

Sexual Orientation and the Canadian Labour Movement

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Résumé de l'article

Alors qu'il y a de plus en plus de documentation sur les dossiers syndicaux relatifs aux femmes et aux minorités ethniques, il en existe peu sur l'engagement syndical eu égard à la discrimination fondée sur l'orientation sexuelle. En nous basant sur des données colligées auprès de fédérations syndicales, auprès de sièges sociaux d'unions et de conventions collectives et en utilisant des méthodologies quantitatives et qualitatives, nous évaluons la réponse des syndicats aux questions soulevées par l'orientation sexuelle.

Le Congrès du travail du Canada, les fédérations provinciales de Nouvelle-Écosse, de l'Ontario, du Manitoba et de la Colombie-Britannique ainsi que la Confédération des syndicats nationaux au Québec sont parmi les plus actifs eu égard au sujet sous étude. Pour plusieurs fédérations provinciales, telle celle de l'Alberta, cette question n'est simplement pas à l'ordre du jour. L'image est très inégale parmi les plus grands syndicats canadiens (plus de 30 000 membres). Nous avons demandé à ces syndicats s'ils avaient une politique globale de non-discrimination, si les avantages sociaux étaient identiques en contenu et en couverture pour les conjoints de même sexe à leur siège social ou dans au moins une convention collective, s'il y avait un débat actif sur le sujet et s'il y avait un comité officiel gai/lesbienne. Sept syndicats avaient entrepris les cinq actions. Onze d'entre eux en comptaient entre une et trois et dix n'avaient rien fait à ces sujets. Seulement les deux tiers étaient allés aussi loin que d'inclure l'orientation sexuelle comme source de non-discrimination dans leurs constitutions. La même proportion indiquait qu'il ne s'agissait que d'un sujet de discussion. La moitié des syndicats avaient mis sur pied un comité formel gai/lesbienne, seulement la moitié prévoient la même couverture d'avantages sociaux pour leurs employés gays/lesbiennes et moins de la moitié avaient négocié de telles conditions dans au moins une convention collective sous leur juridiction. Les syndicats les plus progressifs en cette matière sont de grands syndicats (cinq des sept plus grands syndicats canadiens avaient entrepris les cinq actions et ces syndicats comptaient près de 50 % de membres féminins).

Les résultats démontrent que les syndicats du secteur public ont adopté une forme ou une autre, même incomplète, de protection contre la discrimination alors que seulement quelques syndicats du secteur privé ont entrepris de faire quelque chose. Il s'agit ici principalement des travailleurs de l'automobile et des communications. Parmi les syndicats du secteur public, deux exceptions notoires à ces tendances se retrouvent en Alberta (les fonctionnaires et les enseignants).

Les différences entre syndicats à sièges sociaux canadiens et américains sont les plus frappantes. Tous ces syndicats qui ont entrepris les cinq actions ici mentionnées étaient canadiens et 87 % des syndicats canadiens ont une politique de non-discrimination qui inclut l'orientation sexuelle. Seulement le tiers des syndicats américains étudiés ont répondu avoir discuté ce sujet, suggérant par le fait même que cette question n'est même pas à l'ordre du jour pour la majorité d'entre eux.

En utilisant l'Ontario comme étude de cas, 87,3 % de leurs conventions collectives contiennent des dispositions antidiscrimination et presque toutes s'appliquent à la race, la religion, le sexe, la nationalité et l'âge. Les dispositions visant l'orientation sexuelle sont cependant les moins nombreuses (i.e. dans seulement 41,5% de ces conventions incluant une disposition antidiscrimination). Cela suggère alors que la plupart des sections locales n'ont pas traduit les politiques du CTC ou de leurs unions à la table de négociation. De ces conventions collectives prévoyant une politique de nondiscrimination incluant l'orientation sexuelle, 79 % se retrouvent dans le secteur public et 21 % dans le secteur privé.

Les résultats statistiques et les études de cas détaillées des trois syndicats les plus progressifs (SCFP, Alliance de la fonction publique du Canada et les Travailleurs canadiens de l'automobile) suggèrent que les différences ici observées entre les groupes au sujet de l'orientation sexuelle peuvent dépendre de facteurs tels la dynamique régionale, l'aspect démographique des membres, le niveau d'activisme, la présence de comités féminins et le leadership institutionnel.

En somme, la situation est telle qu'il se peut que les homosexuels connaissent des expériences syndicales radicalement différentes non seulement de celles des hétérosexuels mais également de celle d'autres homosexuels. Néanmoins, des milliers de gays et de lesbiennes syndiqués jouissent de recours formels à rencontre de la discrimination au sein de leur syndicat, et ils ont de plus en plus un accès égal aux avantages sociaux. De plus, vu l'importance des syndicats ici impliqués, les retombées en termes d'éducation et d'action politique se sont multipliées. Les mythes et stéréotypes au sujet de l'homosexualité sont fortement attaqués. Reste alors à compléter d'autres études empiriques dans d'autres provinces et à effectuer des études comparatives sur le plan international.

Sexual Orientation and the Canadian Labour Movement

GERALD HUNT

The response of the Canadian labour movement to sexual orientation discrimination has been mixed and uneven. The Canadian Labour Congress, along with several provincial federations and a growing number of unions, have taken a leadership role in promoting equal rights for gays and lesbians, while other labour organizations have done nothing at all. Public sector and Canadian-based unions are much more likely to have been active than have American-based unions, even though there are important exceptions to these trends. These developments are partially explained by regional dynamics, membership demographics, degree of activism, the presence of women's committees, and organizational leadership.

What has been labour's response to discrimination on the basis of sexual orientation? In Canada, the mainstream press (Brennan 1994; *Toronto Star* 1993), the gay press (Battista 1994), and the labour press (Wagner 1993; Bailey 1989) all suggest that organized labour has been active in the area of equality rights for gays and lesbians, but so far there has been little scholarly investigation into the topic. This is unfortunate because labour sometimes claims a leadership role in issues relating to social justice, and its strength, size and resources in Canada (relatively stable union density of 37%, covering a large cross-section of settings in the private and public sectors) make it an important agent for social change. To this end, this paper reports on a study of labour's engagement with discrimination on the basis of sexual orientation in Canada. The results illustrate that even though

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some federations and unions have taken a leadership role, labour's overall response has been uneven.

HUMAN RIGHTS AND THE CANADIAN LABOUR MOVEMENT

There is a growing literature assessing labour's record in relation to women and racial minorities (Sugiman 1994; Briskin and McDermott 1993a, 1993b; Briskin and Yantz 1983; Leah 1993; White 1993; Defreitas 1993; Forrest 1993; Kumar 1993; Kumar and Acri 1992, 1990; Asher and Stephenson 1990; Gabin 1990). Findings suggest that most federal and provincial labour federations, as well as many unions, have policies on workplace equality for women and visible minorities in areas such as pay equity, employment equity, affirmative action, sexual harassment, and violence, and that a growing number go so far as to pursue equity objectives through lobbying governments, building coalitions, encouraging increased diversity in decision-making forums, and negotiating at the bargaining table. Commentators such as White (1993) and Briskin and McDermott (1993) do note moves toward gender equity, but conclude that serious problems remain. Sugiman (1994, 1993), focusing on the Canadian Auto Workers' Union, praised the national level's progress on women's issues, but found entrenched resistance at the local level. Warskett (1995), accentuates the limited gains even more sharply, fearing economic hardships will stall progress. The few studies concerned with labour's record on visible minorities (White 1993; Leah 1993) are more negative and pessimistic than those for women.

