

# LGBT+ inclusive apprenticeships

A resource for union negotiators and reps



# Contents

- 1** Introduction
- 3** LGBT+ equality and apprenticeships
- 6** The current apprenticeship landscape
- 9** LGBT+ rights at work
- 13** A union agenda for LGBT+ apprenticeships
- 22** The workplace rep's role
- 24** Further information

# Introduction

## What is this guide about and who is it for?

This guide aims to help trade union negotiators promote participation and support achievement for apprentices who identify as LGBT+.

It also identifies practical points that unions can include in dialogue with employers around apprenticeship schemes and steps to take when developing a bargaining agenda.

Primarily, the guide considers issues around new-starter apprentices, although many of the points discussed have relevance for LGBT+ workers more generally, including existing employees participating in apprenticeship schemes.

There are links to useful resources and links throughout, and in the *Further information* section. And take a look at the companion guides to this one. These provide detailed guidance on apprenticeship issues relating to:

### **Women in male-dominated industries**

[www.unionlearn.org.uk/sites/default/files/publication/Apprenticeships%20gender%20inequality.pdf](http://www.unionlearn.org.uk/sites/default/files/publication/Apprenticeships%20gender%20inequality.pdf)

### **BME workers**

[www.unionlearn.org.uk/sites/default/files/publication/UL%20Supporting%20BME%20Apprentices.pdf](http://www.unionlearn.org.uk/sites/default/files/publication/UL%20Supporting%20BME%20Apprentices.pdf)

### **Disabled workers**

[www.unionlearn.org.uk/sites/default/files/publication/Accessible%20Apprenticeships.pdf](http://www.unionlearn.org.uk/sites/default/files/publication/Accessible%20Apprenticeships.pdf)





## What does LGBT+ mean?

Throughout this guide, we use the term LGBT+ to include people who are:

**lesbian/gay women or gay men** – ie a woman who has a romantic and/or sexual orientation towards women or a man who has a romantic and/or sexual orientation towards men

**bisexual** – ie a romantic and/or sexual orientation towards more than one gender)

**trans** – an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using one or more of a wide variety

of terms, including, but not limited to, transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois

**non-binary** – an umbrella term for people whose gender identity does not sit comfortably with ‘man’ or ‘woman’. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely

Where parts of the guide refer only to specific groups within the term LGBT+, this is made clear in the text.

# LGBT+ equality and apprenticeships

Government data from 2017<sup>1</sup> showed that 4.2 per cent of 16- to 24-year-olds in the UK identified as lesbian, gay or bisexual, while overall the Office for National Statistics (ONS) estimates the LGB population within the UK is two per cent.

<sup>1</sup> [www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2017](http://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2017)

These figures are likely to under-represent the true size of the LGB population, since the data are based on self-declaration, and continuing discrimination discourages many lesbian, gay or bisexual people to be out (open) about their sexual orientation. However, the research found that people between the age of 16 and 24 were more likely than any other age group to identify as lesbian, gay or bisexual.<sup>2</sup>

There are no official statistics on the number of trans people in the UK, though the

government Equalities Office's tentative estimate is between 200,000 to 500,000.<sup>3</sup>

Government equality monitoring of apprenticeships is limited, and does not include data on either sexual orientation or gender identity. Because of this, we know very little about the numbers of apprentices identifying as LGBT+.

Given the government's ambitious targets for apprentices, significant numbers of potential new-starter apprentices are likely to identify as LGBT+, but the National Society of Apprentices (NSOA) states that many young people identifying as LGBT+ do not apply for apprenticeships because of concerns about how employers will react to them coming out.<sup>4</sup>

The proportionately higher level of workplace harassment suffered by LGBT+ workers (see LGBT+ rights at work section) suggests these concerns are justified. Research also shows

<sup>2</sup> This research engaged people aged 16 and over only

<sup>3</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/721642/GEO-LGBT-factsheet.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721642/GEO-LGBT-factsheet.pdf)

<sup>4</sup> [www.tes.com/news/role-models-are-important-lgbt-youngsters](http://www.tes.com/news/role-models-are-important-lgbt-youngsters)

“ Given the government’s ambitious targets for apprentices, significant numbers of potential new-starter apprentices are likely to identify as LGBT+. ”

that LGBT+ people are more likely to suffer mental health problems<sup>5</sup> and may feel unable to bring their ‘entire selves’ to work.

