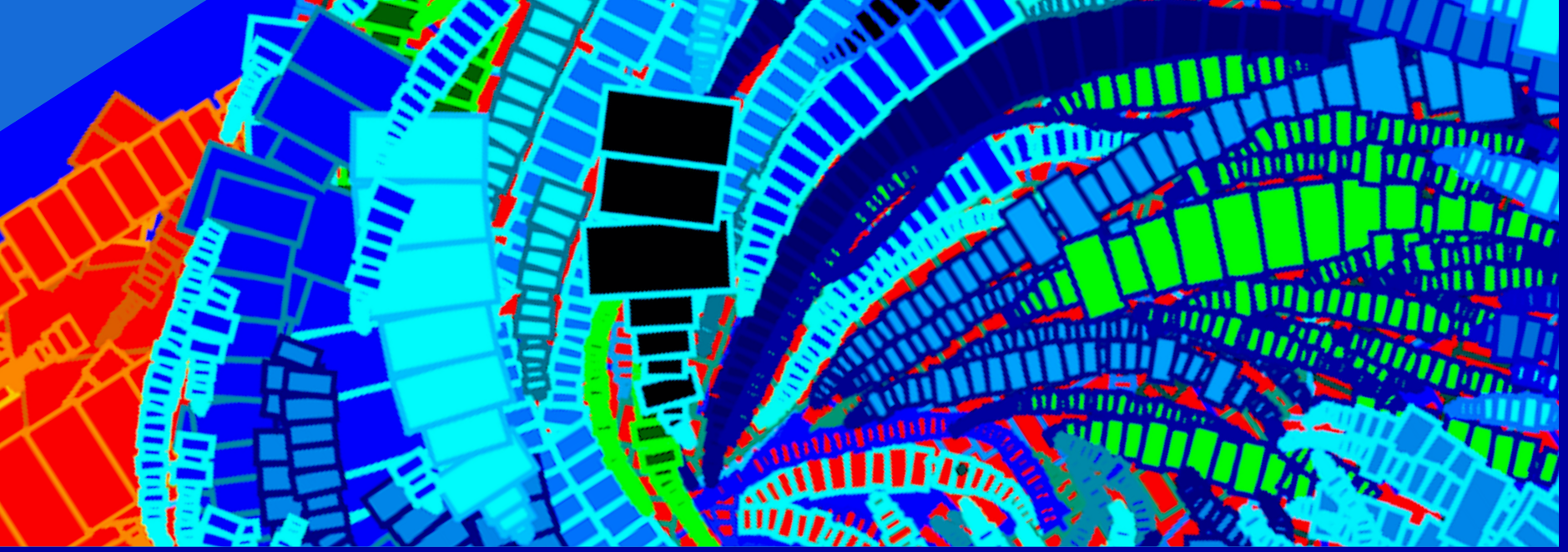
Nancy Rosenberg and Margaret Evans, CUPE staffers, after their victory. *Counterpoints*, Dec. 2017. CUPE.

One of the most important cases for the rights of LGBT people in Canada was won by two CUPE national staffers in 1998. Nancy Rosenberg and Margaret Evans had both received the employee benefits offered by the Canadian Union of Public Employees (CUPE) for their lesbian partners. When CUPE was unable to register its plan to include same-sex survivor benefits, the two women – along with CUPE,[35] who was also their employer, challenged the Income Tax Act's definition of "spouse".

They said that they were being discriminated against under section 15(1) of the Charter of Rights & Freedoms, which guarantees that every individual has the right to equal benefit of the law without discrimination. The Ontario Court of Appeal, in a unanimous decision, overturned the lower court's decision and found that the restrictive definition of "spouse" in the Income Tax Act violated the Charter. The Court determined that the appropriate remedy was the immediate reading in of same-sex partners into the definition of "spouse" as it relates to private pension plans. The federal government decided not to appeal this decision. This case led to landmark amendments to the Income Tax Act recognising same-sex common-law spouses.[36]

35 CUPE was also a litigant https://cupe.ca/three-little-words-celebrating-20th-anniversary-landmark-equality-case

36 http://www.ehlaw.ca/publications/jul98/rosenber.shtml Accessed May 2014. Link not available any longer. http://en.wikipedia.org/wiki/Foundation_for_Equal_Families#cite_note-1 Accessed July 19th 2019



# 06

## Into the 2000s

# Expanding rights


Forum of Quebec Gay and Lesbian Unionists' float.
Montreal Pride 2000. Jacques Tricot, CSN.