In other words, even if issues of concern to women and to a lesser extent issues of concern to racial minorities, are now on the agenda of many labour organizations, progress has been slower and less complete than activists might wish. Gains have been most pronounced at the level of constitutional statements, policy documents, and the creation of caucuses, with less success at the bargaining table. These gains appear to be most evident in the larger unions, and in public sector unions. In the case of issues of concern to visible minorities, there is little evidence of progress very far beyond cosmetic initiatives.

SEXUAL ORIENTATION, THE LAW, AND ORGANIZED LABOUR

According to some legal experts (Sanders 1994; Ryder 1990), Canadian law has undergone a process of fundamental change on the issue of sexual orientation. Gays and lesbians now enjoy a level of legal protection that would have been unimaginable only a couple of decades ago. As Sanders (1994: 99) points out, the law has recognized homosexual rights in the workplace through formal equality provisions in most provincial human rights codes, progressive interpretations of the Canadian Charter of Rights and

Freedoms, and recently the Human Rights Act. The most contentious sexual orientation issue is same-sex "spousal" benefits and pension rights — an area where the law is contradictory and in a state of flux.

To address remaining inequities, gay and lesbian activists in Canada have demanded comprehensive and unequivocally non-discriminatory laws, procedures and policies in areas such as recruitment, hiring, promotion, wages and benefits, as well as programmes designed to deal with harassment and violence based on prejudice. From the 1980s onward, increased activism has been directed toward the workplace, and activists have looked to organized labour for assistance. Among other things, unions have the capacity to include sexual orientation in their non-discrimination policies, bargain collectively for inclusive benefits, educate their members about discrimination against homosexuals, confront workplace homophobia and related violence, undertake and fund legal challenges, and lobby governments for changes in discriminatory legislation. Early on, a lesbian active in the labour movement (Genge 1983), noted some union activity around the issue, but found that only "a few" union contracts included sexual orientation in a no discrimination clause, and only one example where a union had attempted to force an employer to provide same-sex benefits. Subsequent commentators, such as Bailey (1989) and Wagner (1993), writing as union activists, suggest that unions are somewhat involved in gay and lesbian rights, but should be doing much more. More specifically, White (1993) found only three of thirteen large union headquarters dealing specifically with gay and lesbian rights (Canadian Auto Workers, Public Service Alliance, Canadian Union of Public Employees), and Battista (1994) located only four Ontario-based unions involved in gay rights.

RESEARCH METHODOLOGY

The present analysis of labour's response to sexual orientation is based on data collected from union federations, union headquarters and collective agreements. Information was collected from the Canadian Labour Congress by interviewing officials and collecting documentation. A telephone survey was conducted with the provincial and territorial federations of labour (five refused to participate: Prince Edward Island, Saskatchewan, Alberta, Yukon and the Northwest Territories). Each federation was asked if sexual orientation was included in a no discrimination and/or anti-harassment policy, whether a caucus or committee existed to deal with sexual orientation issues, if there was discussion on the topic, and to comment on the topic generally. In addition, interviews were held with officials at the Ontario and Quebec federations of labour as well as the Confédération des syndicats nationaux (CSN) in Quebec, to acquire a sense of developments in the two largest provinces.

Information was collected about individual unions in several different ways. First, a telephone survey was conducted with a senior official at the Canadian headquarters of each of the 35 largest unions (those with over 30,000 members based on the 1994-95 *Directory of Labour Organizations in Canada*); 29 agreed to participate (Tables 1, 3). These unions were asked if they had an inclusive no discrimination policy, if same-sex partner benefit coverage was available to head office employees and/or in at least one collective agreement, if there was active debate on the issue, and if there was an official gay/lesbian caucus or committee. These questions were selected because gay and lesbian union members pay the same dues and rightly complain when denied access to the same equity and benefit provisions as their heterosexual counterparts, as well as the fact that they reflect workplace policies, practices and initiatives identified as important by activists. Second, three of the unions most active on these issues were selected for detailed case studies: the Canadian Union of Public Employees (CUPE), the Public Service Alliance of Canada (PSAC), and the National Automobile, Aerospace and Agricultural Implement Workers of Canada (CAW). Case studies were based on relevant documentation (minutes of meetings, policy/position statements, workshop/seminar outlines, correspondence, etc.), interviews with central and local spokespersons, and attendance at relevant meetings. Third, Ontario collective agreements covering 200 or more workers were reviewed to assess the degree to which anti-discrimination provisions were in place.

TABLE 1
Characteristics of Participating Unions by Sector and Type of Union

Unions contacted	35
Unions participating	29
Total union membership in Canada (1994)	4,078,000
Total workers covered by 29 participating unions	2,511,000
% of total Canadian union membership participating	61.6%
Public sector unions participating in survey	15
Public sector workers covered by survey	1,319,100
% of workers in survey from public sector unions	52.5%
Private sector unions participating in survey	14
Private sector workers covered by survey	1,191,000
% of workers in survey from private sector unions	47.5%
International unions participating in survey	10
International union workers covered by survey	799,900
% of workers in survey from international unions	31.8%
National unions participating in survey	19
National union workers covered by survey	1,711,100
% of workers in survey from national unions	68.1%

RESULTS

Union Federations: Canadian Labour Congress (CLC)

In 1980, a CLC convention passed a resolution calling for the inclusion of sexual orientation in provincial human rights codes (at that time only Quebec had taken this step), the Canadian Human Rights Act, and the Canadian Charter of Rights and Freedoms. It also encouraged its members and affiliates to bargain for the inclusion of sexual orientation in the non-discrimination clauses of their collective agreements (Canadian Labour Congress 1994a). At the 1986 Convention, another resolution was passed instructing the CLC to cooperate with other organizations seeking human rights amendments on sexual orientation, and to begin the process of preparing a policy statement on lesbian and gay rights (Canadian Labour Congress 1994a). At the 1990 Convention, a resolution calling for same-sex benefit coverage as a collective bargaining priority was passed, as were resolutions calling for the inclusion of sexual orientation in the Canadian Human Rights Act, and for the creation of educational materials that could be used to educate affiliates about issues of concern to gays and lesbians.

Then, in 1994, the Convention approved a comprehensive policy statement:

The labour movement can and should play a key role in the achievement of lesbian, gay and bisexual rights. This is an integral part of the new approach to unionism which is essential if we are to survive as a vital force in society (Canadian Labour Congress, 1994a: 5).