Trade unions want to ensure that all workers are treated with dignity and respect, and

have equal opportunities at work. This guide will help trade unionists adopt a proactive approach to LGBT+ equality in apprenticeship schemes that will best achieve these goals.



<sup>5</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/802200/ADCN-Report-2019-LR-v2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/802200/ADCN-Report-2019-LR-v2.pdf)



“Trade unions want to ensure that all workers are treated with dignity and respect, and have equal opportunities at work.”

# Current apprenticeship landscape

## Background

In April 2017, the government introduced an apprenticeship levy. Since then, all employers whose payroll exceeds £3m annually must now pay 0.5 per cent of payroll to central government.

Employers can recoup their levy payment by using it to fund the cost of training apprentices, who can be either new employees recruited specifically as apprentices, or existing staff. Public sector organisations must aim for 2.3 per cent of their staff to be apprentices.

The government has ambitions to significantly increase apprenticeship take-up. However, as no data on current LGBT+ participation or achievement is collated, no specific targets have been set to increase LGBT+ participation.

### **Quality in apprenticeships: all about the training**

Via apprenticeship funding rules, and through principles established by the Institute for Apprenticeships and Technical Education,<sup>6</sup> there is a level of quality control around apprenticeships. Employers cannot simply spend their apprenticeship levy funds on any training they choose, but only on training towards established apprenticeship standards or frameworks. Funding rules are intended to ensure that apprentices are being trained,

are benefitting from a minimum level of paid time for off-the-job training, and that their apprenticeship programme is a genuinely developmental process, rather than merely an accreditation of the individual's existing knowledge and skills.

Ofsted, the government's education regulator, evaluates the planning, delivery and achievement in apprenticeships. Inspectors should also consider apprentice welfare and employment sustainability, though they are reliant on employers' reports on the reasons for apprentices leaving before completion.

## Employment

Recruitment and employment practices around apprenticeships are less closely scrutinised. New starter apprentices usually apply via a central vacancy system, are then matched by the training provider to the relevant employer and attend an interview with the employer. Apprentices who are existing employees are selected by whatever method their employer uses. The recruitment processes do not have to be overseen by any third party.

As employees, apprentices have statutory employment rights but the government has not regulated apprenticeships beyond these legal minimum standards. The government has set a lower national minimum wage rate for apprentices and it is updated yearly.

Unions have frequently argued that young



<sup>6</sup> [www.instituteforapprenticeships.org/quality/what-is-a-quality-apprenticeship/](http://www.instituteforapprenticeships.org/quality/what-is-a-quality-apprenticeship/)

“ We know that under-represented groups are missing out on apprenticeship places. ”

people starting employment as apprentices are potentially vulnerable to exploitation by unscrupulous employers. We know that other under-represented groups are missing out on apprenticeship places and, in the absence of any meaningful data, there is a concern that LGBT+ apprentices are also facing barriers to participation.

### **The Apprenticeship Diversity Champions Network**

A key part of the Department for Education's (DfE) strategy to widen participation in apprenticeships is the Apprenticeship Diversity Champions Network (ADCN). A grouping of employers from a range

of industrial sectors, the ADCN seeks to champion apprenticeships and diversity amongst employers and to encourage more people from under-represented groups to consider apprenticeships.

Members of the ADCN pledge to work towards measurable targets on improving apprenticeship diversity, create internal structures to promote positive support for diversity in their organisational culture, champion diversity among their business contacts and collate and report on data on their progress.<sup>7</sup> Employers such as B&Q, Rolls Royce, and some local authorities are ADCN members, as well as Local Enterprise Partnerships, apprenticeship providers,

<sup>7</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/645721/ADCN\\_Membership\\_Information-form.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/645721/ADCN_Membership_Information-form.pdf)



“ The legal protection in the Equality Act covers anyone who ‘intends to undergo, is undergoing or has undergone gender reassignment’, including people preparing for medical treatment. ”

schools, and community groups.