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



## Trans people emerging rights

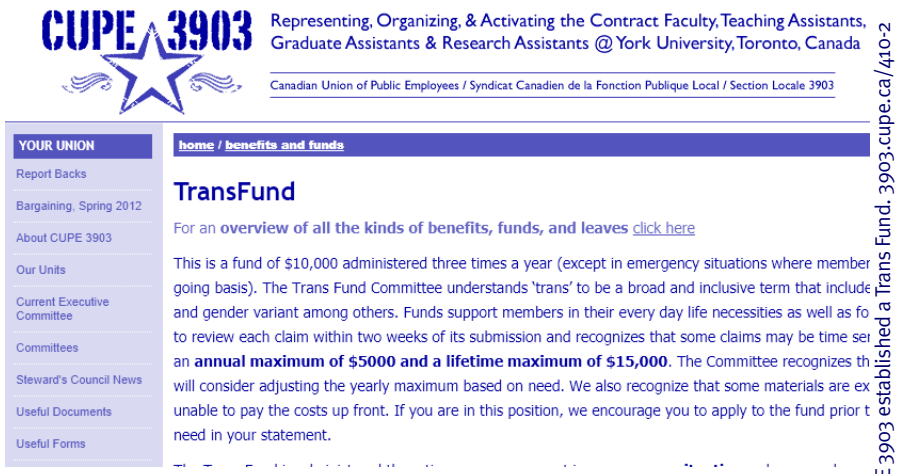
The early years of the 2000s saw a growing awareness about the discrimination faced by trans people and their right to be and live as they choose, in equality, safety, and dignity.

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

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

Trish Salah, a leader in CUPE Local 3903 and a member of the CUPE National Pink Triangle Committee, was central to the organizing for trans rights at York University. According to her,

> "A lot of these gains were made incrementally. We changed by-laws and our constitution, to explicitly cover transsexual and transgender members, affirmed trans women's involvement in the women's caucus, and through resolutions sent to the national convention, managed to lobby and win three trans seats to CUPE's Pink Triangle Committee. The victories for trans rights at York University have been critical in influencing collective bargaining in unions in many universities in Canada and the US."




CUPE 3903 established a Trans Fund. 3903.cupe.ca/410-2

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

While the struggle for trans rights in unions and workplaces has moved ahead, there is still a long way to go in translating these rights in collective agreements to reality. According to Marion Pollack, a retired postal worker, "... people are very uncomfortable with folks transitioning on the job," but perhaps things are changing?".



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

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

Hall took the Durham Catholic District School Board to court, arguing that his constitutional rights had been violated. In May 2002 the Ontario Superior Court of Justice issued an injunction permitting Hall to attend the prom with his boyfriend.[37]

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

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

37 http://dailyxtra.com/toronto/news/hall-drops-case-catholic-school Link not available anymore, but still possible to get information about this case on the Xtra website.

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

CAW Pride float.

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

## Corporate involvement in the activists' Pride, Toronto

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

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

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

## Corporate Code of Conduct for Pride Day

## CLC Solidarity & Pride Working Group[38]

### Preamble

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

### GLBT Rights at Work

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

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

*Does the company provide training on these policies?*

### Rights of Workers

*Are workers in the company unionized?*

*Do workers receive a fair and living wage?*

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

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

### Access and Equity

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

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

### Same-Sex Benefits

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

### Social Equity

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

### Pride Day Booth Sponsorship (Co-sponsorship with Community Groups)

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

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

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

## Equal Marriage

Equal marriage was legalized in Canada in 2005. The victory for equal marriage must be attributed to the hard work of numerous organizations and individuals. Providing leadership to the campaign was Canadians for Equal Marriage, a public interest group representing Egale Canada, PFLAG Canada, the Canadian Federation of Students, the Canadian Labour Congress, the Canadian Psychological Association, the Canadian Association of University Teachers, and the Canadian Association of Social Workers, among others. Similarly, in Québec, the CSN, CSQ and FTQ supported the Coalition québécoise pour le mariage civil des couples de même sexe. Many rank and file LGBT union members were active in this campaign and they lobbied their unions to support the campaign. Many allies in the union movement supported their brothers and sisters in the campaign for equal marriage.

Many union activists fought for equal marriage. Diogo Fagundes. unsplash.com/photos/WsoR4yFVrZQ

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

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

> As a country, we've had debate on same sex marriage and have heard clearly from the Supreme Court. Let's finish what is already in place for 87 percent of Canadians who live in provinces that have passed same-sex marriage legislation. It's now time for us to move ahead.[39]

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

39 http://www.caw.ca/en/4367.htm No access to this site anymore.

Fred Hahn, President of CUPE Ontario.

## CUPE Ontario: The first out Union President

**Fred Hahn is the first out gay man elected President of a large union in Canada. Fred was elected President of CUPE Ontario in 2010.[40] Here is the transcript of an interview with him.**

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

A: The first union meeting I went to, my first week on the job, was when the president of our local asked if I would like to come to the union meeting. She said they were going to discuss contract negotiations. This was in 1990.

