



Discrimination

at Workplace and

Fight Against Discrimination

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Compiled by:

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and Fight Against Discrimination

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Kaos GL

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From questioning LGBTs' place on May Day to struggle against heterosexism...

Yıldız Tar¹

When we decided to put together a book about discrimination against lesbian, gay, bisexual and trans people at work place, we wanted to go beyond simply making violations, discrimination and mobbing visible and start debating on how we could fight against them. With this purpose, we have gathered a wealthy collection of writings from academia working in the field as well as LGBT activists. In the end, we came up with a book that is composed of writings that are linked to each other but still look at the issue from different focus points.

The book you are holding presents a wide range of examples of difficulties in labour field, discrimination and violations and the joint struggle of workers' movement and LGBT movement in Turkey and in the world. And we decided to complement it with an introduction that summarizes the history based on Kaos GL Magazine and kaosgl.org news portal. Knowing that the delivery of the long history will require countless books, we picked significant examples of the intersectionality between the LGBT movement and its labour struggle in order to give you a general picture.

Problems at work place is perhaps the most devastating and yet the least debated issue within the LGBT movement. A question asked by Kaos GL Magazine back in 1994 is still waiting to be answered²:

1 KaosGL.org editor, journalist, writer.

2 Kaos GL Magazine, Issue 1, 1994.

“We live in a society that is not only sexist but also heterosexist. Capitalizing on the slavery of women and reaching today’s capitalist and exploitative system after transformation over a long period of time, the society we live in today is not only run by men but is also based on heterosexist male hegemony. Even though we run into ‘becoming gay’ syndroms and ‘lesbianism trends’, all that is done perpetuates to the continuation of heterosexist politics and societal dictatorship. Women are oppressed and exploited for the sole reason of being women; gays are similarly oppressed by the heterosexist mentality and the patriarchal society which is the institutionalized form of this mentality.”

“To wipe out... You can wipe out all the native Americans, Jews and Kurds. You can collect all the gays after labeling them with pink triangles like Hitler did. Hospitalization, jails, mass executions, unsolved gay and trans murders... They have all been tried in the history. They have killed gays as individuals but could not kill homosexuality. As long as humans remain humans, people will continue to love people of the same gender.”

“It doesn’t matter whether there is a penis or a vagina between the legs of a trans. Once its mind is caged, it no longer poses threat to the heterosexist patriarchal dictatorship. It never did. Similarly, a gay who chooses a person of his gender as his “sexual object” but forgets his gayness outside of his bed does not pose a threat to heterosexist dictatorship either.”

“We are gay not only in our bedrooms but everywhere and at all times. We reject existing latently. Quantitatively, we might be a minority against heterosexuals; however, we refuse to be a minority on qualitative terms. We do not have a problem with heterosexuals but heterosexuals who violate our right to live are our enemies. We refuse to be less or more. We know that the powerful refuses to give up on its hegemony. In the society we live in today, the hegemon is the bourgeoisie who rules in the name of democracy and who would give up on anything but its power. Maybe one day ‘democracy’ branches out and grows (!) so much that gays too can become free! But we believe liberation is a collective and holistic form

of existence, and therefore we strive to end heterosexist dictatorship on political and societal level as a whole. This is why we rise...”

Back in 1994, when the word “gay” was a swear word, “striving to end heterosexist dictatorship on political and societal level as a whole” in the first gay manifestation published in a magazine might sound too ambitious. Plus, here it is important to underline that parts of the gay community, the opposition, left-wing groups and unions of the time did not exactly welcome Kaos GL, a magazine that chose a language against the system and defined liberation as a holistic form of existence. Kaos GL did not look at violence and discrimination only from a “visibility” perspective: It looked at homophobia and transphobia – two visible forms of heterosexist ideology- with a systemic critique, looked beyond the tip of the iceberg, digged deeper to find out more about what was behind the iceberg, and established networks for the self-liberation of gays, all of which distinguished Kaos GL’s way of identifying discrimination at work from other movements.

One of the co-founders of the magazine, Ali Erol, offers the following insights on the emergence of Kaos GL Magazine in an interview by Erden Kosova in September-October 2005 issue of *Siyahî*:

“We, as people who emerged in the 90s, learned from feminism that gender, womanhood and manhood are not eternal and everlasting categories; they are socially and culturally constructed and that they can change and transform. However, despite its radical position on gender, feminist groups of the time failed to be equally radical when it came to heterosexuality. This is why, from our point of view, the feminism in Turkey in its initial form do not deserve much affirmation. They failed to put distance between themselves and “forced heterosexuality”, one of the founding factors of patriarchal ideology. By doing so, they also fell behind many Western approaches on a theoretical level. While defining women’s liberation movement as a dynamic that will overcome capitalist system and offer a new societal perspective, they limited the

definition of the gay liberation movement to “freedom movement”. For some reason, the gay movement was perceived as something that did not have the capacity to shake the whole system. According to the feminists of the time, gays could gain access to freedom within the existing capitalist system. Of course, when you hear this from people with whom you sit side by side, you say “Have a heart!”. How do these feminist differ from the Soviets and the Chinese models that called gays the “leftovers” of capitalist system and bourgeoisie? It is true that, in the case of the West, a part of the gay movement is integrated into the system in parallel to the liberal politics; however, the thought of winning against forced heterosexuality –perhaps the last thing that humanity will face and overcome- never came so close to reality until gays and lesbians emerged. This didn’t happen with feminist steps. This situation was something that limited Turkey’s women’s liberation as well.”

Here, Erol is highlighting that, until gays showed up, women's movement –the most natural and likely ally of the gay movement– failed to include forced heterosexuality in their criticizim towards sexism. From here onwards, he is outlining Kaos GL's political path and opens “forced heterosexuality” to discussion:

In the same interview, here is how Erol answers the question on whether or not there were any clashes between the women's movement and the gay community in its initial years:

“No, there were no direct clashes. But here we can see Kaos GL's unique side. We started our struggle, reminding ourselves that we were not going to make the same mistakes as our sisters and bothers in the West did. Criticism towards sexism was something almost everyone agreed on. But there was something else we wanted to underline: The society we live in is not only sexist but also heterosexist, and the construction of womanhood and manhood benefit from heterosexism. When we pointed at this, the women's movement, feminism and people who belonged to other political structures had to question their views and accept that something was missing in their version of liberation.”

Erol's emphasis on “we were not going to make the same mistakes as our sisters and brothers in the West did” is crucial here. This statement has been a key part of Kaos GL's steps in the following years: In the 90s, Kaos GL turned its face to discrimination at work place and, in 2001, joined the May Day with its own banner, marking its first public presence for the first time. While pushing the limits of unions and identity politics, this has become a key roadmap: A unique rise without making the mistakes done in the past!

When Kaos GL's practices today and the publications of its early years are studied carefully, it would not be wrong to say that this was a movement that always left a foot in the labour movement, criticized capitalism, posed radical stance and stood strong on its feet.

In order to avoid the notion that the magazine was nothing more than a publication, there is a call for organizing in an article written by Ediz Öztürk in the 2nd issue of 1994. Under the motto “Liberation of homosexuals will also free heterosexuals” and with its invitation to people of all sexual orientations and gender identities to join the fight against heterosexism, the magazine offers an article dedicated to the gay community with an example on workers' union struggle³:

“Let's look at our surrounding, to the society we live in:

“Workers join unions to be able to defend their rights, so do public officers. Small shop owners open their associations to be able to make more profit, businessmen unite under their own organizations. When we look at the recent history, women too started to organize against gender-based exploitation and sexual assault. But what about us? WHY SHOULDN'T WE ESTABLISH OUR OWN ORGANIZATION TO DEFEND OUR IDENTITY AND TO SAY “WE TOO EXIST”? Don't get me wrong, I am not suggesting that people should out themselves. I am just saying it is time to collectively think to find ways to stop

³ Kaos GL Magazine, September-October 1994, Issue 2, “Turkey's Gays, Let's Unite!”, Ediz Öztürk

OPPRESSION, INJUSTICE, ISOLATION AND VIOLATION.

“Gays raised their voice for the first time around the beginning of the 70s in the USA. They offered alternatives to the traditional gay lives and urged unity against “alienation”, solidarity against isolation, love against rivalry, and fight against sexism and ageism over becoming a slave of commerce and trends. From that day to today, there has been a number of organizations founded for the purpose of defending the rights of gays and are still active to this date.”

In the later paragraphs of the same article, the writer mentions the “Gay and Lesbian Rights Commission” founded as part of the Human Rights Association in Ankara. Even though the commission was closed by the election of a new Board, it was a meeting point and a safe place for the gays at the time. However, their work remained unsystematic until independent organizations were founded: Kaos GL in Ankara and Lambdaistanbul in Istanbul.

In the following issues of the magazine, there is much emphasis on the position of Kaos GL: It is not “political politics”, in the sense it is not politically linked to the parliament or the power; however it is quite a political publication. AIDS, psychology, science, ruling parties and homophobia are spreaded across the magazine pages. At the same time, it publishes letters and post cards from gays and trans people in order to bring value to their undervalued lives, experiences, feelings and desires. They are reconstructing, by inexperienced steps, their language which has been defined, pointed at and stigmatized by the hegemon. The foundation of what will become the LGBT movement or anti-homophobia & anti-transphobia movement was started at meetings in Istanbul and Ankara. Kaos GL, slowly, was setting a style which it would preserve until this date: Critics and personal testimonies combined in a very political and public and yet still personal publication!

After its first publication in September 1994, its 9th issue reaches its readers in less than a year in May 1995. Something unexpected from gays happens and here is what shows on the cover of the issue⁴:

“TO BE GAY AND A WORKER...

A gay can be a painter, poet, fashion designer. But if a gay person becomes a worker, he must pretend to be heterosexual, or becomes a “faggot” if he gives away. In short, it is not possible to be “gay” and a “worker” at the same time. But since everyone needs to work, and we cannot all be painters, poets and fashion designers... Then what?”

There is one other article, announced in the 2nd issue but not published until the 5th issue, on workers: “To be gay and a worker” by Gaye Efendisiz. The general picture of work place is summarized as the following⁵:

“Since work is not only about ‘labour + road’ but rather a filthy and mandatory act, I would not want you to think I am about to make the stupid mistake of defending both the gay and the worker. I only want to draw your attention to what is deliberately unseen by heterosexual eyes. If we continue to hide like we have so far and refuse to see the reality which heterosexual eyes do not see, then the society will think gays are nothing more than a handful of “artists” and a couple of “faggots”. Why not keep heterosexuals wide awake at night? Why not increase their paranoia? Let’s make sure they understand what it means to assume the owner of the little shop they go to, people they work with, teachers of their children, workers who clean their streets, the drivers of the buses they take can too be a “faggot”. And they should not be surprised, looking stupidly.

...

4 Kaos GL Magazine, May-June 1995, Issue 9.

5 Kaos GL Magazine, May-June 1995, Issue 9, “To be gay and a worker...”, Gaye Efendisiz.

“Heterosexuals cannot accept. Because they see themselves as the society. And they do not wish to see us next to them. They cannot stand seeing a gay who is not a “faggot” or a “perve” next to them. They either swear, or let out a laugh.

“Public officers are not any different. Unions that are filled with thousands are composed of only “men” and “women”. There is no need, from their perspective, to additionally define themselves as “heterosexual”. Because they are of course heterosexual! Apparently the state does not want gay workers. This does not seem to appear as a problem for the unions. When, in fact, they should be reacting to this even if they don’t have a single gay member. But it doesn’t happen, and gay workers pay for it in the end. A gay who “gives away” is either suspended or put on standoff. He is on his own. That is only if our heroic society has not tried to lynch him yet of course. I looked at the by-law of one of the major unions, I could not find a single sentence. (Of course I am not stupid; I already knew there was nothing to find.)

“According to unionists and other sirs, workers at industrial sites and factories too are heterosexual!

“There is one painful reality in all this: Due to pressure from heterosexual society, gays too start to think they are perverts and reject their gay identity.”

In the same magazine issue, personal testimonies of two gays –a salesperson and a cleaner- are shared in an article under the name “Workplace and gays”.

The magazine continues to be published despite “reactions from outside the community as well as within”. When the issues published in the 90s are studied carefully, one would realize the major themes are on education, social politics, workplace, youth and mental health, all of which are major work fields of Kaos GL today. Every single topic that was touched by the pages of the magazine ultimately turned into major fields of struggle and hard work today. In other words, the power of words in the pages was multiplied by this insisting and decisive

publication style. This article you are now reading does not dare to go into the linkage between publication and the movement, a rich field that could be studied in a whole new research. However, with two samples, let's look briefly at the cross-roads of union movement and anti-homophobia / transphobia movement.

The first example is from 1996. In the 28th issue of the magazine, here is how an article with the name “REFLECTIONS ON DECEMBER 14 BY A GROUP OF GAY WORKERS” starts⁶:

“The day you reach the level where you do not ignore this article after seeing the word “gay” in its title regardless of whether you agree with the content or not, you can say you are no longer playing the unionism game, but that you actually understood the unionism reality.”

Throughout the paper, there are opinions on the December 14 Marching. There are criticism towards the organizing unions who ignored the existence of gay workers as well as towards the general axis of the marching. This article offers more than a “See us too” criticism:

“We hope, when the December 14 Marching is over, the current form of demonstrations won’t repeat themselves and that someone will put a stop to the decline after 6 years of struggle. To take necessary steps, we as lesbians, gays, bisexuals will be on your side, standing next to you. And you unionists (you heterosexual unionists): You will accept that there are gays in your/our unions while leaving your homophobia aside and that our thoughts with regard to demonstrations are way more radical than yours.”

It is important to listen to the demands of gay workers in 1996 at a time their position changed to a more demanding one in an ever-transforming LGBTI movement. The language reaches beyond a “Give us this and that” type of tone and rather settles on a more collective struggle perspective:

⁶ Kaos GL Magazine, November-December 1996, Issue 28.

Of course every act and every article conducted by the gay workers of the time generate further questions: How would the people who wrote these articles, joined those demonstrations and fought in the struggle feel today when they saw the work of Kaos GL's Union Affairs Section and Education Affairs Section? How would they react if they saw the work of Egitim-Sen LGBTI Commission, the collective solidarity with the unions and Black Pink Triangle İzmir's Baki Koşar award to Egitim-Sen LGBTI Commission?

The second example, on the other hand, is from 2000. During those years, Kaos GL's pages turned colored and started to get in trouble under the "Obscene Publications Act". While attracting a lot more readers and attention, the publications were found "harmful to the underage" and "obscene" at the same time.

Just like other issues, personal testimonies continue to be the milestones of the issues. One of them is from 2000, issue 65. The spring feeling of March-April issue can be felt in its pages as well. And Ahmet tells the readers about "private sector, his dreams, his gayness and unemployed status"⁷:

"Once my chief told me when we was leaving the office; "You have an artist's soul, make use of it. You don't have a businessman in you, you don't fit the field. Your heart is clear and it should stay so." Is he appeasing his conscience or what?! Especially this part hurt me a lot; "In your world, the system must be changed from bottom to top. Your world is very different and ideal; but no employer would want this. You are a threat to them." Perhaps he is right, Turkey is threatened by people like us. But he is doing a good job with pretending to be a "caring chief" while appearing to "criticize" his employer. He is seriously right! Our thoughts are full of rights, beauties, order and details. When was the last time somebody appreciated the gay community which has an

⁷ Kaos GL Magazine, March-April 2000, Issue: 65, "Private sector, my dreams, my gayness and unemployment", Ahmet.

artistic soul and a wealthy heart! I believe people can change; and I really believe in this. Regardless of how often I find myself fired! It is easy for them to get rid of me in case I ruin their order, get them in trouble or bring out my “superior” personality. I don't need their high salaries, football or bedroom talks, fake careers and drunken talks in so-called intellectual bars. We gays get stigmatized for talking about love, respect and peace, and get kicked out when they decide we are no longer “useful for their cause”. Actually they are SCARED of us! This is why I find it difficult to work in private sector. I am not afraid of them; but I do feel tired. Imagine you are in a lame game where you have to pretend to be heterosexual, with an iron costume on you, trying to please your inappropriate audience (your boss). This is how much fun (!) I get out of working in private sector! How wonderful would it be if all guys were gay, my chief or the employer was gay, or all the girls were lesbian!... I am sure we each would have our own passion and mad desires. I am guessing, because there won't be any hetero feelings, it will be a healthier place to work; or maybe this is what I'm hoping. I prefer 50% gay-driven plots at work over 100% hetero company! At least it would be my own race, wouldn't it!!! This is how I could comfort myself.”

Ahmet's personal testimonies is only one of the stories about workplace in Kaos GL magazine and on kaosgl.org. Hiding at workplace, facing mobbing and discrimination despite hiding, violations faced after coming-out, psychological and physical violence, the final phase of unemployment and feelings around “I feel so tired” happen also today. But beautiful things happen too... After Ahmet said “I feel so tired” in 2000, they went on the streets on International Workers' Day on May 1st with their rainbow flags and “Kaos GL, the Voice of Gays” banner. It is not a coincidence that the first public appearance of gays was on May Day, considering its long interest on the issue. But this was followed by the question “What are gays doing here on May Day?” from the gay community as well as the unionists who did not question heterosexism even for a second. With Kaos GL on the streets, the union movement as well as the gay movement had questions to answer.

In summer 2001, the magazine went out with a colorful photo on its cover: A group of people running with their pink banner and rainbow flags on May Day streets. Here is how the importance of that day was delivered⁸:

"After BaharAnkara meeting, we went on the streets on May Day with our "Kaos GL, the Voice of Gays" banner. While we were still at the May Day celebrations, we received phone calls from people who saw us live on TV channels. They were shocked, happy and excited, and this of course multiplied our joy. We were the main actors of that May Day, and showed everyone what it meant to 'Come Out'".

In the same issue, Murat Yalçinkaya offers an answer to why gays joined the May Day celebrations, in his "May 1st, Wallnut Shell and Tarkan" article. He says there was one particular question they kept getting: "What were gays doing on May 1st? Why did you choose May Day?". Here is how he continues:

"I believe if we went public not on May Day but on another day, we would get a similar question. Because the general notion about gays is that they are not political in any sense. Because as we all know, the pervert relationship form homosexuality did not spread its disease before the West brought it here and all families in the West became degenerated! This situation takes a more solid form when a man moans under another man and gives up on his honor by offering his ass to someone. In the meantime, gay women do not even exist; in this land, women are valued as much as the word "woman"... Gayness as a misdemeanour is continued in bed and this is a problem. But what is worse is men on the streets or on TV who do not fit their stereotypes. These "creatures" who cannot fullfil minimum standards of becoming humans of course will not have justice demands either! Just like the national liberation war against transsexuals, the national unity and prosperity is possible only through the means of getting-rid-of-faggots-operations, beating them with hoses,

8 Kaos GL Magazine, Summer 2001, Issue 70.

attacking them with knives, murdering them and insulting them. In return, what the gays need to do is not to defend themselves but rather give up on their pervert ideas, watch Reha Muhtar while wearing striped pajamas, and say “Oh look at these anarchists!” while watching TV.

“Under these circumstances, of course gays have no place to show up at May Day celebrations, because May Day is a symbolic day for the opposition to make itself heard and for the hegemon to use its terror to shed blood all across the country. This is why gays have no place because they are not serious but feminine, faggot, pervert and sick. This plot is valid both for the groups who go on the streets on May Day and for the state that sees May Day as a terrorist act. This is why it is not a surprise that Sabah Newspaper chose the following title to report on the demonstrations: “The day passed softer than expected”. If gays are involved, the event is “softer” of course as they bring fun and lightness to the Day. This way, the Reha-Muhtar-watching society will be comforted. In short, the problem here is not why gays chose May Day demonstrations; the problem is why they chose to demonstrate in the first place. For this reason, Kaos GL proved, if did nothing else, that gays can have demands too apart from being “soft”. They proved it but maybe not everybody got it. After all, we are the children of a nation that is simply not understood...”

Yalçinkaya then summarizes the kinds of reactions they received after Kaos GL went on the streets:

“The leader of DISK (Confederation of Revolutionary Trade Unions of Turkey), a union that carries the word “revolutionary” in its name and once was the leader of radical protests and a key figure in Turkey’s political history, has been complaining that the media gave too much coverage to gays. Let’s assume this is all he said. What he is actually complaining about is that the messages of the unions were overshadowed by the presence of gays. As a result, when gays were so much under the spotlight, the seriousness of May Day was jeopardized. Let’s take his arguments further: He is basically saying, “Was it really the time for

this?!”. On the other hand, the General Secretary of KESK (Confederation of Public Worker’s Unions) said, “May Day is the day of victims. Gays are also victims in this society and there is nothing more normal than seeing them march with the rest of people. And in the meantime, the Socialist Party was spreading hate towards gays by saying, “They ruined all our seriousness and radicalism.”

In the following year, in 2002, Lambdaistanbul too went on the streets in Istanbul. This is how the missing piece completes the whole picture... The gay movement went on the streets, carried their rainbow flags and spoke in public against discrimination and exploitation in 2 cities where the movement has been blooming: Ankara and Istanbul. An article in the 73rd issue of the magazine by Öner might help us understand what it was like to march in Istanbul on May Day⁹:

“This was also the first time I ever marched in my life on May 1st. I will write more from a personal point of view. I never really put much thought into May Day. The only memory I have of the day is this: A friend of mine once was on a bus on his way to school on a May Day. During apolitic university years (it was after September 12 coup, plus there was bourgeoisie!)... There was a police search and ID check on the bus; they took everyone with the name Devrim and Turan. My friend not only missed his two exams on that day but also spent a night in jail only because of the name his parents gave him. I guess, in short, May Day was like a “bugaboo”. A bit marginal!”

“Today I saw that May Day was not a bugaboo. To be honest, I liked all the chants we shouted but I especially liked how we existed with our gay identity for the first time in Istanbul, how we waved our rainbow flags, how we carried our banners with our heterosexual friends.”

Collective liberation seeds planted in the 2000s by Kaos GL turned into something bigger: The LGBT movement demanded that sexual

⁹ Kaos GL Magazine, July-August 2012, Issue 73

orientation should be put in the Constitution. In DISK and KESK's constitutional draft¹⁰, everyone had a little surprise: KESK and DISK included the term sexual orientation in their version of the constitution!

There is no need to go into the details of constitutional demands of the LGBT movement as they are already well-covered on kaosgl.org and other similar news portals thanks to the growing technology in the 2000s. What is more important here is that the constitutional demands, a major field of struggle also today, were embraced by the unions already in 2009. How did the "lonely and worthless" gay movement of the 90s transformed into a "comrade" who is key to collective liberation with the networks it built over the years? Ali Özbaş, one of Kaos GL's key founding figures, tells us. Back in 2002 at Lambdaistanbul and BaharAnkara meetings, Özbaş suggests the union struggle as a new path they must follow in order to succeed against heterosexism. He explains the process as clear and simple as possible. This simple and clear language, with time, forces the LGBTI movement as well as the unionist movement to transform together and reach liberation together. This is what Özbaş had to say¹¹:

"Unions are key in the way politics are conducted almost in every country, including of course Turkey's own political history. Because they unite workers, whether that is workers or public officers, and they address a mass part of society. To what extent have they managed to reach out to their own members? Of course this is debatable. I am not saying, if someone knocks on their doors, they will welcome the person and say "Ooo, welcome, let us fight for you too." This won't happen. But I believe the relationships that are starting up at unions will have fruitful results in future. We should also not forget that unions are not always on the side of the opposition. In fact, sometimes they even connect with whoever is in power at that time. These two are not the same things."

10 <http://kaosgl.org/sayfa.php?id=2979>

11 <http://www.kaosgl.org/sayfa.php?id=616>

All that being said, in 2014, Turkey's witnesses a massive massacre of workers. Hundreds of miners lost their lives in Soma. The country was filled with anger and mourning. And just like every year, Kaos GL was getting ready for its annual May 17 International Day Against Homophobia and Transphobia marching. Every event and every detail of the 9th annual marching were dedicated to the those who lost their lives in Soma¹². The marching was not only against homophobia, transphobia and hate murders but also against murders in workplaces. Thousands of people joined the demonstrations which were dedicated to Soma. The chants "Murderers will be held accountable" and "From Roboski to Soma; the state will be held accountable" joined the rest: "We will demolish the homophobic state" and "We are trans, we are here, get used to it, we are not going anywhere". And finally, "There is no liberation on one's own; either together or no one!"

This introduction aimed to give a general picture of the two cross-cutting and mutually inclusive movements. The history of all these movements might seem like a fictional story from outside. We hope this brief history will inspire the advancement of the movement against all forms of disriminations. This is also the moment to salute every gay, trans and worker who lost their lives in hate crimes and in workplace.

Enjoy the book...

12 <http://www.kaosgl.org/sayfa.php?id=16635>

Impact of Heterosexist Discrimination on Gay, Bisexual and Trans Lives

Umut Güner

Introduction to terminologies

There are three sexual orientations that are identified so far: Homosexuality, bisexuality and heterosexuality. Homosexuality is romantic and sexual attraction toward a person of same sex; bisexuality is attraction toward both males and females; heterosexuality is attraction between persons of opposite sex.