### Targeted local area strategy

Another key strand of the DfE's work is its targeted local area strategy, which aims to drive public and private sector employers to:

- share best practice in advertising and recruiting apprentices
- introduce unconscious bias training for employees involved in recruiting and supporting apprentices<sup>8</sup>

- lower or remove some of the artificial educational requirements used in apprenticeship selection
- make interview panels more diverse
- collect their own data and set themselves targets to improve their workforce diversity
- raise diversity as an issue at board level to drive action.

<sup>8</sup> The TUC's view is that robust policies, procedures and practices are more successful in eliminating discrimination than unconscious bias training, which has been shown to have questionable effectiveness. See [www.equalityhumanrights.com/sites/default/files/research-report-113-unconscious-bias-training-an-assessment-of-the-evidence-for-effectiveness-pdf.pdf](http://www.equalityhumanrights.com/sites/default/files/research-report-113-unconscious-bias-training-an-assessment-of-the-evidence-for-effectiveness-pdf.pdf)



Photo: Brydon Webb/Ideallnsight

# LGBT+ rights at work

## The law in brief

Rights for people identifying as LGBT+ have progressed significantly in the past decade.

The Equality Act 2010 says that an employer must not directly discriminate by refusing employment, promotion or training, or by denying access to services or benefits to someone because of their sexual orientation or gender identity.<sup>9</sup> This includes

discriminating against someone who thinks they are LGBT+ (known as discrimination by perception) or who is connected to someone who is LGBT+ (known as discrimination by association).

The legal protection in the Equality Act covers anyone who 'intends to undergo, is undergoing or has undergone gender reassignment', including people preparing for medical treatment. It is important to

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<sup>9</sup> The Equality Act 2010 does not specifically legislate for discrimination against gender non-binary people, and no test cases have yet been taken to clarify this



“ All workers, including apprentices, are legally protected from harassment related to their sexual orientation or gender identity. ”

remember that gender reassignment means ‘a personal process’ of moving away from one’s sex at birth to their preferred gender. It is not necessarily to do with undergoing a surgical process, which many trans people choose not to undertake. Nor does it require a person to have received medical treatment, including hormone treatment.<sup>10</sup>

The Act also bars employers from indirectly discriminating – that is, putting in place a working condition, requirement or practice that a person of a particular sexual orientation or gender identity would have difficulty complying with – unless a business justification can be demonstrated. For example, an employer’s policy on spousal benefits (eg subsidised travel) that only applied to spouses of the opposite sex would be indirectly discriminatory. Though applying to the whole workforce, it would have the effect of discriminating against lesbian or gay workers – and would be unlikely to be defensible as a justifiable business practice.

All workers, including apprentices, are legally protected from harassment related to their sexual orientation or gender identity defined as conduct with the purpose or effect of violating their dignity or creating a hostile, intimidating, humiliating, degrading or offensive working environment. Additionally,

workers have legal protection from sexual harassment (unwanted conduct of a sexual nature) and victimisation (where an employee is treated badly because they have raised a complaint or have supported someone who has).



<sup>10</sup> [www.tuc.org.uk/sites/default/files/Transformingtheworkplace.pdf](http://www.tuc.org.uk/sites/default/files/Transformingtheworkplace.pdf)



## Workplace practice

The reality of workplace experience for LGBT+ workers can be significantly different from what these legal protections would suggest. A 2017 TUC survey of LGBT+ workers<sup>11</sup> noted appalling levels of discrimination and harassment related to sexual orientation and gender identity.

Further TUC research published in 2019<sup>12</sup> showed disproportionate and shockingly high levels of sexual harassment suffered by LGBT+ workers, ranging from offensive 'banter' and unwanted comments, to sexual assault and rape. These levels of harassment also contribute to increased risk of mental ill-health among LGBT+ workers.

Sexual harassment directed at LGBT+ workers may be expressed in different forms. It is often linked to the sexualisation of LGBT identities and the misconception that these identities solely focus on sexual activity. People influenced by these stereotypes see being lesbian, gay, bisexual or trans as an invitation to make sexualised comments or ask inappropriate questions about an LGBT person's sex life, particularly if an individual is 'out'.

