



The Cost of Being Out at Work

LGBT+ workers' experiences of harassment and discrimination



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Section one

Executive summary

Legal rights for people who are LGBT+ have seen huge changes over the past few years. As a result, it would be easy to assume that LGBT+ people have finally gained the equality that they, and we, fought so long to achieve. But reports from trade union reps suggest that lived equality in the workplace is still not the experience for many LGBT+ workers. The TUC undertook this research to better understand the experiences of LGBT+ workers across the UK. This TUC research gives us solid statistical evidence as well as the stories of LGBT+ workers to give voice to those (often hidden) experiences.

We used an online survey to reach as many LGBT+ people as possible including those that are not part of a trade union. We wanted to collect individual stories and understand, if people experienced discrimination and harassment, what form it took, how it impacted them and how they sought redress.

Key findings relating to LGBT+ workers are:

- Nearly two in five (39 per cent) of all respondents have been harassed or discriminated against by a colleague, a quarter (29 per cent) by a manager and around one in seven (14 per cent) by a client or patient.
- Only a third of respondents (34 per cent) reported the latest incident of harassment or discrimination to their employer, one in eight (12 per cent) reported it to HR.
- Only half (51 per cent) of all respondents are 'out' (open about their sexuality) to everyone at work. This falls to just over a third (36 per cent) of young people. Over a quarter (27 per cent) of bisexuals are out to no one.
- Almost half of trans people (48 per cent) have experienced bullying or harassment at work compared to just over a third (35 per cent) of non-trans respondents.
- Over three fifths (62 per cent) of all respondents have heard homophobic or biphobic remarks or jokes directed to others at work, while over a quarter (28 per cent) have had such comments directed at them.
- Just under a quarter (23 per cent) of all respondents have been outed against their will, while almost a third (30 per cent) of transgender respondents have had their trans status disclosed against their will.
- Only a third of respondents reported the latest incident of harassment or discrimination to their employer, one in eight reported it to HR.

- Over half of all respondents, and seven in 10 transgender respondents, said that their experience of workplace harassment or discrimination has a negative effect on their mental health.

While the picture that emerges from this report is in many ways a bleak one, the research also indicates some positive experiences for LGBT+ people at work. The report also highlights the role that unions can and do play in supporting and representing LGBT+ workers.

The final section of this report sets out clear recommendations to government, employers and unions.

For government

- Ban zero hours contracts. Individuals who work regular hours should have a right to a written contract guaranteeing their normal working hours.
- Abolish employment tribunal fees.
- Promote the importance of LGBT+ inclusive equality training in all sectors.
- Make Sex and Relationship Education statutory and LGBT+ inclusive with no exemptions for faith schools.
- Ensure that the EHRC has sufficient funding and resources to promote LGBT+ rights, carry out investigations in sectors where LGBT+ discrimination is identified as a problem, and to take more strategic legal cases.
- Legislate to place a duty on employers to protect workers from third party harassment.

For employers

- All employers should have an equality policy in place that includes a zero tolerance approach to all forms of harassment and should ensure that equality policies are understood and that staff at all levels have relevant training.
- HR procedures should be reviewed to ensure that complaints can be resolved in as short a timeframe as possible.
- Develop mentoring and coaching opportunities for LGBT+ staff to ensure they can access development opportunities.

For unions

- Develop guidance for reps to support LGBT+ workers working with third parties.
- Review training for union reps on transgender and other sexual and gender identities.
- Extend training on the Equality Act 2010 / employment tribunal process for more union reps, equality reps and LGBT+ officers.

Section two

TUC research findings

Coming out at work

“I shouldn't need to feel like I have to be tougher to be out.”

The majority of respondents to the TUC survey reported that they were out to someone at work. Only 13 per cent reported that they were out to no one at all. However, this percentage rises for young people (20 per cent) and those on zero hour contracts (22 per cent). These are both groups of workers likely to have less job security and shorter tenure with the same employer and therefore may feel reluctant to disclose anything which could single them out or jeopardise their employment.