Transsexuality, on the other hand, is not a sexual orientation but a gender identity. It is possible to define trans identity as the wish to change the biological sex and the steps taken for this change. In Turkey, there are many misconceptions and misunderstandings about homosexuality, travestism and transsexuality. Some people believe homosexuality is undergraduate school, travestism is masters degree and transsexuality is the doctorate. These three terms are independent from each other. Travestism is the act of wearing clothes that are associated with the opposite sex. However, in Turkey, this term is used for people who have not “completed” their gender reassignment. For male homosexuals, the term “gay” is preferred, while “lesbian” is used for gay women. On general terms, we try not to use the term “homosexuality” as it has more of a medical background.

We believe sexism, which legitimizes itself by means of male hegemony, is also heterosexist. This is why we use the term “heteronormativity” to describe the world we live in where all social structures and institutions assume everyone to be heterosexual.

Trans gender reassignment process is used to describe the medical and psychological dimension. A person does not become a trans only if she/he has completed the gender reassignment process. She/he enters this process for already being a trans. Gender reassignment process has three stages: Hormonal, psychological and physiological transition.

The term “LGBT” to cover all lesbians, gays, bisexuals and trans people can be used to address discrimination. Because LGBTs face discrimination in all segments of life! I normally do not prefer to use the abbreviation “LGBT”. The term contradicts with the liberation and collective struggle claims of the movement. When we say “the liberation of homosexuals will also free heterosexuals” in our Magazine motto, we want to underline that heterosexism victimizes heterosexuals too. Therefore, a collective struggle against heterosexism can be done regardless of the sexual orientations and gender identities of the members of the movement. “LGBT” refers only to the names of identities, failing to look at the broader picture.

Historical background

The answer to the following two questions tell a lot about the journey of homophobia: “When did homosexuality turn into a social problem” and “In what ways is it a problem?”. Defining homosexuality outside norms emerged with the rise of religious institutions in society. This was when homosexuality was defined as a sin that needed to be punished like other sins. At this point, the judiciary system was the Church. Homosexuals were sent to Church prisons. In the following phase, the concept of “law” emerged which continued to define social order based on norms. However, this meant a shift from “sin” to “crime”. And gays were taken from church prisons and put in state prisons. In the following stage, around 1850s, homosexuality was classified as an “illness”. Considering the conditions of the time, the classification of homosexuality as an illness could be considered

“revolutionary” because this was the first time homosexuality was not seen as a “voluntary” act like sins and crimes. It basically meant homosexuals should be accepted as sick people instead of getting punished for being sinful or criminal. But of course, like every illness, homosexuality also needed to be “cured”. Going from Church prisons to state prisons, homosexuals ended up in psychiatry clinics in the final stage.

What followed next was gay organizations prior to the 1st World War. With the 1968 generation, the gay/bisexual/trans liberation movement became even more visible. In 1972, American Psychiatry Association and in 1994, World Health Organization removed homosexuality from the list of “mental illnesses”. In the meantime, gays in the 1968 started to use the word “gay” to describe “happiness”, just like our slogan in Turkey: “Neither a crime, nor an illness, long live gay love!” Gays of the time said, “I don’t care if you think I am sinful, a criminal or a sick person. I am happy the way I am. So stay away from me!” With the HIV/AIDS breakout in the 80s, it was clear that gays were not that “happy”. Because around the beginning of the 80s, gays in Northern America and Western Europe believed equality would come if gays could be on equal terms with heterosexuals. However, with the HIV/AIDS breakout, it became clear that the notion of equality was merely an illusion. And those who criticized the state, psychiatry, medicine, society and religion by saying “I am gay, and I am happy” became the target of criticism themselves. The discourse changed to the word “Queer”: “We are not sick, sinful or criminal; however we are not happy either. We are poor, HIV+, old and disabled.” This is how the gay movement created its own category and underlined the fact that sexual identities are too big and diverse to fit into certain categories.

Of course this is the Western version of the gay movement... It is not very easy to find an answer to what was happening in non-Christian geographies at the time. In the case of the Ottomans, there are bits of

documents that show events around the banning of homosexuality. For instance, in order to damage the Mevlevi cult, there were accusations of them being gay. Secondly, in 1858, anti-sodomy laws were annulled by sultan Abdülmecid. And finally, during Tanzimat, there was a fatwa by Şeyhülislam on keeping away from pederasty which sparked debates. These were happening at a time when the Ottomans were embracing not only Western science but also Western culture. A few journalists complained by saying, “Yes, we are taking their science. But are we going to give up on pederasty too?!” In the beginning of the 2000s, at the rise of European Union (EU) negotiations between the EU and Turkey, Erbakan said, “Yes, we will enter the EU. But are we going to take homosexuality too?!” expressing his anti-EU views by using homosexuality.

Gay, bisexual and trans rights in Turkey!

When it comes to the rights of gays, bisexuals and trans people’s human rights, the state always fails! Either by violating those rights directly, or by not providing protection, watching it happen, jeopardizing access to justice and not punishing perpetrators.

Organizing since the 90s, lesbian, gay, bisexual and trans people turned their face to monitoring and reporting human rights violations in the 2000s. With this, violations on the basis of sexual orientation and gender identity gained visibility not only in the movement but also within the mainstream civil society. Some of the alarming forms of discrimination were: hate crimes against especially trans women and gay men, problems in access to justice, lack of punishment of perpetrators, torture and ill-treatment of trans women by police forces, problems in access to services in education, health, employment and social services. Plus, there were countless problems in the field of family, media and mental health.

Gay, bisexual and trans organizations faced closure cases by the state for going against “Turkish family structure” and “general morality”. “Turkish family structure” and “general morality” are two vague terms

which are often seen in the Constitution; due to their vagueness, they can be arbitrarily interpreted by the judges or administrative chiefs. There is no definition of what “general morality” is. There are also additional terms such as “obscenity”, “shameless acts” that are used to control and punish the lives of gays, bisexuals and trans people. For instance, in the case of **Lambdaistanbul's closure court decision**, the court ruled that as long as the association did not spread homosexuality, it could remain open. This is one of the proofs that the jurisdiction still thinks homosexuality is something that passes from one person to another.

Ahmet Yıldız was killed on July 15, 2008. This was shocking for the community because 1 year prior to his death, he had filed a case against his family, saying they were threatening to kill him. He even wrote about this in Beargi Magazine. He sent that same article to Kaos GL later on. Ahmet Yıldız's case is still pending. Perpetrators are not caught yet.

Halil İbrahim Dinçdağ case is a case about discrimination at workplace: A referee was not allowed to rule football games after people found out that he did not go to army after obtaining a report. This report says he is gay, which is why he was no longer seen as a good “fit” for the referee job. His case is still continuing.

All the campaigns against closure cases and the pending Ahmet Yıldız and Halil İbrahim Dinçdağ cases did raise awareness about the rights of gays, bisexuals and trans people. However, they also show the justice has not been served. This perpetuates to the lack of trust the community has in national justice system and human rights mechanisms.

Impact of discrimination on gays, bisexuals and trans people

The forms of discrimination gays, lesbians, bisexual and trans men and women vary dramatically. For instance, lack of access to housing

for a trans individual may not mean the same thing in the life of a lesbian.

Trans people usually have to pay more to be able to get an apartment and live in certain neighborhoods. Whereas, lesbians and bisexual women have easier access to housing; however, they become the “honor of the neighborhood” that needs to be “protected”. It is very difficult for two gay men to be openly gay and rent a house together, especially if they passed their university ages. It is possible to give more similar examples.

Generally, when it comes to lesbianism, it is possible to say men have more tolerance and acceptance. One of the reasons behind this is lesbianism is heterosexual male fantasy and a relationship between two females is not so much of a danger. However, there is still endless negative media coverage of lesbians. Lesbianism too poses a threat which is why the level of oppression and violence toward lesbians is growing.

One of the direct forms of violence against gay, bisexual and trans women and men comes from the police force and the army. These institutions continue to classify homosexuality as “psycho-sexual disorder”, which is why if a professional soldier or a police officers comes out as gay or “gives away”, he/she gets fired based on sexual orientation or gender identity.

Awareness on sexual orientation and gender identity has benefited heavily from the field of education. One of the major discriminatory fields for gay, bisexual and trans people is education: “Heteronormative education atmosphere, homophobic attitudes of teachers, school administration and school counselors, bullying at school jeopardize the quality of education for gay, bisexual and trans students. Additionally, the school curriculum ignores all non-heterosexual sexual orientations and identities and punishes gay acts with

disciplinary means. Trans women, in particular, experience difficulty in accessing quality education. Education is ultimately related to access to employment, which leads to trans women not being able to choose their professions and are obliged to work as sex workers.

Here I must underline another issue: Children who do not fit gender norms are perceived to be “gay” and therefore are sent to school counselors as “problems”. They can even beouted to their parents by their teachers, school administration and school counselors. Education is done with the assumption that everyone is heterosexual and children have no access to sexual health and sexual growth information. The lack of mechanisms that protect children from homophobic and transphobic attitudes and behaviors leave them vulnerable. Teachers and school counselors fail to protect children from bullying by their peers.

In school curriculum and parallel regulations, terms such as “morality”, “shame”, “chastity”, “honor” often used. Such terms which are vague and not defined clearly pave the way for discrimination in the lives of students. In addition to these regulations, terms such as “balanced in terms of morality” are used in disciplinary codes. Heterosexist morality codes gay, bisexual and trans lives as “immoral”.

Employment is one of the most problematic fields for gays, bisexuals and trans people; however, it is also the most invisible and least debated one. People cannot express their identities and their true selves with the valid fear that they will be discriminated against on the basis of their identities. When gays and bisexuals experience discrimination, they do not make any formal complaints due to the fear that, if they do, they cannot find another job in the same sector because their complaint will out them. Trans women, in particular, are forced into sex work after a failed education service they receive. Trans men and women in public sector can experience discrimination during their gender reassignment processes.

There are serious problems in the field of health too. Health professionals interact with patients in a way they assume all patients are heterosexual. This has a negative impact on the quality of health services LGBT people receive. Homophobic health professionals perceive homosexuality as a sickness therefore they insist on offering “remedies”. Instead of supporting individuals in their decision to come out, they become extra burden on them. At the same time, recently, there is a growing number of health professionals who capitalize on so-called “gay therapies” and “gay cures” and victimize gay, bisexual and trans individuals.

During trans transition, we look at Article 40 of the Civil Code. This article regulates gender reassignment operations however it requires the person to lack reproduction capacity. This is why reassignment surgeries become a fertile ground for discrimination: People are insulted in hospitals, outed and called by their ID names in hospitals. This is why many trans people avoid their transition processes or do not use any services until the day they start their transition. Stigma around HIV/AIDS and the notion that HIV/AIDS is a “gay illness” have a negative impact on the quality of services the community members receive. On the other hand, there is little or no awareness about lesbians and bisexual women. This causes discrimination when women see their gynecologists.

Social work is a field that operates behind closed doors. In social work, gay, bisexual and trans people are subject to discrimination, outing, getting blacklisted and even put on trial and punished. Children, youth, adults, elderly and disabled people who stay at boarding institutions can have gay, bisexual and trans members among them. However, like other professionals, social workers discriminate against these members when offering service. Discrimination does not always happen in the form of fully-aware acts. It can also take the form of acts of “good will”. Intimacy between youth and their self-discovery in relation to sexuality are seen as threats by these institutions. As

a result, these young individuals are subject to disciplinary actions, including on judiciary level. The Ministry that is in charge of protecting its youth becomes one of the major perpetrators who victimizes and marginalizes youth.

One of the fields where gays, bisexuals and trans people are subject to different treatment are prisons. Especially trans women and men are placed in prisons based on their “identity” changes. This limits their access to the facilities offered by the prison. In recent years, the Ministry of Justice announced that they are working on prisons only for gays and trans people. However, this is not a solution. The solution is making sure gay and trans prisoners have proper access to services wherever they are, and for this, obstacles need to be eliminated. The solution should not lead to isolation in another prison.

Coming out and families

We have two cases in front of us: Ahmet Yıldız and Roşin Çiçek. They were killed by their family members. Relationships that gay, bisexual and trans people build with their families are vital for their survival; however, in the case of Turkey, it is a seriously problematic field. The processes of self-realization and self-acceptance can be painful in young ages. Most gay, bisexual and trans youth go through self-denial, ignoring, blaming people around, blaming families, blaming themselves during the process of self-acceptance. Sometimes this order may change. Naturally, families too can go through similar stages when they find out their children are gay, bisexual or trans. Usually, as the first thing, they take their children to mental health professionals for “treatment”. However, homosexuality is neither is a sickness nor something that can be cured. Therefore, a health professional should not only say “There is nothing we can do. Homosexuality is not an illness” in a best case scenario, but should also offer families mechanisms and remedies which will comfort them. Luckily, in Ankara, İstanbul, İzmir and Eskişehir, there are family groups who

offer support to other families. They comfort other families by sharing their own stories and their own “coming out” processes as the family members of gay, bisexual and trans children.

Invisibility of violations against lesbians and bisexual woman!

The problems and needs of lesbians and bisexual women continue to be overlooked. This is why, when we talk about human rights violations of the community, priority should be given to the experiences of lesbians and bisexual women.

In the process of monitoring human rights violations, we observe that women face serious violations, however they are not able to take collective actions against this situation. One of the reasons behind this is women are not only subject to homophobia but also sexism for being women. This causes serious damages and traumas in the lives of lesbians and bisexual women.

If the support we offer only focuses on those who are vulnerable visibly, then we will fail in helping lesbians and bisexual women as well as trans men. We will perpetuate to the invisibility of their status in society as well as within the movement.

Media!

Media is one of the key institutions that justifies discrimination against gays, bisexuals and trans people. The language they use, titles they pick and the image they give have an impact on how readers feel about the community. For instance, in the 90s, media almost always used the term “transvestite terror” in news that involved trans people.

On the other hand, lesbians are presented as pornographic objects in media. Gay men and trans people are usually in news that are related to crimes involving judiciary or the police. When reporting hate crimes/murders, the testimony of the perpetrator is given priority in the language of the news.

When we started to monitor media's language closely in the beginning of 2000s, there was almost no difference between the hateful language of mainstream media and alternative media. However, with close monitoring, giving feedback and news written by our own news portal kaosgl.org to other media organs made a dramatic change and the difference between mainstream and alternative media grew bigger. One of the reasons for this is the politicization of gay, bisexual and trans identities. However, there are still newspapers who have the policy of disseminating and promoting hate via their news, such as Akit and Vahdet.

When monitoring media or getting in contact with them, we are well aware that media is not independent and free but rather under the hegemony of investment groups and the ruling party. In the meantime, we use our own media portals Kaos GL Magazine and kaosgl.org news site, which are now the media platforms of the anti-homophobia and anti-transphobia movement. These platforms produce their own news and serve them to other media organs. The advantage of this system is that the language of these news are selected carefully and filtered from prejudice, sexism, homophobia and transphobia. This eliminates the risk of hateful news and articles reaching to readers and gives us the chance to play an active role in how media is managed. This is why we believe Kaos GL's media organs play a crucial role in the transformation of Turkey's media in general.

What do we do against discrimination?

We organize as gay, bisexual and trans people and urge/help people do the same. We organize with heterosexual people in this movement against heterosexism because we believe the system harms and victimizes not only the community but also heterosexual people.

We do regular and committed monitoring in media, health, housing, employment, education, army and social work, all of which are fields where we are discriminated against.

We also promote good examples and ideas of actions from Turkey and all around the world. For instance, Kaos GL Magazine and kaosgl.org are two good examples for media. Other good examples are the LGBT shelter of Istanbul LGBTT Association and the Dilek İnce Clothing Bank of Pink Life Association which distributes clothes to prisoners and trans immigrants.

We also collaborate with workers from other professions, labor unions and organizations. We promote and support the establishment of anti-heterosexist networks and commissions and we work with them. For instance, at Eğitim-Sen (an education union) in Istanbul and Izmir, we have two LGBTI commissions. Similarly, there is an LGBTI commission at the Istanbul office of Association of Social Workers. And finally, we work closely with women's commission at Turkish Journalists Union.

In parallel to this, we give trainings to a wide range of professional groups, including but not limited to journalists, teachers, lawyers, social workers, school counselors, psychologists and unionists. We also support their capacity and services by providing them with useful and informative documents and kits.

Lastly, we offer an anti-discrimination school curriculum. We visit each and every university in Ankara and give lectures on the forms of discrimination gay, bisexual and trans people face on a daily basis and inform students about how we can take actions collectively. As part of our International Day Against Homophobia and Transphobia (IDAHOT) programs, we visit more than 30 cities and organize academic and social events. IDAHOT events are one of our three major events we host in Ankara. The other two are International Feminist Forum every March and Symposium Against Discriminations every December (in dedication to International Human Rights Day). With these events, we aim at raising awareness among public, strengthening the LGBT activists and expanding our anti-heterosexist movement by means of solidarity and networking.

Why are women outside the labor market? An analysis on capitalism and patriarchy¹

*Gülay Toksöz*²

In the traditional sense of development, because women take on gender-based roles in the family such as giving birth, caretaking and being the raising-parent and not taking part in labor market, they are not considered to be producers. There is an assumption that with the increase in family prosperity due to economic growth, women's status also advances. However, there is not always a direct correlation between an increase in family welfare and women's situation advancing. As long as women depend on husbands, serious tensions arise in the process of sharing resources and women and girls receive limited benefit from the family income. Women don't get compensated for their services in the family, such as taking care of children, elderly and the ill as well as the effort they put in daily housework. This invisible labor is not only not appreciated, but it also poses as a block before women's access to activities that bring income. This labor division which undervalues women's labor and the notion that this division is natural, eternal and everlasting are the key ideologies that constitute the basis of patriarchy. Women's uncompensated labor in family not only benefits family members, primarily father/husband, but also the capitalist economy. They function for the daily conservation of the family: Cooking, cleaning, shopping, taking care of children etc. reduce the costs of labor and fasten the saving process due to increased profit. In the absence of uncompensated labor, higher expenses will be

1 This text is a short summary based on the author's "Women's Labor in Development" book (Varlık Publication, Ankara, 2012). The longer version has been published by Türk-İş in Unionist Academia Class Notes 2 (2013).

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needed to keep the same life standards of the family, as this affects the profit/spending ratio.

When women do enter the labor market, the rules of this market forces women into disadvantaged positions for their reproductive activities. Women's care-taking responsibilities causes women to be present in labour market discontinuously and partially, which is then used to justify the down-market and low-paying jobs women are given. Women taking on low-paying jobs due to gender-based labor division perpetuates men's hegemony over women, while women's house-related responsibilities perpetuates their low status in labor market. Low payment, less rights and less access to advancing in career for women protect the basis of patriarchal system. Women's weak status in labor market perpetuate their conditions in the family. The lack of access women have to work options that bring income and the lack of access they have to well-paying jobs make it difficult for women to turn run from abusive relationships. The contract between capitalism and patriarchy benefits highly from the unequal structure of the labor market and the secondary status of women in it.

Women's Labor During Industrialization

Industrialization, the major axis of economic growth, has a great impact on labor demand and labor markets. When we look at in what forms industrialization has affected women's employment, we will see that there are major differences between countries. In developing countries, states have followed different paths which had different impacts on women's labor. The ratio of women's presence in labor and their place in employment are the results of a complex mixture of macro-economic factors that determine labor supply and labor demand and the socio-cultural structures. Socio-cultural factors, meaning patriarchal structures, mentalities and practices in the family, society and state, block women's access to education and employment opportunities and limits labor supply. The emergence of labor supply

which will answers the demands of women's labor force and women's working conditions are directly linked to how the capitalist system runs in that country and the current stage of the capitalist growth model. The various articulation forms between capitalism and patriarchy bear different forms of joining the employment sector.

In the first phase of development strategies that focused on industrialization, states followed Import-Substitution Industrialization (ISI) whereas, in the second phase, they followed Export-Oriented Industrialization (EOI). During the Import-Substitution Industrialization era, women's labor was generally not needed in various parts of the world. In the last quarter of the 20th century, as a result of developing countries, in particular those in Southeast Asia, shifting towards Export-Oriented Industrialization and development strategies, demand for women's labor increased. From the perspective of companies that had to increase their costs in order to compete in international market, women are vital as they are seen as cheap labour for labor-intensive production.

Growth model based on Export-Oriented Industrialization followed different orbits in various developing regions and countries. Because the demand for women's labor varied a lot, the ratios increased differently across the world, with Asia holding the highest ratio and Latin America the lowest (UN 1999:27, Joekes 1999). Countries in Southeast Asia are shown as the most successful models of export-oriented growth; there are still discussions on the factors that determined growth in this region. While there are different approaches with their focus various factors such as economical span, active role of facilitator state institutions, technical progress, investment in human capital and income equality; there is still an agreement on the positive role of export in accessing foreign technology. Here, feminist economists state that these approaches overlook the gender aspect of growth and the low income of women workers who work in export industries (Seguino 2000:51). What makes these countries

competitive, increases export sales and contributes to the supplement of foreign currency that is needed for modern technologies is the low level of women's income. Transition to Export-Oriented Industrialization has increased the demand for women's cheap labor since the 1960s. However, in these countries where fast growth depends on cheap women's labor, women's bargaining power has been limited by the state-protected gender norms of patriarchy. The articulation of capitalism and patriarchy in East Asian countries was possible through the means of ensuring women depended on lower wages compared to their male counterparts.

Comparing women's labor and participation in employment in the Middle East and North Africa (MENA) with those of East and Southeast Asia, another study focused on high national income per capita and wage levels that were supported by oil revenues in MENA countries in the 60s and 70s (Karshenas and Moghadam 2001). According to them, during the transition era, restricting elements of traditional culture stand out in countries with high national income per capita in nonagricultural sectors. On the other hand, in countries with low national income per capita where men are the sole bread-winners and families don't have enough income, new cultural norms that welcome women's labor emerge. In MENA countries, high national income resulted in the protection of conservative family structures and low women's participation in employment as a consequence of men working but women getting kicked out of jobs that bring income. But countries like Morocco and Tunisia, who have no or little oil reserves, are exceptions to this as their Export-Oriented Industrialization led to more jobs for women in industries. In this economic context, Moghadam (2001) mentions a "patriarchal gender" contract in MENA countries according to which men run the family and women are responsible for household and caretaking responsibilities who, as a result, economically depend on men. This patriarchal gender contract system defines which jobs and professions are suitable for women in labor market. And this contract is systemized through laws,

especially family laws. In MENA region, the articulation of patriarchy and capitalism is based on the exclusion of women from labor force.

These mentioned studies criticize approaches that focus only on “culture” and show how macro-economic factors in the region and limited industrialization have shaped women’s presence in labor. Even though Turkey has been named the most industrialized country in the region according to a comparative study that looks at economic growth and women’s employment in MENA countries, women’s low employment outside non-agricultural fields must be looked at from a context of limited industrialization (Moghadam 2003).

Industrialization Process in Turkey and Women in Labor Market

Turkey, a country with no oil resources, has similar results in women’s participation in labor force and employment rate with other countries in the MENA region. After the Import-Substitution Industrialization era in the 60s and 70s, Turkey has adapted Export-Oriented Industrialization strategy in the 80s; however, this has not resulted a considerable growth in women’s employment. One difference between Turkey and other MENA countries is that, with the establishment of the Republic in 1923, Turkey has embraced gender-sensitive legislations and regulations as part of its Westernization process. Additionally, with the EU negotiations already started, Turkey’s legislations and institutional structures have started to be restructured to comply with the EU acquis. However, gender-sensitive laws do not always bring equality in employment and labor force. Equality depends on the methods of social growth and the type of welfare regime the state chooses. This means choosing a development strategy and building a ground for social caring services that foresee getting involved in the global markets by means of manufacturing products with high added value, seeing the increase in employment as a social target and making sure proper jobs are accessible for both women and men.

Today's Turkey is way behind among world's nations when it comes to gender equality. Some of the major reasons behind this are the lack of access women and girls have to education opportunities, their limited presence in employment and almost no representation in political decision-making mechanisms. In Turkey, women's participation in labor force is about 30%, which is not only very low. Until very recently, it rapidly fell; however, there is a little shift towards an increase since 2008.

When we look at the impacts of macro-economic politics on employment from a historical point of view, with the entry of capitalist labor relations and mechanization into agriculture in the 50s, we will see that subsistence farming has transformed and that the need for labor has fallen. This situation has impacted women's situation too. The usage of women's labor very much depends on tenure structures, the level of mechanization in agriculture, the type of products grown and the level of need of labor during production (Kandiyoti 1997a). Especially in places where grain is produced, the growing use of machines has sidelined the extra labor force and fastens the migration of populations to cities from rural areas as they could no longer afford life with decreased incomes. In cities, men became the sole bread-winners in the families according to the family-based patriarchal power and women were expected to stay at home and take care of houseworks. In Turkey, since the second half of the 20th century, the increase of women in employment is linked to women getting excluded from agricultural processes. Additionally, in the production of cotton, tobacco, tea and whitebeet all of which are input value in manufacturing industries, women are not compensated in family-size companies or get the lowest compensation if they are paid farmers in landless families. However, in recent years, women's labor has become more easily excluded compared to their male counterparts as part of the general decrease in agricultural production and employment rates caused by agricultural politics imposed by international financial institutions.