Here are some examples of the specific types of sexual harassment LGBT people may face:

- 
- unwelcome verbal sexual advances (eg suggestions that sex with an individual from the opposite sex will make you 'straight')
- 
- unwelcome jokes of a sexual nature (eg. jokes about gay men being promiscuous or lesbians needing a man)
- 
- unwelcome questions/comments about your sex life (eg questions about how you have sex, your role, etc)
- 
- comments of a sexual nature about your sexual orientation or comments of a sexual nature about your gender identity
- 
- hearing colleagues make comments of a sexual nature about a lesbian/gay woman, gay man, bisexual or trans colleague in front of you.
- 

## Impacts

The research<sup>13</sup> explains why many LGBT+ workers feel unable to be open about their sexual orientation and/or gender identity at work, which is particularly the case for younger workers. It found that LGBT+ workers, young apprentices included, may face difficult choices in employment.

<sup>11</sup> <https://www.tuc.org.uk/sites/default/files/LGBTreport17.pdf>

<sup>12</sup> [www.tuc.org.uk/sites/default/files/LGBT\\_Sexual\\_Harassment\\_Report\\_0.pdf](https://www.tuc.org.uk/sites/default/files/LGBT_Sexual_Harassment_Report_0.pdf)

<sup>13</sup> <https://www.tuc.org.uk/sites/default/files/LGBTreport17.pdf>

“ No worker should be forced to choose employment based on where they feel they can safely be themselves. ”

Young workers are also far more likely to experience third party harassment and verbal abuse.<sup>14</sup> And two-thirds of young women experience sexual harassment compared to half of all women.<sup>15</sup>

One choice could be to seek work in industries perceived to be safer for LGBT+ workers. This might mean altering or limiting career aspirations for some apprentices. No worker should be forced to choose employment based on where they feel they can safely be themselves. This situation is bad for employers too because such choices limit the pool of talent available to them. And research shows that LGBT+ workers are more productive when they feel able to be open with all their work colleagues.<sup>16</sup>

### The role of unions

Trade unions have always understood that legal rights, while a useful

starting point, rarely deliver fully for working people. Employment legislation establishes general principles but does not prescribe how employers should comply with it, leaving room for interpretation and putting the onus on workers to pursue legal action where they feel rights have been denied – a complex, lengthy and stressful process.

Similarly, while many employers have developed workplace equality policies, these are not always comprehensive, are often not put into practice fully and can fail to tackle workplace culture effectively.

Unions can address equality for LGBT+ apprentices through collective bargaining. We can do this by understanding their workplace issues, presenting a clear joint agenda, negotiating effective policies and procedures, and monitoring to ensure employers abide by their policies and procedures. The remainder of this guide discusses how unions can go about this process.

<sup>14</sup> [www.tuc.org.uk/sites/default/files/NotPartoftheJob.pdf](http://www.tuc.org.uk/sites/default/files/NotPartoftheJob.pdf)

<sup>15</sup> [www.tuc.org.uk/sites/default/files/SexualHarassmentreport2016.pdf](http://www.tuc.org.uk/sites/default/files/SexualHarassmentreport2016.pdf)

<sup>16</sup> [www.tes.com/news/role-models-are-important-lgbt-youngsters](http://www.tes.com/news/role-models-are-important-lgbt-youngsters)



# A union agenda for LGBT+ apprenticeships

In tackling LGBT+ equality around apprenticeship schemes there are two major questions that unions must address. These are:

- What is the employer doing to proactively remove barriers that prevent potential LGBT+ apprentices from applying for and taking up apprenticeships?
- How is the employer ensuring that, once in place, LGBT+ apprentices have an inclusive and supportive environment that enables them to thrive and achieve their goals?

Though we deal with these questions separately here, there is obviously some crossover between them in that certain actions taken in relation to one may also prove beneficial for the other.

Clearly, without employer commitment to equality and diversity it will be difficult to address either of these questions. So, engaging the employer in meaningful dialogue around the benefits of an inclusive workplace, and agreeing a robust and comprehensive equality and diversity policy that is explicit in its commitment to LGBT+ equality, if there is not one already, is the starting point. Once the policy is in place, or if one exists already, unions will want to focus attention on how the principles captured in the policy translate into practice.