This position paper called for workplace education about homophobic harassment, political action, public campaigning, legal action, gay and lesbian participation in union management, union participation in nonunion forums dealing with homophobia, and negotiation of inclusive collective agreement language. Specific recommendations included establishing a lesbian, gay and bisexual working group with caucus status, encouraging provincial federations of labour and labour councils to include sexual orientation in anti-harassment policies, participating "visibly" in gay pride parades across the country, preparing and distributing educational materials and offering educational workshops to Congress officers and affiliates. As well, affiliates were encouraged to recognize same-sex spousal relationships and make benefit coverage a priority when at the bargaining table. Finally, the CLC committed itself to an evaluation of how well it had implemented its policies in a report to the 1996 Convention.

Although it is too soon to assess fully the degree to which the CLC will act on its 1994 principled statements, there is evidence of its good intentions. By late 1995, a meeting of the newly formed CLC gay, lesbian and

bisexual caucus had been held, a two-day seminar on "Fighting Heterosexism" had been offered as a pilot on the east coast, and CLC representatives participated in the Toronto Gay and Lesbian Pride Parades of 1995 and 1996.

Much of the CLC's progress reflects support from the leadership of the organization, but driven in particular by a few committed individuals within the organization and by committees concerned with women's issues. One insider suggested that progress at the convention reflected "networks, networks, networks", explaining that the groundwork had been laid in committees and caucuses over the years. Many people also cite the fact that Bob White (former head of the Auto Workers, and current President of the CLC) was a strong advocate for social justice issues in language unequivocally supportive of gay and lesbian rights.

Nevertheless, there have been cases where measures already approved have been overlooked. As recently as 1992, at the first CLC human rights conference, activists had to lobby to ensure there would be a workshop on gay and lesbian issues. Outright opposition has been less in evidence, though as one person put it, "you overhear grumbling in the bar at conventions" and "it's subtle, but it's there... not everyone is on board."

Union Federations: Provincial and Territorial Federations of Labour

Other union federations have a mixed record. As Table 2 illustrates, five federations (Prince Edward Island, Saskatchewan, Alberta, Northwest Territories, and Yukon) refused to participate in the survey, probably reflecting relative inaction in the area. Of the eight that did respond, Newfoundland responded in the negative to all four questions, orally indicating that the issue was not a priority; New Brunswick reported that sexual orientation was included in the harassment policy, but made it clear that sexual orientation provisions were not a priority; and the Quebec Federation of Labour indicated that sexual orientation issues were on the agenda, but so far without much action. The five most active on sexual orientation issues proved to be the Nova Scotia, Ontario, Manitoba and British Columbia federations of labour, and the Confédération des syndicats nationaux (CSN) in Quebec.

The Nova Scotia Federation of Labour has lobbied for legal equality, and recently passed resolutions calling for the preparation of education resources to combat heterosexism, the inclusion of sexual orientation issues in all events dealing with human rights, and the support of unions fighting for same-sex benefits in their collective agreements. A spokesperson for the Manitoba Federation of Labour (MFL) indicated that it prided itself on having made issues related to sexual orientation a feature of debates for

TABLE 2
**Ranking of Canadian Labour Federations on Initiatives to do with
 Sexual Orientation**

<i>FEDERATION</i>	<i>INITIATIVE (1)</i>			
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
Canadian Labour Congress	Yes	Yes	Yes	Yes
Ontario Federation of Labour	Yes	Yes	Yes	Yes
Confédération des syndicats nationaux (CSN)	Yes	Yes	Yes	Yes
British Columbia Federation of Labour	Yes	Yes	Yes	Yes
Nova Scotia Federation of Labour	Yes	Yes	No	Yes
Manitoba Federation of Labour	Yes	Yes	No	Yes
New Brunswick Federation of Labour	No	Yes	No	No
Fédération des travailleurs et travailleuses du Québec	No	No	No	Yes
Newfoundland Federation of Labour	No	No	No	No
Saskatchewan Federation of Labour	*	*	*	*
Alberta Federation of Labour	*	*	*	*
Northwest Territories Federation of Labour	*	*	*	*
Yukon Federation of Labour	*	*	*	*
Prince Edward Island Federation of Labour	*	*	*	*

Notes:

1 Initiatives:

1. Sexual orientation included in no discrimination policy?
2. Sexual orientation included in anti-harassment policy?
3. Caucus/committee dealing with sexual orientation issues?
4. Active, ongoing debate/discussion regarding sexual orientation?

* Declined the opportunity to participate in survey

many years, and that it required a statement regarding homophobia to be read at all MFL functions. The MFL has presented briefs to provincial and federal governments in favour of extending rights to gays and lesbians, passed a resolution declaring the Manitoba Human Rights Code, which includes sexual orientation, to be deemed part of all collective agreements and therefore grievable at the local level. The British Columbia Federation of Labour has taken many initiatives similar to those in Manitoba by developing educational materials, organizing workshops, and lobbying the government around discrimination issues related to sexual orientation.

The two principal federations in Quebec, the Fédération des travailleurs et travailleuses du Québec (FTQ) and the Confédération des syndicats nationaux (CSN) have rather different histories in dealing with sexual

orientation. At the time of the survey, the FTQ indicated that there was some debate about the issue, but that few initiatives, if any, had been taken. In contrast, the CSN reported discussions of the issues as early as 1986 and the establishment of a gay and lesbian committee in 1988. The approach at the CSN was not to focus on formal policy change, but rather on educational programming within the federation itself, and then on a push for change in the collective agreements of member unions to eliminate discriminatory policies in the area of relationship recognition. Recently, the CSN has taken active steps to build upon its initial leadership on gay and lesbian rights. In 1995, it prepared a guide for its affiliates promoting collective bargaining on issues of discrimination and relationship recognition. In addition, it has sponsored a provincial tour encouraging regional federations and locals to take initiatives, encouraged insurance companies to provide benefits for same-sex couples, developed policies on AIDS, and submitted briefs to the Quebec government. A substantial number of affiliated unions, particularly in the hotel, day care, and restaurant sectors, have bargained for same-sex benefits.

Since the survey was taken, the FTQ did unanimously pass a resolution at its December 1995 congress calling for educational programming and policy change to challenge discrimination and promote recognition of same-sex relationships, to some extent reflecting initiatives adopted by the CLC in 1994. Gay/lesbian activists acknowledge that the FTQ has been slow to take up questions of sexual orientation, but see the 1995 resolution, and the enthusiasm with which it was endorsed, as indicative of a new direction and of more elaborate policies and practices in the foreseeable future. In other words, neither of the Quebec federations was in the vanguard on this issue in the mid-1980s. But since then, the CSN has clearly positioned itself among the most progressive of federations, and the FTQ is beginning to move in a progressive direction.

