



LGBTI people's human rights in the context of business activities

Submission to the Working Group on the issue of human rights and transnational corporations and other business enterprises

15 March 2024

Joint submission by:

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World)¹

With the support of:

Global Unions LGBTI Workers Project²

Open for Business³

Youth Initiative Foundation⁴

¹ ILGA World (International Lesbian, Gay, Bisexual, Trans and Intersex Association), <https://ilga.org>, established in 1978, is a federation of more than 1,700 organisations from over 160 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex (LGBTI) human rights. ILGA World enjoys the ECOSOC status, consistently engaging with UN human rights bodies, and conducts legal and socio-economic research on the situation of LGBTI persons. ILGA World supports local LGBTI civil society groups engaging with United Nations treaty bodies, special procedures and the Human Rights Council. It also produces research publications on social and legal situation of LGBTI persons. This includes [Annual Treaty Bodies Reports](#), [Treaty Bodies Strategic Litigation Toolkit](#), [Special Procedures Factsheets](#) and [ILGA World Database](#).

² Global Unions LGBTI Workers (lgbtiworkers.org) is a project of the Council of Global Unions (CGU). The CGU represents 200 million workers in thousands of trade unions in all economic sectors and national trade union centres.

³ Open For Business makes the business and economic case for LGBTQ+ inclusion through research, programmes, and a coalition of 37 global businesses, using data as an advocacy tool to advance LGBTQ+ rights around the world.

⁴ YIF serves as a positive representation of Ghanaian youths, primarily LGBTQIA+ youths in Ghana, by amplifying their voices in the movement for change.

Introduction

In workplaces and businesses around the world, LGBTI people face various forms of employment discrimination, harassment, and violence that prevent them from fully enjoying their rights to and at work. Their ability to organize through employee resource groups or trade unions is also threatened by repressive laws criminalizing consensual same-sex sexual acts and gender diversity or restricting freedom of opinion, expression, association, and assembly. As users and consumers of business products and services or targets of business activities, they also face a wide range of harms.

Their full inclusion in the workplace and economic empowerment are vital to counter their marginalization and exclusion in education, housing, healthcare, and public services that drive many of them to poverty. Thus, it is important that States address anti-LGBTI workplace discrimination, as well as structural issues that prevent them from entering the workforce.

This joint report explores the human rights of LGBTI people in the context of business activities in three parts. First, the negative impact of business activities on LGBTI human rights, including workplace discrimination, corporate support for anti-LGBTI actors, and online hate on social media platforms, is explored. Next, model anti-discrimination laws and business-led diversity, equity and inclusion (DE&I) and LGBTI-inclusive practices and policies are analyzed. Finally, the report looks into the state of LGBTI workers' organizing through trade unions.

Methodology

To produce this report, ILGA World first conducted preliminary desk research through the [ILGA World Database](#) to identify policy and legal initiatives against anti-LGBTI discrimination in the workplace. Secondary sources were then scoped on the impact of positive and negative efforts by State and business actors on LGBTI people.

Finally, ILGA member organizations and partner trade unions provided input, including recent cases and other developments, according to their respective expertise on LGBTI human rights and business activities.

LGBTI people's human rights in the context of business activities

Workplace discrimination and harassment

Discriminatory laws that are of general application systematically marginalize and exclude LGBTI people from public life and restrict their ability to gain productive employment. The criminalization of consensual same-sex sexual acts in 63 countries, including in two countries where it is de facto criminalized, laws targeting diverse gender identities and expressions, the lack of recognition of gender identity, as well as the non-recognition of same-sex marriages and the subsequent lack of rights and benefits of same-sex couples, all negatively impact the enjoyment of their human rights, especially the rights to equal protection, education, housing and healthcare. This makes it difficult for them to exercise their right to work equally.⁵

Restrictive legal environments for LGBTI people also create challenges for entrepreneurs who are LGBTI. For example, in Kenya, associations face challenges in registering explicitly as LGBTI groups. This also had implications on enterprises, as a queer woman running a travel company shared that she had to use "other minority groups" when submitting her registration documents in early 2021.⁶ At this time, the NGO Board had still not allowed the National Gay and Lesbian Human Rights Commission to use the words gay and lesbian in its registration.⁷