## Removing barriers to participation

We have previously noted that many young LGBT+ people do not apply for apprenticeships for fear of employers' reactions to their sexual orientation or gender identity. Employers can help show that they will provide a good apprenticeship environment by demonstrating that they are positive about employing LGBT+ workers.

Ways employers can signal this include:

- the use of specific anti-discrimination statements that reference both sexual orientation and gender identity in all corporate information, including websites, outreach events and recruitment information



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“ Employers need to consider why they are gathering data and exactly what data is necessary to collect. ”

- featuring existing LGBT+ employees as role models in apprenticeship recruitment literature, corporate communications and websites
- ensuring all public relations communications use language that avoids assuming everyone is heterosexual and identifies with the gender they were assigned at birth – for example, using words like *them* and *their* in preference to *him/her* and *his/hers* etc
- ensuring that application forms are language-checked and do not request information that may reveal a change of gender identity
- having robust policies, practices and procedures to eliminate bias and discriminatory practice within the apprentice recruitment and support
- only choosing apprentice training providers that can evidence the same level of commitment to LGBT+ apprentices and insisting on equal standards from end point assessment organisations.

Check the *Further information* section for sources of more detailed guidance.

### **Data collecting**

Having accurate data ensures employers know when barriers have been successfully

removed. Some employers regularly monitor and update information on the workforce and include questions around sexual orientation and gender identity. Some workers may be concerned that they will be identified through this process, or simply not feel they can identify with any of the choices offered. Employers need to consider why they are gathering data and exactly what data is necessary to collect. They should explain carefully why they are collecting it and ensure that confidentiality is maintained.

Employers need to be consistent in data collection so that there is evidence of changes, for instance in policies or recruitment practices, making a difference over time. Having hard data also means that discrimination and harassment are not invisible but can be identified and tackled. The data gathering and monitoring helps reps see whether policies work. That is after all one of the reasons for monitoring data





around race and disability, for instance, and the same principles should apply to sexual orientation and gender identity.

As the Apprenticeship Diversity Champions Network states, providing a working environment in which LGBT+ workers feel able to be out is the best way to encourage declarations from a worker about their sexual orientation or gender identity!<sup>17</sup>

### **Creating an inclusive and supportive working environment**

#### *Zero tolerance for harassment*

In addition to harassment related to their sexual orientation or gender identity, young LGBT+ apprentices may be subject to bullying and harassment simply because they are young and new to the workplace. The foundation for an apprentice-friendly working environment is, therefore, a clear policy statement that the organisation takes a zero-tolerance stance on any kind of harassment in the workplace. This should include specific reference to harassment on the grounds of sexual orientation and gender identity.

This policy needs to:

- be clear about the types of behaviour that constitute harassment
- give a firm commitment that any complaints of harassment will be taken

seriously and investigated, including complaints against third parties such as customers or service-users

- 
- provide reassurance that no worker will suffer victimisation for raising concerns.

Unions will want to press for involvement in writing or reviewing the policy. It may also be appropriate to negotiate specific procedures for dealing with harassment complaints.

For zero-tolerance to work in practice, employers should:

- 
- include an explicit commitment in their corporate values to a fair and equal workplace, where employees can be open about their sexual orientation and gender identity
  - raise awareness through staff training – countering ignorance about sexual orientation and gender identity can help tackle harassment, where colleagues may be genuinely unaware of the impact of their actions on their colleagues or that they constitute harassment
  - ensure that line managers and HR advisers are fully trained to handle any harassment complaints promptly, sensitively and effectively and prevent victimisation occurring.
- 

<sup>17</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/802200/ADCN-Report-2019-LR-v2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/802200/ADCN-Report-2019-LR-v2.pdf)

“ Providing a working environment in which LGBT+ workers feel able to be out is the best way to encourage declarations from a worker about their sexual orientation or gender identity. ”

Again, unions need to have an input to these processes.

### **Other anti-discrimination measures**

For any apprenticeship to be genuinely developmental, a new-starter will need support and direction, which can be delivered through a combination of line management, on- and off-the-job training, and mentoring. It is therefore important that anyone allocated to provide any of these functions is trained to understand and support the needs of LGBT+ apprentices.