Like the CSN, the Ontario Federation of Labour (OFL) stands out as the leader in promoting equality for gays and lesbians. For a number of years, the OFL has been preparing educational materials, delivering workshops, lobbying governments, holding press conferences, and building coalitions with other groups. In 1991 a comprehensive action plan was passed unanimously, creating a gay and lesbian issues committee, with representatives drawn from its affiliates. The committee was mandated to bring together people from unions across the province for discussion and support, pressure union locals to recognize gay and lesbian issues (especially same-sex spousal rights) as a bargaining priority, allocate funds to support activist community groups, organize educational sessions, and to integrate gay and lesbian rights issues into all human rights and collective bargaining courses offered by the Federation. Apparently, the rise of a feminist agenda within

the Federation in the 1970s paved the way for visible minorities and disabled people, whose victories opened the door politically for gay and lesbian unionists, although an OFL spokesperson suggested that dissension has been “perhaps more evident on this issue than any other”. Still, there have been dramatic signs of change: one example cited is a speech given at a convention by the head of the United Steel Workers, who confessed to having “beat up fags” in the past, acknowledged that as a common response to homosexuals in his union, and then talked of his realization that such behaviour was intolerable.

Labour Union Headquarters: Initiatives

Canada’s largest unions show the same unevenness of response as is evident among federations. As Table 3 shows, only seven unions had taken all five initiatives, eleven had undertaken between one and three of the initiatives, and ten had undertaken no initiatives at all. Only two-thirds had gone so far as to include sexual orientation as a grounds for non-discrimination in their constitution, the same proportion that report sexual orientation even as a subject of discussion. Just half reported a formal gay and lesbian caucus or group, only half provide same-sex coverage for their own employees, and less than half have negotiated benefit coverage for same-sex benefit partners in even one collective agreement within their jurisdiction. As seen in Table 3, the more progressive unions on this issue tend to be large (5 of the 7 largest unions in Canada have taken all five initiatives), in the public sector, and have a higher than average female membership (5 out of the 7 with five initiatives have close to 50% female membership, whereas the national average is 40.7% female membership).

As Table 4 illustrates, public sector and Canadian-based unions are more likely to have initiated equality provisions for gays and lesbians than private sector or American-based unions. In fact, nearly all public sector unions have some form of protection against discrimination, even if incomplete. By comparison, only a few private sector unions have initiated any action at all, almost entirely a product of initiatives by two large unions – Auto Workers and the Communication Workers. Among the public sector unions, two based in Alberta provide important counter-currents to these trends (the Provincial Employees Union and the Teachers Union). Strikingly, during the telephone survey, a spokesperson for the Alberta Teachers Union indicated with some disdain that their “official” policy was, “it was probably OK as long as one doesn’t touch the kids”. (Since the survey, the Alberta Teachers Union approved the inclusion of sexual orientation in a no discrimination policy for the union by a narrow margin.)

Differences between Canadian- and American-based unions were starkest. All of the unions with five initiatives were Canadian-based, and many other

TABLE 3
Ranking of Canadian Unions by Initiatives on Sexual Orientation

<i>Union (1)</i>	<i>Members ('000)</i>	<i>% Female (2)</i>	<i>Initiative (3):</i>				
			<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>
A) FIVE Initiatives:							
Can U of Public Employees (pu)	409.8	54.7%	Y	Y	Y	Y	Y
Public Service Alliance of Can (pu)	167.8	47.3%	Y	Y	Y	Y	Y
Canadian Auto Workers (pr)	170.0	20.0%	Y	Y	Y	Y	Y
Communications Energy & Paperworkers (pr)	149.0	17.0%	Y	Y	Y	Y	Y
Ontario Public Service Employees (pu)	105.1	57.3%	Y	Y	Y	Y	Y
British Columbia Gov't/Service Employees (pu)	48.8	55.0%	Y	Y	Y	Y	Y
(4) British Columbia Hospital Employees (pu)	38.5	85.0%	Y	Y	Y	Y	Y
C) THREE Initiatives:							
Postal Workers (pu)	51.0	22.1%	Y	N	Y	Y	N
Ontario Secondary Teachers' Assoc. (pu)	48.7	41.0%	Y	N	Y	Y	N
Federation of Quebec Nurses (pu)	45.0	92.0%	Y	N	Y	Y	N
British Columbia Teachers' Federation (pu)	41.4	67.0%	Y	N	Y	Y	N
D) TWO Initiatives:							
Quebec Social Affairs Federation (pu)	94.7	67.8%	Y	N	N	N	Y
Service Employees International (pr/int)	80.0	71.9%	Y	N	N	Y	N
Ontario Nurses Association (pu)	50.2	96.7%	Y	N	N	Y	N
Quebec Gov't Employees (pu)	45.5	55.0%	N	N	N	Y	Y
E) ONE Initiative:							
United Steel Workers (pr/int)	161.2	14.6%	N	N	N	Y	N
Quebec School Board Federation	75.0	67.1%	Y	N	N	N	N
Hotel Employees/Restaurant Workers (pr/int)	36.3	58.0%	N	Y	N	N	N
Operating Engineers (pr/int)	36.0	14.0%	N	N	N	Y	N
F) ZERO Initiatives:							
United Food and Commercial Workers (pr/int)	175.0	45.5%	N	N	N	N	N
Teamsters (pr/int)	95.0	13.2%	N	N	N	N	N
Brotherhood Electrical Workers (pr/int)	67.3	10.6%	N	N	N	N	N
Brotherhood of Carpenters & Joiners (pr/int)	56.0	2.8%	N	N	N	N	N
Machinists & Aerospace Workers (pr/int)	55.1	13.2%	N	N	N	N	N
Alberta Provincial Employees (pu)	52.2	64.0%	N	N	N	N	N
(5) Alberta Teachers' Assoc. (pu)	45.4	a	N	N	N	N	N
IWA Canada (pr)	40.0	7.6%	N	N	N	N	N
(6) Brotherhood of Rail/Transport Workers (pr)	33.0	30.0%	N	N	N	N	N
Plumbers and Pipe Fitters (pr/int)	38.0	b	N	N	N	N	N

Notes:

- (1) pu = public sector; pr = private sector; int = international (USA)-based union
- (2) sources: Bureau of Labour Information (1995); CALURA (1993); White (1993); personal interviews
- (3) Initiatives (y = yes; n = no)
 1. Sexual orientation specifically included in no discriminatory clause for union?
 2. Same-sex partner benefits available in at least one local collective agreement?
 3. Head office of union has benefit coverage for same-sex partners?
 4. Active, ongoing debate on issue of sexual orientation and same-sex benefit coverage?
 5. Presence of union sanctioned or recognized gay/lesbian subgroup or committee?
- (4) subsequently merged with CUPE
- (5) Debated and included sexual orientation in no discrimination policy after survey taken
- (6) subsequently merged with CAW
- (a) Union will not release this information
- (b) Union does not compile this information

TABLE 4
 Ranking of Canadian Unions by Initiatives on Sexual Orientation, By Sector and Type of Union