Worldwide, workplace-based discrimination may start at the level of recruitment.⁸ LGBTI workers are often over-represented in precarious, insecure and irregular work,⁹ and, therefore, they are amongst the most vulnerable groups of workers. Anti-LGBTI discrimination exists across different sectors from advertisement, hiring, retention, and promotion to the creation of unsafe workplaces and the failure to provide effective remedies. Among LGBTI workers, transgender and gender-diverse workers, especially when their identity documents do not match their identity, experience the highest levels of discrimination and harassment in the workplace.¹⁰

⁵ For more information, see: [ILO, Inclusion of lesbian, gay, bisexual, transgender, intersex and queer \(LGBTIQ+\) persons in the world of work: A learning guide.](#)

⁶ Information shared by the person in response to ILGA World's call for contributions for this report.

⁷ For more information, see: [Outright International Stands with the National Gay and Lesbian Human Rights Commission.](#)

⁸ Ibid.

⁹ For more information, see: TUC UK, [Being LGBT+ at Work LGBT+ Workplace Experiences 2023.](#)

¹⁰ For more information, see: [ILO, Inclusion of lesbian, gay, bisexual, transgender, intersex and queer \(LGBTIQ+\) persons in the world of work: A learning guide.](#)

For example, in 2018, the UNDP and ILO released a survey showing that 21% of respondents in China, 30% in the Philippines, and 23% in Thailand reported being harassed, bullied, or discriminated against in the workplace due to their SOGIESC. Up to 28% believe they were denied employment because of their LGBTI identities, while 60% claimed that they had been exposed to job advertisements that exclude their SOGIESC in the requirements.¹¹

In Ghana, an ILGA World member organization shared several cases demonstrating the various forms of discrimination negatively affecting LGBTI people's rights to and at work.¹²

- An individual reported being outed at their workplace without their consent, compelling them to consider leaving their job for the sake of their mental health.¹³
- A teacher working with the Ghana Education Service faced discomfort and rumors about his sexuality following his absence due to being detained during the Ho 21 arrest involving LGBTI advocates. The unfounded rumors led to his resignation from the service.¹⁴
- A gay individual in Kasoa lost his job hawking water and drinks at Kasoa SCC traffic after his supplier discovered his sexual orientation and attributed it to being "bad luck."
- A lesbian lady in Ghana faced discrimination from both her family and society, leading to limited access to her social life and workplace. Suspended indefinitely from her job, she struggled to sustain herself due to societal suspicions about her sexual orientation.¹⁵

While there are no specific laws protecting individuals on the basis of sexual orientation or gender identity, the country's Constitution does guarantee the right to equality and non-discrimination. However, the situation is further complicated by the anti-LGBTI bill recently approved by parliament, which seeks to criminalize same-sex relationships

¹¹ For more information, see: UNDP and ILO, [LGBTI People and Employment: Discrimination Based on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics in China, the Philippines and Thailand](#).

¹² Information shared by the Youth Initiative Foundation.

¹³ This case is being handled by [Solace Initiative Foundation](#).

¹⁴ For more information, see: [Ghana: LGBT Activists Face Hardships After Detention](#).

¹⁵ For more information, watch: [Ghana: Discrimination, Violence against LGBT People](#).

and activities.¹⁶ If signed into law by the president, this could worsen the already hostile environment for LGBTI individuals in business and workplace settings. It could embolden employers, coworkers, and even family members to discriminate against and ostracize LGBTI individuals without fear of legal consequences.

Corporate funding for anti-LGBTI actors

Business enterprises that provide funding or support to State or non-State actors with the knowledge that such assistance would be used to negatively impact the human rights of LGBTI persons could be in breach of their responsibility to respect human rights or “avoid causing or contributing to adverse human rights impacts through their own activities” (UN Guiding Principles on Business and Human Rights, 13a).