Benefiting from the extra labor of women which is excluded from agriculture in other sectors has been limited. During the Import-Substitution Industrialization era, women were used in specific jobs such as weaving and tobacco and their employment presence has never exceeded the 5:1 ratio. During this era, the efforts to keep wages relatively higher with the goal of supporting domestic consumption and increasing purchasing power only perpetuated men remaining sole bread-winners and maintaining the patriarchal family structures.

Demand for Women's Labor in Export-Based Industrialization

Transition to export-based industrialization in the following era has not resulted in women getting employed in non-traditional roles or a considerable increase in their employment rate. This has a couple of reasons. There is a need for new investments that will pave the way for women entering the market and for a demand in women's labor. However in Turkey, the Structural Adjustment Programs (SAPs) and the export-based industrialization model had too weak potential to increase employment despite the decrease in wages. There is a couple of reasons for this. Here we can draw the attention to how limited the investments (which are expected to increase employment rates) in the productive field are. As part of the SAPs, the activity fields of public economy has narrowed, public institutions have been privatized and the public fixed capital investments decreased. While the public fixed capital investments decreased, private sector investments did not increase which led to failing in the creation of demand for labour that would answer the increasing labour force in Turkey (Şenses 1990, 1996, Kepenek, Yentürk 2010).

In the meantime, with export-oriented industries having to compete on the international market, subcontractor and fason relationships have emerged to keep the costs low. Big companies who could not go into subterranean activities found the solution in using smaller companies for fason production of labor-intensive phases. Small companies

who compete among each other to win the fason job reduce the costs by undeclared work. As a result, employment increases more in informal sectors and informal economic activities rather than formal sector. Due to economic pressure, underskilled women laborers are employed in undocumented positions both in industrial and service sectors. Therefore, the economic development model Turkey chose has not increased investments in producson with high added value, increase in employment rates in proper jobs or the entrance of women into labor through secure and stable jobs.

Apart from low investment level, one other factor that jeopardizes the labor market in Turkey is demographic structure, which has an impact on low women visibility in employment. In parallel to the decrease in fertility rate, Turkey's population is going down. However, according to population projections, Turkey's adult population rate will continue to increase until 2041 (Hoşgör, Tansit 2010: 69). What this means is a rapidly rising demand for labor force and high unemployment rates if enough job opportunities are not created. So far in Turkey, the growth speed of the working age population has been higher than that of employment opportunities. One of the reasons why this has not turned into mass unemployment is the exclusion of women and working age girls from labor market due to patriarchal control over the demand for their labor.

At this point, we have to underline that gender-based structure of the labor market, patriarchal mentalities and production organizations too have an impact on the demand for women's labor. The patriarchal mentality that decides which jobs and sectors are suitable for women determine the attitudes of employers toward hiring women and limits women's access to employment opportunities. The mentioned patriarchal mentality structure has an impact also on the personal choices of women with regard to the job fields they want. In Anatolian cities, industrial areas are filled with workplaces mainly for men and

they are perceived to be only-men zones, which as a result creates the notion that industrial areas are not “suitable” workplaces for women. Employers favoring male labor is not only because of sexist mentality and behaviors. It is also related to big male labor supply in relation to demographic structure. And when we have male labor supply who is ready to work under any circumstance and in any kind of job, the demand for women's labor remains low. Employers are also not willing to cover the costs that are related to women's reproductive activities, such as pregnancy, maternity leave and child-care. Plus, as long as late working hours and shifts do not comply with women's reproductive activities, employers avoid hiring women staff.

In countries where the demand for labor is high but labor supply is low, women's participation in labor market is supported. Depending on the employers' demand for labor and women's organized struggle, there may be some fracturing in the attitude of the state who is the representative of public patriarchy. In conditions where the state develops public politics for care-services and where the demand for labor increases wages, patriarchal structures that keep women at home dissolve and women become the essential components of labour market (Walby 1996). However, in Turkey, the presence of a mass male population who is willing and ready to work under any condition, which makes this mass the core source of labor for employers, protects the sexist mentality and structures inside the labor market.

Finally, as a result, Turkey's development model that is based on Export-Oriented Industrialization has failed to create enough job opportunities and left women's employment ratio at low levels. The lack of demand for women's labor has not forced capital to challenge patriarchy. On the contrary, they agreed on the exclusion of women from public space and the protection of gender-based labor division and patriarchal family structure.

Factors that Limit Women's Labor Supply

As Kandiyoti gave as an example to classical patriarchy, the manhood claims of a man in an Anatolian village family depends on his ability to protect and take care of those who depend on him, mainly his wife and children. Men, as husbands and fathers, are considered to be in charge of their families' safety, honor and dignity. Because women's acts define men's honor, women are expected to act in accordance with this. Women leaving the family borders due to migration from rural to urban areas comes with risks as women might jeopardize male authority and control by conducting "inappropriate" behaviors (Özyegin 2004:101-103). To avoid this, patriarchal mentality denies girls from further education opportunities after primary education and blocks women's entry into work life. In traditional and conservative circles where spatial male-female segregation and socialization between same-sex individuals based on religious views, educational institutions and workplaces that allow mixed (male and female) socialization create suspicion. Men who have to allow their women to work do not have a positive view on women sharing their workplace with other men as this poses a risk that might harm men's honor (Kandiyoti 1997b, p.30-31). Women having their own income might shake men's authority in family and may be seen as a threat that would weaken men's hegemony over women which is why men would not be keen to allow women to work. This is why women working outside in jobs which bring money is accepted only in situations where the husbands fail to perform this responsibility, in only-women workplaces or when women can work from home.

There is no doubt this approach varies in rural / urban / metropol cities depending on the region; however, the participation of women in money-bringing jobs outside the house depend more on the decision of male relatives than women's personal choices. In a study conducted in Istanbul in the 90s among unemployed women, 3 out of 4 women who were primary school graduates believed they needed

a permission from their husbands to work. With the education level rising, this number fell; however, even among women who went to higher education, 1 out of 5 women believe they needed a permission from their husbands. In case the husbands did not give the permission they needed, 3 out of 4 said they would try to convince their husbands; in case they cannot convince them, 2 out of 3 said they would give up (Demirel *et al.* 1999, p.211-214). We see that marriage and labor division inside the house play a determining and limiting power on women's participation in labour market.

There is no doubt that patriarchy went through certain fracturing throughout the 20th century. Also a powerful rise of women against patriarchy has emerged with a class perspective and new negotiation opportunities came up. In major cities, marriage means giving up on job for middle/upper class women from major cities who have benefited from education opportunities and work as specialists in a field. The high-paying jobs they hold give them the chance to end unbearable marriages. However, when girls from lower classes cannot reach a high level education after primary or middle school, marriage and the housewife roles become an inevitable fate. While women participate in agricultural production as unpaid family workers regardless of their education level, educated women are excluded from labor market in urban places. If they are in a position to work for economic other reasons such as men not being able to sustain their families, most of the jobs they are able to find are in small workshop type production industries or in service sector with low-paying, low-skilled and undocumented positions. The level of wage at such jobs do not give women the opportunity to object to hegemonic relationships and male authority at home.

Relationship Between Education and Labor Supply

One of the characteristics of the population in Turkey is the low level of education and skills. Social class, gender and ethnicity are three

factors that have an impact on the low levels; and together, they aggravate women's situation. When looked from a gender point of view, women's access to school and education level are lower than that of men. When looked at from a social class and poverty point of view, we see a direct correlation between participation in education and the income of the family, in other words the level of its prosperity. In families with the lowest prosperity and welfare, 35% of men and 60% women either never went to school or never finished primary school. The ratio of people who have highschool or above education is 6% among men and 2% among women (HÜNEE 2008:23-25).

Poverty is a strong factor in the lack of access children have to education. Not being able to go to school is higher in rural areas (compared to urban centers) and East and Southeast Anatolia compared to other regions (Kavan, Ergen 2007, aktaran ERG 2008:32). According to the testimonies of parents, one of the primary causes of not going to school is the high costs of school expenses (Şahabettinoğlu *et al.*, 1999). However, according to these testimonies, this problem is mentioned more often in the case of young girls compared to boys which tell us that the allocation of resources are to the detriment of girls in families with little means. Other factors are girls having to help with housework and take care of siblings and not getting permission from families. This shows that sexist labor division and patriarchal mentality pose major blocks before women's access to social opportunities since their childhood. Kalaycıoğlu and Toprak's study (2004) shows that 70% of students who continue to university come from families in the top 20% income group. Girls from poor families have almost no access to education which leads to their exclusion from labor market and transfer of women's poverty to the next generations.

The low level of women's education plays a role in the low level of women's labor supply. While men participate in labor market across the country regardless of their education level, there is a direct correlation between women's education level and their participation

in labor market. Women's low level of education limits their presence in labour; their presence is only around the number of highly educated men in the job market. Low level education has a limiting impact on women's labor supply. According to İlkkaracan (2010), the high presence of well educated women in labor market has to do with their opportunity keep work away from family; and the relatively higher salaries they receive allow them have access to house and child-care services. At their formal sector workplaces, they also benefit from laws that offer rights during pregnancy and maternity and they reach retirement. Women with lower education, on the other hand, work in informal jobs with relatively less income which means they do not have access to similar services or rights.

As a result of neo-liberal policies that impose cuts in public spending, Turkey does not invest in education/teaching as much as needed. This causes serious problems in the quality of education at all levels. It also weakens the ability of education to promote the social mobility of children from low-income groups and to contribute to social justice. This situation works mainly against the daughters of poor families. The fact that the state fails to develop comprehensive policies to overcome social injustices and the gender gap perpetuates the protection of patriarchy.

The Deficit in Care-Services

The inefficient –or nonexistent, to be more precise- child and elderly care services play a major role in urban women not offering their labor to the market or, even if they do, having to leave the market after some time. Especially for women in low-skilled and low-paying jobs, there are no public service institutions that help women which causes women to stay at home unless they are able to receive support from the older family members as a solution. According to Ecevit (2010), the family-centered management of child-care services is a serious threat for women's employment. Ecevit also adds that for children between

0 and 3, there are almost no public care services; for children aged between 3-5, going to school is very low. This ratio gets higher mainly among children aged 6. Lately, there is an alarming decrease in the number of child-care services that are part of public institutions and serve people who work at these institutions. In the meantime, there is no information with regard to nursing rooms and child-care centers that are supposed to be opened in workplaces subject to Labor Law. This is a concrete indicator of how little the state cares about the issue and how families are left with the full responsibility of child-care.

Among women who work in rural areas and have kids under 6, every 3 out of 4 manage child-care either directly or with the support of older women in the family and other relatives. Only 1 out of 5 can afford a private care-taker or benefit from public care services (HÜNEE 2008). Those who can benefit from private or public services are rural women who work in high-paying jobs. Because the numbers and capacities of nursing and rehabilitation homes are very insufficient, women face many challenges; they either have to leave their jobs or, if they are in specialized jobs with high income, turn to migrant women labor employment. In gender-based labor division, because women are responsible for housework and care, they remain responsible for home-related tasks even if they work at jobs that bring income. Additionally, there are new regulations that promote women to continue their care activities at home. Public sector has withdrawn from its responsibilities for the care of the elderly and the ill; a limited part of the service is received from private sector institutions which supports regulations/practices that encourage women in the family to undertake all the care-taking responsibilities.

The results of Turkish Statistical Institute's Time Use Survey conducted in 2006 for the first time are striking. While unemployed women spend 5 hours and 43 minutes on the care of the family and the house, working women spend 4 hours and 3 minutes. Among men, this number is 1 hour and 12 minutes for unemployed men and 43 minutes

for working men. Working women spend 5-6 fold more time on housework and care-taking compared to working men. As the results of a study conducted with women in undeclared jobs shows, men do not share the houseworks. Plus, their wives are allowed only as long as this does not hold them from fulfilling their responsibilities at home; therefore, instead of causing conflicts at home, women are forced to undertake an overload of tasks and responsibilities (Kümbetoğlu *et al.* 2012). This situation clearly explains why women who work in low-paying and heavy working conditions have to leave their jobs and decide to become housewives.

There is a lack of public institutions that offer care services and the state promotes women to undertake all family responsibilities instead of lifting some of the weight off from their shoulders by developing supportive social politics. All these are solid expressions of public patriarchy that supports gender-based labor division in society.

Public Policies Which Aim at Increasing Women's Employment

All these developments show us that women's labor and employment are directly linked to macro-economic politics and industrialization strategies. Development models which do not aim at creating jobs do not offer a human-centered development; on the contrary, they cause increase in unemployment and exclude women from labor market by protecting patriarchal structures and mechanisms. With regard to Turkey's strategies to fight unemployment, there is a serious need to bring changes that are gender-sensitive into industrialization policies. There is a need for investment incentive policies that will promote the production of intermediate and investment goods inside the country. But since labor markets are shaped by gender dynamics, the results of state policies are not gender neutral, meaning effecting women and men equally. Policies that support durable consumer goods, such as the automobile sector, will mean supporting male employment since the sector is very male-dominated. There is a need to take special

measures to ensure women enter sectors that are traditionally exclusive toward them. Of course, this type of employment should take place in the framework of system in which workers' right are protected by legislations and that obstacles in front of freedom of organizations are removed.

At this point, we could briefly touch the topic around what the labor unions and the Confederations they belong do to increase women's employment and eliminate gender inequality in employment. At unions, there are certain units that organize events for women members. But unions are going through a time where they are generally losing their members and power and their efforts are met with various forms of oppression and pressure. During this period, it is not possible to say that unions are satisfactory in their efforts to win more women members, to solve their problems and to ensure more women representation in various organs. No one could argue that the only reason for this is the fact that women are in informal employment in small-sized companies and that it is linked to the general problems of informal job field. Men-centered mentality at unions does not see a problem with the under-representation of women workers or encourage women in this direction. As a part of this, during collective labor bargains, issues such as child-care center, nursing rooms etc. are overshadowed in discussions, or sometimes not even mentioned. And because women workers are not able to join trainings at a sufficient level, they are not informed or aware that collective labor bargains play a crucial role in resolving problems (Toksoz, Erdogan 1998).

Incentive policies that aim at increasing women's employment should bear in mind that women's productive and reproductive activities, in other words their family and work affairs, must be reconciled. This reconciliation is possible through the means of reducing women's responsibilities at home and dividing the work equally between men and women. If this reconciliation is tried by means of entrepreneurship

and flexible work forms while continuing not compensating women for their work in the house, this type of policy won't deliver women-men equality in the labor market. In the National Employment Strategy Document, flexible labor markets, part-time work opportunities in flexicurity, jobs for a specific time period, temporary jobs via employmet agencies etc. are promised for increasing the number of women and men in employment. The strategy also aims at legalizing, documenting and popularizing some of the existing undeclared job types.

Many ILO studies have shown that part-time jobs that are aimed at reconciling women's family and house responsibilities are usually unskilled and low-paying jobs compared to full-time positions. With part-time positions, it is much more difficult to fulfill the requirements of retirement; and in the case of retirement, the payments are much lower. This situation reaches worse conditions when the jobs are managed via employmet agencies; these jobs mean working for a defined period of time, not knowing when the next job will arrive, not fulfilling the requirements for unemployment insurance and living with concerns for not knowing how to earn a living. An economic growth that is based on offering women insecure and transitory jobs rather than full-time and secure that are compatible with human dignity and perpetuating women's economic dependency on men cannot be seen as a growth model that puts women-men equality at its center. We cannot talk about a human-centered development without women gaining decent jobs, living without oppression and domination and having authority over their own lives. Labor organizations that favor a human-centered development should put gender equality in the center of their defence of workers' rights. For this, there is a need to advocate the creation of public regulations, public services and policies that support women's employment with the goal of ensuring the care of children, the elderly and the ill are distributed equally in the family and in society.

RESOURCES

- Demirel A. , Z.K. Bilgin, M. Kocaman (1999). *Çalışmaya Hazır İşgücü Olarak Kentli Kadın ve Değişimi*, Ankara, KSSGM.
- Ecevit Y. (2010) “İş ve Aile Yaşamının Uzlaştırılması Bağlamında Türkiye'de Erken Çocukluk Bakımı ve Eğitimi” in İlkkaracan İ. (Der.) *İş ve Aile Yaşamını Uzlaştırma Politikaları*, İTÜ BMTKAUM, Kadının İnsan Hakları Yeni Çözümler Derneği, İstanbul.
- ERG (2008) Eğitim İzleme Raporu 2007, İstanbul.
- Hoşgör Ş., Tansel A. (2010) *2050'ye Doğru Nüfusbilim ve Yönetim*, İstanbul, TÜSİAD-BMNF.
- HÜNEE (2008) *Türkiye Nüfus ve Sağlık Araştırması* TNSA 2008, <http://www.hips.hacettepe.edu.tr/tnsa2008/analiz.shtml>
- Joekes S. (1999). “A gender- Analytical Perspective on Trade and Sustainable Development.” in *United Nations Conference on Trade and Development*, pp.33-59 (Geneva 12-13 July 1999), New York, UN.
- İlkkaracan İ. (2010) “Uzlaştırma Politikalarının Yokluğunda Türkiye Emek Piyasasında Toplumsal Cinsiyet Eşitsizlikleri”, in İlkkaracan İ. (comp.) *İş ve Aile Yaşamını Uzlaştırma Politikaları*, İstanbul, İTÜ BMTKAUM, Kadının İnsan Hakları Yeni Çözümler Derneği.
- Kalaycioglu E., Toprak B. (2004) *İş Yaşamı, Üst Yönetim ve Siyasette Kadın*, İstanbul, TESEV, (by Tan 2008).
- Kandiyoti D. (1997a). “Kadınlar ve Hane Üretimi: Türkiye'de Kırsal Dönüşümün Etkileri”, in *Cariyeler, Bacılar, Yurttaşlar*, pp.49-62. İstanbul, Metis Yayıncıları.
- (1997b) “Cinsiyet Rolleri ve Toplumsal Değişim: Türkîeli Kadınlara İlişkin Karşılaştırmalı Bir Değerlendirme” in *Cariyeler, Bacılar, Yurttaşlar*, pp.21-48, İstanbul, Metis Yayıncıları.
- Karshenas M., Moghadam V.M. (2001). “Female Labor Force Participation and Economic Adjustment in the MENA Region.” in M. Çınar (ed) *The Economics of Women and Work in the Middle East and North Africa*, Elsevier Science Research in Middle East Economics, (4), pp.51-74.
- Kavan Y, Ergen H. (2007) “Türkiye'de ilköğretime katılım ve okula gidemeyen çocukların”, Milli Eğitim, 173, pp.8-25 (by ERG 2008)
- Kepenek Y., Nurhan Y. (2010) *Türkiye Ekonomisi*, Remzi Kitabevi. 23rd edition, İstanbul.

- Kümbetoglu B., User İ., Akpinar A. (2011) "Gıda, Tekstil ve Hizmet Sektörlerinde Kayıtlı Çalışan Kadın İşçiler" in Toksöz G., Makal A. (comp.) *Geçmişten Günümüze Türkiyede Kadın Emeğinin Durumu*, Ankara Üniversitesi Yayıncıları, Ankara.
- Moghadam V. M. (2001). "Women, Work and Economic Restructuring: A Regional Overview", in M. Cinar, (ed) *The Economics of Women and Work in the Middle East and North Africa*, Elsevier Science Research in Middle East Economics, (4), pp.93-116.
- (2003). *Modernizing Women Gender and Social Change in the Middle East*, London, Lynne Rienner Publishers.
- Özyegin G. (2004) *Başkalarının Kiri, Kapıcılar, Gündelikçiler ve Kadınlık Halleri*, İstanbul, İletişim Yayıncıları.
- Sak, G., Acar O. (2007) Report on Second Generation Reform Process after July 22, 2007 election, www.tepav.org (28.8.2007)
- Seguino S. (2000). "Accounting for Gender in Asian Economic Growth", *Feminist Economics* 6(3), pp.27-58.
- Şahabettinoğlu M., Uyanık D., Ayhan N., Bakır A., Ataöv A. (2002) "Çocukların Temel Eğitime Katılmasını Sosyoekonomik Engelleri ve Destekleri", *Türkiye'de Çalışan Çocuklar Semineri*, 29-31 May 2001, DİE Publication, Ankara, pp.1-15.
- Şenses F. (1990) *Alternative Trade and Industrialization and Employment in the Turkish Manufacturing Sector*, İstanbul, FES Publication.
- (1996). *Structural Adjustment Policies and Employment in Turkey*, Ankara, METU Economic Research Center.
- Toksöz G., Erdoğdu S. (1998) Sendikacı Kadın Kimliği, Ankara, İmge Yayıncıları.
- Toksöz G. (2012) Kalkınmada Kadın Emeği, İstanbul, Varlık Yayıncıları.
- TEPAV (2007) *Türkiye'nin Rekabet Gücü İçin Sanayi Politikası Çerçevesi*, Ekonomi Etüdleri, www.tepav.org, (1.7.2007).
- TÜİK (2006) Time Use Survey, www.tuik.org.
- UN (United Nations) (1999). *World Survey on the Role of Women in Development: Globalization, Gender and Work*, Report of the Secretary-General.
- Walby S. (1986). *Patriarchy at Work*, Minneapolis, University of Minnesota Press.

Looking at Discrimination on the Basis of Sexual Orientation and Gender Identity in Labor Market from a Social Politics Point of View

Elif Tuğba Doğan¹

This work focuses on discrimination on the basis of sexual orientation and gender identity out of many other forms of discrimination in labor market. What emerged is a collection of experiences and potential problems faced by LGBTI people as “workers” based on the studies and researches done in this field in Turkey. It points at involved parties for a solution and debates the status of this problem in a social politics discipline. According to this, it became clear that the issue has been ignored to a great extend in the social politics discipline. In the field of discrimination on the basis of sexual orientation and gender identity, the LGBT community does not pose as a homogeneous group. While, in particular, LGB individuals can “hide” their identities and become invisible to discrimination, trans individuals are more subject to discrimination and hate due to their visibility and are in a more disadvantaged position in employment compared to the rest of the community. This disadvantage sidelines trans people, pushes them out of labor market and forced them into sex work. What is worse than discrimination in employment is the violation of the right to life². This is why, while touching LGB workers in labour force, the continuing debate will be on trans individuals given the negative impacts of widespread discrimination in society on the basis of sexual orientation and gender identity.

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² A comprehensive study on trans people, see: Bergman, S. (2007) *Lubunya, Transseksüel Kimlik ve Beden*, İstanbul: Metis Yayınları.

Looking at the LGBT Reality from a Social Politics Perspective

Like many terminologies out there, not everyone agrees on one single definition of “social politics”. We can define social politics as a science of balance, harmony and peace that prescribes preventive measures and politics with the goal of ensuring social justice and eliminating the causes of class conflicts in a capitalist social order (Talas, 1997: 27). Or we could talk about a set of politics that belongs to the state and targets the population (Koray, 2007).

Talas (1997: 53-54) says the concept of social politics, in its narrow definition, emerges as two-sided: First, they are often “protective, harmonizing and balancing measures taken by the state to protect economically-dependant and weak people against the capital and prevent them from getting exploited”. Talas then offers the second side: “with the goal of ensuring balance in society, the elimination of exploitation by state officials and the protection of the natural rights and freedoms of these people from a violation committed by the state itself and from other people.” In this sense, social politics mainly target the working class and its essential problems (Koray, 2005: 24).

In its larger definition, social politics refer to all forms of measures that aim at social peace, without forgetting employer-employee problems. Talas defines (1997: 53) social politics in its larger sense as “a discipline that looks at society as a whole and approaches a wide range of issues which concerns all classes without segregating classes from each other”. Apart from being a discipline, social poitics in its larger definition refers to practices that aim at social equality and social justice (Koray, 2005: 27). Third generation social politics, on the other hand, address issues such as social exclusion, discrimination, environmental problems, consumer rights and disadvantaged groups (Bozkir Serdar, 2014: 6).

The roots of social politics in Turkey date back to the first half of the 20th century. Apart from being state politics, social politics have

been a part of academic appetite as well, ultimately continuing in two major paths. One path was the Istanbul path which was embodied in the works of Gerhard Kessler, who ran from Nazi Germany, and his assistant Orhan Tuna at Istanbul University, the School of Economics. The second path was the Ankara path in the 1950s which started with Cahit Talas at Mülkiye (Makal, 2014). While these two lines differentiate³ in how they locate themselves on the social politics discipline specturum, they have similarities on why LGBT issue has been ignored for so long. Talas is one of the founders of the concept social politics and, even though various disadvantaged groups (women, disabled, migrants etc.) are often mentioned in his Social Politics (1997), LGBTs do not exist. This overlooking/ignoring is understandable given the circumstances of the time; however, this situation has lasted for a long time in this discipline. Even at times when vulnerable groups and inequality became one of the priorities in the teachings of social politics in addition to class injustices, discriminatory practices and inequalities toward sexual orientation never made it to the table. Discrimination and inequality on the basis of sexual orientation and gender identity reached visibility only quite recently in new works (Kaos GL, 2009; Kutlu, 2009; Öztürk 2011; Demirdizen, Çınar and Kesici, 2012; Doğan, 2012; Yıldız, 2012; Öner, 2015). Discrimination in employment on the basis of sexual orientation and the labor rights of LGBT people remain one of the weakest fields of the social politics discipline. The limited contribution to the field, however, does not mean the topic is secondary to the discipline. Discrimination against LGBT people in employment is a serious problem for prosperity and welfare (Gates and Mitchell, 2013) and solutions must be found, keeping social peace in mind.