One in five respondents had had their sexual orientation disclosed by others at work against their will. Thirty per cent of trans respondents reported that their trans status had been disclosed against their will at work.

“In all my jobs bar one I have experienced homophobia.”

Over a quarter of bisexual workers reported that they were not out to anyone at work. A number of bisexual workers who are in a relationship with a person of the opposite sex said they often let their colleagues assume that they are heterosexual.

“I am not out at work. I am a bi woman in a hetero marriage so it's just easier to not raise it as an issue as everybody assumes I am straight.”

Only around six per cent of lesbian and gay respondents reported that they were out to no one at work, indicating that there may be a higher level of acceptance for the more established sections of the LGBT+ community.

Responses to an open ended question about coming out indicated that the decision to come out or not is still significantly influenced by the likely reaction of others.

“I felt unable to come out at my previous job due to the way one manager talked about gay people and treated employees who were out.”

Office “banter”

“Backs to the walls lads!”

Over 60 per cent of respondents reported that they had heard homophobic or biphobic remarks or jokes (directed at someone else) at work. One quarter of respondents reported that they had experienced homophobic or biphobic remarks or jokes directed at them personally.

Of those who have experienced this and other types of harassment, two fifths cite a colleague as the main culprit. In open ended questions, some respondents commented that such harassment is often dismissed as “banter” and so allowed to continue.

Respondents’ comments in open ended questions highlight the negative impact of working in an environment where highly sexualised and/or homophobic “banter” is the norm.

“Whenever there is office 'banter' about a trans person on the media or general discussion about trans/LGBT issues or feminism I feel pushed further into the closet.”

“Colleagues’ homophobic remarks made me realise I wasn't as accepted as I thought I was.”

“I am still suffering from the after effects [of homophobic bullying]. I have had real lapses of confidence, self-esteem and briefly, self-harmed.”

Positive experiences

“I am proud that my presence in the business has changed my boss' attitude toward women and bisexual people, and more women have been employed/considered since, despite him never employing women before. He was kinder than I could have expected when he heard of my harassment, and even delivered apology flowers and chocolates to my home. It gives me a small amount of hope that people can change.”

While homophobic, biphobic and transphobic attitudes are still rife in society, it is also clear that society has changed a great deal over recent decades and that attitudes towards LGBT+ relationships have shifted a great deal. This is reflected in many of the comments made by respondents to the TUC survey. A significant number of respondents expressed positive feelings about their workplace and were keen that this report should also reflect their experiences. One person spoke about how he grew into his role over time:

TUC research findings

“As I am older it gets easier and more comfortable. In the last year...it has even become possible to start to be more open about my HIV status.”

Others spoke about the importance of having a strong, well-implemented diversity and inclusion policy in creating a supportive work environment:

“My employer has a robust diversity and inclusion policy in place which, at least in my workplace, has created a culture of tolerance and acceptance.”

“I feel I have been incredibly lucky to have been able to transition and be given the support I needed from my colleagues all the way up to the top management.”

Harassment in the workplace

“Do you and your girlfriend do that scissoring thing?”

The Equality Act 2010 defines harassment as unwanted behaviour which is related to a relevant protected characteristic, such as sexual orientation, sex, or gender reassignment, which has the purpose or effect of violating someone’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Similarly, sexual harassment is defined as unwanted conduct of a sexual nature which has the purpose or effect of violating someone’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

It is not always clear, to either the perpetrator or the victim, what the motivation is for harassment as there may be multiple motivations. The lines between homophobic harassment and sexual harassment may not always be clear. For example, a lesbian woman may be subject to both sexual harassment and harassment relating to her sexuality at the same time and by the same perpetrator. Some respondents commented on the fact that it is not always clear why they are being singled out for harassment.

“I have no idea if my colleague had an issue with me because I was a woman, queer, or an older woman. Men who are sexist are not sexist towards all women. You should allow for the person on the receiving end of the harassment not knowing why they are receiving it.”