This is more alarming when done by companies who project themselves as champions or allies for LGBTI equality through product marketing or corporate social responsibility. According to the Pride Corporate Accountability Project report of Data for Progress, from 2019-2022, Fortune 500 companies donated almost 3 million USD to politicians in the United States who sponsored or supported anti-LGBTI legislation, such as bills banning trans youth from sports teams. These companies include Pride sponsors to six US cities that have donated 1.6 million USD.¹⁷ In addition, seven out of the eight Fortune 10 companies that have been named by Human Rights Campaign as some of the “Best Places to Work” for LGBTI people in 2022 donated to anti-LGBTI politicians in the United States.¹⁸ Among the 288 companies who signed a petition to express their opposition to anti-LGBT legislation in the United States, around 10% have donated at least 885,000 USD to state legislators who supported those bills.¹⁹

Companies routinely donate to politicians of different political parties and persuasions to support various social, political, and economic projects. This may sometimes mean that they donate to the campaigns of politicians they work with on some issues but who also lead or support activities contrary to their core principles, such as legislation restricting LGBTI rights. It is important to highlight that this is not necessarily indicative

¹⁶ For more information, see: [Ghana's Leaders Push Back on Anti-LGBT Bill](#).

¹⁷ For more information, see: [Data for Progress' Pride Corporate Accountability Project](#).

¹⁸ For more information, see: [Hiding behind rainbow flags: These companies' political donations don't match their support of LGBTQ issues](#).

¹⁹ For more information, see: [Companies that claim to back the LGBTQ community send political contributions to state lawmakers who advanced anti-transgender bills](#).

of them being anti-LGBTI. Still, it demonstrates the need for businesses to ensure compliance with human rights principles in all their activities. For example, while Disney donated at least \$100,000 to the campaign of Florida Governor Ron DeSantis from 2019 to 2021²⁰ it also publicly spoke out against the Parental Rights in Education Law or the "Don't Say Gay" Law in March 2022.²¹ Businesses can benefit from the guidance and expertise of the Working Group in ensuring that their political donations align with their public commitment to LGBTI human rights.

Social media platforms and online hate

Online gender-based violence in social media platforms is a global phenomenon that LGBTI people disproportionately suffer from.²² In our new Accessing Connection report, we explore how it is exacerbated by state crackdowns on digital rights and freedoms of opinion, expression, and assembly, as well as the non-recognition of online hate as a form of hate speech or crime in various jurisdictions.²³

Big tech companies are not doing enough to protect LGBTI users from online violence. While some social media platforms like Facebook and X have been setting up content moderation mechanisms to flag and address online hate, our interviewees, which primarily included LGBTI civil society organizations, stressed the need for these companies to strengthen online safety by improving content moderation and other mechanisms to identify and address online violence.²⁴ As one interviewee puts it, "content moderation is not taken as seriously," and big tech companies are not sufficiently ensuring decent living conditions for content moderators who are also exposed to the harms of online hate and violence.²⁵

Some LGBTI communities are more threatened by online hate and violence due to preexisting vulnerabilities and intersecting identities. For example, LGBTI people in countries with repressive laws, such as in the SWANA countries like Egypt, Iraq, Jordan, Lebanon, and Tunisia, are constantly at risk of entrapment, blackmail, and abuse by

²⁰ For more information, see: [Fact Check: Did Disney Pay Ron DeSantis 'Huge Donations'?](#)

²¹ For more information, see: [Disney Chief Bob Chapek Takes Stand on Florida's Parental Rights in Education Bill.](#)

²² Rachel Keighley, "Hate Hurts: Exploring the Impact of Online Hate on LGBTQ+ Young People," *Women & Criminal Justice*, 32:1-2 (2022).

²³ For more information, see: ILGA World, [ACCESSING CONNECTION: Bridging the Digital Divide for LGBTI Communities Worldwide.](#)

²⁴ Ibid.

²⁵ Ibid.

State authorities and peers on dating, messaging, and social media apps.²⁶ Big tech companies are also leaving behind LGBTI people in the Global South as their content moderation mechanisms lack linguistic nuance and cultural content in certain languages and, therefore, fail to flag and remove hateful content. Some platforms like TikTok or YouTube have also banned non-explicit LGBTI content in local languages for violating guidelines.²⁷ The use of artificial intelligence (AI) for content moderation has also been found to fail in identifying hate speech and violence in Ethiopian languages.²⁸ Even for widely spoken global languages like Arabic, content moderation on Facebook fails to address online violence, including by removing content promoting conversion therapy.²⁹

Model anti-discrimination laws

A robust legal framework explicitly prohibiting discrimination in employment based on sexual orientation, gender identity and expression, and sex characteristics not only helps reduce stigma and discrimination or improve the individual health, well-being and workplace productivity of LGBTI people, but also leads to increased business performance and reinforces economic growth.³⁰

States protect LGBTI people from employment discrimination to varying degrees. UN member states differ from each other in terms of the identity markers they explicitly include as protected characteristics in anti-discrimination laws: sexual orientation (77), gender identity (46), gender expression (20), and sex characteristics (18).³¹ Based on these numbers, comprehensive protections for people with diverse genders and sex characteristics, including transgender, gender-diverse, and intersex people, are weaker globally compared to people with diverse sexual orientations.