3 To learn more about the differences between these two paths, see: Makal, A. (2014). *Türkiye'de Akademide Sosyal Politika Geleneğinin Doğuştan Gelişimi Üzerine Tarihsel Bir Yeniden Değerlendirme. Çalışma ve Toplum*, 41(2), 17-30.

Magnitudes of Discrimination in Employment

Having the necessary qualities for a job position as a candidate ready to work does not qualify someone to be the right candidate. Despite her/his education, qualifications and skills, many people get discriminated against on the basis of their race, color, religion, language, sex, political views, ethnicity, disability, sexual orientation and gender identity. According to Lordoğlu and Aslan (2012:119), as opposed to the right to work being a “relativist” freedom for every person, there are problems experienced in the purchase of labor force due to discriminatory practices in labor market.

While the term “discrimination” does not have one general definition (Tokol, 2012:159), we could say it refers to “without a logical explanation or a reason that would benefit public welfare, the treatment of someone differently and unequally compared to other people in similar situations and conditions.” (Çelenk, 2010: 211). Discriminatory practices can be seen in different cultures and in different forms and pose a threat to social peace and comfort.

Depending on how they arise, discrimination can be classified in two categories: direct and indirect⁴. *Direct discrimination* is unequal treatment of a person or a group on the basis of characteristics they are born with or obtain later in life. A woman getting fired because of her pregnancy is an act of direct discrimination. *Indirect discrimination*, on the other hand, is “a form of discrimination that emerges as a result of a legislation or procedure being applied to everyone equally but causing a disproportionate impact on a particular group” (Tokol, 2012: 159. For instance, let’s say there is a job posting for a telephone operator. If the employer requires a driving licence, even though it is not necessary for the position’s responsibilities, this will block

⁴ There are other forms of discrimination other than direct and indirect discrimination. To read more about systematic discrimination, assault, sexual assault, discrimination with order, multiple/cross-cutting discrimination, backward discrimination, see: Yıldırım (2014) and Tokol (2012).

the application of a visually-impaired person. It may look like a fair practice given the fact that it is required from everyone; however, it fails in recognizing different characteristics of individuals and therefore becomes a discrimination. According to Yıldırım (2014: 285), it is not always easy define practices as indirect discrimination because this type of discrimination can depend on the culture and norms of a society.

Discrimination has political, social and economic consequences. States are expected to study this issue and eliminate it by means of legal measures and regulations. A part of the international laws Turkey has signed focuses on eliminating discrimination by banning it. Universal Declaration of Human Rights; Covenant on Economic, Social and Cultural Rights; International Labour Organization's (ILO) "Discrimination (Employment and Occupation) Convention" coded 111 and European Union's 2000/78 Directive all ban discrimination. In national legislation, Article 10 of the Constitution says "everyone is equal before the law regardless of their language, race, color, sex, political views, philosophical beliefs, religion, sect and similar grounds." The fact that sexual orientation and gender identity are not explicitly included in this article receive major criticism from LGBT organizations (Kaos GL, 2011⁵; SPoD, 2012). Like the Constitution, Labour Law coded 4857 too bans discrimination. According to Article 5 of the Labor Law, "discrimination at workplace on the basis of language, race, color, sex, disability, political views, philosophical beliefs,, religion, sect and similar grounds is banned." According to Gülmez (2010: 241), employers are obliged to treat their employees equally regardless of their "age, citizenship, union membership, disability and sexual orientation" even if they are not indicated in the clause. Given the criticisms from international control mechanisms and Turkey's Progress Reports, Gülmez says age, disability and sexual orientation have to be included in the body of the Article itself (2010: 241).

5 <http://kaosgl.org/sayfa.php?id=10216> (Accessed on 12.03.2015)

Even though discrimination on the basis of sexual orientation and gender identity are not explicitly stated in the existing legislations, as we have seen above, discrimination on the basis of sex is banned. According to Yıldız (2008: 122), “there is a need to accept that sexual preference/sexual tendency should be thought of being part of the sex category and that discrimination on the basis of sex includes discrimination on the basis of sexual preference.” Aydin (2007: 5), in her own report on the subject, underlines that there is a need to interpret sex in a broader sense to include sexual orientation and gender identity.

Legal measures and legislations are necessary but are not efficient to ban discrimination altogether. Many individuals continue to experience discrimination at the various fronts of life. One of these fields is employment. According to Tokol (2012:161), work life is actually *the* field where we witness the majority of violations. While problems and discrimination that come with grounds such as disability, sex and age found place in the social politics discipline (Talas, 1997; Oral and Şişman (ed.), 2012; Tokol and Alper (ed.), 2014); discrimination on the basis of sexual orientation and gender identity was not only researched with a long delay but also remained limited compared to other disadvantaged groups. This has, therefore, limited the sensibility, awareness and visibility of discrimination on the basis of sexual orientation.

In the 1970s, the problems of LGBTI people gained visibility in the US and Europe with the contribution of other social movements, in particular feminist movement. During this era, academic debates on the issue also gained ground (Croteau 1996; Chung 2001). In Turkey, however, the subject entered literature with a long delay compared to Western academia. With the army taking over the regime and its bans in the 80s, the subject came on the table only in the 90s. Studies and publications that focus on the problems of LGBTI people in labor market increased especially in recent years (Kaos GL, 2009; Kutlu,

2009; Öztürk 2011; Demirdizen *et al*, 2012; Doğan, 2012; Yıldız, 2012; Öner, 2015). Works in various disciplinary fields and the LGBT movement played a key role in the visibility of discrimination in labor market as well as social rights demands in a broader sense.

As expressed above, this limited work still contributed to the accumulation of knowledge on the discrimination experienced in searching for jobs or while working. Field studies and the personal testimonies of victims in particular reminded the need to look at the issue with great seriousness. While some of these studies looked at what the problem was, some recommended ways to solve the problem. Of course, to be able to solve the problem, it is vital to go on the field instead of a top-to-bottom approach, to collect the personal testimonies of victims carefully and to create a platform for discussions. In the section below, concrete examples of discrimination in work force are given based on the field studies conducted on this subject.

Discriminatory Practices on the basis of Sexual Orientation and Gender Identity

In literature that studies discrimination based on sexual orientation and gender identity, we will run into different classifications of discrimination. Levine and Leonard's (1984) formal/informal discrimination classification is important in its ability to look at the discrimination faced by LGBTs in labor force from different angles and dimensions. Levine and Leonard's (1984) *formal discrimination* description refers to discriminatory practices in institutional policies and decisions such as hiring, firing, promotion, income range and relocation of staff (by Öner, 2015: 103). *Information discrimination*, on the other hand, refers to verbal/nonverbal assault and hateful behavior that do not include institutional policies. This double classification of discrimination as formal and information is related to the content of discrimination. The second classification looks more

at how discrimination is lived: *potential discrimination* and *experienced discrimination* (Chung, 2001). This classification is important to understand the experiences and reactions of LGBTI people who experience discrimination at work. Chung (2001), in his work where he analyzed discrimination as a 3-dimensional structure, adds *anticipated discrimination* and *actual discrimination* to the above classifications⁶. This last dimension underlines the importance of individuals' personal views. Here, we are talking about people's personal/subjective reflections. According to Chung (2001), the question of whether the individual is out or not has an impact on experiencing potential or experienced discrimination. People who do not hide their sexual identities face actual discrimination, whereas those who hide their identities are subject to potential discrimination since they observe discrimination that others go through. Öner's field study shows that, in Turkey's labor force, most LGB workers have to hide or choose not to come out which is why the form of discrimination they are subject to is mostly potential discrimination (2015:102-103).

Whether LGB individuals come out or not has a great impact on the forms of discriminatory practices they face. Those who express their sexual orientations and gender identities directly or indirectly experience more actual discrimination compared to those who are not out. Many studies show that discrimination intensifies after the person comes out. This is why, in Turkey's labor market, not coming out is more of an obligation than a choice (Doğan, 2012). Öner's work shows that conformity to gender roles is as important as the disclosure of sexual identity when it comes to the level and forms of discrimination. According to Öner (2005: 209), what can be more important than a person being gay/lesbian is whether or not the person is conforming to the socially defined gender roles.

6 Chung (2001: 36) bases this classification on the mentioned research. See: Griffith, A. R. (1980). Justification for Black career development. *Journal of NonWhite Concerns*, 8, 77-83.

Discrimination faced by LGBT people in employment shows great variety from the signing of the contract to the termination of it. A person coming out can become a problem from the very beginning, including discrimination during the hiring process and excluding the person from formal/legal employment fields. Persons can be discriminated against also when they do not come out or “give away”. *Searching for information on Google or Facebook* can become fertile ground for discriminatory practices (Öner, 2015:109-111). These practices continue also after the person gets the job. Throughout the whole work experience, discriminatory practices follow these individuals. These practices varies from people getting fired to being forced to resign due to their sexual orientation and gender identity (Doğan, 2012). Therefore, we could say LGB workers experience prejudice and discrimination spreaded out to their entire work experiences⁷.

Working conditions can show differences when compared with heterosexual workers. One of the major indicators of this difference is the *wage gap* between heterosexual workers and LGB workers. A study conducted in the US (Badgett, 1995) shows that LGB workers with the same education and work experience with their heterosexual colleagues get paid less. According to this study, gay and bisexual man with similar experience, education, profession, marital status and location with their heterosexual colleagues get 11 to 27% less salary (Badgett, 1995). Clain and Leppel (2001) found that gay men make less money compared to heterosexual men, wheras lesbians make more money compared to their heterosexual counterparts⁸.

7 The assumption that all LGB individuals experience discrimination could be another form of othering. (Demirdizen *et al*, 2012:320).

8 In the subject of lesbians making more money than their heterosexual co-workers, there are discussions about lesbians being awarded by their managers for their masculine behaviors (Blanford, 2003). Some believe that these conclusions could be the result of mistakes in research methodologies and the increase in productivity at work (Weichselbaumer, 2003:640).

On the other hand, discrimination on the basis of sexual orientation is directly linked to the field of work. In this sense, violations and discrimination can vary depending on the work sector. Öner (2015: 214) has concluded that there is relatively less discrimination in the field of fashion and non-conservative of social science departments of universities. In the study of Demirdizen *et al*, a participant expressed that she/he had to hide the identity because the sector was very conservative (2012: 325). One of the other forms of discrimination is not getting promoted if the person is out (Kaos GL, 2009; Öner, 2015:115).

While changing in its forms and volumes depending on the sector, most LGB workers experience widespread discrimination at workplace (Croteau, 1995: 198). There are also practices that are not experienced but worrying. Losing authority in work environment (Öner, 2015: 169) is one of those worries. Another worry is the threat of getting outed by other colleagues when they “find out” about the person (Demirdizen *et al*, 2012: 323). Humiliation by collagues, assaults and worrying about getting fired are also among the reported problems (Demirdizen *et al*, 2012). The fact the a person does not experience discrimination is not linked to not being out. The worries we just mentioned refer to the potential discriminatory practices developed by Chung (2001).

There are also studies that show workspaces are not safe for LGB workers (Gates and Mitchell, 2013: 160). In their work about stigmatization at work, Gates and Mitchell (2013:165) concluded that in the last 24 months 168 participants (%78.1) have expressed that they have experienced stigmatization at least once. Stigmatization is humiliation and disreputabilization of a person for the characteristics he/she has but the general society doesn't. Getting stigmatized at workplace leaves these workers with the only option of working in unsafe environments.

Sexual orientation becomes the reason for *getting fired, resigning or being forced to resign* and therefore getting excluded from labor

force. To maintain the “status” and “image” of the workplace, sexual orientation as the ground for dismissal is not mentioned; the employer justifies the decision by expressing how the person did not meet the criterias of the job requirements (Doğan, 2012). Apart from other colleagues and customer, neighboring companies and smaller-sized workplaces nearby also play a role in the decision of dismissal. Plus, if the person still does not resign after exhaustive methods such as over-load of work, not getting any work and getting ignored, the person is then forced to resign.

In the termination of work contract, individuals can live both experienced and potential discrimination. A person who gets fired because of his/her sexual orientation will beouted even more if she/he seeks justice by legal means. This, as a result, will make it even more difficult to find another job. A worry about these discriminatory practices which did not take place yet passivizes individual in their appetite to seek justice.

Survival in Employment: Coping Strategies

The widespread discrimination against LGBT people at workplace in every society is a major block before living a secure life. Leaving the right to work aside, even the right to life can be jeopardized. This insecure situation leads to LGBT people hiding themselves from the rest of the public. *Hiding* sexual orientation and gender identity is one of the most important coping mechanisms (Levine and Leonard, 1984; Anderson *et al.*, 2001; Kaos GL, 2009; Öztürk, 2011; Amnesty International, 2011; Doğan, 2012; Demirdizen *et al.*, 2012; Öner, 2015). In their own work, Levine and Leonard (1984:706) concluded that this ratio is 77% for people who choose to hide their identities.

Many studies have shown that hiding sexual orientation helps getting hired and kept employed (Demirdizen *et al.* (2012); Doğan, 2012; Öner, 2015); however, hiding the identity also has negative impacts and costs on the person (Levine and Leonard, 1884:706; Demirdizen

et al. 2012). There are many forms of hiding the identity. For instance, reports have expressed that individuals pretend to be interested in the opposite sex, change the subject, keep quiet and perform heterosexuality verbally, nonverbally and physically (Öner, 2015: 214). Hiding pushes people into plotting a life that is not real. We could say hiding is the consequence of the amount of serious fears and worries people have. Demirdizen *et al.* (2012:326) outlined the possible consequences if a person chose not to hide: If we are talking about a gay teacher, the number of students he/she is teaching will decrease (*shrinkage in customer volume*)⁹, will be excluded in office environment, will not receive respect from lower ranks and her/his colleagues will think she/he is hitting on them or soliciting them. When we are talking about teachers, we will expect a risk of reaction not only from school authorities but also from parents. (Levine and Leonard, 1984: 705). The reason why coming out might seem scary is also due to the fact that the perpetrators of discrimination will come in variety.

In reports, there are also other coping strategies other than hiding (Öner, 2015). Some of these strategies are over-working and trying to appear much nicer and helpful than others (Demirdizen *et al.* 2012) One of the striking strategies is trying to appear more religious than others. Öner (2015) suggests that turning face to religion and appearing religious are ways of self-protection and getting accepted in society. This strategy is key especially in conservative social structures. For instance, in Bogota, Colombia, 46% of the people who took the survey said they believe LGBT people are a risk to society and are against the native tradition and the concept of family and god¹⁰. In this sense, we can say stereotypes that is rooted in religion show similarities in many geographies across the world.

9 This part was added by me.

10 <http://www.radiounica1280.com/Portal/index.php/bogota/item/1390-discriminacion-a-personas-lgbt-en-bogota-es-del-45%20Kolombiya%20E> (Accessed on 17 February 2015)

LGBT people get away from their families and social environments and move to other cities with the hope that the problems they face will increase. According to Biçmen and Bekiroğlu (2014), social problems continue also in these new cities. This strategy –*migration*- will bear similar results in relation to labor force. Changing work environment will not solve all the problems. Another strategy, although not used very often, is seeking justice via legal ways. People often do not find the courage to file a complaint after they have been fired or while they are working (Kaos GL, 2009), which can be explained by the fear of facing even more discrimination.

Sexual orientation and gender identity define and shape people's choice of profession and work experience (Colgan *et al.*, 2008). In this sense, we could say that the choice of profession is also a coping strategy (Chung, 2001: 38). In the subject of choosing the right profession, Chung (2001) mentions three strategies: Working alone for his/her own work, searching for LGBT-friendly jobs¹¹ and taking risks. *Working alone* is considered to be a strategy against discrimination (Levine and Leonard, 1984:707; Chung, 2001: 37; Colgan *et al.*, 2008: 33; Öner, 2015:216). However, working alone also requires a certain amount of capital/saving, which makes it an effective strategy only for a very limited group of people. According to Bergsan's (2007) findings in the field, working alone does not only have economical limits but also social. Here is how an interviewee explained this with her own words: "People who are irritated by me trying a lipstick at a cosmetics store I regularly go to won't accept any work I do. No matter how good I am at my job, they won't accept me" (2007:175).

Chung's (2001) second strategy on *searching for LGBT-friendly jobs* means searching for jobs where LGBT people are the owners/managers. Searching for jobs in places where most of workers are LGBT or most of the customers are LGBT falls in this category. More than

11 For the term "job tracking", Öner's (2015:65) translation is chosen.

400 companies in *Fortune 500*¹² in the US offer *protection in workplace* for LGBT people (Gates and Mitchell, 2013: 168). Considering the mass number of companies out there in the market, the protection offered by a limited number of companies is not enough. Plus, it is not considered to be a solution to decrease the states' responsibility to ensure the protection of their citizens. However, it could be considered as a supportive initiative to advance the working conditions of individuals. LGBT-friendly companies are actually expected to be more inclusive, egalitarian, "worker-friendly" and even "human-friendly" (Huffman, Watrous-Rodriguez and King (2008:249). One of the strategies we mentioned above was taking risks. People who do not choose the first two options could use this last coping strategy.

The majority of the coping mechanisms in Öner's work (2015) are individual acts. Visibility and being part of an organization happen most of the time simultaneously. This is why it has the risk of pushing people into loneliness. Despite this, there are also people who are directly or indirectly out and open. Given the experienced and actual discrimination faced when people are out, we could perhaps look more into why people choose to be out. According to Öner (2015: 215), some of the reasons why people are out are wanting "to be real, to make social change, to be social support, to gain allies as a form of security, to build closer relationships, to get rid of the burden of being perceived as heterosexual, to decrease the stress of acting/pretending and to raise awareness among colleagues on sexual diversities."

As we have seen so far, people choose a wide range of coping mechanisms to resist against discrimination at workplace on the basis of sexual orientation and gender identity. From the social politics point of view, however, these individual struggles are not enough even though they are important. Collective struggles of workers, especially after the Industrialization era, have been vital for

12 The list of biggest 500 companies announced annually by Fortune Magazine.

gaining rights. A collective voice that aims at raising awareness and eliminating discrimination will also be a pressure factor on the state to move towards equality. In this regard, workers who are discriminated against on the basis of their sexual orientation and gender identity need unions (Kaos GL, 2009). However, based on the testimonies in studies (Demirdizen *et al.* 2012) conducted in Turkey, being a part of an organization is avoided as it might mean the disclosure of the identity. Aydin (2007:5) states that not only many companies but also unions avoid taking a side. Patriarchal structures of unions is one of the explanations to this¹³. Apart from the unions, as long as the LGBT movement succeeds in establishing solidarity networks within itself, this solidarity culture can be a wealth of power for the transformation of the hegemonic approach in the current social politics (Yıldırım, 2011: 41).

Realizing the LGBT Reality LGBT

The situation of individuals who face discrimination on the basis of their sexual orientation and gender identity in labor market is part of the social politics problem in two ways: With its narrow meaning with regard to employer-employee relations and with its larger meaning with regard to ensuring and protecting social peace and justice. In this regard, social politics is a tool for the advancement of social peace against discrimination based on sexual identity. However, Yıldırım (2011: 40) points at the risk that social politics can become a tool of discrimination in cases where the ground of sexual orientation and gender identity are not explicitly and strictly protected by the law. His emphasis on this risk might be related to the following developments below. According to Koray (2007), the ever-transforming social structure changes the meaning of social politics and causes a loss in its function. Despite all this, what should the social politics discipline

13 About unions and LGBT movement, see: Kessler-Harris, A. (2003). *Out to Work: A History of Wage-Earning Women in the United States*. Oxford University Press.

and the implementors of these politics do against discrimination at workplace on the basis of sexual orientation and gender identity?

- The majority of LGBT people are subject to discrimination at workplace on the basis of their sexual orientation and gender identity. Most of the coping strategies with discrimination are hiding and individual measures. Even though these solutions are individual strategies, the problem itself concerns the entire society, not only the individuals. This is why the solutions to the problem should also be in large scale.
- Academia, unions, civil society organizations, central and local governments need to work together for LGBT workers to have working conditions that befit “human dignity”. However, this subject has been neglected for so long by the academia. With academia turning its face to this subject, discrimination in labor force on the basis of sexual orientation and gender identity would gain visibility. To solve the problem, it is really important to diagnose the problem. Additionally, the findings of field studies on the subject will be vital for finding a solution.
- The state's *political ideology* has an impact on the understanding of social politics and their implementation. This is why, to reach an egalitarian social structure, the public should be more sensitive, aware and willing.
- Creation and implementation of social politics that are sensitive towards existing problems require having the right knowledge. Yıldırım (2014:300) tells that, in 2005 in England, every staff at Portsmouth Municipality received equal opportunities training twice a year on the implementation of the directives against discrimination. In Turkey, people who implement social politics should also undergo similar trainings.
- Media plays a key role in raising awareness and sensibility. When listing discriminatory fields in television journalism,

Çelenk (2010:225) mentions disadvantaged groups as a subject of negativities and says these groups are portrayed in a way it will “generate negative impact/impression”. This is why it is vital that media avoids a language that perpetuates discrimination experienced by LGBT people.

- Prejudice in society sidelines LGBT people in life at very early ages. Individuals who experience discrimination at *educational institutions* since early childhood eventually fall out of labor market as well if they have to drop out of school before finishing. Considering the fact that school prepares youth to work discipline in industrial countries (Applebaum, 1984:5) exclusion at school will lead to exclusion in labour market. This is why it is vital that social politics remember to look at the field of education when searching for solutions. This type of education should aim at raising awareness in public as well as finding a place in labor market for those who experience or face the possibility of experiencing discrimination.

BIBLIOGRAPHY

- Anderson, M. Z., Croteau, J. M., Chung, Y. B., & DiStefano, T. M. (2001). Developing an Assessment of Sexual Identity Management for Lesbian and Gay Workers. *Journal of Career Assessment*, 9(3), 243-260.
- Applebaum, H., (Ed.). (1984). *Work in Market and Industrial Societies*. Suny Press.
- Aydin, O. (2007), *Hayatin Renkleri Projesi / Hukuk ve Ayrımcılık Raporu*, Ankara: Kaos
- GL Publication.
- Badgett, M. L. (1995). The Wage Effects of Sexual Orientation Discrimination, *Industrial & Labor Relations Review*, 48(4), 726-739.
- Blandford, J.M., (2003). The Nexus of Sexual Orientation and Gender in the Determination of Earnings, *Industrial and Labor Relations Review*, 56 (4), 622-642.

- Bergsan, S. (2007). *Lubunya, Transseksüel Kimlik ve Beden*, İstanbul: Metis Yayıncıları.
- Biçmen, Z., and Bekiroğulları, Z. (2014). Social Problems of LGBT People in Turkey. *Procedia-Social and Behavioral Sciences*, 113, 224-233.
- Bozkır-Serdar, A. (2014) Sosyal Politika Kavramı, (ed. A. Tokol and Y. Alper), *Sosyal Politika*, Bursa: Dora Yayıncılık, 1-6.
- Chung, Y. B. (2001). Work Discrimination and Coping Strategies: Conceptual Frameworks for Counseling Lesbian, Gay, and Bisexual Clients. *The Career Development Quarterly*, 50(1), 33-44.
- Clain, S. H., & Leppel, K. (2001). An Investigation into Sexual Orientation Discrimination as an Explanation for Wage Differences. *Applied economics*, 33(1), 37-47.
- Colgan, F., Creegan, C., McKearney, A., & Wright, T. (2008). Lesbian Workers: Personal Strategies amid Changing Organisational Responses to 'Sexual Minorities' in UK Workplaces, *Journal of lesbian studies*, 12(1), 31-45
- Croteau, J. M. (1996). Research on the Work Experiences of Lesbian, Gay, and Bisexual People: an Integrative Review of Methodology and Findings, *Journal of Vocational Behavior*, 48(2), 195-209.
- Çelenk, S. (2010). Ayırmcılık ve Medya, *Televizyon Haberciliğinde Etik*, 211-228.
- Demirdizen, D., Çınar S., Kesici M.R. (2012). İşyerinde Cinsel Yönelim Ayırmcılığı: LGB Bireylere Yönelik Bir Alan Çalışması, IV. *Sosyal Haklar Sempozyumu*, 311-330.
- Doğan, E.T. (2012). Bir Sosyal Politika Meselesi Olarak LGBT Bireylerin Çalışma Yaşamında Karşılaştığı Ayırmıcı Pratikler, *Kaos GL Magazine*, Issue 127, 13-15.
- Gates, T. G., & Mitchell, C. G. (2013). Workplace Stigma-related Experiences among Lesbian, Gay, and Bisexual Workers: Implications for Social Policy and Practice, *Journal of Workplace Behavioral Health*, 28(3), 159-171.
- Gülmez, M. (2010). İnsan Haklarında Ayırmcılık Yasaklı Eşitlik İlkesi: Aykırı Düşünceler. *Çalışma ve Toplum*, 25, 217-266.
- Huffman, A. H., Watrous-Rodriguez, K. M., & King, E. B. (2008). Supporting a Diverse Workforce: What Type of Support is Most Meaningful for Lesbian and Gay Employees?, *Human Resource Management*, 47(2), 237-253.
- Kaos GL (2009). *Çalışma Hayatı ve Sendikal Süreçlerde LGB Çalışanlar Kitabı*, Ayrıntı Basımevi: Ankara.

