



Bargaining new rights

Protection, welfare and opportunities for LGBTQI workers in Italy

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ABSTRACT

The recognition of same sex families and civil partnerships by many national Parliaments, together in addition to the legal actions promoted by the European Court for Human Rights and by European legislation, has been one of the major changes in recent years, affecting families in Europe, and societies, including trade unions in terms of representation and of their responsibility as social partners.

In its Action program 2015-2019 *Stand up in solidarity for quality jobs, workers' rights and a fair society in Europe*, ETUC confirms its engagement in “encouraging and assisting affiliates in recognizing discrimination on grounds of sexuality and gender identity as workplace and social issues where trade unions should intervene. This commitment covers the fight for equal treatment and non-discrimination, respect and dignity for lesbians, gay men, bisexuals and trans-gender workers (LGBT). A strong message should be sent to trade unions and their members across Europe that LGTB rights are trade union rights”.

The research contains a study on some of the main bargaining experiences on LGBTQI rights at the workplace in Italy. The approach of the FDV (Fondazione di Vittorio) and of CGIL is aimed at trying to puttogether both the experiences relating to specific anti-discrimination policies and the harmonization of LGBTQI rights in relation to bargaining and employment, because “LGBT rights are trade union rights”.

The analysis is based on examination and comparison of around twenty company level contracts and agreements on specific issues in different sectors: commerce, distribution, services, transportation, metal workers, banks and insurances. The list could be incomplete, but the fields of action may be summarized in the following typologies:

1. Marriage and family sphere
2. Healthcare (care and assistance leaves)

3. Work-life balance and childhood.
4. Company- level welfare.
5. Cross-cutting and transversal actions (equal opportunities commissions, non-discrimination, etc.).

Even though most of the bargaining examples and experimentations in the last few years have taken place at the company level, the results of this research suggest that trade union action should be promoted at various levels in order to enforce and promote a homogeneous approach in the enjoyment of rights for “new” forms of partnerships deriving from bargaining opportunities:

1. At company level, include the topic in joint commissions dedicated to equal opportunities, diversity, life-work balance;
2. Again at company level, harmonizing the various contracts with the recognition of “new” forms of civil partnerships (eg. Company level welfare, maternity/paternity leaves, family assistance etc.)
3. National collective agreements extend should have an inclusive description of the concept of “family” in order to include civil partnerships and to influence company level bargaining related to key bargaining topics (work organization and hours);
4. Through a bilateral system and that of collective agreements welfare, regarding the extension of services to family members, meant in a more plural and inclusive way;
5. At confederation bargaining level with the Government, through legal innovation (together with Inps – National Institute for Social Security) to extend the indemnity foreseen for maternity/paternity to new forms of civil partnerships.
6. Through territorial social bargaining performed by the unions with local administration, and through cultural information and non-discrimination events for the wider population (schools, education for adults, access to services, etc.), in the field of active labour market policies and of policies for the public administration (rules for public tenders, social clauses, social balance, corporate social responsibility, etc.)