In fact, only 10 UN member states explicitly protect SOGIESC as a protected characteristic in employment.³²

²⁶ For more information, see: [“Middle East, North Africa: Digital Targeting of LGBT People,” Human Rights Watch, February 21, 2023.](#)

²⁷ For more information, see: [Subha Wijesiriwardena, “Private Parts: Obscenity and Censorship in the Digital Age,” GenderIT.org, June 24, 2019; Groundviews, “Opinions, B*tch: Technology Based Violence Against Women in Sri Lanka,” Groundviews, \(June 2019\).](#)

²⁸ Andrew Deck, [“AI Moderation Is No Match for Hate Speech in Ethiopian Languages,” Rest of World, June 27, 2023.](#)

²⁹ Marwa Fatafta, [“Facebook Is Bad at Moderating in English. In Arabic, it’s a Disaster,” Rest of World, November 18, 2021.](#)

³⁰ ³⁰ For more information, see: [LGBTQ+ Nondiscrimination Laws Improve Economic, Physical, and Mental Well-Being.](#)

³¹ For more information, see: [ILGA World Database.](#)

³² For more information, see: [ILGA World Database.](#)

- Belgium: Articles 2 and 4 of the Law against discrimination between men and women (2007), as amended by the Law to fight sexism in public spaces (2014), ban discrimination based on “gender identity” and “gender expression” (as enumerated in Article 4.3). It was further amended in 2020 to include “sex characteristics.”
- Denmark: Article 2 of the Law on Equality between Women and Men (Law No. 751) (2021), as amended by Law No. 18 (2021), bans any discrimination based on “gender identity,” “gender expression,” and “sex characteristics”.
- Malta: Article 2 of the Equality for Men and Women Act (2003), as amended by Act XI.2015 (2015), prohibits discrimination based on “gender identity,” “gender expression” and “sex characteristics” in employment, among other spheres.
- Netherlands: The Act on the clarification of the legal status of transgender and intersex persons (2019) amended Article 1(2) of the General Equal Treatment Act (1994) to specify that the ground “sex” covers “gender identity,” “gender expression” and “sex characteristics.”
- Portugal: Article 2 of Law No. 38 (2018) prohibits direct and indirect discrimination based on “gender identity,” “gender expression” and “sex characteristics.” Article 24 of the Labour Code (2009), amended by Law No. 28 (2015), also bans discrimination in employment based on “gender identity”.
- Spain: The Law for the real and effective equality of trans people and to guarantee the rights of LGBTI people (Law No. 4) (2023) amends Articles 4 and 17 of the Statute of Workers (1995) to include “gender identity,” “gender expression” and “sex characteristics” among the prohibited grounds of discrimination in employment. In addition, Article 2 of the Integral Law for Equal Treatment and Non-Discrimination (Law No. 15) (2022) prohibits any discrimination based on “gender identity” and “gender expression.”

Some of these countries do not explicitly use “sex characteristics” but list other terms like “intersex status” or “gender characteristics.”³³

- Andorra: Law on Equal Treatment and Non-Discrimination (Law No. 13/2019) (2019) prohibits discrimination on the grounds of “gender identity” and “gender

³³ For more information, see: [ILGA World Database](#).

expression" (Article 4.2) and includes specific protection clauses regarding access to civil service, employment in the private sector and self-employed workers (Article 3). Under Article 2(3)(e), "intersex people" are explicitly included among the vulnerable groups protected by the law.

- Australia: The Sex Discrimination Act (1984), as amended by the Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act (2013), provides legal protection against discrimination on the grounds of "gender identity," "appearance or mannerisms or other gender-related characteristics" and "intersex status" at the federal level. Nevertheless, certain provisions offer exceptions to religious-owned private institutions, such as schools and hospitals.
- Finland: The Act on Equality between Women and Men (1986), as amended by Law No. 1,329 (2014), prohibits discrimination based on "gender identity," "gender expression" and "an individual's physical gender-defining characteristics [that] are not unequivocally female or male."
- Iceland: Article 7 of the Law on Equal Treatment in the Workplace (2018) prohibits discrimination in the labour market against protected categories, including "gender identity," "gender expression," and "gender characteristics."