- Koray, M. (2005) *Sosyal Politika*, Ankara: İmge Kitabevi Publication.
- Koray, M. (2007). Sosyal Politikanın Anlamı ve İşlevini Tartışmak, *Çalışma ve Toplum Dergisi*, 15, 19-55.
- Kutlu, D. (2009). Çalışma Yaşamında Ayrımcılık: Gey Çalışanlar Örneği, *Sosyal Dişlanma ve Sosyal Hizmet Sempozyumu Bildiriler Kitabı*.
- Levine, M. P., & Leonard, it (1984). Discrimination Against Lesbians in The Work Force. *Signs: Journal of Women in Culture and Society*, 9, 700-710.
- Lordoğlu, K., & Aslan, M. (2012). Türkiye İşgücü Piyasalarında Etnik Bir Ayrımcılık Var Mıdır?, *Çalışma ve Toplum*, 33, 117-146.
- Makal, A. (2014). Türkiye'de Akademide Sosyal Politika Geleneğinin Doğuşu ve Gelişimi Üzerine Tarihsel Bir Yeniden Değerlendirme. *Çalışma ve Toplum*, 41, 17-30.
- Oral, A.İ. and Şişman, Y. (ed.) (2012). *Sosyal Politika*, Eskişehir: Anadolu University Publication.
- Öner, A. (2015). *Beyaz Yakalı Eşcinseller, İşyerinde Cinsel Yönelim Ayrımcılığı ve Mücadele Stratejileri*, İstanbul: İletişim Yayınları.
- Özturk, M. B. (2011). Sexual Orientation Discrimination: Exploring the Experiences of Lesbian, Gay and Bisexual Employees in Turkey. *Human Relations*, 64(8), 1099-1118.
- Talas, C. (1997). *Toplumsal Politika*, Ankara: İmge Kitabevi Yayınları.
- Tokol, A. (2012). Sosyal Dişlanma ve Ayrımcılık, *Sosyal Politika*, (ed. A.İ.Oral and Y. Şişman), Eskişehir: Anadolu Üniversitesi Yayınları, 150-172.
- Tokol, A. and Alper, Y. (ed.) (2014) *Sosyal Politika*, Bursa: Dora Yayıncılık.
- Uluslararası Af Örgütü (2011) “*Ne bir Hastalık ne de Bir Suç*” Raporu, Londra: Uluslararası Af Örgütü (Amnesty International) Publication.
- Weichselbaumer, Doris (2003) “Sexual Orientation Discrimination in Hiring”, *Labor Economics*, (10).629-642.
- Yıldırım, V. (2011). LGBT Hareketi Sosyal Politikayla Neden İlgilenmeli? Neler Talep Edebilir?, *Anti-Homofobi Kitabı 3: Uluslararası Homofobi Karşıtı Buluşma*, Ankara: Ayrıntı Basımevi, 39-41.
- Yıldırım, M. (2014). Ayrımcılık, *Sosyal Politika*, (ed. A. Tokol and Y. Alper), Bursa: Dora Yayıncılık, 283-303.
- Yıldız, G. B. (2008). *İşverenin Eşit İşlem Yapma Borcu*, Ankara: Yetkin Yayınları.

Yıldız, G. B. (2012) Çalışma Hayatında LGBT Bireylere Yönelik Ayrımcılığın Önlenmesi ve İlgili Mevzuat, *Kaos GL Magazine*, Issue 127, 36-37.

INTERNET SOURCES

<http://www.radiounica1280.com/Portal/index.php/bogota/item/1390-discriminacion-a-personas-lgbt-en-bogota-es-del-45%20Kolombiya%20E>.

<http://kaosgl.org/sayfa.php?id=10216> (Accessed on 12.03.2015)

SPoD (2012). LGBT Yurttaşların Yeni Anayasaya Yönelik Talepleri, SPoD Constitution Working Group, Report:

<http://www.spod.org.tr/turkce/eskisite/wp-content/uploads/2012/06/SPoD-Anayasa-Raporu.pdf> (Accessed on 12.03.2015)

Workplace Sexual Orientation Discrimination in Turkey and Fight Strategies

Aysun Öner

With the words of my interviewee, Ismail:

“When she asked “Is there anyone special in your life?”... I said “Yes” again. It was unusual for my mother when I told her that such person was practicing the same profession as me and he was a teacher in national education because to her, a gay could only be a prostitute and the like. That was the first moment she realized that gayness was something different than the examples she has watched on TV. “Is he in national education” she asked again. Still, some things would be more reasonable if he was working at a private school and she was still expecting to hear that. She wanted to hear if he really was a state official. I said “Yes”. “And in national education!” she said. I think my mother lived a flashback at that moment. She thought that her co-workers might have been gays and lesbians as well. In some aspects, she was surprised, got upset and cried.”

When the retired teacher mother thought that there might have been gay or lesbian friends during her working life (probably for the first time in her life), this situation caused a confusion which resulted with being surprised, getting upset and starting to cry. Foundation of this confusion is based on heterosexist and homophobic view which has been produced and is still being produced everyday through many structures as religion, state, media, etc. As in many fields of life, both heterosexism and homophobia cause development of discriminatory and negative attitudes against gays and lesbians in working place as well.

Discrimination in working place based on sexual orientation is an ever-increasing fundamental problem all over the world. Although there are laws protecting the individuals in most of the western countries, most of these laws are either limited or inadequate in terms of protecting LGBT individuals or they don't protect such individuals at all. In working life in Turkey, heterosexist and homophobic understanding prevails in many of the fields besides the ones which are mostly dominated by gays and lesbians. As a result of this existing approach, gays and lesbians are either exposed to discrimination or continue working with the fear of being exposed to discrimination at any time.

When working areas in Turkey are observed, it can be seen that gay and lesbian employees are exposed to negative attitudes like discrimination, alienation, harassment or mobbing in many sectors from cashier position to advocacy, from academicianship to banking, from unionism to fashion and ready wear. Sometimes this situation might be brought to further points and the individuals might be dismissed from job. In workplaces in which homophobic perspective and homophobic discrimination caused from this perspective prevail, these attitudes might create some psychological effects like depression or mental diseases for gays and lesbians and it might even cause negative results like suicide.

Imposed negative attitudes and the risk of being exposed to such attitudes at any time force most of the gay and lesbian employees to hide themselves and to live fabricated lives built with lies in order to maintain such secrecy. Some gay and lesbian employees on the other hand don't want to maintain a fictional life in order to protect their personal integrity, they expose their identities in workplaces to some degree and take risks in terms of discriminations they will face. The risk of being exposed to discrimination for the people who are open in terms of sexual orientation or who are being suspected of being gay or lesbian by the people around them is high.

Gay and lesbian employees use various fighting strategies in order to fight against *potential discrimination* and *encountered discrimination*². While some gay and lesbian employees chose to use *job based fighting strategies*² like resigning from their jobs, facing the person who discriminates or seeking an LGB friendly work; some gays and lesbians prefer disguise strategy by means of acting in compliance with the mainstream gender norms or avoiding the conversations which they think they might expose their sexual orientation (Griffin, 1992; Woods, 1993; Clair, Beatty and MacLean, 2005). Therefore, since sexual orientations of gays, lesbians and bisexuals are disregarded and ignored either because of their own choices as a safety measure or by the people they are in contact with in the workplaces they work in, they are mostly invisible. In other words, gay and lesbian employees stay silent about their sexual orientations due to fear of discrimination originating from heterosexism or due to fear of *nonsustaining social interactions*⁴ they might face in forms of *accusation, trivialization, secession, inconvenient approach*⁵ (Smith and Ingram, 2004).

However, staying silent comes with a price. For the person to need to make a continuous effort in order to hide his/her homosexuality and not to be able to express his/her identity as it is to be safe in the workplace shake the self-confidence of such gay/lesbian employee and as a result affect his/her performance negatively. Persons who hide their sexual orientations might experience an inner contradiction at the point of being real as they can't present themselves as they are and they might use the energy which may be used for work performance to present them different than they are, which is pretty difficult and exhausting for a person. Homosexual individuals who use hiding strategies might be perceived as persons who don't have teamwork skills, who are antisocial, introvert or mysterious.

While some gay or lesbian employees prefer not to make a particular effort to hide their lives, in other words prefer to be *indirectly open*⁶, some gay or lesbian employees might chose to be *directly open*⁷ by

expressing their sexual orientations clearly (Griffin, 1992). The decisions gay or lesbian employees make in terms of being either hidden or open in the workplace depend on the fear of hostility and discrimination in the workplace (Anderson, Croteau, Chung and DiStefano, 2001; Meyer, 2007) and *personal integrity*⁸ factors.

I've tried to find an answer to the below given question in the research I've made with respect to the fighting strategies that gay and lesbian individuals follow against discrimination and discriminatory acts based on sexual orientation: "How do white-collar gay and lesbian individuals living in Turkey face the discrimination situations and what kind of fighting strategies do they use against the discriminations they face?

After making a brief introduction to my research I've made with reference to white-collar gays and lesbians, I will briefly explain the methodology of my work and afterwards, I will present the results of it.

Methodology of the Study

I used feminist methodology in my study. Since I have a particular feminist point of view due to the education I've received in Women's Studies field and due to the reaction I've given to suppressing facts I've experienced through all my life as I'm a woman, it was impossible for me to chose any methodology besides feminist methodology. When we make the evaluation over this basis, my methodology choice developed in a natural way and as a matter of fact, the choice of the methodology hasn't been an issue I gave a lot of thought.

As it's also mentioned in Harding's (1987) women's experiences, real data about the discrimination and harassment against women, LGBT individuals and other suppressed groups can be gathered by using feminist method which obtains the data by listening to the individuals who have directly been subject to such negative situations. I used my feminist perspective as the basic foundation of my research in order

to understand the working life experiences of white-collar gay and lesbian employees. I chose to conduct a study with listening to the life experiences of gay and lesbian individuals and filtering the data I've received through feminism. Therefore, in-depth interviews have been made in this study and "qualitative research methodology" has been used.

In this academic study I've made, real life experiences of gays and lesbians have been considered through adopting second generation feminist researcher/activist approach and it was preferred to develop a stance together with them against the discriminations they experience by clearly expressing the truths instead of talking on behalf of gay and lesbian individuals.

I made interviews with eight Turkish citizen white-collar lesbians and twelve Turkish citizen white-collar gays. It hasn't been an easy process to reach the interviewees due to the common secret states of gay and lesbian individuals and due to the fact that working areas are sensitive areas for these persons. I reached most of the interviewees through snowball sampling method. I decided to make a research focusing on the working experiences of gay and lesbian individuals during an art project (photograph exhibition) I've carried out. I held my personal photograph exhibition about the "discrimination Turkish trans individuals are exposed to during their working lives" in Ankara on 2012 within the scope of the 15th Flying Broom (Ucan Süpürge) International Women's Film Festival under the title "TransLife (TransHayat). Meeting with LGBT individuals who visited my exhibition which has attracted a lot of attention from LGT individuals living in Ankara and close conversations I had with them made a great contribution to me in terms of understanding their life experiences better.

The interviews were made between May 2012 and March 2013. Age range of the gay and lesbian interviewees was from 25 to 39. Three of the lesbian interviewees and five of the gay interviewees had

postgraduate education (they were either master or doctorate students or had masters or doctorate degrees). Two of the lesbian interviewees and three of the gay interviewees were working in public sector and the rest were all working in private sector. Even though proceeding by using snowball sampling enables you to reach persons from the same working areas, I tried to chose my interviewees from different professional fields as much as possible. The occupation range of the gay and lesbian persons I've interviewed within the scope of my study was as below: specialist in NGO, translator in NGO, director in educational counseling field, internal lawyer, self-employed lawyer, lawyer in LGBT NGO, accounting supervisor, art gallery employee, journalist, academician, teacher at a public school, project manager, supervisor at a university, union employee, research assistant in an international corporation, research assistant in field researches, engineer, fashion designer, fashion design teacher, press and public relations specialist, football referee, TV program producer and presenter, radio program producer and presenter.

Results of the Study

When we look at Turkey, we see that homosexual identity is not clearly recognized by the laws. When legal context and all the negative situations my interviewees have experienced are considered, it's seen that a long distance should be covered in order to discuss topics like travel right of the partners of gay and lesbian employees, pension right and carrier counseling to gay and lesbian persons as they are discussed in USA and in Europe.

In Turkey, every group which is different than the norms depending on particular values faces discriminatory treatments (Cayir and Ceyhan, 2012). Since religious and moral values are important in Turkey (Kalaycioglu, 207) and LGBT individuals aren't deemed compatible with such values by the society, they are exposed to various negative attitudes (Kaos GL, 2009). LGBT persons in Turkey are exposed to

discriminatory attitudes like harassment, alienation, dismissal, being forced to resign and mobbing over a couple of speeches produced by the organs like state, military, religion and law (Kaos GL, 2009). The “sin” speech of religion, “sickness/defect” speech of military and the state and the “public morality” speech in legislation are produced repeatedly everyday at any moment (Kaos GL, 2009; Altinal, 2011). All these repeated productions are the root causes of the discrimination the minority groups and particularly LGBT’s foresee and face in working life like all other areas of life.

In this study, I preferred to discuss the discrimination the white-collar gay and lesbian persons experience in working place instead of discussing working life experiences of all LGBT’s. During the interviews, in addition to the discriminations they experienced, I also asked the interviewees whether they act actively or remain passive when they either face or foresee to face discrimination, what types of dealing strategies they preferred and how they implemented the strategies they’ve chosen. In the research I carried out, I defend the argument that the main reason of discriminatory and homophobic treatments is the fact that homosexual persons are kept out of “social gender norms”.

Turkey is a country in which conservative moral and religious values have predominated in almost all areas of the life and which has been governed for decades by political parties which have adopted conservative point of view. Conservative values dominating throughout the country create a sexist and homophobic ground and as a result, homosexual individuals are excluded from almost all areas of life in Turkey. While the history of this exclusion process goes back to the late Ottoman era, the pressure and violation aimed at sexual minorities increased after Turkey Coup D'état and their existences in public realm continued to be denied (Kaos GL, 2009). After 1990's, gays and lesbians started to object to this pressure by establishing civil organizations (Güner et.al., 2011) and as a result of these objections,

became more visible in society. This visibility is important in terms of gay and lesbian people proving that they exist. Furthermore, a lot of steps still remain in order to change the heterosexist perspective of Turkey that has values founded over a particular "morality" understanding. Conservative ethics understanding in Turkey accepts only the heterosexual family as "moral" and "normal" and on the contrast, according to the conservative ethics understanding, all other relation types are deemed "immoral" and "abnormal". In Turkey, homosexual relation is considered as an immoral and deviant relation type and homosexuality is considered as a curable psychological illness. This socially accepted and inured point of view is a result of sickness/defect speech. Another structure effectively creating homophobic speech in Turkey in addition to state and society is religion, which develops a sin speech regarding homosexuality by forbidding all orientations besides heterosexuality. Due to taking the rules determined by religious and scientific institutions for granted, speeches of these institutions regarding homosexuality (as a result) support and legitimate homophobic approaches and behaviors (Altinal, 2011). As in other social areas, legitimacy of homophobic discrimination in working places is fed from these resources.

White-collars are the professionals working in various occupational areas. Works, occupations or jobs which require some particular knowledge and skills like medicine, law and accounting are the areas of expertise in which white-collars are employed (Hodson and Sullivan). Even though their specialties awaken respect on social layer at a certain extent, I assumed at the beginning of my research that discrimination based on sexual orientation is made against white-collar gay and lesbian employees in most of the working places and professional fields. I verified my assumption at the end of my research.

From an external perspective, it can be thought that academicians who make researches in Social Sciences field and whose lives continue evaluating society and people (according to their working

fields) are relatively sensitive about discrimination and the working environments in such faculties are relatively equitable. On the other hand, there is an image that fashion sector is inclusive to gays, most of the employees in this sector are gays and gays are comfortable in this sector. However, when I consider the common sexist and homophobic structure throughout the country, I assumed that the homophobic environment which caused discriminations against homosexual employees can exist in Social Sciences and fashion areas as well. I also verified my second assumption reaching the result that discriminatory attitudes against homosexuals exist in both areas as well.

In Turkey, lesbians are “invisible”. Ignoring their sexualities and not perceiving them as a threat to male-dominant system are the root causes of creating this invisibility. Another assumption of mine when I started my research was that as a natural result of this invisible situation in the society, lesbian employees didn’t experience as much discrimination as the gay employees experienced. At the end of my study, I inferred that whether a homosexual individual is discriminated or not depends rather on the proximity/distance he/she has from the social gender roles than him/her being gay/lesbian. The discrimination level the white-collar homosexuals face varies depending on the *indications*⁹ of sexual orientation which would reflect their identities over many elements like appearance, life style, habits, environment and marital status at marriage age. I inferred that when compared to *indirectly open* gays, *indirectly open* lesbians aren’t subjected to high levels of discriminatory treatments in working life like job loss but are commonly subjected to verbal or nonverbal abuses by the people in their working environment. The homosexual image in the society is the gay individual image like the one reflected in mass medium which has feminine features in his appearance, attitudes and talking style. The existence of the lesbians is ignored in this image. That’s why in *indirectly open* situations, lesbians don’t experience the discrimination in the working place based on sexual orientation due to some characteristics which differ from social gender norms like

having a different appearance or being close to LGBT activism as hard as the gays experience.

However, lesbians, like the heterosexual women, are subject to discrimination in working life over their women identities. For a lesbian to have a directly open sexual orientation identity increases the level of discrimination exposed to over woman identity and the attitudes towards them at this stage generally reach up to sexual harassment level.

To tell it over the personal stories that the interviewees told, either conservative or equitable, either private or public sector, I saw that almost all working places are unsafe for gays and lesbians and in almost all of these places, white-collar homosexual individuals felt the pressure of homophobic discrimination in different shapes and levels like being dismissed from job, being humiliated, being mocked or being subject to sexual harassment. As the interviewees stated, safe working places are the places in which discrimination level is low.

The primary working areas deemed safe according to my interviewees are LGBT NGO's, gay bars, workplaces in fashion and ready-wear sector in which most of the employees are gays and gays could express their identities comfortably and the universities which are either not conservative or do have environments supporting homosexual persons. The expression of one of my lesbian interviewees, Esra, who has mentioned that there was an article prohibiting discrimination based on sexual orientation in the legislation of the university she works at and there was no homophobic discriminatory attitude, continuing as "there is of course always a treat hanging in the air" shows that there is always a risk to face discrimination in Turkey even in such a safe working place.

I inferred that the effects of personal points of view of supervisors and employees in the workplace when homosexual persons are discriminated are higher than the effects of the workplace being either conservative or equitable.

Using Levine and Leonard's (1984) conceptualization as a base, I reviewed the experiences my interviewees experienced under two categories as *formal discrimination* and *informal discrimination*. The underlying cause of *formal discrimination* is the lack of laws and workplace legislations that protect LGBT individuals against the discrimination based on sexual orientation. Another factor on the other hand is "legal gap". "Public morality" speech excluding homosexuals and sickness/defect speech that considers homosexuality as a deviance are also reflected in laws and workplace legislations. Furthermore, there is no provision prohibiting discrimination based on sexual orientation in any of these regulations. Therefore, there is a gap available for interpretation and this allows *formal discrimination* to be made. *Formal discrimination* types I found out during my research are; not employing, not promoting to high level positions, reducing the duties, forcing to resign and dismissing from employment.

In Turkey, military is entitled to discharge their gay personnel on grounds of practicing homosexual relations. Other public institutions on the other hand can discharge their gay personnel due to reasons like "committing a disgraceful offence clashing against public service dignity" addressing to immoral behavior. In my study, I inferred that institutions in public and private sectors don't show homosexuality directly as a reason but generally discharged their homosexual employees with the reasons like "decrease in job performance".

I reviewed the *informal discrimination* types my interviewees experienced on the basis of verbal harassment and nonverbal harassment conceptualization of Levine and Leonard (1984). The informal discrimination forms I've obtained are verbal harassment or nonverbal harassment including; mocking, excluding, looking in hard or questioning ways, disrespecting, ignoring, mobbing, sexual harassment, frequently asking questions about their marriage and love lives, humiliating, marking and using tolerance expressions (like "I accept homosexuals", "You're different than the other homosexuals").

While carrying out my study, I found out that lesbians often face sexual harassment when they are exposed in workplace and that forms of such harassment was generally verbal acts like offering sexual relation, emphasizing that lesbianism would be corrected upon having a heterosexual sexual relation and offering to meet the lesbian person occasionally using different reasons. One of my lesbian interviewees, Selin, mentioned that she was sexually harassed by the supervisor of the gallery she worked for by means of taking her shirt off while they were together at the supervisor's house for work reasons. With this example, I saw that sexual harassment aimed at lesbians can also be experienced nonverbally. One of my gay interviewees, Halil Ibrahim, whose sexual identity is commonly known because of the news appeared in printed and visual medias, told that during a job interview, the gay boss of a workplace requested to have sexual relation against the job he will offer to him. Over Halil Ibrahim's experience, I reached the conclusion that like lesbian persons, gay persons might also be exposed to sexual harassment. Lesbian and gay interviewees who have been subject to sexual harassment mentioned that they were subject to sexual harassment due to the prejudices occurred in society over the labels like "available for sexual relation". Sexual harassment experiences given in this book reveal the fact that homosexual persons' positions in the society are associated with sexuality and private zones.

Furthermore, fashion designer interviewee Karatay's personal experiences and stories the other interviewees shared based on their personal observations allowed me to obtain various results regarding the working environments in fashion sector. The first of these results was that gays were predominant in the working environments within fashion sector, that they could express their identities comfortably and that they faced discriminatory attitudes rarely. Another result I obtained was that there were working environments in fashion sector that heterosexuals might be predominant as well. The last finding I acquired was that compared to the working environments which

were dominated by gays, homophobic discrimination was higher in environments which were dominated by heterosexual persons. In my research, I found out that gay persons working in fashion area experienced discrimination in informal discrimination form like being ignored, being humiliated or being mocked, that discrimination they experienced doesn't reach up to serious levels like dismissal from office and that rather than having fear of being fired, they had fear of losing authority in workplace and the like. In the universities which we might consider as equitable universities, the level of discrimination gay and lesbian academicians face and foresee in Social Sciences area is much lower than the other specialization fields. However, even in Social Sciences, gays who have explicit sexual orientation indicators face serious levels of discrimination in conservative universities as high as being discharged. In brief, I've come to conclusion that in fashion sector which is dominated by gays and in working environments in Social Sciences area which aren't conservative, the discrimination against gays and lesbians is relatively less than the discrimination in any other area.

Most of the interviewees stated that they preferred hiding their identities in workplaces because of oppressive and homophobic environment. Gay interviewees who identified themselves as feminine stated that they felt the pressure caused by discrimination and homophobia risk more than the gay interviewees who identified themselves as masculine and therefore, made more effort to hide themselves. The hiding forms I've attained were; pretending to be interested in opposite sex, acting like having an opposite sex lover/partner, interrupting the conversations, changing the subjects, staying silent and leaving the environment as well as *imitating* heterosexuality in "silent" ways with clothing, accessories, voice tone, speaking style and rhetoric attitudes and mimics or in "verbal" ways through the used words.

LGBT persons usually don't pursue legal proceedings since they're afraid of being exposed and as a result, being subject to more

discrimination on the basis of sexual orientation (Kaos GL, 2009) but most of the interviewees had general information about legal framework in Turkey and application possibilities to ECHR. Furthermore, two of the activist interviewees, Esra and Devrim, stated that they might work in any work in public or private sector being *directly open* and they would seek justice in case they faced any kind of discrimination. In addition to that, most of the interviewees stated that LGBT organizations would be the authorities they would apply first in case they faced discriminatory acts.

All of the interviewees besides Esra and Devrim stated that they preferred being *indirectly open* or *hidden* during working. I came to the conclusion that white-collar gay and lesbian employees who prefer being *indirectly open* or *directly open* chose the persons to whom they were directly open from the persons they deemed as close friends. Again, most of the interviewees stated that the criteria to choose the persons they would be open to were the proximity level of such persons to them and their reliabilities. Some of the interviewees stated that their criteria to choose the persons they would be open to were either such persons having other suppressed identities like being Kurd, Alevi or woman or having characteristics like being interested in literature and arts, however, such criteria aren't always valid and aren't enough alone. Furthermore, most of the interviewees stated that the political point of view brought by having suppressed identities like being Kurd, Alevi, feminist or leftist wasn't enough to be purified from homophobia.