40 Interview with the author on June 3rd, 2014.



The Local had just negotiated same-sex benefits. I was not out in the workplace and in the union at this time. It was amazing to hear that we had won same-sex benefits! I became active in the union. I worked in a social service agency in Toronto and easily 85 percent of the workers there were women.

My first Convention was in 1993 or 1994 and people on the floor of the Convention called me "faggot". I went to the meet and greet of the first evening. There, a man came up to me and poured a glass of beer on me and told me I had no right to be in the union. The three women with me were angry and wanted to challenge him. One of them was ready to get into a physical fight with this man. I told them there was no need to do that and went to the washroom to clean up. But they were still angry and felt that we should do something. We realized that there was nothing that we could officially do about this kind of harassment.

Later, we [the union] developed an Equality Statement and it was appended to the Constitution. This statement had to be read at the beginning of all meetings, workshops and Conventions. Thus, if someone felt that they had not been treated well by someone there was a process for grieving this inappropriate behaviour.

We created an Ombud's process and a Code of Conduct. Members were trained in how to deal with incidents of discrimination at union events. If the person who had said or done something that was unacceptable and against the Code of Conduct was identified, they had to apologize. If they did not, they were evicted from the event.

And we wrote a course to help union members understand why homophobia and transphobia are union issues.

I was elected President in 1995 when Mike Harris of the Conservative Party became Premier. We were the first strike against the Harris government. In December of that year we beat back all the conditions they wanted us to compromise on. That gave me a level of credibility with people who only saw me as the "gay" guy. Now they also saw me as a trade unionist.

I was raised in rural Ontario in a working-class family. When I was in high school my father made$5 an hour. I understood what unions could do and the connections between workers' rights and human rights and others in my union believed the same thing.

People were surprised when I was elected. I have since gained the support of many members who might not have thought they'd ever support a "gay" president. That's because they also simply see me as "their" president regardless.

Before we used to be three or four at a caucus; now we can be 50 or 60 who are LGBT at our bigger meetings. And there are also trans people who are out in the locals.

When Judy Darcy was elected as our national president, the support for equality on the ground moved ahead. The national president of the union must be in support of moving this work forward, focusing resources, spending money; otherwise it dœs not happen. We had leadership that helped us to move things forward internally in a short time.



**Q: What do we still need to do to advance LGBTQ2 rights?**

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

We need more educational work and training for our members and to connect the trainings to the work of our unions. For example, members need to understand why racism is to the advantage of the employer and how racism hurts us as workers and unions.

We have made legal change and in leadership thinking but have not yet truly activated members and got into members' home communities and made change there.

One thing that I do at every Convention is introduce my partner, thank him and give him a kiss in front of the whole Convention.

I think the first time I did that; this man came running after us. He said, "I want you to know I have never been out to anyone. But when I saw you up there as the President of the union kiss your partner, I came out to my Local members who were there with me".

Fred Hahn and Kerry Peer's 23rd anniversary, July 16th, 2021, facebook.com/fred.hahn2

# 07

## Conclusion

# Unions and Equalities

Throughout history, communities and unions have fought for their rights and freedoms. These rights and freedoms did not come easily. Without organizing together to stand up and support each other, the gains would have been small. The history of the success of LGBTQ2 rights in Canada demonstrates the importance of unions to Canadian society and for Canadian democracy. It also demonstrates that we need to build alliances with others who are struggling and whose rights are also being violated. Democracies need strong social movements and institutions; unions are one of these social movements/institutions just as there are others such as, to name a few, movements for indigenous rights, anti-racism, the feminist movement, the environmental and climate change movements and movements against wars and for disarmament and peace.


Queer Liberation, Not Rainbow Capitalism, 2019. Karl Bewick. unsplash.com/photos/GCEtuR_jQC8

The economy has changed significantly since the 1970s due to the impact of neo-liberalism.[41] The loss of good paying jobs, the cutbacks and privatization of public services, the increasing precariousness of work or the lack of work altogether are increasing poverty and marginalization in the country. The attacks against workers and their unions are further eroding the gains for equality and dignity as are attacks against other communities such as feminists, indigenous, racialized, religious and low-income communities.

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

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

Such measures are eroding the gains made by LGBTQ2 workers and communities and will further undermine the unions that supported these victories for equality.

We still have a long way to go for equal rights for LGBTQ2 workers and communities and all our comrades. We still must deal with on-going concerns such as young queers and young people and suicide, racism and sexism and the many forms of violence and discrimination that are still endemic in our society.

