



Obstacles to challenging LGBT discrimination: a TUC survey of union members and representatives

Unions are invited to circulate this short survey through their structures and via websites or social media to reach as LGBT members and also to bring it to the attention of officers and representatives who may have supported members in cases of discrimination in the workplace.

Although discrimination on grounds of sexual orientation and gender identity is illegal under the Equality Act 2010, LGB and Trans workers face harassment or bullying more than twice as often as non-LGBT colleagues. However, LGBT workers have always made up a very small percentage of the claims for discrimination taken to Employment Tribunal. Since the introduction of tribunal fees, the number has fallen still further, but the proportion continues to be very low. Why is this?

The TUC is carrying out this survey to identify the obstacles that prevent or deter LGBT workers from using the law to challenge discrimination with a view to preparing a report to help unions to enable LGBT members better to make use of legal protection to challenge discrimination at work.

It is understood that most cases are dealt with without recourse to the law. This survey is seeking responses from anyone who did NOT exercise their legal rights to challenge discrimination on the grounds of sexual orientation or gender identity under the Equality Act 2010. The latest return date is 31 March 2016.

Guarantee of confidentiality

No respondent will be personally identified in the report unless they explicitly consent to being named.

The survey

1. About you:

Name (optional):

Union:

I am responding as (please tick)

Union member

Workplace representative

Full time officer

2. Experience of discrimination on grounds of sexual orientation or gender identity

Please tick whichever of the following applies:

A. I have experienced discrimination at work as

- (i) LGB worker
and/or**
- (ii) Trans worker**

B. I have witnessed discrimination against a

- (i) LGB worker
and/or**
- (ii) Trans worker**

C. I have been consulted by or represented a member facing discrimination on grounds of

- (i) sexual orientation
and/or**
- (ii) gender identity**

Please briefly describe the discrimination that you experienced/witnessed or were consulted over:

3. Please say here why you and/or the member you represented decided not to take a case to Employment Tribunal to invoke the legal protection offered by the Equality Act 2010

Please tick all that apply:

- a. The matter was resolved to our satisfaction without going to tribunal
- b. I did not want to “out” myself as LGB or T at work
- c. I didn’t want to “out” myself to people outside work
- d. I wasn’t sure that the discrimination I faced was “serious enough” to justify a claim
- e. I did not want to “cause a fuss”/ be seen as a troublemaker
- f. I didn’t want to cause trouble for my manager/work colleagues despite their bad behaviour towards me
- g. I did not think I would be believed
- h. I was concerned that taking out a complaint would harm my career prospects
- i. I was worried that going to Employment Tribunal would make it more difficult to obtain another job
- j. I was worried about the cost of going to Employment Tribunal
- k. I was worried about the stress of going to Employment Tribunal
- l. I was worried about the media reporting the tribunal case

If none of the above apply, or if you wish to expand further, please explain briefly here:

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- 4. Are there any additional comments you wish to make? Please add them here:**

5. Confidentiality

The TUC may wish to use the information you have provided in a report that will include recommendations to improve workers who may face similar problems in future. Please say here whether you want the TUC to

- a. Use your first name and union only in quoting your case as an example**
Or
- b. Not identify you in any way in a report**
or
- c. Not use any details from your response in any way in a report.**

Thank you!

Please return the completed survey form to: Peter Purton, policy officer, Equality and Strategy Department, Congress House, Great Russell Street, London WC1B 3 LS or electronically to ppurton@tuc.org.uk no later than 31 March 2016.