The reasons of being open in working places to the interviewees might be listed as being real, making social changes, receiving social support, gaining allies as a safety valve, establishing close relations, getting rid of the discomfort that the assumption of them being heterosexual causes, reducing the stress of pretending and the desire to educate the persons in their workplaces about sexual minorities. In addition, the interviewees stated that the increase in visibility of homosexuals day

by day caused increase in homophobic and oppressing practices they face in public spaces, particularly in working lives.

The fighting strategies the interviewees use while searching for a job are; using solidarity network between gays and lesbians, taking risks, working as self-employed or searching for LGBT friendly jobs. The fighting strategies they use when they face discrimination on the other hand are; leaving the job, receiving social support and facing the person who has committed such discrimination crime. Other fighting strategy is making an impression of well-adjusted person through various ways like being hardworking or giving no reaction to practicing religious rituals.

The psychological effects created by the imposed discrimination on the interviewees are; being exposed, losing their jobs, being humiliated, being stigmatized, having fear from the possibility of losing authority, anger, guilt, energy loss, giving up carrier efforts (in situations like promotion) and feeling ashamed.

There are very few studies in the literature about the discriminatory acts against LGBT persons in workplaces and these studies are mainly focused on experiences of gay, bisexual and lesbian employees. Studies about experiences of Turkish LGB employees started to be made in recent years. Among these studies, the study of Öztürk (2001) discusses the issue on national, personal and sectoral levels and pays attention to how discrimination is lived on such levels. It puts forth the forms of discrimination as mocking, humiliating and using inconvenient expressions in addition to being discharged. The study carries out by Kaos GL (2009) on the other hand describes forms of discrimination as excluding, discharging, not employing, mobbing/harassment, humiliating and stigmatization and addresses the issues that create stress regarding discrimination risk as well. This study also focuses on the existence of labor unions and importance of being a member of union in fighting against discrimination based on sexual orientation. The fundamental contribution of the study of

Dogan (2012) is that it discusses the positive or negative effects of the employers or co-workers being conservative or equitable in terms of being exposed to discrimination based on sexual orientation. These three studies I mentioned are policy-oriented studies that suggest various solutions. Study of Kaos GL (2009) addresses only being hidden or resigning as fighting strategies. Study of Öz (2011) on the other hand is an evaluation of legislation, legal gaps and situations experience in judicial process in terms of discrimination based on sexual orientation. This study is one of the pioneer studies which extensively questions and reveals the discrimination experienced by gays and lesbians.

The fundamental contribution of my study to literature is that the fighting strategies used by white-collar gays and lesbians living in Turkey are discussed in detail. One of the fighting strategies I've found out during my study is that gays and lesbians identify one of their colleagues as a "safety valve" and gain as *ally* after observing and evaluating them for many years. These allies are usually chosen among heterosexual woman employees. Another strategy which makes contribution to literature and which I've discussed in my study is practicing religious rituals as a precaution against possible discriminatory attitudes.

Another contribution made by this study to the literature which discusses the discrimination experiences of gays and lesbians living Turkey is that it discusses workplaces over whether they are safe or unsafe environments. While doing this, what elements determine whether the workplaces are safe or unsafe and how these two work organization strategies affect white-collar gays and lesbians in terms of discrimination, promoting, well-being and fighting strategies were discussed as well.

I inferred that the discrimination pressure that forces gays and lesbians to be hidden created problems in these persons' inner worlds in terms of being real and reserving *personal integrity*. Gay

and lesbian individuals wish to express themselves explicitly in the workplaces they work and they wish to live their cultures arising from their own identities freely without feeling any discrimination threat. The pressures that force gays and lesbians to be hidden push them to ghettoization in particular working areas. As the interviewees stated; gay bars, LGBT NGO's and most of the working places in ready-wear and fashion sector are the ghettoized working areas.

Furthermore, certain contributions were made to the literature about discrimination types and effects of discrimination as well. Through the sharing of the interviewees, I've also learnt that employers and persons responsible for employment have adopted a working way of making a research about the gay and lesbian candidates over the internet (mainly from Google) as well as they make researches about other candidates. Gay and lesbian interviewees who are LGBT activists and who have been either writing articles about LGBT issues or making statements have been discriminated since their sexual orientations were discovered upon Google researches made during employment processes. Furthermore, the football referee interviewee became well-known in media upon he was discharged from his job. In such period, the interviewee hasn't even been employed in blue-collar works like dish washing or waitering since his sexual orientation was exposed. The interviewees whose identities were open in mass media to varying degrees due to the works they've been carrying out or their newsworthy lives also live the stress of being discovered through internet (mainly through Google) before or during employment processes.

Most of the gay and lesbian interviewees have to lie in their workplaces in order to hide their sexual orientations. Lying forces them to further continue lying and sometimes, to create new lies. These persons constantly feel under pressure in terms of continuing these lies which consume their energies as well as make them have dilemmas about their realities and this situation causes stress over them. The two stress

types which I mentioned above and which I can name as *stress of being Googled* and *stress of maintaining lies* make contributions to the literature which addresses effects of discrimination based on sexual orientation as they reveal different aspects of effects of discrimination.

Furthermore, in my study, I argue that speeches like “I accept homosexuality” and “You’re different from the other homosexuals” are *verbal harassment* forms aimed at gays and lesbians. I tried to make a contribution to *verbal harassment* and *nonverbal harassment* conceptualization of Levine and Leonard (1984) with this new approach which I present emphasizing that acting in tolerant manner through similar speeches makes gay and lesbian persons uncomfortable or upset and in this respect, these attitudes have the characteristics of harassment. My study also puts a new interpretation on *avoiding strategy* of Woods (1993). I observed that the interviewees use ways like ending the conversation, changing the subject, staying silent and leaving the environment as avoiding strategies in order to hide their sexual orientations. In addition, I came to conclusion that using such strategies in daily conversations place those in “asexual” position but the persons using such strategies are usually perceived as a question mark in terms of *sexuality*. This study brings an extensive approach to “characteristics that evoke sexual orientation identity” subject which has been discussed with several dimensions in the literature and therefore makes a contribution to the literature. I developed a concept which I call *sexual orientation indicators* in order to indicate these characteristics in general. As it was addressed in some studies written previously, I too found out that *sexual orientation indicators* might also include nonverbal elements like attitudes and clothing style in addition to including verbal elements like voice tone. The new founding of my study is that having a *directly open* gay/lesbian friend or a gay/lesbian friend whose identity can be understood due to his/her *sexual orientation indicators* or being an LGBT activist and writing or making statements in mass media about LGBT’s are also *sexual orientation indicators*.

In this study, different from the approach of Griffin (1992), I found out that an identity management strategy might intertwine with another identity management strategy or all other strategies used by the homosexual person in his/her working life and furthermore, I found out that these strategies aren't always chosen and practiced in a particular order and in a consecutive way, in other ways, there is *habit* between fighting strategies.

I tried to summarize and present the issues I considered and discovered in “White-Collar Gays and Lesbians” (Öner, 2015) and now, I want to finish my article with a couple of suggestion sentences regarding the solution of current situation. In order to prevent workplace discrimination based on sexual orientation in Turkey, first and foremost, articles prohibiting discrimination based on sexual orientation should be included in laws and workplace legislations. Open-ended articles in law and legislations which contain expressions like being adverse to public morality should be discussed and these articles should be altered in a way that they won't be used against gay and lesbian employees. These steps will also open the door slightly to new cultural changes in Turkey.

Bibliography

- Altinal, B. E., “The Psychologization of the Islamic Discourse on Homosexuality”, Regional Network Against Homophobia, Kaos GL, Ankara, 2011.
- Anderson, M. Z., Croteau, J. M., Chung, Y. B., and DiStefano, T. M., “Developing an assessment of sexual identity management for lesbian and gay workers”, *Journal of Career Assessment*, 9(3), 2001, P. 243-260.
- Clair, J. A., Beatty, J. E. and MacLean, T. L., “Out of sight but not out of mind: Managing invisible social identities in the workplace”, *Academy of Management Review*, 30, 2005, P. 78-95.
- Doğan, E. T., “Bir Sosyal Politika Meselesi Olarak LGBT Bireylerin Çalışma Yaşamında Karşılaştığı Ayrımcı Pratikler”, *Kaos GL*, 127, November-December 2012, P. 13-15.

Çayır K. and Ceyhan M. A. (ed.), Ayrımcılık: Çok Boyutlu Yaklaşımalar, İstanbul Bilgi

Üniversitesi Yayınları, İstanbul, 2012.

Griffin, P., "From hiding out to coming out: Empowering lesbian and gay educators", K. M. Harbeck (ed.), Inside "Coming out of the classroom closet", Harrington Park Press, Binghampton, NY, 1992.

Harding, S., "Is There a Feminist Method?", S. Harding (ed.), Feminism and Methodology: Social Science Issues, Indiana University Press, Indiana, 1987, P. 1-14.

Kaos GL, "LGB Çalışanların İş Yaşamı Raporu 2009", Kaos GL, Ankara, December 2009.

Kalaycıoğlu, E., "Politics of Conservatism in Turkey", Turkish Studies, 8(2), 2007, P. 233-252.

Levine, M. P. and Leonard, R., "Discrimination against lesbians in the work force", Signs: Journal of Women in Culture and Society, 9, 1984, P. 700-710.

Öner, A., Beyaz Yakalı Eşcinseller, İletişim Yayınevi, Ankara, 2015.

Öztürk, M. B., "Sexual orientation discrimination: Exploring the experiences of lesbian, gay and bisexual employees in Turkey", *human relations*, 64(8), 2011, P. 1099-1118.

Smith, N. G. and Ingram, K. M., "Workplace heterosexism and adjustment amonglesbian, gay, and bisexual individuals: The role of unsupportive social interactions", *Journal of Counseling Psychology*, 51(1), 2004, P. 57-67.

Woods, J. D., The corporate closet: The professional lives of gay men in America, FreePress, New York, 1993.

Legal Basis of Discrimination and Gay Public Officers

Çiçek Tahaoğlu¹

Nusret Yazıcı, the General Manager of the Turkish Employment Agency (Turkish: İŞKUR), was asked a question in March 2013 by a journalist. The question was on what he thought about LGBTI associations applying to the Agency; he responded, “They can come, our doors are open.”

Despite our doubts, we were quite happy at the editorial department. After all, an institution like İŞKUR answered a question about LGBTI employment. In a country like Turkey, wasn’t this already “something”? General Manager could have chosen to skip to the next question, but he didn’t. It wouldn’t be the first time someone skipped a question during an interview. Plus, his answer was not negative. He said, “They can come, our doors are open.” I bet the journalist who asked the question was as surprised as us about this answer.

Yazıcı, then, continued with the following statement:

“Let’s start with the disabled to talk about disadvantaged groups. In 2012, we found workplaces for 35 thousand disabled people. This number is 30% for women. We declared 2013 the year of the disabled and women.”

Yazıcı also added that there would be a special focus on women in 2014 and disabled people in 2015. He included the Roma people in his answers. After all, they were benefiting from over a thousand Roma

¹ Journalist, Bianet.

people in “jobs that are beneficial to society”. While they wait for LGBTs to come to İŞKUR, their efforts for the Roma people, disabled people and women deserve admiration.

Frankly, if we removed the title of this news, there would be not much left with regard to the status of LGBTs in employment. After all, what he said was they are not going to spend extra effort on LGBTs’ employment, but will welcome them with their doors open if they come. That and a bit of positive interpretation from us...

Following this, Mahmut Tanal, Istanbul parliamentarian from Republican People’s Party (CHP), asked Faruk Çelik, Ministry of Labour and Social Security, a follow up question about LGBTI employment. Çelik gave the following short and clear answer in January 2015:

“Our Ministry has been conducting activities for the inclusion of disadvantaged groups and taking measures against discrimination and social exclusion. Women, children, youth, ex prisoners, Roma, migrant, people in poverty, substance users and seasonal workers can benefit from these measures and solutions.”

While still thinking if İŞKUR’s answer was a real one, Minister of Labour’s “answer” brought me back to reality.

We don’t know whether Çelik is ignoring LGBTs or not classifying them as disadvantaged groups. But, in the end, we got that there is no plans for LGBTI employment in future.

Efforts on the employment of other disadvantaged groups are also subject to debate. Politics on increase in employment does not aim at empowering disadvantaged groups, but rather strengthening families, capital etc. For instance, projects that aim at empowering women’s status in labour market are done as part of “Program on the Protection of Family and Dynamic Population Structure”. The name of the program is quite self-explanatory. As we can all guess, the program

does not include lesbians, bisexual and trans women. However, it says it will increase women's employment, a lot. According to what is said, even equality is possible! Of course equal opportunities, not gender equality. But how? The more kids women have, the more they have access to maternal leave and financial resources. They will also be given the option to work half-time so that they do not fall behind their housework and care. After all this, if they are still willing to work in their remaining time and if they can find someone who would employ them, they are welcomed to work. They could even fill the positions of other women on maternity leave –temporarily!

Some of you might remember, there used to be micro-credits for women. "Success stories" were printed in newspapers every single day. These women could go to workshops on certain fields that perpetuate traditional gender roles (such as how to make jewellery) and then work from home, which the state called "women's employment". Numerically, women constitute half of the population, and this is all that is offered to them. Imagine the rest of state policies for the employment of other disadvantaged groups on that list...

In an era where official statements and state politics do not aim at empowering individuals, minimizing disadvantages or eliminating inequalities, it becomes meaningless and pointless to think about state's responsibilities for LGBTI employment. The state completely fails in guaranteeing equality and comprehensiveness.

"Beware, that man has tendencies toward men"

The second phase of discrimination in the worklife of LGBTs appear after they manage to get hired without "getting noticed". At this stage, discrimination takes the form of written rules, mobbing and even threats.

According to Article 125 of the Public Servants Law, persons who "*commit shameless acts might get dismissed from work*". The administrative power can label anything they find "immoral" as

“shameless” and use it as an argument to discriminate against people on the basis of their sexual orientation and gender identity.

One of the most common things we hear is police officers getting fired for being gay. The reason why we hear often about this is because of not only the sexism within the police department but also its “tabloid” journalism values. After all, gay referees, gay police officers are alarming problems of manhood...

In 2012, in a news² on Vatan Newspaper, the title said, “Police during the day, ... at night”. Apparently the “police officer F.B. was using the name ‘Fettan Ceyda’ in his transvestite life at night”. The article is full of gripping as well as shaming messages. This is how the event takes place: A police station gets a call that says a police officer is working as a “prostitute in the form of a woman at nights”. Officers from the Morality and Gambling Police Department enters his house as customers and bust him right there. Ceyda gets fired immediately, and faces charges for “providing place for prostitution” and a jail sentence up to 4 years. However, the next day in a news with the title “Jet Acquittance for Fettan Ceyda”³, we learn that the court decides the person cannot be charged with “providing place for prostitution” as he technically cannot offer his home to himself. In this article, there are bits of information about the city he lives in, the police station he works at and his name initials. Yes, he does not have to go to jail for 4 years, but he gets fired and outed in front of an entire nation.

Osman⁴ is another police officer who got fired for being gay. Another police officer who got dismissed after a phone call to the police department. His case and personal testimonies help us understand better how gays are treated in the police department and how the department handles such “crimes”.

2 <http://www.gazetevatan.com/gunduz-polis--gece---463475-gundem/>.

3 <http://www.haberturk.com/gundem/haber/757969-fettan-ceydaya-jet-beraat>.

4 <http://www.bianet.org/bianet/toplum/152458-meslekten-kovulan-escinsel-polis-anlatti>

“I was newly appointed as intelligence officer. However someone told the office, ‘Watch out, he has tendencies toward men’. After this, my phones were tapped illegally. My colleagues had even e-mailed information about my relationships to the Security General Directorate.

“One night, I received a phone call at around 22:00. Police officers told me they needed to see me. When I went down the stairs, they said we needed to go to the station and nothing else.

“At 23:00, they had me wait at the entry door of the Police Security branch office. I never forget, a song by Hande Yener was playing inside. After questions like, “Do you know why you are here?” and “Do you have any guesses?”, they started to insult and swear at my sexual orientation. I asked for a lawyer, they said, “No, no lawyer should hear this disgrace.

“In the police reports, a police officer and someone from the Morality Unit made it look like they took my testimony during the day, not at night. And they made me sign it.”

Discrimination, illegal tapping on phones, arbitrary detention, forgery in official documents... They don't only want to fire him, they also want to scare and insult him. Osmay says, *“They insulted my honor at my homecity. When I left the city, I could not say goodbye to anyone out of shame.”*

That's not the end. When they “catch” someone, they continue hassling the entire station. To add more pressure on them, a friend of his is taken under detention too.

“They told me they think he is gay. They listed the names of 4-5 more people. They told me to give their names in my written testimony. But I told them I knew of no one else. And that it was their own private matter. But I did admit that I had a different sexual orientation.

“In the meantime, they took into custody a friend of mine for talking on the phone with me. His situation was as miserable as mine. They beat

him up, insulted him, asked him questions about me. They threatened him with telling everything to his family. The two of us had no sexual relationship. We just shared our problems with each other.”

Respect that comes with being an official...

According to the Sanitary Conditions Regulations⁵ of the security department, any staff who has psychiatric problems must appear in front of the health unit. This unit decides on the categorization of the illness of staff and rules on whether or not this will become a problem for their performance. The ratings of this Unit go from A to E, E representing very serious illnesses. Homosexuality falls into the category of D. Anyone who is classified within D either changes the position, or is forced to retire. People in this illness category cannot even be the “guards of a market or a street”. And yes, there is such a term in the official documents...

After testimonies, reports and everything else, Osman too goes in front of this unit. From what he tells, his illness was identified with the D classification however this did not pose a threat to his job. Actually, Osman tells the unit that he lives his identity secretly and convinces the unit that this will in no way affect the police department. Osman changes his job but stays in the police field.

Still, they don't give up. The police department starts disciplinary actions against him. They force a friend of his to testify against him. Crime proof? “Osman checked into a hotel with a man.”

Osman goes in front of inspectors again. He speaks about his private life to the most detailed extent. He tells them about all of his romantic and sexual relationships. He tries to legitimize his existence in the eyes of the state.

Result: Inspectors send the file to a disciplinary unit, saying “apart from service, he jeopardized the respect that comes with being an

5 <http://pa.edu.tr/?app=5FD4334C-2ADB-4AD4-B65E-71BD0F9D268E>.

official state officer". Osman then continues, "*In the unit, there were the same people who followed me and took my written testimony. When they were supposed give me a 6 month seniority reduction, instead they sent my file to the Minisry of Interior because my acts were shameful.*"

The journey of his file to the Ministry of Interior is another adventure. This "adventure" reminds me of a note in the Sanitary Conditions Regulations of the security department: "Psycho-sexual disorders", which is homosexuality, transsexuality, and transvestism. Here is what it says: "Statement: People who fall in this category must have a visible sexual disorder and this should be effecting the office environment negatively."

It's like a joke but the discrepancy in the language is like a reflection of Osman's story.

"My file was supposed to be sealed for privacy, but they had my documents in their hands, waving like a flag. There was no single person who did not hear about this, in the end. Actually, because everybody knew about me, this is how they managed to force me into resignation."

Of course, they outed him on purpose, with the goal of making sure everyone knew about his case. He goes to the deputy secretary of the Ministry of Interior. The deputy says, "Son, I do not call this a crime. Tell me." And Osman tell his story again:

"First, I did not accept who I was. When I started to work in Istanbul, I had two girlfriends. I failed them both. I was contradicting with myself and I was unhappy. I felt like I had two different personalities. Finally I managed to say, "This is who I am". After all, I was not living my identity in front of people. Plus, in a place like Turkey, we do not have that luxury."

Osman gets fired two months after this. He filed a court case to stop the procedure from continuing. His case was followed by Human

Rights Watch, SpoD LGBTI and Lambdaistanbul Associations. His lawyer was a former police officer. The lawyer said from the beginning that, instead of basing his defence on universal human rights, he was going to tell his story and try to gain sympathy to win the case. He told the court that his client did nothing to hurt the honor of his job, meaning, he did not live his private life in public, unlike what was claimed.

Ceyda, the person I mentioned at the beginning of this article, said something similar to the newspapers: *“Because I was a police officer and continued to have feminine behaviors, I had to do it secretly. I always did it secretly to not hurt my job’s responsibilities.”*

These people, even after being discriminated against and accused of shameless acts, continue to care for the “respectability” of their institutions despite everything. They don’t do anything that jeopardizes this principle.

During this period which lasted for months, Osman had to keep it secret from his family that he has been removed from his job. He says he had to do this not for himself but for the security of his family. He struggled with temporary and low-paying jobs. But apart from all, the psychological pressure he was under challenged him the most. First time we talked, he said he has regular nightmares of the night he had to spend at the police station. The endless darkness into which he was being dragged was eating him.

Does a police officer who is discriminated against go to unions?

Osman said, “After getting fired, I made in-dept researches. Was I going to be alone in my struggle? Or were there similar victims like me?”

After interviewing Osman, I got countless e-mails from other police officers. They were fired, investigated, and at other phases of the exact same procedure. I advised them to seek help from human rights organizations but they were hesitant. Because they were police officers.

They committed a “disgraceful offense”. Who knows, maybe they were thinking LGBTI organizations won’t be able to defend them that well, since the only time these two groups meet are at demonstrations. Those who asked for the contact details of LGBTI organizations were mostly interested in the legal services they provide. Or at least, they were asking for the name of a lawyer who could help them. But mainly, they were trying to contact Osman himself.

Shortly after, I heard that there was now a small gay police group. Their goal was to come together with other police officers with similar experiences and share their feelings. If they were not police officers, the first thing I would do was to tell them to go to a union. But is this possible for a police? Could they go to, let’s say, Eğitim-Sen Union after their colleagues discriminated against them and insulted them? Would a gay organization protect the rights of a police? Is it possible to raise awareness in an institution which classifies homosexuality as a psycho-sexual disorder in “Section D”?

Ministry on Family and Social Politics offers trainings on gender equality to police officers and soldiers, which got quite a lot of coverage in media. I asked⁶ **Meltem Ağduk**, United Nations Population Fund Project Coordinator and one of the trainers, whether or not they touch the LGBTI issue in their training materials. She said, “Until now, we did not talk about the LGBT issue in detail, except for one session on education. Of course it is strange to not talk about sexual orientations when we are talking about gender roles. But, I’ll be honest, even women’s equality generates a lot of negative resistance. This resistance is ten-fold when we talk about LGBT people.”

Osman won his case. But what about others?

We heard a short time ago that Osman won his court battle. This gives hope. Obviously the tactics of the lawyer who was an ex police worked

6 <http://www.bianet.org/bianet/toplumsal-cinsiyet/144724-ordu-ve-polisteki-egitim-de-konu-lgbt-ye-gelemiyor#>.

in this individual case. But it is unclear whether or not Osman's case will help other victims and pose a sample case for similar violations.

From the beginning until the end, the procedure is full of forgery; plus, the regulations are used as the basis arguments to justify discrimination. In short, as long as these regulations and minds don't change or get updated with scientific and fair views, LGBTI workers will continue to be fired.

As long as discrimination has legal justification, can a single court victory solve the problems of all the victims? How acceptable is it for a worker to be discriminated against despite countless international laws and then to be forced to seek justice in courts? Can Osman's victory and gain of his job back heal all his memory and pain? And what about the people who are going through Osman's situation right at this moment? What if their judges decide that the Police Department had all the rights to fire them? Can human rights violations be left up to the personal opinions of judges?

Burcu Karakaş's interview with another fired public servant on Milliyet Newspaper⁷ might answer some of these questions. In the case of this police officer, the police department gets a phone call, very similarly to the previous cases. They raid his house. When they find documents in his computer about him being gay, they fire him. He too opens a counter court case to stop the procedure from advancing further. However, the case gets dropped after the court decides there was nothing illegal about the procedure. His lawyer takes the case to the State Council; however the answer of the Legal Deputy Secretary of the Ministry of Interior brings the case back to where it started: "There is no doubt that individuals citizens will lose their trust in the state if public service is done by public servants who lost the necessary respectability. In order to eliminate such danger, such people need to be dismissed from their positions and combed out from administrative body."

7 <http://www.milliyet.com.tr/bu-tur-memurlar-hemen-ayiklanir--gundem-1897738/>.

If we were to go back to the beginning; we have a Minister who avoids using the word LGBTI. Inclusion of the terms “sexual orientation” and “gender identity” are rejected from entering any form of legislation, including the draft of the Anti-Discrimination Bill. Deputy Prime Minister Bülent Arınç recently mentioned about LGBTs, but with the aim of humiliating the opposition parties. Here, Arınç is not able to say “gay”. He only says, “Lesbians, bisexuals and trans gave their votes to Demirtaş.”⁸ Because gayness involves two men. Demirtaş’s 9% voting rate probably shows that Arınç does indeed recognize the presence of LGBTI people, however, not as equal citizens. A newspaper brings clarification to this statement: “They are trying to have CHP and the ruling party open more opportunities for LGBTI people. By doing so, deviancy will be legitimized in the conscience of public and, even further, gay parliamentarians will enter the Parliament.”⁹

It seems very unlikely to see legal measures for the elimination of discrimination in employment and in other areas. However, we will continue to remind the state of its responsibilities. After all, reminding the state of its responsibilities became our own responsibility.