To protect LGBTI people from employment discrimination, it is critical that anti-discrimination laws explicitly list SOGIESC as protected characteristics. They must also be broad in application or specify employment advertising, hiring, retention, promotion and harassment as prohibited acts, do not allow exemptions for different types of business, and guarantee the right to an effective remedy, including restitution, compensation, rehabilitation, and protection from retaliation.

Model DE&I Policies and Inclusive Business Activities³⁴

LGBTI inclusion is essential to creating high performing and dynamic companies. Taking an inclusive approach to all perspectives and identities allows businesses to make better decisions, attract and retain top talent. Open for Business' research on the economic case for LGBTI inclusion underscores the importance of this approach, by

³⁴ This section was drafted by Open for Business.

demonstrating a strong connection between financial performance and LGBTI inclusion. Open for Business' latest report, The Investor's Guide to LGBTI inclusion, showed that in an analysis of the FTSE 100, the Fortune 500, the DAX 40, and the ASX 50, the 25 most transparent companies on LGBTI inclusion were 2.3 times as profitable as the 25 least transparent.³⁵

Employees, clients, and partners want to work with businesses that are socially and environmentally conscious and transparent. Gen Z will make up 30% of the global workforce before 2030. Today, they are leaving jobs because employers aren't being transparent enough about their values, sustainability, DE&I, and employee wellbeing at the point of talent attraction. When businesses do more for LGBTI inclusion, it's good for everyone. There are many examples of business going above and beyond LGBTI inclusion practices internally and externally:

- Initiating Self-ID for employees: IBM makes it possible for employees in 40 countries (covering 87% of the IBM workforce) to provide their own self-identified sexual orientation and gender identity on their IBM human resources record. This declaration is voluntary, and employees can remove it at any time.³⁶
- Acting in the public sphere in support of LGBTI Rights: Since 2017 nearly 400 companies have signed onto the UN OHCHR Standards of Conduct for Business against the discrimination of LGBTI people.³⁷
- Partnering with organizations dedicated to LGBTI rights and LGBTI refugees: Airbnb, in partnership with ORAM provided more than 3,000 nights of safe, short-term housing to 340 LGBTI people displaced by Russia's invasion of Ukraine.³⁸
- Hiring and mentoring LGBTI Refugees: In 2021, 19 companies in the UK (including seven Open For Business coalition partners, GSK, JPMorgan Chase, KPMG, Linklaters, Mckinsey, PwC and Unilever, announced their collective commitment to provide mentorship to 615 LGBTI refugees over three years.³⁹

³⁵ For more information, see: [Investor Guide to LGBTQ+ Inclusion Enhancing business performance through LGBTQ+ Inclusive ESG Strategies.](#)

³⁶ For more information, see: [Collecting LGBT+ Data for Diversity: Initiating Self-ID at IBM.](#)

³⁷ For more information, see: [Partnership for Global LGBTIQ+ Equality - The Supporters.](#)

³⁸ For more information, see: [Airbnb.org's impact in 2022.](#)

³⁹ For more information, see: [PRESS RELEASE: Global businesses including Coca-Cola, GSK, & Unilever, pledge to mentor over 600 LGBTQ refugees in the UK.](#)

- Providing pro bono legal assistance to LGBTI refugees: Deutsche Bank in the US has since 2018 been providing pro bono legal assistance in the fight for asylum for LGBTI and HIV-positive immigrants facing persecution and brutality in their home countries.⁴⁰
- Supporting organizations focused on LGBTI homelessness (such as True Colors in the US and the Albert Kennedy Trust in the UK): Aviva and Barclays sponsored The Albert Kennedy Trust LGBTQ Youth Homelessness report.⁴¹
- Supporting and mentoring LGBTI entrepreneurs: JPMorgan Chase partners with the NGLCC to offer free educational courses designed to help LGBTI entrepreneurs grow and scale their businesses; from navigating their cash flow to marketing in a digital world. They also partner with StartOut on Growth Lab Accelerator: a five-month program that helps LGBTI entrepreneurs grow their business through networking, mentorship, and education to support business growth and ensure equitable access to the resources and tools needed to compete in today's business world. Since 2017, 66 early-stage companies have participated in Growth Lab raising more than \$763 million in funding and creating more than 3,650 new jobs.