Unions will expect apprenticeships to lead to permanent employment, so it is important that any processes for decision making about apprentices' employment once they have completed their apprenticeship is non-discriminatory and transparent. Where multiple apprentices are in competition for limited permanent positions, there should be clear, non-discriminatory methodology and criteria for selecting those to remain. Everyone involved in the decision-making process should be trained in their employers'



policies, procedures and practices, which should be designed to ensure discrimination and bias are eliminated from the process.

### **Positive reinforcement**

There are other ways that employers can positively support LGBT+ apprentices, including:

- 
- *Role models.* Featuring existing LGBT+ staff as positive role models and involving them in apprenticeships – for example, as mentors or members of selection panels.
- 
- *Networks.* Experience shows that peer support networks can play a significant role in helping apprentices to successful completion. Employers could promote an LGBT+ workers' network with access for apprentices.
- 
- *Celebrating diversity.* Featuring the achievements of LGBT+ apprentices and other workers in corporate communications is a good way to show the organisation is supportive and values diversity in its workforce.
- 

### **Additional considerations for trans and non-binary apprentices**

It is important to understand that gender identity is an entirely separate issue from sexual orientation and presents some additional consideration. Here are some examples:

- 
- *Dropping titles or adding gender neutral options (eg Mx).* Some people do not identify with gendered titles. Employers should consider whether the use of gender-specific titles (like Mr Mrs Miss Ms) in work communications or work records is really necessary. The individual apprentice should be asked how they would prefer to be addressed.
- 
- *Clothing.* Organisations with gender-based dress codes or uniforms should review whether they are strictly necessary and allow appropriate choice. Similarly, personal protective equipment (PPE) is sometimes ordered differently for men and women, often because different suppliers are needed, which may present issues for trans apprentices. Individuals need to be able to choose PPE based on appropriate fit and preference.
- 
- *Toilets and changing facilities.* Trans apprentices should be able to use facilities according to the gender they identify as. Gender-neutral toilet and changing facilities should be made available.
-

→ *Support for transition.* When a trans person decides they are ready to come to work in their acquired gender, they are likely to need support from the employer in ensuring they get a positive reception from colleagues. The employer should agree a plan with the worker around how, what and when changes need to be made, including any communications to colleagues. Having a clear policy, agreed with unions in advance, is the best way to ensure that full support for transition is made available.

These issues will differ between individuals, so it is crucial that employers discuss with the individual concerned, rather than expecting

all trans workers to need or want the same arrangements.

Further guidance can be found in the TUC publication, *Transforming the Workplace*.<sup>18</sup>

### **Intersectional issues**

It is important to remember that LGBT+ workers come from many backgrounds and may face discrimination not only because of their sexual orientation or gender identity but also, for example, because they are disabled or because of their race.

The TUC research found out that LGBT+ workers with multiple protected characteristics reported higher rates of sexual harassment.

### **What should a transition support policy include?**

- a strong statement of the organisation's commitment to support and value trans and non-binary apprentices
- that leave related to transition will not be counted as sickness absence
- specific guidance for management and HR advisors
- information on how names and gender can be updated on work systems
- guidance on facilities and dress codes
- reference to legal protections
- clear guidance on all processes for the individual transitioning, maintaining that the individual is leading their transition and chooses when to tell colleagues. etc.

“ Workers who have intersectional identities have unique experiences. It is important these workers are listened to, so any issues are fully understood and addressed. ”

The research found for example that:<sup>19</sup>

- gay, bisexual and trans disabled men face significantly higher levels of sexual harassment than non-disabled men and non-disabled women across all aspects of sexual harassment
- lesbian, bisexual and trans disabled women had significantly higher levels of sexual harassment than both disabled men and non-disabled men and women across most of the ways sexual harassment was expressed
- lesbian, bisexual and trans BME women were more likely to be affected by sexual harassment and report having experienced both structural discrimination and harmful stereotypes in disproportional rates than their white counterparts

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→ gay, bisexual and trans BME men’s reporting was statistically similar to their white counterparts. That is likely to be that the way sexual harassment is expressed differs depending on race, as highlighted by a number of Black academics and activists.