8 <http://www.hurriyet.com.tr/gundem/27933017.asp>.

9 <http://www.habervaktim.com/haber/405084/hdp-sapkin-asigi.html>.

Reflections on the European Social Charter in Relation to the Violation of Economic and Social Rights of LGBT People

Hakan Ataman¹

The fact that lesbian, gay, bisexual, trans and intersex (LGBTI) people face discrimination on the basis of their sexual orientation and gender identity is not a new phenomenon. However, the protection offered by regional and international human rights mechanisms against these violations is quite new and, as Douglas Sanders has stated, this has started in Europe². Initially with its conservative or, if we were to put it more nicely, shy comments, Europe's protection mechanisms have recently expanded its comments and coverage so much to the extend economic and social rights have also been included³. Even though legal protection is not sufficient on its own⁴, it is still possible to say these developments are pleasing for constituting a legal basis at the very least.

Council of Europe accepted the *European Social Charter* for believing that civil and political rights are interconnected with economic and social rights and that this set of principles has formed the basis of

1 Human rights defender

2 Douglas Sanders, *Human Rights and Sexual Orientation in International Law*, Kaos GL Law, 2004, P. 24.

3 In recent years, we see that United Nations (UN) too is trying to keep up with the protection mechanisms in Europe. It does not yet have a comprehensive legislation; however, it is possible for the UN to develop its own legislation on the subject.

4 It is important that legal protection comes with a decisive and strong political position. There are many anti-discrimination regulations in the law; however, discrimination exists in our lives either secretly or openly mainly due to a lack of political will.

European democracies (1961; went into effect: 1965). The *Reviewed* version of the *European Social Charter* was accepted in 1996 (went into effect: 1999). This new text, compared to its first version, included new social rights in it. We could say that, with its emphasis on economic and social rights, the *European Social Charter* is equivalent to Council of Europe's *European Convention on Human Rights*, a convention well-known especially in Turkey.

European Social Charter is a legal document that is constantly expanding its contents. As the European Committee on Social Rights has stated clearly in various decisions, it is a living document⁵. It is the largest and binding contract protecting all kinds of social rights in countries that are in the Council of Europe but not yet European Union (EU) members. In EU member countries, the Social Charter offers even a more advanced level of protection than the EU does. For example, the version of the Social Charter in effect is the only document in Europe with the most comprehensive legislation on children's employment. Similarly, the Social Charter is the only document today that offers remedy to social exclusion and poverty. Additionally, in the case of a violation of the rights in the revised version of the Social Charter, collective complaints can be made to the Committee according to the additional protocol accepted in 1995 and put in effect in 1998. As a result, Committee reviews the applications and rules, which expands the content and implementation of the contract.

According to Article 10 of the Social Charter, which touches the right to vocational trainings, everyone has the right to have access to trainings needed for their professions. Article 10 is seen as a precondition to benefit from other rights, especially the right to work in Article 1. Therefore, vocational trainings and the right to work

⁵ European Committee on Social Rights, International Lawyer's Commission vs. Portugal (Application number: 1/1998 - 9 September 1999) and Marangopoulos Foundation for Human Rights vs. Greece (Application number: 30/2005-6 December 2006).

are two interdependent and interrelated rights. A similar rule goes for the ban on discrimination: Both in the initial 1961 version as well as its revised version in 1996, ban on discrimination remains a vital element.

The first example I will give is from 2008 in Poland: The Committee ruling on Article 1.2 which regulates labour life in the revised version of the contract⁶. In its state report to the Committee, Poland had stated that the Polish Constitution has a general article which bans discrimination, including on the basis of “sexual orientation”. However, the Polish government failed to show in what ways the Constitutional protection was reflected on other legislations, especially the labour law. Also, the state did not give any information about the implementation. In the meantime, the alternative report submitted to the Committee by two NGOs working on the rights of LGBTI people has shown that at least 10% of the community experience discrimination at workplace. Out of this 10%, 27.6% stated that their applications were rejected, 23% was fired and 14% was denied promotion on the basis of their identities. The Committee found out from another report that the Polish state had no strategy to eliminate discrimination at work place and that the Minister of Education refused to use Council of Europe’s anti-discrimination publications, which included content about homosexuality, because the publications did not over lap with Poland’s moral values. In the light of this information, the Committee did not find the reports of the Polish state satisfactory and requested the state to come up with more satisfying answers to the above claims. The Committee also stated that Poland’s situation does not comply with Article 1.2 of the contract due to other reasons.

The second case I want to point at is this: The collective complaint by INTERRIGHTS, an NGO working on human rights protection

⁶ European Committee of Social Rights, Conclusions XIX – 1 (POLAND), Articles 1, 9, 10, 15 and 18 of the Charter, p. 4

on international level, against the country of Croatia⁷. The complaint was filed based on the argument that Croatia has violated the Social Charter's Article 11 on the right to health services, Article 16 on families' right to social, legal and economic protection, and Article 17 on children and youth's right to social, legal and economic protection. After reviewing the application, the Committee concluded that Croatia allowed discrimination and stigmatization against LGBTI people in its school textbooks. According to these textbooks, LGBTI identities are caused by failed family relations, linked to AIDS and are defined as sex addicts and drug users. Therefore, Croatia was charged with violating not only the article that bans discrimination but also Article 11.2 which guarantees access to education and services to advance health standards. The Committee did not think there was need to further inspection on Article 16 and 17⁸. The decision was approved by the Committee of Ministers of the Council of Europe⁹.

The third important ruling was a decision taken by the Committee on the report Malta has presented¹⁰. In the final report released in January 2010, the Committee looked at Article 11 from various angles: The right to health, including for trans individuals to have the right to access health services. In Malta's state report, it is stated that no document is required from certain groups, such as migrants, when they are in need of health services. However, in another report¹¹, it is stated that Malta does not offer hormonal therapy or gender-assignment surgery. Even further, some health professionals do not

7 Collective complaint No. 45/2007 by the International Centre for the Legal Protection of Human Rights (INTERIGHTS) against Croatia.

8 The decision on the merits for the complaint International Centre for the Legal Protection of Human Rights (INTERIGHTS) v Croatia (no. 45/2007).

9 Resolution CM/ResChS(2009)7, Collective complaint No. 45/2007 by the International Centre for the Legal Protection of Human Rights (INTERIGHTS) against Croatia.

10 European Committee of Social Rights, Conclusions 2009 (MALTA) Articles 3, 11, 12, 13, 14 and 23 of the Revised Charter, January 2010, p.12-13.

11 Alternative report presented by the Malta Gay Rights Movement and the International Lesbian and Gay Association - ILGA (Europe).

have any knowledge on the particular health problems trans people face. Under these circumstances, the quality of health services fall and trans people face discrimination in their access to their regular health services. In reference to the Committee of Ministers of the Council of Europe's Rec(2001)12 recommendation, the Committee emphasized that countries "*are obliged to adapt their health services to the needs and demands of marginalized people.*" This is why the Committee requested Malta for its next session to prepare a clear report on the access of marginalized groups to health services and indicated that Malta's national laws do not comply with the contract. One of the reasons this ruling is very important is because it is the first decision that looks at the needs of trans people this closely. In similar rulings, only sexual orientation has been referred to. This, as expressed many times by the LGBTI movement, leads to gender identity being wrongly defined based on sexual orientation and ultimately an ontological problem. With its Malta decision, the Committee pointed at the special needs of trans people and marked a significant development.

The last example I want to touch upon is the Committee's decision on a report presented by the Turkish state¹². The Committee released its decision in January 2013, and right before that, a coalition of ILGA Europe, Turkey (Kaos GL) and Russia (LGBT Network) presented their own alternative reports on the violations of the human rights of LGBTI people¹³. The Committee concluded that the Labor Law (no: 4857, Article 5) and the Constitution (Article 10) do not include age or sexual orientation as grounds that need protection. This is why the Committee asked if the term "*other similar grounds*" included age or sexual orientation, according to Article 5 which says "No

12 European Committee of Social Rights, Conclusions 2012 (TURKEY), Articles 1, 9, 10, 15, 18, 20, 24 and 25 of the Revised Charter, January 2013,

13 Comments on the 4th report of Turkey by Kaos GL and the ILGA (European region) on Article 1§2 ; Comments on the 4th report for Ukraine by the International Lesbian and Gay Association (European Region); Comments on the 1st report of Russia from the Russian LGBT network and ILGA; available on http://www.coe.int/t/dghl/monitoring/socialcharter/Reporting/StateReports/CommentsINGO_en.asp. Accessed on 10.12.2012.

discrimination is allowed in work relations on the basis of language, race, colour, sex, disability, political views, philosophical beliefs, religion, sect and other similar grounds." But Turkey failed to answer this question in its last state report. Even further, giving reference to ILGA Europe and Kaos GL's alternative reports as well as the EC Progress Report which said LGBTI people continue to face discrimination, threats and violence and that Turkey continues to not have a comprehensive anti-discrimination bill, the Committee ruled that Turkey's situation does not comply with the Social Charter's Article 1.2 which regulates "*labor life*".

As a result, European Committee on Social Rights looked at discrimination on the basis of sexual orientation and gender identity from an economic and social rights perspective, which is a vital start for similar rulings. But one other key issue here is the power of alternative reports prepared by NGOs on the economic and social rights of LGBTI people. Reports from the LGBTI movements have a great impact on the rulings that take place at the Committee. Therefore, this is an important case model not only for Kaos GL but also for other NGOs working on human rights issues for the protection of economic and social rights. The impact of the alternative report submitted in collaboration with ILGA Europe should carry importance also for other NGOs. It is important that more alternative reports reach the Committee following close review of reporting dates and topics covered.

Cases of Discrimination Against LGBTI Employees Reported to the German Anti-Discrimination Agency

Explanations on the German General Equal Treatment Act and its provisions on trade unions

Anna Braunroth¹

What are the most important laws for the protection against discrimination in Germany?

The principle of non-discrimination is enshrined as a fundamental right in Article 3, Paragraph 3 of the German Constitution. According to Paragraph 3, “No person shall be favored or disfavored because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions. No person shall be disfavored because of disability.” In conjunction with the general principle of equality of all human beings before the law anchored in Paragraph 1 of Article 3, this provision is understood as a specific prohibition of discriminatory treatment. Any difference of treatment with regard to the addressed characteristics can hardly be justified before the law. By contrast, other differentiations based on other grounds are permissible when based on objective reasons.

At first sight, the constitutional prohibition lacks protection for LGB persons, as the passage does not explicitly protect individuals discriminated on the basis of their sexual orientation. Needless

¹ Legal Advisor of the Federal Anti-Discrimination Agency (FADA)

to say that in 1949, when the Constitution became effective, same-sex sexual activities were still an offence under the German Penal Code. Nowadays, however, the German jurisdiction applies the same standards of protection as if sexual orientation were mentioned in Article 3, Paragraph 3. Nonetheless, in the opinion of the Federal Anti-Discrimination Agency (FADA), this equality in protection should be clearly visible at the legislative level, not least in the interest of redressing the historic injustices against homosexual citizens. FADA therefore publicly supports an online initiative to amend the constitution to explicitly include sexual orientation in the list of protected grounds (www.artikeldrei.de, only in German).

The more recent General Equal Treatment Act provides for a more extensive list of protected categories, including sexual orientation as well as age. It entered into force on August 18, 2006, thereby implementing four major EU non-discrimination directives into German Law. In accordance with those EU directives, the Act applies to employment discrimination and discrimination in access to goods and services.

What is the Federal Anti-Discrimination Agency (FADA)?

The Federal Anti-Discrimination Agency (FADA) is an independent initial contact point for persons who are affected by discrimination. It was set up in 2006, after the General Equal Treatment Act came into effect. Besides its prominent task of advising citizens, FADA is also engaged in publicity work and academic studies on matters relating to discrimination. All these tasks are carried out independently – FADA is not integrated into other governmental bodies, and its policy priorities and overall work are not subjected to supervision by other public authorities.

FADA supports victims of discrimination by providing information on anti-discrimination legislation in Germany and possibilities for legal action against discriminatory treatment. In addition and if

suitable, FADA engages in out-of-court settlements between the involved parties. FADA is not an equality body invested with its own right to take legal action or take part in legal proceedings.

Which cases of discrimination of LGBTI persons are reported to FADA?

Although the cases of discrimination of LGBTI persons reported to FADA are diverse, the overall figures remain comparably low with a proportion of 5-6 % of all reported cases.

The obvious explanation for this phenomenon is not that discrimination of LGBTI persons occurs less frequently, but rather that it is being reported less frequently to FADA. This can be attributed to both negative and positive reasons. On the one hand, the low percentage of LGBTI-related reports to the FADA can be explained through the general problem of under-reporting of discrimination. On a more positive note, however, it also speaks to the effective and well-organized support of LGBTI interest groups in Germany, which are able to provide high-quality counselling services for victims of discrimination.

Cases reported to FADA range across refusals of family discounts or wedding goods and services for same-sex couples, homophobic attacks in public, and employment discrimination. The latter is the most prevalent area of anti-LGBTI discrimination brought to FADA's attention. Discriminatory behavior at the workplace against LGBTI employees appears to be especially motivated by bias and stereotypes. Typically, employers refuse to employ out or transgender staff by alleging that their business would be shunned by customers, contractors, or even the board of directors. Additionally, anti-gay or anti-lesbian comments by supervisors and colleagues apparently constitute a frequent form of discriminatory harassment against gay and lesbian employees.

How does the General Equal Treatment Act provide protection against discrimination at the workplace?

The General Equal Treatment Act outlaws any direct or indirect discrimination, harassment or sexual harassment, as well as the instruction of others to discriminate in employment relationships. There are only a few exceptions to this general rule. Direct or indirect discrimination can be permissible when justified by certain objective reasons for a difference in treatment, e.g. on grounds of necessary occupational requirements. All employers are obliged to take necessary measures to combat discrimination at the workplace. This obligation also covers preventive measures.

Employees who have been discriminated against and/or were not sufficiently protected against discrimination are entitled to demand appropriate compensation from their employer.

Which rights and duties are designated to trade unions by the General Equal Treatment Act?

Trade unions play a crucial role in protecting individuals against discrimination at the workplace. According to the General Equal Treatment Act, they are required to become actively involved in achieving the Act's ultimate aim of preventing discrimination. This means that they should dedicate traditional measures and powers like negotiations on collective bargaining agreements to reach this aim.

Moreover, the General Equal Treatment Act provides trade unions represented in a business with the right to bring actions before the labor court. It is the only provision on and possibility of a collective claim according to the Act. The right of action is limited to cases in which the employer commits a gross violation of the provisions of the General Equal Treatment Act.

Unions' Battle and LGBTI Movement

Furkan Hancioğlu

Ongoing relations of societal life build gender just like they do other features such as class, language, religion and ethnicity. Gender is biological however equally socially-constructed, which is why it is important in the identification of *other sexualities* and making sense of them. From primitive life forms to today's modern societies, one will see that the definition of sexuality has been reproduced historically and socially in almost all eras. This leads to the creation of varying levels of acceptance by society towards "different sexual orientations".

When the heteronormative and patriarchal characteristics of life are taken into consideration, one will see that *other sexualities* with strong "differences" are met with practices of exclusion, discrimination and subalternity. Perhaps one of the best ways to comprehend this is to understand the hegemonic representation of men over women. While becoming dominant through the means of paternalist institutions and relationships, the masculine tyranny reproduces the "differences" of gays in the form of stigmatized "otherhood" in today's world. The recognition of homosexuality and other sexual orientations in the form of lesbian, gay, bisexual, trans and intersex (LGBTI) is therefore important for its ability in affirming these expressions. In this context, collective organizations who represent LGBTI people and groups have a vital role in the acceptance of these identities on a societal level. At this point, in the acceptance of these identities on an individual and societal level, new opportunities emerge from the perspective of other movements to answer the following question: "Are LGBT organizations sufficient?"

In modern days, it is a fact that social life is not only built around identity awareness. Because the capital-labor conflict and labor exploitation created by the dynamics of capitalism concretize the borders within the class systems even more. One of the most striking strategies applied by capitalism's neoliberal politics on class awareness is to emphasize identity differences in a globalizing world. This is why, it would not be wrong to say LGBT organizations have another vital role. In this sense, the importance of "Unions and Their Battle" in the lives of LGBTs (labor, daily needs, municipal, organized etc.) emerges as a subject that requires more thinking. And here is a question for which we need to seek answers: What is the place of LGBTI movement within the union struggle and how are they (or can they be) represented?

The answer to this question has the potential to be as diverse as the practices of each and every "different sexual orientation". Because each and every lesbian, gay, bisexual, trans and intersex identity show differences in their expression and forms in society. It is possible to see this especially when we look at the processes of exclusion and getting sidelined. However, here we should ask whether or not the LGBTI movement includes a class perspective in its experience of identity struggle. Here, we face another question. How was gender defined in the history of labor as a category¹ and who was its subject in its representation?

We could argue that the two questions we just asked have a dialectic relationships between them. In order to answer the first question, it will be better to give priority to the second one. Here, I would like to clear that my goal is not to search for a scientific or academic answer, but rather contribute and try to give suggestions to the relationship between the LGBTI movement and the union movement.

¹ Boris, Eileen and A. Janssens, (1999), "Complicating Categories: An Introduction", International Review of Social History, PP 1-13, No: 44.

The perspective that minimizes gender to biology and builds it the same way in society secures the place of patriarchy as a system. The hegemonic representation of men's role in this patriarchal structure puts women's status in a secondary place and uses it to advance its power. This is why it is important to remember that patriarchy has a restructuring power² over its subjects, just like capitalism does. On the other hand, patriarchal capitalism and material/financial ground which is the basis of patriarchy in capitalism points at the masculine control of men over women's labor. In order to control this and to reproduce masculine power, women's access to certain fundamental and key resources need to be controlled, ultimately leading to caging women's bodies³. This is one of the ways to look at the building and transformation of masculine hegemony and the different sexualities from primitive communities to today's society.

We will see that patriarchy, in the heteronormative structure of the rebuilding of gender, defines itself in a way it can reproduce its own hegemonic representation and practice. Capital-labor conflict created by the dynamics of capitalism puts obstacles in front of class awareness and sidelines other identity mechanisms. This is why it is important to look at not only the inequalities and human rights violations in the labor market but also at how different identities strive for recognition and equality against hegemonic factors. At this exact point, a new need to move the sidelined LGBTI movement to a different platform emerges. In this regard, unionist struggle is not important only for the acceptance of identities in society; it is important also because it symbolizes the fight of LGBTI movement, which is sidelined and stigmatized in many areas as well as in the labor market, for human rights and against the hegemonic conditions of labor market. It is, therefore, time for the identity awareness represented by the LGBTI movement to critically look at the class structures which unions are located in or are opposing.

2 Savran, Gülnur, (2004), Beden Emek Tarih, İstanbul: Kanat.

3 Hartmann, Heidi, (2006), Marksizm'le Feminizm'in Mutsuz Evliliği, İstanbul: Agora.

Following the short debate above, we need to think about the definition of unions and unionists struggle. This is one important point which should not be overlooked: No definition of unions and union movement can be made independently from what capitalism means. Because capitalism *fabricates* new terms and concepts independently from the class issue when it comes to explaining matters, events, actors and institutions who are unique to capitalism in terms of structure. In the 20th century, unionism as the representative of the working class was not only the representative of paid labor but also a symbol of an ideological and political representation. Capitalism not only transforms factors which effect social life but also formal structures that bore an opposing position against itself. In short, unionism that was born in a certain time of capitalism needs to be seriously distinguished from unionism today. This is exactly why we need to look at unionism in a historical context without overlooking the growth stages of capitalism and the movement against it⁴. That being said, we can bring a critical perspective to the exploitative system of capitalism in labor market and the class struggle of *sidelined sexualities* in the process of reproduction of heteronormativity and patriarchy.

It is vital to keep an eye on identities in a globalizing world which is getting demolished by today's neo-liberal politics. Capitalism, while exploiting labor with endless effort, works non-stop to put barriers before the creation of class awareness. One of the most visible forms of this can be seen in the politics applied to the LGBT movement. We can say that defining the sexual lives and expressions of LGBTIs as "different sexual orientations" is an act of stigmatizing and praising the heteronormative and patriarchal characteristics of society. Plus, the exploitation of women's labor -just like women's status getting pushed to secondary importance- perpetuates to the act of marginalization of individuals and groups with "different sexual orientation" and affirming this action. Under these circumstances, the need for

⁴ Akkaya, Yüksel (2007), "Sendikacılık", Kavram Sözlüğü-I, ed. F. Başkaya, PP 515-521, Ankara: Özgür University.

identity to express itself and find forms of survival cannot be studied independently from the class factor. This approach is important for the explanation of the following issues: According to whom are LGBTI identities “different”? And why are they stigmatized after being labelled as a “different” category?

Within the framework of all the discussions until now, I would like to express a few recommendations with regard to the relationship between the LGBTI movement and the unionist movement:

1. It is vital for LGBTI individuals to take place and be represented at unions in order to challenge the notion that their sexual orientation is “different”. By doing so, the LGBT movement will no longer be perceived as a threat to the social borders and will become a natural existence just like heterosexuality.
2. When we think about the union movement as a form of answer and action against inequalities created by the dynamics of capitalism, it will be more possible to establish a mass resistance which is based on class and identity against the exclusion and stigmatization of and discrimination against LGBTI people in labor market.
3. Representation of LGBTs at unions can be transformed into a symbol of resistance against capitalism’s fight with class awareness. The best result of such possibility or effort would be to validate Kaos GL Magazine’s motto one more time: “Liberation of homosexuals will also free heterosexuals.” This approach can come true with the LGBT movement becoming more visible in the union movement and the working class coming together in one combination -from a Marxist perspective- despite its differences. That is exactly when our world will carry the rainbow colors for all equalities and liberations.

Borders Drawn to Limit Unions

Cahide Sari

Political configuration of modernization shaped by national sovereignty is reclined on a new form of relationship between bodily and political identities. This form of relationship becomes concrete with human body becoming more productive through various disciplinary mechanisms, being able to conduct various acts through identity and representation mechanisms, the construction of collective political spheres for demanding and experiencing certain rights and building political-legal borders around this concept of representation and axioms of rights.

When the membership profiles of unions are studied carefully, we realize that becoming a member of a union, organizing, engaging in collective bargains and benefiting from the results of these bargains benefit only a limited group of people. Those who are excluded from union rights the most are the migrant workers. One of the reasons why migrant workers, who need labor rights the most, don't have access to direct connection with unions is because becoming a member comes with the condition of citizenship. Especially since the 90s, the widening and deepening issues such as sexual orientation, gender identity, citizenship and illicit work pose serious questions to who the unions really represent, on whose behalf they act and how they will continue their relations with the borders drawn around themselves.

In some regions and countries, it is possible to interpret some of the developments as positive, such as accepting migrant and illicit workers as "honorary" members, including their human rights

demands in collective labor bargaining and the rise in the visibility of LGBTI members as well as the problems these groups face in employment. However, keeping in mind how problematic the concept of representation is and the scarily big size of the people excluded from the union movement in one way or another, it is important to continue questioning the legal-political limits around unions. Unions have the role of a spokesperson on behalf of all segments whose rights are dispossessed, which means not much change happens in liberal representation mechanisms and that the limits are not genuinely challenged. While this paves the way for diversification among member profiles, the diversity alone does not mean much.

Trying to include the sidelined groups by means of expanding the mechanisms which excluded them in the first place will mean trapping the same groups inside these mechanisms. The problem is not about expanding the areas of these mechanisms but rather about the political mentality that allows these mechanisms. When regulating rights, if a political system defines people and workers in hierarchic categories such as citizen/non-citizen, heterosexual/non-heterosexual, registered/illicit, that system must be rejected altogether. Every time unions try to solve the problem by diversifying the groups they represent, these discriminatory mechanisms will continue to follow them. Therefore, the key issue here is not simply the inclusion of LGBTIs, migrants or illicit workers but rather the elimination of mechanisms that divide the field of unions into “inside” and “outside” and the creation of new tools that will put an end to this way of functioning.

Women's Labor and Employment Initiative Platform

Sibel Özen¹

Women's Labor and Employment Initiative Platform (WLEP), founded in 2007, works on the existing legislations and creates new ones to advance women's place in labour by gaining secure and sustainable places in employment and having at least decent-paying jobs and good working conditions. It also underlines the forms of discrimination women face at workplace and strives to develop an anti-discrimination perspective in the handling of cases taken to court. Additionally, it engages in advocacy works and strategic litigation by using key and effective international mechanisms, such as the Committee on the Elimination of Discrimination against Women (CEDAW).

While running legal advocacy and litigation programs, WLEP realized that no attention is paid to the gender-specific factors in discrimination at workplace, as if discrimination has no gender and that violations happen only in the context between an employer and an employee. There is one important problem: the link between discrimination in employment and discrimination against women in general are overlooked. This is why, we as a platform are conducting various educational seminars and litigation workshops in cooperation with bar associations and women's organizations to debate about women's status in employment and to make the problems visible.