INITIATIVE:	TOTAL RESPONSE			SECTOR			TYPE					
	PUBLIC			PRIVATE			NATIONAL			INTERNATIONAL		
	Workers Covered '000	% of total (1)	% of sector (2)	Workers Covered '000	% of sector (2)	% of sector (2)	Workers Covered '000	% of type (3)	% of type (3)	Workers Covered '000	% of type (3)	% of type (3)
Sex orientation in no discrimination policy	1,575.0	62.7%	89.1%	1,176.0	399.0	33.5%	1,495.0	87.4%	10.0%	80.0	10.0%	10.0%
Same-sex benefits in one collective agreement	1,125.3	44.8%	58.4%	770.0	355.3	29.8%	1,089.0	63.6%	4.5%	36.3	4.5%	4.5%
Head office coverage for same-sex spouse	1,278.7	50.9%	72.7%	959.7	319.0	26.8%	1,275.1	74.5%	0%	0	0%	0%
Active debate on issue of sexual orientation	1,651.6	65.8%	80.0%	1,055.4	596.2	50.0%	1,370.8	80.1%	34.6%	277.2	34.6%	34.6%
Gay/lesbian caucus	1,229.2	48.9%	69.0%	910.2	319.0	26.8%	1,229.2	71.8%	0%	0	0%	0%
All above initiatives	1,089.0	43.4%	58.4%	770.0	319.0	26.8%	1,089.0	63.6%	0%	0	0%	0%
None of above initiatives	657.0	26.2%	7.4%	97.6	559.4	47.0%	170.6	10.0%	60.8%	486.4	60.8%	60.8%

Notes:

- (1) Percent of total participants in survey
- (2) Percent of participants in survey from public or private sector unions
- (3) Percent of participants in survey from national or international unions

Canadian-based unions have some form of initiative (87% of Canadian-based unions have a no discrimination policy that includes sexual orientation). Only a third of American-based unions reported even engaging in debate around the issue, suggesting that for most of this group, concern about discrimination on the basis of sexual orientation is not even on the agenda. (The Steel Workers has indicated a willingness to engage with this issue, but so far they have not acted.)

The Canadian Union of Public Employees (CUPE), the largest trade union in Canada, stands out in its approach to sexual orientation. It has established a reputation as one of the more progressive unions on social reform, especially on gender and race-related issues, adopting early initiatives on pay equity, affirmative action, child care benefits, violence at work, and racism. And, at the 1988 National Convention, a working committee on racism, discrimination and employment equity was established, known as the Rainbow Committee.

Apparently, sexual orientation concerns began to surface as a result of organizing and informal discussion within the union's Women's Committee, and not the Rainbow Committee (some of whose members were reported as unsupportive). The first formal step came at the 1989 women's conference when a small group of lesbians formed a caucus, which then pressured the union to take on gay- and lesbian-related issues. Helping tremendously was the presence of a very supportive senior official in the head office, who undertook to push the issue from within and who knew the political ropes of the union. As she says,

I could have assigned one of my staff to work with them, but I wanted to give the committee the profile of having a director as a resource. I saw it as my role to show them the political channels, and how to move those channels. They politicized very quickly, and brought political skills from having worked in the gay/lesbian community.

The group's first major undertaking was to prepare an information kit on sexual orientation, which appeared in February 1990 — the first of its kind in Canada. It covered such general topics as homophobia, discrimination in benefit coverage, contract language, insurance, legal decisions and current legislation, as well as providing specific information about the way in which locals might negotiate to end gay and lesbian discrimination. The information packet (updated in 1996) received wide distribution to locals across the country.

There was, however, some opposition to the union's increasingly public and positive engagement with sexual orientation, especially at the local level. One CUPE member described a large metropolitan local this way:

Very old line... local executive all male, goes to conventions, gets \$300 bucks a day, brings in some dancing girls, pays for prostitutes, has a hospitality room with \$5,000 bucks worth of booze for 4 days. That sort of thing. These are the sort that go into the bar at conventions and crack homophobic jokes.

Nevertheless, and in spite of fears on the part of some organizers, a resolution to create a gay and lesbian committee presented at the 1991 convention passed unanimously. This no doubt was facilitated by the significant lobbying and education efforts at the national and local levels. National directors had been coached by head office staff to understand and argue in favour of the issue, and even more importantly, a number of grass roots activists from the local level were willing to speak from their hearts about the sort of discrimination they had actually experienced within their workplace and union. One union member from Newfoundland, who had never been at a mike before in his life, talked of a local union meeting in which he was confronted with the comment that there was no place for queers in the union movement, that he was probably dripping with AIDS, and was probably going to kill his coworkers. One observer described the moment thus:

At the end, his [member from Newfoundland] voice trailed away and he said "I just want to belong, that's all", and he got really choked-up. The room went up. There were convention brochures flying in the air. There were people on chairs screaming, hollering. Jeff [the President] called the vote – all those in favour of the pink triangle committee? – and the whole room just went up again. And he said I am going to take that as a unanimous vote, I am not even going to call for dissent. And that was it, we had an official committee with a group of 11 people.

The Pink Triangle Committee became a formally recognized group within the union, eligible to receive funding and access to national office support staff. The group held its first meeting in early 1992 with a formal mandate to prepare a policy on homophobia in unions, prepare educational materials, and look into ways to undertake wider political action, and an informal mandate to monitor CUPE's commitment to gay and lesbian equality. Since then, the union has assumed a leadership role and undertaken a number of important initiatives. They aim to have sexual orientation covered in anti-discrimination clauses in all collective agreements by the year 2000 (by their own estimate, they are now at the 75 percent mark), and are committed to exerting pressure on the legislative system. On behalf of a national office employee, CUPE instigated a court challenge to the exclusively heterosexual definition of spouse in the National Income Tax Act. The challenge was unsuccessful, but CUPE has indicated that it intends to continue fighting in the courts. The union has also helped to finance community groups, and has undertaken educational programmes on a number of topics – including AIDS, homophobia, and bargaining strategies for negotiating

same-sex benefits. At the same time, CUPE successfully exerted pressure on Air Canada to alter their long-standing anti-gay/lesbian benefit policies.

The National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW), like the UAW before it, has been described as “aggressive and innovative, with a strong and well-articulated social unionism orientation” (Kumar and Meltz 1992: 48). Even though feminist researchers such as Sugiman (1994, 1993) are quick to point out that its record is not without flaws, it has clearly led the pack on many women’s issues. The UAW was among the first labour unions in the world to hold a women’s conference (as early as 1964), to establish a Women’s Bureau, and to push provincial governments to include sex in their human rights codes, long before such activities were commonplace. Now the CAW holds an annual women’s and human rights conference, and sponsors an extensive training programme for women and visible minority members. It stands out, too, as the private sector union most active in the area of equal rights for gays and lesbians. As a spokesperson put it, “we had the ground fertile with the human rights work that we’ve done; this is one more thing that you can’t leave out when you’re doing the fight.” Insiders trace this commitment back to the time of the UAW’s first President, Walter Reuther, who believed strongly in social justice and human rights. One person underscored how the imprint of such ideas on subsequent leadership was typified by Pat Clancy, a former President of the huge local 707, who she said easily fit the stereotype of the “white, male, trade unionist kind of bread-and-butter guy”, who moved up through the Ford system — “not exactly a hot bed of radicalism” — but took on equity issues in the early 80s, and was not shy about defending lesbians and gays when this was unfashionable.