Individuals working in open, diverse, and inclusive environments tend to perform better. A culture of inclusion and diversity can boost individual performance – for everyone, not just LGBTI individuals. There are also stronger financial performance flows from the increased ability of LGBTI-inclusive companies to attract and retain talent, to innovate, and to build customer loyalty and brand strength. It is therefore imperative that businesses take LGBTI inclusion seriously, as it affects everyone. If businesses want to remain competitive in 2024, attract the best talent, and appeal to a customer base that demands inclusivity, it is essential that they take LGBTI inclusion seriously and move from signaling their intentions to taking tangible and meaningful actions to support the community both within and beyond their walls.

⁴⁰ For more information, see: [Deutsche Bank honoured for its commitment in the fight against LGBTQ persecution.](#)

⁴¹ For more information, see: [LGBT YOUTH HOMELESSNESS: A UK NATIONAL SCOPING OF CAUSE, PREVALENCE, RESPONSE, AND OUTCOME.](#)

LGBTI workers' organizing⁴²

The right to freedom of association and assembly of LGBTI workers, exercised through collective action, is essential for their protection, safety and well-being, as well as to ensure their effective labour force participation. Major challenges that trade unions face in upholding the rights of LGBTI workers arise from the difficulty of organising and representing such precarious and vulnerable groups of workers in general, due to various barriers originating both from the existing labours laws and employers' anti-union/union-busting practices.

According to the ITUC Index, the ten worst countries for working people in 2023 were Bangladesh, Belarus, Ecuador, Egypt, Eswatini, Guatemala, Myanmar, Tunisia, the Philippines and Turkey.⁴³ There is a clear intersection between legal and de facto constraints on the freedoms of association and assembly impacting trade unions and LGBTI civil society organisations.

- Egypt: Authorities refuse to register independent unions and use legislation barring associations allegedly engaging in “activities that result in destabilizing the national unity, national security, public law and order, and public morals” from registering, effectively driving LGBTI+ civil society underground
- Middle East and North Africa (MENA): All 19 countries impeded the registration of trade unions and excluded workers from the right to establish and join a trade union. LGBTI civil society organisations are either explicitly or effectively prevented from registering and operating across the region.
- Belarus: Unregistered associations are prohibited. Attempts to register LGBTI groups have been unsuccessful, and activists have faced harassment by State officials after submitting their registration applications. Since April 2022, the Belarusian government has engaged in a systematic pattern of repression of the independent trade unions in the country and trade union leaders have been imprisoned.

⁴² This section is based on the information shared by the Global Unions LGBTI Workers Project. For more information on the freedom of association and assembly of LGBTI workers and trade unions, see our joint submissions to the Independent Expert on SOGI:

⁴³ For more information, see: [2023 ITUC Global Rights Index](#).

- Turkey: Participants in peaceful political demonstrations like Pride parades and strikes are routinely harassed, subjected to police brutality and arrested.
- United States: Workers in the public sector, particularly in education and health care, face legal sanctions for honouring and respecting the self-determination of LGBTI students and patients.

The right to official recognition through legal registration is an essential facet of the right to organise since this is the first step that workers' organisations, including LGBTI workers' groups, must take to be able to function efficiently and represent their members adequately. Between April 2022 and March 2023, authorities impeded the registration of, deregistered, or arbitrarily dissolved unions in 109 countries out of 149. The number of countries that impeded the registration of unions increased from 59% in 2019 to 73% in 2023.

In many countries which have ratified key human rights instruments and where legislation ostensibly protects freedom of association and assembly, non-state actors violate these rights in effect, often with impunity, through intimidation, coercion and even violence. This has a detrimental effect on all workers across the different sectors of the economy but a disproportionate impact on the ones that are most vulnerable to exploitation, violence and abuse at work, such as LGBTI workers.

- Serbia and Georgia: employers engage in union-busting tactics, including targeting and firing trade union leaders and intimidation, that erode freedom of association.⁴⁴ In both countries, far-right groups have also attacked Pride parades and festivals with little interference from the police.⁴⁵
- Guatemala: Trade unions still face important administrative obstacles in terms of recognition, updating their membership lists, and the homologation of collective bargaining agreements with the Ministry of Labour. In February 2020 the Guatemalan Congress passed a bill amending the Law on Non-governmental Organisations (2020) which under Article 15 allows the Government to close

⁴⁴ For more information, see: [2023 ITUC Global Rights Index](#).