Harassment can take place in a range of different locations and social media and email are increasingly involved in workplace sexual harassment.

As well as taking different forms and occurring in a wide range of settings, harassment may be perpetrated by various different people including a manager, a potential employer, a colleague, a client, a patient, or a customer. For example, a transport worker may face harassment from a passenger. Harassment perpetrated by a client or customer is referred to as third party harassment.

While some of the harassment outlined by respondents was clearly linked to the respondent's sexuality or trans status, much of the harassment reported by lesbian and bisexual women respondents could be categorised as both sexual harassment and harassment relating to sexual orientation.

“Male colleagues have made sexually suggestive or offensive comments with regards to my sexual orientation, asking or alluding to my sex life or claiming that they can ‘turn’ me straight.”

Many bisexual women reported feeling that they were targeted for sexual harassment because they were perceived as promiscuous.

“The shift manager told me to remove a used condom from the toilets without gloves or protective equipment because I would be used to handling other peoples’ bodily fluids as a result of my “shagging it up lifestyle choices”.”

Another bisexual woman reported:

“I have had incessant requests for physical contact, hand holding, kissing a cut better, massage....I have been told that I have “come-to-bed-eyes”, and been asked if I would have a threesome. These are pretty much all questions bisexuals get asked regularly.”

For some women, the harassment tipped into sexual assault and threats of rape:

“Colleagues would regularly slap me on the rear, make derogatory comments, and at one point I walked into a room in the middle of them discussing gang raping me”.

“I was up a ladder cleaning the ceiling and a colleague grabbed my behind twice. My manager saw the whole thing and when I complained, he said that I must like that sort of thing because I am a bi woman.”

Third party harassment

Almost 15 per cent of respondents who experienced discrimination at work said that this came from a client or patient. One respondent working in education gave an example of a homophobic incident involving a student.

“A pupil made a number of homophobic and racist YouTube videos. My image was used in a very violent way. The pupil returned to school after a suspension. I wasn't informed or spoken to by anyone in the school.”

Management may be reluctant to tackle third party harassment for fear of offending or antagonising customers or service users. In one case a health worker reported that a patient had requested that no gay staff look after them for “religious reasons”. The same workers suggested that clearer guidelines about the rights and also the responsibilities of patients would be helpful. Many respondents said they would like to see clearer policies because the absence of guidance leaves them open to discrimination.

“There are very few studies which provide guidance for gay/lesbian mental health practitioners about when it is helpful/healthy to disclose one's sexuality. Even the institutions which train on Diversity & Equality do not have guidance on this”.

In cases where the perpetrator of harassment or discrimination is not an employee, victims may be reluctant to report the incident because there is a perception that it will not be dealt with in the same way as it would be if the perpetrator were another employee.

“I didn't want to make a fuss which could have brought more problems. In my department a customer can refuse to be seen by an LGBT person without any consequences.”

Reporting incidents

Almost three fifths of those respondents who had experienced discrimination or harassment said that they did not report the incident to their employer and only 12 per cent said they had reported it to their HR department. Fifteen per cent of those respondents who were union members and who had experienced discrimination or harassment said they reported the incident to their union.

Where incidents were reported, only one third of respondents felt that the issue had been resolved, while one fifth believed that they had suffered as a result of making a complaint.

“Initially it was taken seriously. The senior manager rang me and was supportive. I agreed to my union rep and HR manager’s proposal to have mediation with my manager. I did this however he continued to bully me afterwards. I felt I was being punished for raising concerns.”

However, there is evidence that strong union intervention can make a difference:

“My direct line manager and his manager both mishandled the incident and this led to my further exclusion from my team. It was not handled correctly until I got my union involved.”

“If I had no union I would have crumbled away and lost my job.”

While some respondents had positive things to say about the support they received from their personnel department, many others had criticisms.

“I had a colleague who said that all gay people should be put to death. When I complained to HR. They said “it’s his opinion, there’s nothing we can do” even though it was expressed in the workplace.”