As in other parts of the labour movement, though, taking on sexual orientation issues has been slow and relatively recent. Now, close to 75% of CAW collective agreements include sexual orientation in a general anti-discrimination statement; gays and lesbians are often specifically covered in anti-harassment policies; and an increasing number of local agreements provide for same-sex benefit coverage (for example, those at Chrysler, Northern Telecom, Falconbridge, Pinkerton’s and the Windsor Casino). Since 1994, the annual women’s conference has included a lesbian caucus, and a gay and lesbian support group has also been formed with a mailing list of over a hundred people. A staff lawyer has been assigned gay and lesbian issues as one of the main components of her job, and most educational programming incorporates gay and lesbian themes. The union actively lobbies provincial and federal governments to enact equality provisions, and makes significant donations to gay and lesbian community organizations. To take just one example, when the Ontario government introduced omnibus legislation in 1994 to end discrimination against same-sex couples, Buzz Hargrove,

President of the CAW, wrote a letter to all members of legislature urging them to enact the legislation, and helped organize a press conference to show labour's support.

Success stories aside, there have been internal disagreements between the rank and file and head office. Buzz Hargrove, the National President, estimates that he has received more mail from members on the CAW's stand on gay and lesbian issues than any other policy area – most critical of the union's position. John Kovacs, president of local 222, a large bargaining unit at General Motors, made the national news when he indicated that his membership supported a local member of Parliament's stand against the Ontario same-sex benefits bill, at precisely the same time that Hargrove was leading a news conference in support of the bill. At an April 1994 council meeting, a member from Kitchener felt free to stand up and say,

the human rights issue stops at same-sex benefits... my conscience is my guide and I feel in no way obligated to blindly follow the pursuit of this issue just because it has been adopted by this Council (CAW 1994).

Still, in an area where there are few exemplary models, the CAW is out in front.

The Public Service Alliance of Canada (PSAC), founded in 1966, grew quickly to become the fifth largest union in Canada, with over 167,800 members (nearly half women). It has a reputation as somewhat traditional, with an organizational structure that is complex and cumbersome by design, with each of its 18 component unions having their own elected officials, policies and priorities.

In spite of these difficulties, PSAC has established some noteworthy benchmarks around human rights issues. By 1973, it was one of the few unions to have negotiated maternity leave benefits; by 1976 it had an Equal Opportunities Committee at the national level, and stood out among unions by having a women as one of its top five officers; by 1985 it had held a women's issues conference; and by the early 1990s had position papers on aboriginal workers rights, human rights, technological change, equal opportunity, and AIDS/HIV.

PSAC's general record on gender and human rights issues might suggest it would have led the pack on sexual orientation discrimination, but this has not been the case. Even though PSAC did have an Equal Opportunities Committee as early as 1976, sexual orientation issues were not part of its mandate. In retrospect, one historian finds that the committee was misnamed and ill-conceived from the beginning.

Although responsible for equity issues in general, its focus has been primarily upon women's issues, and it has been primarily white, able-bodied and straight women who have sat on the committee, with sometimes a few white, able-bodied straight men (White 1993: 227).

The Equal Opportunities Committee did draft a human rights policy statement in 1988 that mentioned sexual orientation as a category in need of special attention, but no formal recommendations or strategy were outlined, and the issue stayed on the back burner for the group. There was a little burst of activity in 1985 when the federal government tabled its "Equality for All" report suggesting that sexual orientation be included in the Canadian Human Rights Act, involving some of the component unions writing to the Prime Minister in support of the amendment.

Two events in the early 1990s ultimately transformed PSAC's snail-like approach to gay and lesbian equality. First, a steward from Vancouver wrote an article for the union's *Alliance* magazine about a grievance for a member she was representing, claiming same-sex partner dental benefits. The editorial board, which included the president of the union, rejected the article on the grounds that it did not have broad enough interest for the membership. The second incident occurred when the union's national office undertook to investigate complaints about the fact that lesbian issues had been covered too "sympathetically" at a women's conference. Both events enraged the few gays and lesbians who had been active within the union, and provided the motivation for them to begin mobilizing on a much larger scale. Among other things, they organized a meeting attended by an openly gay member of Parliament, placed ads in the gay press across the country asking people, especially PSAC members, to make their displeasure known, met formally with the officials to protest the union's actions, and began a series of mailouts (using their own money). This had the effect of raising the visibility of gay and lesbian issues within the union. According to one activist "it was pivotal because it did a lot to mobilize people around the issue including those who were not lesbian (or gay), and we quickly became a very organized and effective lobbying group."

Ultimately, an article on heterosexism did get approved for publication in the *Alliance* (Kilby 1992), and the door began to squeak open for a more inclusive Human Rights Committee. The 1991 convention approved a more inclusive protocol for the Human Rights Committee, though activists had few illusions about the speed of change and the challenges.

With the exception of one man who went a little apey and, after the elections, started throwing around chairs and saying it was the fucking women and dykes who were taking over the union, there wasn't a lot of openly hostile stuff. But you knew it was there, you could see the eyes rolling.

After that convention they decided to add equity seats. So they decided they would come up with seven seats: two for racial minorities, two for aboriginals, two for people with disabilities, one for lesbians and gays. So that became our next cause. We were successful in that little organizing fight, but again we had to react, we had to organize around it nationally in order to have a change, but we had it changed and they added an extra seat for us.

At the 1994 convention, even more resolutions were debated and approved. The gay and lesbian group had prepared a position paper on sexual orientation, which included official sanction for a gay and lesbian caucus, and it passed without incident. Since then, progress has been mixed. The union has included lesbians and gays in its employment equity goals, has funded a number of grievances over same-sex benefits, offered a couple of workshops on homophobia, helped to set up a number of regional groups, lobbied for legislative changes. At the same time, PSAC has remained unsuccessful in negotiating collective agreements that include same-sex benefits with Treasury Board (which employees 90% of its membership), although it has been able to do so in Ontario and the Yukon.

After a somewhat checkered history, PSAC now appears committed to supporting efforts to combat sexual orientation discrimination. It should be noted, though, that even with PSAC's commitment, many PSAC members still feel it is unsafe to be open at work, typified by the fact that caucus has two mailing lists — the private one being three times the size of the public one.

Collective Bargaining in Ontario

Clearly, the record of federations and union headquarters on sexual orientation has been mixed and uneven. Some federations have been extremely positive, whereas for others the issue is not even on the agenda; some unions have been assertive on the issue, others have done nothing at all. A similar pattern of inconsistency emerges when considering the collective bargaining record of unions on this issue, even when only one basic initiative (inclusion in a no discrimination policy) is assessed.