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Workers who have intersectional identities have unique experiences. It is important these workers are listened to, so any issues are fully understood and addressed.

Unionlearn has produced a series of booklets on supporting apprentices that provide useful guidance on how unions can ensure all equality strands are considered when discussing apprenticeship schemes with employers. See the ‘Further information’ section for more details.



<sup>19</sup> [www.tuc.org.uk/sites/default/files/LGBT\\_Sexual\\_Harassment\\_Report\\_0.pdf](http://www.tuc.org.uk/sites/default/files/LGBT_Sexual_Harassment_Report_0.pdf)

“ Unions should question employers on their strategies for PSED compliance in relation to apprenticeship schemes. ”



## Public Sector Equality Duty

If your employer is in the public sector or carries out public functions, it will be subject to the Public Sector Equality Duty (PSED). This requires employers to work towards

eliminating discrimination and moving towards positive action.<sup>20</sup> Unions should question employers on their strategies for PSED compliance in relation to apprenticeship schemes.

### **Rail union TSSA has developed its Inclusive Rail campaign to address LGBT+ equality at work. The campaign includes:**

- bargaining standards which set key objectives for reps to negotiate with employers
- the #NoBystanders pledge which asks workers not to stand by and allow bullying or harassing behaviour to go unchallenged
- role model posters challenging stereotypes by showcasing LGBT+ TSSA members
- commitment to work with Stonewall to build a LGBT+ forum with employers

See 'Further information' section for more details. All of these initiatives could be adopted in relation to apprenticeship programmes.

<sup>20</sup> [www.equalityhumanrights.com/sites/default/files/research-report-123-positive-action-apprenticeships.pdf](http://www.equalityhumanrights.com/sites/default/files/research-report-123-positive-action-apprenticeships.pdf)

# The workplace rep's role

Union reps will of course support LGBT+ members when they have issues at work, but it is far more beneficial to adopt a proactive approach so that problems do not arise in the first place.

Here are some actions that workplace reps can take:

- 
- Negotiate policy to ensure that your workplace is inclusive and supportive of LGBT+ apprentices, as detailed in the previous section of this guide. If someone else negotiates policy on behalf of your members (eg a full-time officer or a convenor) get them to meet you to agree how they will progress matters.
- 
- Audit all workplace policies for discriminatory language, including heteronormative and gendered assumptions and pronouns. Remember to give the same scrutiny to union newsletters and other communications too – ask all workers which pronouns they would like to be referred to by if you are in any doubt.
- 
- Educate yourself and other reps by arranging training in your workplace or branch in LGBT+ issues awareness – your union should be able to help with this
- 
- Elect equality reps (see 'Further information' section) and press the employer to give them recognition and facility time.
- 
- Challenge discriminatory attitudes and behaviour shown by other workers as it arises.
- 
- Train as mentor – union reps make excellent mentors for new starter apprentices. Talk to your union about training to become a mentor and reach an agreement with your employer on time for you to perform the role. You could also encourage all reps at your workplace to become trans allies<sup>21</sup> (see 'Further information' section)
- 
- Organise! It is more important than ever that we grow the trade union movement and this agenda represents a great opportunity to build unity by showing that your union welcomes and supports LGBT+ workers, including apprentices. You could run awareness-raising campaigns and celebrate LGBT History Month. Most importantly, talk to LGBT+ workers who are out and encourage them to get active in your union.
- 

<sup>21</sup> [www.tuc.org.uk/sites/default/files/2019-11/Trans\\_Ally\\_Guidance\\_2019.pdf](http://www.tuc.org.uk/sites/default/files/2019-11/Trans_Ally_Guidance_2019.pdf)

“ The TUC’s education workbook, *Out at Work*, is a practical guide to supporting LGBT+ workers generally. ”

**Don’t wait – act now!**

Where anti-discrimination policies and procedures are introduced proactively, young LGBT+ workers are far more likely to apply for apprenticeships and successfully complete them than if measures are introduced in response to issues as and when they arise.

However, we know that some union reps feel cautious about tackling these issues for fear of doing or saying something wrong. Reps should not feel they need to become ‘experts’ in LGBT+ issues in order to take action on them.