LGBTQ2 communities need to continue to be part of creating a democratic and inclusive agenda. Get involved and create cities and communities that value human rights. You can do this in your sports, arts and culture groups; women's groups; youth groups; anti-racism groups; anti-poverty groups; in solidarity with rights of Indigenous women and men; disability rights groups and your unions. If you don't have a union, join one. If you have a union, become an active member stand up for your rights and use the union as a vehicle for social change.

There is no doubt that the many rights that LGBTQ2 communities enjoy today would not have been won without the support, organizing and financial assistance of trade unions.

## What we have won:

- ✓ Changes in anti-discrimination legislation. Along with supporting LGBTQ2 workers, unions have also organized for and won pay equity, employment equity, challenged the definition of family for parental leave, bereavement leave, and family leave.
- ✓ Unions have fought against discrimination in hiring and promotion–struggles which have benefited LGBTQ2 workers, racialized workers, workers with disabilities, Indigenous workers, women and all those that face multiple and intersecting discriminations. The struggle is one.
- ✓ Same-sex (equal) benefits in collective agreements for partners and families. Through the efforts of unions, these rights have been extended to the rest of the LGBTQ2 communities who do not belong to unions through court challenges to federal and provincial laws.
- ✓ The right to safe and harassment-free workplaces and the inclusion of harassment in health and safety legislation.
- ✓ Legal recognition of equal (same sex) marriages.
- ✓ Support for LGBTQ2 communities who don't have unions - such as young people in schools and the Gay Straight Alliances (GSAs).
- ✓ Support for all of us, no matter who we are, to live a life of dignity and self-respect in democratic and inclusive communities.

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Canadian Union of Public Employees
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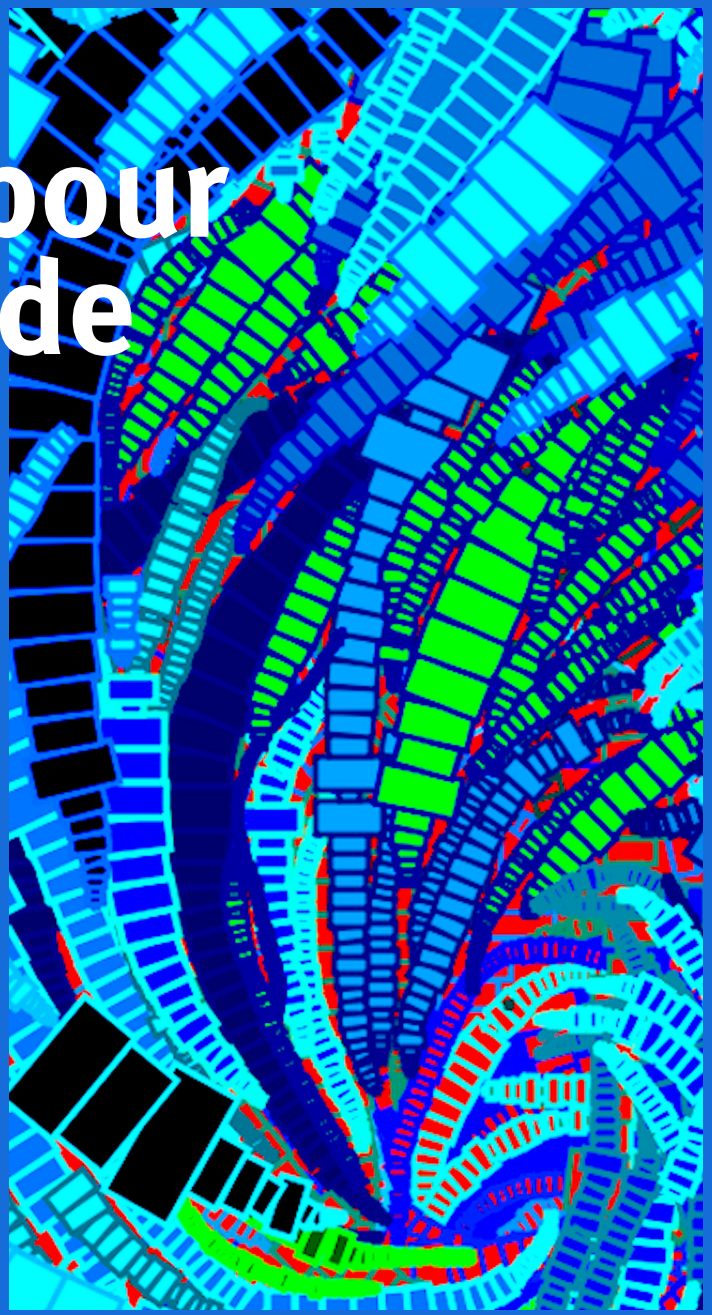
# Labour Pride



New Edition Prabha Khosla

## What Our Unions Have Done for Us

A brief history of the role of working-class gays and lesbians and their unions in the struggle for legal rights in Canada