Table 5 provides a summary of the anti-discrimination provisions of collective agreements covering 200 or more workers in force in Ontario at July 1995 — Ontario being an important case since it has been the site of a good deal of union activism on sexual orientation in Canada. Such provisions appeared in two different forms: a) a clause prohibiting discrimination in accordance with the Human Rights Code (which in Ontario does include sexual orientation); and b) a clause indicating the specific categories (race, religion, sex, etc.) in which there is to be no discrimination. Nearly all (87.3 percent) agreements contained a no discrimination provision, and nearly all provided coverage for race, religion, sex, nationality and age. Provision for sexual orientation, however, was the least frequent of all specified grounds (only in 41.5 percent of those agreements with non-discrimination clauses), pointing to the fact that most union locals have not yet enacted CLC or OFL policies at the bargaining table. Not surprising given the data already presented in this study, of those collective agreements that did have a no

TABLE 5
Anti-discrimination Provisions of Collective Agreements, Ontario, July 1995*

	COVERAGE			
	# Employees	% Employees	# Agreements	% Agreements
(A) Total Agreements	918,168	100%	3,468	100%
(B) Agreements with a discrimination provision	768,918	83.8%	3,026	87.3%
C) Agreements with provisions for specific discrimination coverage (as a subset of B above)				
i) Race/Ethnicity	712,676	92.7%	2,310	76.3%
ii) Religion	712,485	92.7%	2,322	76.7%
iii) Sex	702,964	91.4%	2,249	74.3%
iv) Nationality	670,687	87.2%	2,130	70.4%
v) Age	640,854	83.3%	1,984	65.6%
vi) Marital status	505,125	65.7%	1,953	64.5%
vii) Physical handicap	439,689	57.2%	1,025	33.9%
viii) Sexual orientation	424,479	55.2%	1,255	41.5%

* Source: Collective Bargaining Library, Ontario Ministry of Labour

discrimination policy inclusive of sexual orientation, 79 percent were in the public sector and 21 percent were in the private sector. Ninety percent of those agreements in the public sector with sexual orientation coverage are with CUPE, OPSEU, and the Ontario Nurses Association; most in the private sector are with the CAW and the Communication Workers.

The exclusion of sexual orientation in many of the collective agreements in Ontario has serious consequences since it means that gay and lesbian workers who experience discrimination cannot grieve at the local level nor expect financial and emotional support from the union should they decide to take action. Specifically including sexual orientation in an anti-discrimination clause is also important as a symbolic and educational gesture, as it means the issue has been articulated as a protected grounds, and that both employer and union agree that discrimination might occur on this basis.

CONCLUSIONS AND DISCUSSION

Gunderson and Ponak (1995b: 532) characterize organized labour in Canada since the turn of the century as adhering to "the relatively con-

servative philosophy of business unionism" emphasizing wages and working conditions. They go on to note that "broader social and political goals, although articulated and pursued, have been given lower priority in practice, particularly at the local level." This study suggests that labour's record on social goals, at least in the area of human rights, has in fact been less obviously neglectful. Labour's record on racial discrimination admittedly has been weak, but a number of unions have taken women's issues seriously, in many instances moving beyond rhetoric and position papers. And, as this study shows, labour's engagement with sexual orientation discrimination has been mixed, with some organizations actively committed to change and others doing nothing at all. Some noteworthy progress on gay and lesbian issues is found at the federation level, though not always with corresponding shifts among their affiliates; and a number of union headquarters have adopted progressive policies and initiatives, including commendable achievements at the bargaining table.

Important differences in response were found between labour federations, within and between various types of unions and sectors, and in different regions of the country. Although the CLC has assumed a leadership role in promoting equal rights for gays and lesbians, this has been less the case provincially. Public sector unions and Canadian-based unions are much more likely to have initiated policies and activities designed to confront sexual orientation discrimination than are private sector or American-based unions, even though there are important exceptions to these broad trends. These developments have created a situation whereby it is possible for homosexuals to have radically different union experiences, not only from heterosexuals, but from each other as well.

What accounts for these trends? This study suggest that the answer lies in such factors as regional dynamics, member demographics, level of activism, the presence of women's committees and leadership. That labour organizations based in regions such as Alberta and parts of the Maritimes have been unresponsive to this issue may not be surprising, given that these locations are known to be more conservative and tend to have less developed gay and lesbian rights movements. On the other hand, the unions and federations where the most attention has been paid to sexual orientation are based in Ottawa and in the larger, arguably more liberal, urban centres such as Toronto, Vancouver and Montreal.

The demographics of unions also appears to influence the level of activity on this issue. The average female membership in Canadian unions is 41% (Bureau of Labour Information 1995), and as Table 3 illustrates, those unions with a higher than average proportion of women tend to have taken more initiatives on sexual orientation. There are exceptions: the United Food and Commercial Workers, for example, have a higher than average

numbers of women but have taken few initiatives, whereas the CAW and the Communications Workers, with significantly fewer women than average, have been quite active. Nevertheless, those unions with a predominately male membership, such as the Teamsters and most of the craft-based unions, have clearly been the least active. Besides gender composition, other demographic factors may also play a role. CUPE, the most responsive union, for example, covers many workplaces and occupations that have traditionally attracted gays and lesbians (such as librarians, nurses, teachers and health-care workers) making the issue of more immediate relevance than might be the case in other settings. As well, some of the uneven response may be explained by the fact that public sector unions, where there has been the most change, tend to have more jobs associated with higher levels of education, and are located in government settings where equity issues have been on the agenda for a number of years.

The data also points to the critical role of activism. Without some form of activism inside the organization, progress on this issue is likely to be very slow. At the CLC and in the more progressive provincial federations and unions, progress on lesbian/gay rights has been directly related to the efforts of activists. Positioning sexual orientation on the agenda at CUPE, for instance, initially came about through the actions of grass roots activists at the local level prepared to stand up and articulate their personal stories of discrimination, and put a "face" on the "problem". A similar situation seems to have taken place at the CSN, where hotel and restaurant workers were the first to press for change within the federation. At the CAW, on the other hand, activism emerged at the central office, perhaps reflecting the union leadership's sense of itself as a social change advocate, even in the face of rank-and-file opposition.

Closely related to activism is the important role of women's committees. In the situations described here (with the exception of the CSN in Quebec), activists found their strongest allies within women's committees, rather than from a broader-based diversity group. This is perhaps not very surprising given the overlap in issues, and the common roots of discrimination in traditional constructs of gender.

Executive leadership has also had a role, not only in the degree to which labour organizations have become engaged with sexual orientation issues, but also in the pace of these changes. At labour organizations such as the CLC, OFL, CSN, CAW and CUPE, senior executives appear to have been largely supportive, although sometimes only after initial resistance or apathy, once issues and recommendations were brought forward by activists and women's committees, thus facilitating the smooth and relatively quick implementation of progressive policies and practices. At CUPE, getting the issue on the national agenda was greatly facilitated by the presence of a

head office champion and union directors prepared to support the cause. As shown in the PSAC case, change without this kind of support at the top has been slower. As well, the disappointing record of the American-based unions must partly be a reflection of the lack of leadership and momentum on equity issues at their American headquarters, and/or inertia on the part of the leadership at Canadian branches.