There is plenty of guidance available to help reps progress the agenda.

Most unions have an equality department and many will have elected equality committees who will be pleased to help and advise workplace reps.

The TUC’s education workbook, *Out at Work*, is a practical guide to supporting LGBT+ workers generally. You could use it as the basis for an awareness-raising session with other reps at your workplace, perhaps with the help of your union’s education department, and use that as an opportunity to develop an agenda for apprenticeships. The workbook includes a helpful glossary. You can download it for free at: [www.tuc.org.uk/publications/out-work](http://www.tuc.org.uk/publications/out-work).



# Further information

## TUC

*Out at Work* – a workbook for union activists on supporting LGBT+ workers generally, which could be used as the basis for an apprenticeship agenda [www.tuc.org.uk/publications/out-work](http://www.tuc.org.uk/publications/out-work)

**How to be a Good Trans Ally** – a guide for union reps and members on how to support trans workers [www.tuc.org.uk/sites/default/files/2019-11/Trans\\_Ally\\_Guidance\\_2019.pdf](http://www.tuc.org.uk/sites/default/files/2019-11/Trans_Ally_Guidance_2019.pdf)

**Trans Awareness Week microsite** – includes more information on the role of union reps in combating discrimination and harassment of trans workers [www.tuc.org.uk/national/trans-awareness-week](http://www.tuc.org.uk/national/trans-awareness-week)

**Briefing on the role of equality reps** [www.tuc.org.uk/sites/default/files/Union%20equality%20reps%20briefing%202014.pdf](http://www.tuc.org.uk/sites/default/files/Union%20equality%20reps%20briefing%202014.pdf)

**Sexual Harassment of LGBT People in the Workplace** [www.tuc.org.uk/sites/default/files/LGBT\\_Sexual\\_Harassment\\_Report\\_0.pdf](http://www.tuc.org.uk/sites/default/files/LGBT_Sexual_Harassment_Report_0.pdf)

## Unionlearn apprenticeship equality guides

the companion guides to this one, these provide detailed guidance on apprenticeship issues relating to women, BME and workers with disabilities

**Tackling Apprenticeship Gender Inequality** [www.unionlearn.org.uk/sites/default/files/publication/Apprenticeships%20gender%20inequality.pdf](http://www.unionlearn.org.uk/sites/default/files/publication/Apprenticeships%20gender%20inequality.pdf)

**Supporting Black and Minority Ethnic Apprentices** [www.unionlearn.org.uk/sites/default/files/publication/UL%20Supporting%20BME%20Apprentices.pdf](http://www.unionlearn.org.uk/sites/default/files/publication/UL%20Supporting%20BME%20Apprentices.pdf)

**Accessible Apprenticeships** [www.unionlearn.org.uk/sites/default/files/publication/Accessible%20Apprenticeships.pdf](http://www.unionlearn.org.uk/sites/default/files/publication/Accessible%20Apprenticeships.pdf)

**Apprenticeship Toolkit** – a general guide to bargaining on apprenticeship schemes [www.unionlearn.org.uk/sites/default/files/publication/TUC%20Apprenticeship%20Toolkit%202018.pdf](http://www.unionlearn.org.uk/sites/default/files/publication/TUC%20Apprenticeship%20Toolkit%202018.pdf)

**Apprenticeship Essentials app** – an all-in-one resource for anyone considering an apprenticeship [www.unionlearn.org.uk/apprenticeship\\_essentials](http://www.unionlearn.org.uk/apprenticeship_essentials)

## TSSA

**LGBT+ Bargaining Standards** – the rail union's guidance on practical measures and outcomes for inclusive workplaces [www.tssa.org.uk/en/Equalities/LGBT/inclusive-rail/](http://www.tssa.org.uk/en/Equalities/LGBT/inclusive-rail/)

## EHRC

**Essential Guide to the Public Sector Equality Duty** – provides detailed guidance on how employers in the public sector should comply with PSED [www.equalityhumanrights.com/en/publication-download/essential-guide-public-sector-equality-duty](http://www.equalityhumanrights.com/en/publication-download/essential-guide-public-sector-equality-duty)

## Acas

<https://archive.acas.org.uk/index.aspx?articleid=1363>



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