“My manager made homophobic comments in front of me knowing that I was gay. I made this known to HR, her manager and director of nursing - no action was taken.”

Some respondents complained that the process of putting in a grievance was so complicated that it added to their emotional distress.

“Having reported the harassment, my complaint took three different investigation managers to fully review. I was off ill with stress and anxiety and now have a mental health condition covered by the Equality Act 2010.”

The challenges presented by the reporting process may act as a deterrent to future reporting for some who experience discrimination.

TUC research findings

“I worked on a team which was sexist, homophobic, and racist. I took a stand and reported the issue to HR. I basically had to “come out” to HR, my boss, and the manager of the team who were responsible. I would not do this again. It was an incredibly difficult thing to go through and I am genuinely not sure if it was worth it.”

There are a range of responses to union involvement, and while many workers feel that they have been well supported by their union, others reported that they felt their union rep could have done more. The issue of how unions deal with complaints against other union members was raised by some respondents.

“My union rep said my manager should have been sacked for what he did but this was also the same person who suggested I should try mediation and who had no solutions when that failed to work. I realise union reps are in difficult position when perpetrators are members as well as victims.”

A small number of respondents who were also union reps felt that their status as a union activist had an impact on their treatment at work, although the type of impact varied considerably.

“I have regularly been passed over for promotion and have had numerous attempts to build up grounds to sack me due to my trans and union rep status.”

However, others felt that their involvement in the trade union protected them from mistreatment.

“Because I have come out and am a union rep I have gained respect for myself. That is a key reason why I have not faced discrimination”

In some instances, respondents chose to report incidents to the police rather than to their employer.

“I’ve been spat at, hit, and called a dyke by a customer. I called the police and the company called me in for a disciplinary.”

The majority of respondents chose not report incidents of discrimination or harassment, either for fear of reprisals or a reluctance to continually have to challenge such treatment.

“If I made a complaint every time this [harassment/discrimination] happened I wouldn't have time to get my work done.”

Casualisation

“I have a zero-hours contract and therefore effectively no rights at all.”

While only a small proportion of respondents to our survey (less than five per cent) described themselves as working on a casualised or zero hours contract, the comments made in response to open ended questions suggest that those who are in more precarious forms of work feel acutely aware of their vulnerability in terms of employment status and this may act as a deterrent to making a complaint or taking a grievance.

“I was 'just' a receptionist on a zero hours contract and didn't want to rock the boat or I wouldn't be offered shifts.”

“The position of temporary and casual staff is very weak indeed even in supposedly enlightened sectors like higher education”.

Trans workers

“I am still referred to as he, him or his even after two years working as myself.”

One in ten respondents to our survey identified as trans. Over a quarter of those respondents who identified as trans had not transitioned. Two fifths reported that they had transitioned in their current workplace.

Many trans workers responding to our survey reported feeling accepted and supported at work, but some reported experiencing harassment relating to their gender identity.

TUC research findings

“By far the most common occurrence of mistreatment was when colleagues would mock my gender/transition openly with customers.”

Some respondents reported experiencing problems trying to arrange time off for gender reassignment surgery with their employers.

“[My manager] tried to refuse to give me my company sick pay after I had time off for surgery saying I wasn’t entitled to it, and suggested that I was too mentally unbalanced to transition and shouldn’t have my surgery.”

Finally, breaches of confidentiality by management were raised by a small minority (three per cent) of respondents.

“The new manager also outed me to a lot of the company we worked for, even though I had expressed that I was not comfortable with others knowing my trans status.”

Disability and mental health

“I think because I have mental health issues and I am gay they treat me as a joke.”

While the survey does not specifically ask about disability or mental health issues, a number of respondents discuss the discrimination they experienced as result of these factors and being LGBT+.

“In various ways, I have been singled out throughout my life in part due to my bisexuality and often also because of the mental health issues I have.”

Often disability or mental health issues appear to increase the extent to which LGBT+ workers are viewed as an easy target.