⁴⁵ For more information, see: [Georgia Pride festival in Tbilisi stormed by right-wing protesters](#).

NGOs and pursue criminal charges against their directors for using external donations or funding for the purpose of "altering the public order."⁴⁶

Trade unionists are being murdered as they represent workers and their collective rights. Too often, there is no justice for workers and their families as the government and employers act with impunity. In 2023, trade unionists were murdered in eight countries, Brazil, Colombia, Ecuador, El Salvador, Eswatini, Guatemala, Peru and Sierra Leone.⁴⁷ In Colombia and Mexico, LGBTI human rights defenders were murdered in 2023.⁴⁸ The targeted violence has a predictable deterrent effect on people exercising their right to freely associate and assembly.

The right to collective bargaining is also being threatened. Workers and their trade unions worldwide continue to face challenges in exercising their right to bargain collectively. In 2023, according to the ITUC Index, 8 out of 10 countries violated the right to collective bargaining. In addition, 9 out of 10 countries violated the right to strike which is the necessary corollary of the rights of workers and their trade unions to organise their activities to further and defend their interests, including those of LGBTI workers.

Nevertheless, LGBTI workers and trade unions are seizing opportunities to promote LGBTI workers' interests. While LGBTI workers remain underrepresented in trade unions, more and more trade unions around the world are undertaking initiatives to increase the representation of LGTBI workers within their ranks and strengthen trade union advocacy and action around rights and protections for LGBTI workers.

- The 2022 ITUC World Congress committed to "fighting for the rights of migrant workers, indigenous peoples, people who identify as LGBTQI, people living with disability and all those who face racism, prejudice and bigotry, and pledges to support their organisation into unions."⁴⁹

⁴⁶ For more information, see: [ILGA World Database](#).

⁴⁷ For more information, see: [2023 ITUC Global Rights Index](#).

⁴⁸ For more information, see: [IACHR Notes Persistently Alarming Violence Against Rights Defenders Over the Period May–August 2023](#).

⁴⁹ See ITUC Congress Statement (para 89.ix, page 40): <https://www.ituc-csi.org/IMG/pdf/5co-final-statement-en.pdf>

- LGBTI workers' networks and committees have been established, such as the Trade Unions for Trans Rights Network, an initiative of the TUC in the UK;⁵⁰ and the National LGBTQI+ Collective of CUT in Brazil.⁵¹
- Several trade unions have developed guidance tools on including LGBTI provisions in collective bargaining agreements and protecting the rights of transgender workers. **For examples, see Annex.**
- Trade unions have also engaged in efforts to build the capacity of trade union leaders to address LGBTI issues. **For examples, see Annex.**

⁵⁰ For more information, visit their webpage [here](#).

⁵¹ For more information, see: [Encontro LGBTQIA+ da CUT reúne coletivos de 12 estados e reforça lutas do segmento.](#)

Annex

Guidance tools

- Collective bargaining for LGBTI workers
 - CLC in Canada, [Bargaining Equality for LGBTQ workers](#)
 - Victorian Trades Hall Council (VTHC) in Australia, [End divide through Pride - A resource for workers and unions from VTHC](#)
 - Pride At Work in the US, [Model language for collective bargaining agreements](#)
 - FNV in the Netherlands, [Rainbow Checklist for Collective Labour Agreements](#)
 - CCOO in Spain, [Igualdad y diversidad en los convenios colectivos](#)

- Protecting the rights of trans workers
 - CLC in Canada, [Workers in Transition](#)
 - CCOO in Spain, [Diversidad Sexual y de genero: una cuestion sindical; Actuación frente a la LGTBIfobia en el ámbito laboral](#)

Capacity building of trade unions on LGBTI issues

- Trainings on addressing violence and harassment at work against LGBTI workers. See for example: Global Unions' [guide](#).
- Training and leadership development for LGBTI trade union delegates, such as the TUC (UK) [LGBT+ leadership school](#):
- Training trade union leaders, gender coordinators and shop stewards on LGBTQI+ issues, such as the [training sessions](#) of COSATU in South Africa.