In conclusion, Canadian-based labour organizations, in the public sector, especially those with a strong activist presence, higher than average female membership, supportive leadership, and women's committees, are the most likely to have made significant progress on this issue, even though one factor may be more pivotal in a given setting. CUPE leads the pack as the prototype union: it is Canadian-based, has above average female membership (55%), a very strong and well established women's caucus assertively endorsing equity initiatives, and a high proportion of sympathetic senior executives, including the President.

The fact that Canadian unions have responded to this degree to sexual orientation discrimination probably reflects the particular political and legal context of the country. Here, there has been an active gay and lesbian rights movement for over twenty years, and demands for equity in the workplace are now among its best articulated and most emphatic demands for change. This has helped to foster a gay and lesbian community, especially in urban centres, where more and more people are prepared to be open at work and make demands on their unions and employers to provide equal treatment. Another explanatory factor is the fact that Canada has a legal climate supportive of gay and lesbian rights, and a growing number of court challenges have established that workplace discrimination is less and less permissible. In addition, Canada may have less organized opposition to gay and lesbian rights, especially from the religious right-wing, than seems to be the case elsewhere, most notably in the United States, and this factor may also help to explain the weak response of American-based unions.

Finally, one might ask whether the fact that the Canadian labour movement is beginning to address inequities to do with sexual orientation makes a difference? It surely must for the thousands of gay/lesbian union members who now have formal redress within their union when experiencing discrimination, and for the growing numbers that have equal access to benefit and pension schemes. Not only that, but when federations and unions as large as OFL, CSN, BCFL, CUPE, CAW and PSAC take this issue on, the potential for education and political action on gay/lesbian rights is dramatically expanded. As a result, many people, inside and outside of unions, are much more likely to be exposed to educational programmes debunking myths and stereotypes about homosexuality.

Issues related to sexual orientation discrimination have only recently appeared on the policy agenda of labour organizations, and there is a need to assess ongoing developments, particularly ongoing success at the bargaining table. This study has been concerned with the Canadian situation, and emphasized Ontario as a case study. The next logical extension is to undertake field work in other provinces, as well as international, comparative studies. This report does offer an introductory assessment, and provides a starting point for other researchers.

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RÉSUMÉ

L'orientation sexuelle et le mouvement syndical canadien

Alors qu'il y a de plus en plus de documentation sur les dossiers syndicaux relatifs aux femmes et aux minorités ethniques, il en existe peu sur l'engagement syndical eu égard à la discrimination fondée sur l'orientation sexuelle. En nous basant sur des données colligées auprès de fédérations syndicales, auprès de sièges sociaux d'unions et de conventions collectives et en utilisant des méthodologies quantitatives et qualitatives, nous évaluons la réponse des syndicats aux questions soulevées par l'orientation sexuelle.

Le Congrès du travail du Canada, les fédérations provinciales de Nouvelle-Écosse, de l'Ontario, du Manitoba et de la Colombie-Britannique ainsi que la Confédération des syndicats nationaux au Québec sont parmi les plus actifs eu égard au sujet sous étude. Pour plusieurs fédérations provinciales, telle celle de l'Alberta, cette question n'est simplement pas à l'ordre du jour.

L'image est très inégale parmi les plus grands syndicats canadiens (plus de 30 000 membres). Nous avons demandé à ces syndicats s'ils avaient une politique globale de non-discrimination, si les avantages sociaux étaient identiques en contenu et en couverture pour les conjoints de même sexe à leur siège social ou dans au moins une convention collective, s'il y avait un débat actif sur le sujet et s'il y avait un comité officiel gai/lesbienne. Sept syndicats avaient entrepris les cinq actions. Onze d'entre eux en comptaient entre une et trois et dix n'avaient rien fait à ces sujets. Seulement les deux tiers étaient allés aussi loin que d'inclure l'orientation sexuelle comme source de non-discrimination dans leurs constitutions. La même proportion indiquait qu'il ne s'agissait que d'un sujet de discussion. La moitié des syndicats avaient mis sur pied un comité formel gai/lesbienne, seulement la moitié prévoyaient la même couverture d'avantages sociaux pour leurs employés gais/lesbiennes et moins de la moitié avaient négocié de telles conditions dans au moins une convention collective sous leur juridiction. Les syndicats les plus progressifs en cette matière sont de grands syndicats (cinq des sept plus grands syndicats canadiens avaient entrepris les cinq actions et ces syndicats comptaient près de 50 % de membres féminins).

Les résultats démontrent que les syndicats du secteur public ont adopté une forme ou une autre, même incomplète, de protection contre la discrimination alors que seulement quelques syndicats du secteur privé ont entrepris de faire quelque chose. Il s'agit ici principalement des travailleurs de l'automobile et des communications.

Parmi les syndicats du secteur public, deux exceptions notoires à ces tendances se retrouvent en Alberta (les fonctionnaires et les enseignants).

Les différences entre syndicats à sièges sociaux canadiens et américains sont les plus frappantes. Tous ces syndicats qui ont entrepris les cinq actions ici mentionnées étaient canadiens et 87 % des syndicats canadiens ont une politique de non-discrimination qui inclut l'orientation sexuelle. Seulement le tiers des syndicats américains étudiés ont répondu avoir discuté ce sujet, suggérant par le fait même que cette question n'est même pas à l'ordre du jour pour la majorité d'entre eux.

En utilisant l'Ontario comme étude de cas, 87,3 % de leurs conventions collectives contiennent des dispositions antidiscrimination et presque toutes s'appliquent à la race, la religion, le sexe, la nationalité et l'âge. Les dispositions visant l'orientation sexuelle sont cependant les moins nombreuses (i.e. dans seulement 41,5 % de ces conventions incluant une disposition antidiscrimination). Cela suggère alors que la plupart des sections locales n'ont pas traduit les politiques du CTC ou de leurs unions à la table de négociation. De ces conventions collectives prévoyant une politique de non-discrimination incluant l'orientation sexuelle, 79 % se retrouvent dans le secteur public et 21 % dans le secteur privé.

Les résultats statistiques et les études de cas détaillées des trois syndicats les plus progressifs (SCFP, Alliance de la fonction publique du Canada et les Travailleurs canadiens de l'automobile) suggèrent que les différences ici observées entre les groupes au sujet de l'orientation sexuelle peuvent dépendre de facteurs tels la dynamique régionale, l'aspect démographique des membres, le niveau d'activisme, la présence de comités féminins et le leadership institutionnel.

En somme, la situation est telle qu'il se peut que les homosexuels connaissent des expériences syndicales radicalement différentes non seulement de celles des hétérosexuels mais également de celle d'autres homosexuels. Néanmoins, des milliers de gais et de lesbiennes syndiqués jouissent de recours formels à l'encontre de la discrimination au sein de leur syndicat, et ils ont de plus en plus un accès égal aux avantages sociaux.

De plus, vu l'importance des syndicats ici impliqués, les retombées en termes d'éducation et d'action politique se sont multipliées. Les mythes et stéréotypes au sujet de l'homosexualité sont fortement attaqués. Reste alors à compléter d'autres études empiriques dans d'autres provinces et à effectuer des études comparatives sur le plan international.