“Bullying was very much linked across all three (gender, sexuality and disability) with physical violence targeting physical detriments at the time.”

One respondent reported that:

“I was bullied, faced daily verbal abuse, physically attacked and driven at (causing significant injury). When I raised a formal complaint the management of the college completely ignored me and then went on to suspend me from my post for no good reason.”

The impact of discrimination and harassment

“I don't know how much longer I can go on like this.”

While many LGBT+ workers responding to our survey have reported positive experiences at work in our survey, the majority have been subjected to or witnessed some form of homophobia, biphobia or transphobia at work. The impact of this on individuals, their families and their work can be significant. Over half (52 per cent) of respondents who experienced discrimination or harassment at work reported that it had a negative impact on their mental health, while a third said that it had had a negative effect on their performance at work.

“I would attend work despite not being fit to do so...I was unable to sleep at night. My blood pressure was so high I was at risk of heart attack, even with prescribed medication.”

“I have recently returned to work after being on sick leave for almost a year due to work related stress caused by my manager bullying me. I have been under the care of mental health services and have been seeing a counsellor due to having suicidal thoughts and deep depression and anxiety.”

Twelve per cent reported that they had left their job in the last five years because of such treatment.

“I was bullied because I was gay. It affected my work so badly that I left, even though I couldn't afford to.”

TUC research findings

One quarter said they wanted to leave their job but couldn't because of financial or other reasons. One quarter said that the harassment or discrimination caused them to avoid certain work situations such as particular locations, meetings or courses.

Clearly, the best interests of employers and LGBT+ workers are served by ensuring that all workers feel safe and supported in the workplace. The fact that this is not the case for so many LGBT+ workers should be a priority for employers and is a situation that the TUC is determined to address.

Section three

Recommendations

“As the union LGBT officer I organised staff training on LGBT issues. This was rolled out to all staff but attendance was on a voluntary basis, so those members of staff most needing the training chose not to attend.”

The research from the survey indicates a stark picture, with workplace incidents of bullying, harassment and discrimination linked to sexuality and gender identity alarmingly prevalent. The report also highlights how many workers face multiple discrimination based on their sexuality, their sex, their race, disability or age. The report has also highlighted how those in the most precarious position, such as workers on casualised contracts, may face additional barriers in challenging discrimination in the workplace.

This section provides recommendations for employers, government and unions on how LGBT+ workers can be better supported in the workplace.

Recommendations for government

- Ban zero hours contracts. Individuals who work regular hours should have a right to a written contract guaranteeing their normal working hours.
- Abolish employment tribunal fees which act as a significant barrier to accessing justice in discrimination cases.
- Promote the importance of LGBT+ inclusive equality training in all sectors.
- Make Sex and Relationships Education (SRE) statutory and LGBT+ inclusive to ensure education and awareness on LGBT+ equality starts early and tackles homophobia, biphobia and transphobia. There must be no exemption for faith schools.
- Ensure that the EHRC has sufficient funding and resources to promote LGBT+ rights, carry out investigations in sectors where LGBT+ discrimination is identified as a problem, and to take more strategic legal cases.
- Legislate to place a duty on employers to protect workers from third party harassment.

Recommendations

Recommendations for employers

- All employers should have an equality policy in place and this should be updated to include trans workers. This should be rolled out across the organisation so that the whole workforce understands the policy and their role in ensuring the workplace is supportive and free from harassment and discrimination.
- Equality training should be mandatory for all staff and, where possible, this should be delivered by a provider who specialises in this area of equality. This will ensure there is a good understanding of these issues across the organisation so LGBT+ staff, wherever they are, and whatever their grade, are supported.
- Workplace policies should be reviewed, with the relevant unions' input if there are recognised unions, to ensure that complaints can be resolved in as short a timeframe as possible. It is good practice to engage the recognised trade union when developing these policies or an LGBT+ staff network if the workplace is not unionised.
- Employers should take a zero tolerance approach to all forms of discrimination and harassment. This should include workplace policies and training, including what bystanders can do to challenge harassment. Where such incidents do occur there should be clear disciplinary procedures in place for the perpetrator and support for the victim.
- Employers should develop mentoring and coaching schemes for LGBT+ staff so they are able to access development opportunities and support networks in the workplace.

Recommendations for unions

- Develop guidance for reps to support LGBT+ workers who work with third parties.
- Review training for union reps on transgender and other sexual and gender identities.
- Encourage union reps, equality reps and LGBT+ officers to undertake training on equality legislation.

Section four

Further sources of information and support

Trade unions

To find out more about trade unions and which is the best for you visit the TUC website tuc.org.uk/joinaunion

Transforming the Workplace, a TUC guide for union reps on supporting trans members is available on the TUC website.

Guidance on sexual harassment is available for reps and activists from the TUC Publications Department (020 7467 1294 or publications@tuc.org.uk). An electronic training course (e-note) on sexual harassment is available via tuceducation.org.uk.

The TUC Guide to the Equality Act is also available from the Publications Department.

Most unions have an equalities officer and many have LGBT+ officers. If you are a union member, check with your union's equalities team to find out if there are training courses, conferences, or publications available.

Acas

acas.org.uk

0300 123 1100

Citizens Advice Bureaux

citizensadvice.org.uk

Equality Advisory and Support Service

equalityadvisoryservice.com

Freephone 0808 800 0082

Stonewall

<https://www.stonewall.org.uk/help-advice/discrimination>

Information on your rights and what to do if you face discrimination

Galop

<http://www.galop.org.uk/how-we-can-help/>

Further sources of information and support

Galop provides information for LGBT+ people who have been victims of a hate crime.

EVAW

EVAW is a leading coalition of specialist women's support services, researchers, activists, survivors and NGOs working to end violence against women in all its forms.

endviolenceagainstwomen.org.uk

Rights of Women

National organisation offering free legal advice to women.

020 7251 6577

Tues, Wed, Thurs 2-4 & 7-9pm, Fri 12-2pm

email: info@row.org.uk

Section five

Appendix

Methodology

The research was conducted on Survey Monkey between 1 March and 14 May 2017 and was promoted on social media, receiving 5074 responses.

Few representative national surveys exist of LGBT+ people. However, recent research from the ONS has summarised the characteristics of LGBT+ people in the UK. The table below sets out the differences between those in our survey and the national population of LGBT+ people in the UK. In brief, our survey slightly under represents the LGBT+ people from a minority ethnic background, and younger LGBT+ people.

Survey group	Proportion of those responding to our survey in this group	Proportion of the UK LGBT+ population in this group
Male	53 per cent	56 per cent
Female	42 per cent	44 per cent
Age: 16-24	20 per cent	27 per cent
25-34	29 per cent	26 per cent
35-65*	51 per cent	47 per cent
White	94 per cent	92 per cent
BAME	6 per cent	8 per cent
England	84 per cent	85 per cent
Scotland	9 per cent	8 per cent
Wales	5 per cent	4 per cent
Northern Ireland	2 per cent	3 per cent

*These age bands have been combined because the ONS bands for older ages (34-49, 50-64, 65+) did not match the survey bands (35-44, 45-54, 55+) and so no direct comparison was possible.

Appendix

Given that there are only slight differences from the national picture we believe that the findings of our survey represent an important insight into the working lives of LGBT+ people in the UK.

Other surveys have also shown similar results. For instance, the 2013 report *Gay in Britain* by Stonewall shows the same level of lesbians who are out to no one at work (6 per cent), as well as far higher levels for bisexual respondents.

The variations between the treatment of different types of LGBT+ workers evidenced in our survey was also highlighted in a 2016 study by Professor Alan Bryson of UCL, on pay differences between workers. Bryson concluded that *“the attitudes of both employers and employees towards bisexual employees lag behind the positive developments there have been with respect to perceptions of homosexual employees.”*



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