To be in compliance with the EU acquis, the Labour Law coded 4857 included "Equal Treatment Principle" where it regulates the ban on discrimination at workplace. However, there are key elements missing in this regulation:

¹ Lawyer

“No discrimination is allowed in work relations on the basis of language, race, colour, sex, disability, political views, philosophical beliefs, religion, sect and similar grounds.”

The grounds listed does not include sexual orientation or gender identity. It is possible to interpret that “similar grounds” include sexual orientation and gender identity; however, in application it does not. LGBTs, like in every other field, remain under discrimination also in the field of employment. Vague terms such as “similar grounds” do not offer a comprehensive protection to the community members. LGBTs are either not employed because of who they are or get fired in which case they cannot seek legal remedy in court.

“Employer, unless he is obliged due to biological factors or the features of the job, cannot discriminate directly or indirectly on the basis of sex or pregnancy during the implementation of the contract, formation of its conditions, its application and termination.”

Again, in this article, discrimination on the basis of sex and pregnancy is banned; however, LGBTs are completely excluded from the law.

“During the employment or at its termination, if the above rules are violated, the worker should be compensated with 4-fold of his/her monthly salary and all other rights she/he was denied. This can be done according to the Union Act coded 2821, Article 31.”

The 5th articles only regulates the ban on discrimination “on the basis of sex or pregnancy in the implementation of the contract, formation of its conditions, its application and termination.” The compensation, however, is regulated during the employment and at its termination, when in fact it should cover all the following time periods: Job announcement, job interviews, conditions of the contract and all the time that passes from employment until the termination of the contract. This is why this law is not effective in the elimination of discrimination.

“With Article 20 guaranteed, the worker has the burden of proof when reporting in what forms the employer has violated the above rules. The employer has to convince the court that no violation took place only after the worker provides the court with strong proofs of a possible violation.”

In this article, even though the employer has the burden of proof, the worker has the responsibility to provide strong evidence of discrimination. However, in Turkey, it is difficult to use statistics, comparison and similar methods which are used in proving discrimination. Some difficulties arise in implementation due to the fact that the statistics used in these types of cases in Turkey are insufficient. It is not very realistic to expect workers to prove their cases with strong arguments given the fact that data about workplaces are not kept in details but rather are missing.

“Due to hate on the basis of language, race, colour, sex, disability, political views, philosophical beliefs, religion, sect;

...

- c) Whoever does not hire someone,*
- d) or limits another person's usual economic activity
is punished by 1 year to 3 years in prison.”*

In Article 122 of the Turkish Penal Code, any discrimination in the process of hiring is forbidden. In the article, a similarly limited list of protected grounds are indicated. In addition, a *hate* motivation is sought. By doing so, only direct discrimination is subject to punishment. In penal code, due to innocence presumption, the burden of proof does not change its place, which is why necessary protection is not guaranteed.

Work-from-home contract is a pact for the employee to fulfill the work he/she is appointed with on his own or with his/her family in return of a payment at his/her home or another place previously confirmed by the employer.”

Work-from-home has been regulated by the Turkish Code of Obligations, Article 461. In the case of labor including other family members, most often women and children denied access to protection under this article because they are not in the status of worker. Work-from-home is a flexible type of labor that is hard to inspect. Considering the gender roles in society, it depends women on men and pushes women to work under insecure conditions.

One of the major problems LGBT people face in employment is their constant auto-conrol over their work decisions. For instance, gay men do not prefer work fields that are preceived to be more suitable for men because of the “man talks”, masculine behaviors and homophobic and transphobic jokes. If they are not in a managing position, they feel that they have to compensate for who they are by performing more than others. When a chief knows about the “status” of a gay worker, there are times the chief expects the worker to be “obedient” in return of the “tolerance” she/he gets. Or sometimes a gay worker is given more work because people in chief position believe the worker won’t be easily welcomed at another workplace and therefore doesn’t have the luxury to quit².

Convention on the Elimination of All Forms of Discrimination against Women

This convention went into effect in 1981. It is a vital document for the human rights of women because it fights against all forms of violence against women, rather than aiming at an abstract equality in society. It urges all signatory states to take necessary measures not only in legislation but also its implementation. According to this Convention, discrimination both in public and private sectors are subject to government control.

2 Demirdizen Derya, Çınar Sidar, Kesici Mehmet Rauf; Discrimination at Workplace on the Basis of Sexual Orientation: A Field Study on LGBT People, 2012.

When the 1st Article of the Convention is studied carefully, one will see that all forms of restrictions and limits on the basis of gender are classified as discrimination regardless of the marital status of women. In its 2nd Article, the Convention urges all signatory states to act “immediately” to take preventive measures and end discriminatory acts.

One of the key articles of the Convention, the 5th Article, underlines the need to destroy traditional gender roles and stereotypes which perpetuate gender inequality. Traditional gender roles are perhaps most visible at home in the form of duties women undertake. These duties must be shared by both men and women, such as parental leave for the care of children.

The Article 11 of the Convention, apart from eliminating discriminatory hiring processes, urges signatory states to protect women in their right to freely choose their professions, create platforms for trainings for employed women and ensure equal pay for men and women. It prohibits the usage of marital status, pregnancy and motherhood as defining factors in the hiring and firing processes. Also it expects states to establish necessary services that will help women's participation in public life, such as developing and extending day care centers.

In its 19th general recommendation, the Convention recommended the establishment of necessary measures that would protect women and punish offenders in case of sexual assault which jeopardizes equality at work³.

With the Optional Protocol of CEDAW going into effect in Turkey, two new mechanisms emerged: The right to apply as an individual and the right of the Committee to “inspect”. According to Article 2 of the Optional Protocol, the application by an individual can be made in case of violation of any law in the Contract by one of the signatory

³ [General Recommendation, No. 19. (11th Session), Paragraph 24/t(i)].

states itself. The Committee, in addition to repairing the violated rights of the victim, delivers its list of measures that need to be taken by the state as well. In terms of decision that come out, the results are not binding only for the applicant's case. The results are binding to protect the rights of all women in similar cases, and necessary measures need to be taken in terms of legal ground as well as implementation.

If a violation is detected, the Committee orders the signatory country to create general or specific legal solutions with the following points included;

- Return, compensation, repair and other legal solutions for the victim;
- Measures that will end an ongoing discrimination and stop the violation from happening again;
- Evaluation and change of all domestic legislations that contradict with the Contract.

So far, two applications were sent to the CEDAW Committee from Turkey: Rahime Kayhan and R.K.B. Rahime Kayhan's application was with regard to her headscarf; her case was denied on the ground that the national legislation was not discriminatory. R.K.B.'s application, on the other hand, was about gender-based discrimination at workplace. The Committee concluded that the courts violated the equality policy by acting with its prejudice and deciding based on traditional gender roles despite the Article 5 of the Labor Law in Turkey. It recommended that the victim/applicant should be compensated.

And as a general recommendation, it invited the signatory state to take necessary measures for the full implementation of Article 5 of the Labor Law. It also recommended that judges, lawyers and legislation officers receive trainings in accordance with the Contract, Optional Protocol and general recommendations in order to avoid future decisions effected by traditional prejudice and moral codes. The

Committee also instructed Turkey to report back to the Committee within 6 months after the decision, translate the recommendations of the Committee and distribute them publicly in places everyone can have access to them⁴.

The Importance of the R.K.B. Ruling

Even though women and LGBTI people are among the most discriminated groups in work life, courts decide that no violation of Article 5 of the Labor Law takes place. As a result, this legislation remains only on paper, failing to comply with international standards. With the R.K.B. ruling, the Committee underlines the urgent need to repair its implementation policies, not only its legal legislations.

Istanbul Convention / The Council of Europe Convention on preventing and combating violence against women and domestic violence

Istanbul Convention was signed and ratified first by Turkey itself. It went into effect on August 1, 2014. What makes the Istanbul Convention important is that it includes also sexual orientation and gender identity. It is the first convention that defines gender roles and sees gender inequality as one of the breeding grounds of violence against women. The Convention categorizes “physical, sexual, psychological economic damage and pain” as violence on the basis of gender. It emphasizes that the state is obliged to do all it can ensure its domestic laws do not contradict with the Convention.

In Article 90 of Turkish Constitution, the superiority of international laws are accepted: *“In case of a discrepancy between national and international laws when defining fundamental rights and freedoms, international laws are taken into consideration.”* This is why it is very important to give reference to international laws. Underlining the

⁴ CEDAW Committee, R.K.B. vs. Turkey Decision (CEDAW/C/51/D/28/2010)

duty of Turkish government to comply with CEDAW and Istanbul Convention might be a motivating pressure for courts to rule in favor of existing international laws. Representation of court applications on international platforms might pave the way for more visibility for discrimination on legal level and precedent cases. Additionally, trainings by bar associations could increase awareness among lawyers. Lastly, it is important to keep a regular record of case statistics and disseminate them in order to generate more interest for legal demands.

Resources:

WLEP Platform, Notes from Workshop “Legal Dimensions of Discrimination Against Women in Employment”, December 8-9, 2012, Istanbul.

<http://www.keig.org/content/kitapcik/ayrimcilik%20kitapcik%20yeni.pdf>

Bakırçı Kayriye, “Inquality Between Sexes in Employment and Changes Needed in Legislation and Public Politics”, *Women’s Research Journal*, 2012/1, Issue 10, PP. 1-37.

Ayata Gökçeçek; Dilek, Eryılmaz Sevinç; Oder, Emrah Bertil, “Women’s Rights: International Law and Implementation”, Istanbul Bilgi University Human Rights Application and Research Center.

http://insanhaklarimerkezi.bilgi.edu.tr/source/books_khuku.asp.

Demirdizen Derya, Çınar Sidar, Kesici Mehmet Rauf, “Discrimination at Workplace on the Basis of Sexual Orientation: A Field Study on LGBT People”, 2012.

[http://anayasagundemi.com/2014/11/25/kadina-yonelik-siddetle-ilgili-istanbul-sozlesmesi-hakkinda-brosurun-cevirisi/#more-2176.](http://anayasagundemi.com/2014/11/25/kadina-yonelik-siddetle-ilgili-istanbul-sozlesmesi-hakkinda-brosurun-cevirisi/#more-2176)

LGBT Equality and Unions in England

Peter Purton¹

Unions came to realize the discrimination faced by gays and lesbians only at the end of the 70s. This was when discrimination against LGBTs was still legal and widespread, prejudice was common, media was actively enemies with the community, police was oppressive, the Penal Code was openly discriminatory and LGBTs did not have a single right. Gay and lesbian workers started to unite among themselves first before taking cases to court which generated attention from a number of union leaders. These cases included gays and lesbians getting fired from their jobs on the basis of their sexual orientation. In less than 10 years, many gay - lesbian sections were established in many unions. In 1985, the Trade Unions Congress at its annual meeting accepted to run a campaign to eliminate discrimination. This was followed by campaigns to end discrimination at workplace. In the meantime, especially between 1984-1985, LGBTs supported the strike of miners and with this solidarity won the support of National Union of Miners for LGBT equality. During those years, the Labor Party too took sides with the equality movement.

In 1997, before the Labor Party took the seats from the conservatives, unions started to pressure TUC on gay-lesbian equality, demanding that they should be dedicated to the LGBT equality cause just like they are to gender and racial equality and that they should do this by annual meetings and by forming committees. This national committee held its first meeting in 1998 and appointed an officer who was in charge of the field (in addition to the disability cause). Shortly after, the area of the conference extended to trans and bisexual people as well.

¹ Disability and LGBT Rights Policy Officer, Trade Union Congress (TUC), 1998, ppurton@tuc.org.uk

The first priority was to act in coordination with NGOs to end legal discrimination. Equal age consent for gay men, changes in the Penal Code, right to family for same-sex couples, banning discrimination in employment (an EU *acquis*) and access to goods and services and the right of trans people to register with their new name all brought the movement closer to the targeted goal. All of these were explicitly covered in the Equality Bill in 2010 which meant the strengthening of these victories and LGBTs being on equal terms with everyone else. In addition to TUC and the unions, the following Labor Party governments continued to strive for the cause without a single pause. In 2006, same-sex partnership bill was passed. Here it is really important to underline the fact that the government that allowed same-sex marriage was the same conservative government elected in 2010, which shows how much progress has been made in this field.

Today TUC, while supporting all efforts that strive to end oppression all over the world, expanded its capacity and went beyond legal support in order to answer the needs of LGBTs in the country. In May 2014, TUC managed to insert the policy of commitment to LGBT cause into International Trade Union Confederation's (ITUC) policies for the very first time.

TUC's annual LGBT conference attracted 25 people from all major unions and many small-sized unions. At this conference, to effectively support the representation of each and every group, a committee was elected, including blacks, disabled people, bisexuals, trans people and youth. Those who are interested in the conference reports and TUC's publications on LGBT issues can reach them on www.tuc.org.uk in the equity section.

LGBT rights in today's England

Like in many countries, England too went through economic recession in 2008. Despite the fact that economy has been fixed (at the expense of creating millions of low-paid and insecure jobs), there

are still so many austerity measures. Conservative-Liberal coalition has shifted state politics towards a right-wing and anti-immigration position. Anti-EU and anti human rights groups with good media connections strengthened hateful public opinion against foreigners and people who live on social aid. This means something that has been historically classified as unacceptable is now “free speech”. Some of the consequences of these austerity measures are cuts in government aid to civil society, gentrification of cities and lack of affordable homes and cuts in healthcare services.

All these factors have an impact on the LGBT community because the community already does not have true access to these services. And even though there has been a great positive change in public opinion, countless people continue to say they have been subject to prejudice. At schools for instance, “gay” is often used as an insult and as a form of bullying among students. No football player has dared to come out (yet). Between 2012-2013, a comprehensive study has shown that LGBT workers are 2.5 times more likely to be subject to mobbing than their heterosexual colleagues, and that prejudice based on stereotypes is still very common and chiefs fail to eliminate that. In this intolerant environment, hate crimes against LGBT people come second in police reports, after racist hate crimes. And crimes against trans people is at an alarming level. Especially LGBT youth is under great risk: Their mental health problems are double compared to their peers, suicide rates are extremely high and homelessness is an alarming addition to all these problems. Because all these groups have been historically denied regular access to these services and that more austerity measures are planned in future, their lives are under risk.

In the meantime, the society has no answer to offer to this problem. In every city, there are spectacular Pride events taking place: People who have no clue about the history think same-sex marriage brought equality once and for all. In all this, unions continue to fight against austerity measures. They also work for more national and international

solidarity, for the inclusion of all social segments (bisexual, black, disabled, trans, youth and the elderly) through educational and sports activities. They also resist against efforts that aim at weakening equality works and fight for the elimination of injustice. The key element here is, as always, solidarity.

From the 3rd Symposium Against Discrimination...

At Kaos GL Association's 3rd Symposium Against Discrimination on December 13-14, 2014, the subject under spotlight was "Unions and the Problems of LGBTIs, Women and Youth". Here are some of the major points and key elements from one of the biggest symposiums that brought together the labor and LGBTI movements from Turkey and various corners of the world...

Opening

Ulrike Lunacek

European Parliament, Vice-President and the Co-president of the European Parliament's Intergroup on LGBT Rights

I would like to congratulate you for organizing this important conference and I apologize for not being able to make there physically. As a lesbian, I work on women's rights and development. At the same time, I am involved in parliamentary politics. I believe it is a very crucial right. In my youth, in a heteronormative and conservative atmosphere, there was very clearly a need. At the time, traditional marriage, a family life was an obligation, not an option. Being able to work and having an independent life from husband was a right which was not given to my mother's generation. But today I applaud Europe for advancing on these issues. It has taken many steps to advance the employment of women and LGBTs; however, there are still serious problems. How can a gay police officer, in 2014, be fired from work based on his sexual orientation? How can the Ministry of Interior defend such a thing? How can they say there is no place for him in the army? These are absolutely unacceptable.

In Europe, generally 2 out of 3 LGBTs face negative behaviors in workplace. 72% of them have to hide their sexual orientation and gender identity. I don't know the numbers in Turkey but I am thinking they are more or less the same. LGBTs self-censor themselves. They say nothing about who they are. When they go to work on Monday, they have to hide who they went to the movie with last night.

We spend more than 40 hours in our office and this is why it is important to solve this situation. Many LGBTs cannot live their lives freely in work places where they spend most of their lives. This of course has an impact on their well-being and motivation. Even though it is not my main argument, I would still like to say this: This legislation is good also for the employers. This is why we need stronger legislations to ensure equal treatment and to combat discrimination against LGBTs in workplace. Legislations alone are not enough. LGBTs need to be even more courageous. We need employers and unions to be more courageous. So that LGBTs are not afraid of talking in workplace. This is important for diversity and LGBT people coming out at workplace. With a bottom-to-top approach, our offices could become places with less fears and more security. Nobody should have to go through assault or get fired because of their sexual orientation and gender identity. There needs to be more effective ways of fighting discrimination. It should become a reality for all.

December 13, 2014, Saturday

First Panel: Experiences of Umbrella Organizations in the field of union rights of LGBTs, women and youth

Moderator: Ezgi Koçak, Kaos GL Association

Speakers: Salvatore Marra, *The European Trade Union Confederation (ETUC) President of Youth Commission & Sandra Vermuyten, Public Services International (PSI) Responsible for the Equality and Rights Unit & Dr. Peter Purton, Trades Union Congress (TUC) Disability and LGBT Rights Policy Officer*

Salvatore Marra

The European Trade Union Confederation (ETUC) President of Youth Commission:

I would like to express my admiration to Kaos GL and the unions in Turkey and also share my solidarity wishes with them. Before talking about the status of LGBT people in workplaces, I would like to express one thing: In Europe in general workers and unions are facing various challenges. A number of austerity measures have been applied. Basic rights have been limited and the unions are trying to do their best. They are doing this to decrease its impact on society. Yesterday Italian unions started a reform against the new labor market. There is a recovery program and there is a strike against it. Actually these two legislations are imposed by the European institutions. And they go with the rest of laws Italy has passed in the last couple of years. This comes with risks in Italy. Including the risk of violating the right to privacy, such as monitoring social media platforms like Facebook and Twitter. This gives them the right to collect personal information via these platforms and fire people based on their findings. Because of this strike, I am not able to come to Turkey; I could join the conference only virtually.

One of the most important slogans of the political movement is unity in diversity. And when we look at the results of the campaign, like Ulrike stated, unfortunately Europe is not doing any better when it comes to human rights and discrimination. Let's look at the last 5 years. Apart from some of the great laws passed at the European Parliament, nothing else has been accepted. "United in diversity" a motto which has been abused during the last EU elections, is still one of the biggest challenges that the European continent will have to face in the upcoming future. Not doing so – at all levels - is a clear danger for the European integration and enlargement project and "dream". Identity and belonging have been used by extreme right parties and are still a major argument for the division of people and the creation of barriers which we thought we could overcome thanks to the European project.

Together with ILGA and other NGOs, we want a horizontal measure to be developed. We recommended this as LGBTs; however, these drafts are not getting accepted because the member states do not want to sign binding documents. These drafts do not pass also because of the reaction of employers. Other than that, there is an aging population and labor. Young people are left behind. In your neighbor Greece, there are more unemployed young people than working people. Not only in Greece, also in countries like Spain. Marginalized groups continue to be excluded. Disabled people are sidelined more and more. This is often forgotten. I believe this is really important given the current situation. In this sense, we need a stronger union movement. By doing so, we could empower weaker groups. Again, like Ulrike said, the European Union directives are very important. The work we do as unions and NGOs are very vital and needed but, to me, concrete results on a political level are something else... They did advance dialogue but, on the other hand, the same European Union institutions rejected some policies. And really, the EU policies are facing tremendous protests right now. Like we have seen at the Troika decisions. The diversity of European labor has not been realized. We have to continue fighting to achieve this. We have a long way to go.

Before I end my speech, I would like to mention a few concrete things as an LGBTI activist. I believe union politics face three major problems in the Eupean Unions. First of all, problems in the right to organization; secondly, the needs of LGBTI workers and their families are not met; and finally, the approach of unions to collective labor bargains. These are the major elements. And as a result of this, they keep losing members. We need to overcome this attitute of unions in Turkey and elsewhere: "Why should I care about LGBTs? They are not visible anyway!" LGBT people exist and they are real. They are not only working, but also participating. These people need to be given positions in union organs and need to be empowered. They need to be able to represent the groups they belong to; and unions need to create platforms for their participation. There needs to be special

inclusion opportunities; also, we need actions against discrimination. As part of a project run by the European Trade Union Confederation to promote equality, a report came out. It tells a lot about the problems LGBT people experience at workplace. I think we are going through difficult times in terms of social dialogue. We have to work on this. For instance, why can't we negotiate with employers for an anti-discrimination legislation?

My last message is this... One of the major challenges for us is the creation of employment opportunities because Europe at the moment is a problematic place for all citizens in terms of participating in labor force. Right now, there are more than 26 million unemployed people. People are talking about what needs to be done to overcome this problem; it is an important issue because for us employment means having the means to fight social exclusion. I have given my speech in solidarity with you. To overcome these problems, let's stay in contact and let's unite in solidarity. Let's exchange our experiences.

Dr. Peter Purton

*Trades Union Congress (TUC) Disability
and LGBT Rights Policy Officer:*

I brought you the greetings of the General Secretary of the Trades Union Congress. She is our first woman president. Our Congress was founded in 1968, and I also brought you the solidarity message of 6 million unionists in England. I think solidarity is the key word here. My congress does not do all the work on its own; we do it also through the commissions in the organization on an equal basis. These are developments that happened over time in the English union movement. More than 50 unions have equality as well as LGBTI rights units in their own structures. Right now the entire union movement is conducting various works. In this sense, the solidarity messages I brought with me are not only from LGBTs.

If you ask me what is happening in Great Britain... In a short time, a lot has been accomplished, especially in the last 20 years. To my understanding, this does not come only from society. Salvatore often underlined austerity measures. We are also seeing its impacts. Some of the gains are now going backwards. They are thinking; we won, so there is no more need for mobilization. This is why there are no more campaigns. But let me give you good news too. We have guaranteed equality in 99.4% of all areas in society. On a general term, this has been a very positive transition for LGBT individuals. In all spheres of life, I would say social attitudes have changed with regard to race, gender and equality issues. 20 years ago, the majority of people did not believe we were equal from a legal point of view. They did not even want us as their next door neighbors. They did not want us to teach their children. According to a survey 5 years ago, this situation has completely changed. They now embrace us, accept us. They are okay with a gay teacher teaching their kids. And every day, a new politician or a celebrity is coming out. They say, I am gay / I am lesbian, and this does not surprise anyone anymore. There are gay cabinet members in the parliament. These things were unthinkable 20 years ago.

On the other hand, hate crimes are increasing. It is has gotten easier over time to report these cases. LGBT people are subject to assault 20 times more often than heterosexual people. The problem here is this: People who commit assaults do not see themselves as homophobes. We see these in every aspect of economic sector; assaults are not ending. Trans people are in the most difficult situation. They are really the most vulnerable groups with regard to hate crimes. This is still a major problem. Apart from that, because of the austerity measures, there has been cuts. Beyond that, there used to be supports for parents; these too have been cut. We see an increase in the number of people who say, "I am homeless, I am gay, and I have nowhere to go." Voluntary organizations are really having difficulty in answering these needs.

We as unions continue to work with politicians. To solve the remaining legal problems, to reach retirement rights... There are challenges for the inclusion of LGBT rights. We continue to support our members, and continue to train them. We have to make sure LGBT people need to be respected in diversity and we need to spread unions. As it is the case in every country that shifts to the right, right-wing politics ignore all types of minorities. They do this to migrants coming from Europe. EU membership is still controversial; instead of debating the positions of other parties, they are shifting to the same position. We need to change this. In any case, we will continue to fight for our members, and defend our members. We will continue to support union rights and LGBTI rights all across the world. Again, solidarity is the key word here.

Sandra Vermuyten

Public Services International (PSI) Responsible for the Equality and Rights Unit:

I would like to thank Kaos GL for inviting Public Services International and myself and for having the opportunity to speak in such a crowded room. I believe it is very important having this place in such an opportunity. A place where unionists can work together... I believe this is how we can make a change.

As a union federation, we represent 20 million people from 154 countries. And most of our member unions and their representatives are here today and tomorrow. PSI champions human rights, advocates for social justice and promotes universal access to quality public services. PSI works with the United Nations system and in partnership with labour, civil society and other organisations. Our members, two-thirds of whom are women, work in social services, health care, municipal and community services, central government, and public utilities such as water and electricity. Because it is an international union and there are familiar faces here. I had the opportunity to meet

many of the people here. We have friends from DİSK and KESK, and like Peter said, solidarity is very important. We are defenders of human rights and social justice; and we advocate general access and representation. Our equality policies are based on this: We want freedom for everyone. We are working for the elimination of all forms of discrimination on the basis of ethnicity, nationality, sexual orientation, age, religion, language and other grounds. We work with the wish that the society is not inclined to use violence.

Because of the current economic situation, speakers before me have already mentioned the economic challenges. Due to the current economic, political and social climate, the struggles PSI is advocating for are more relevant than ever: austerity measures, privatization and growing inequality make it necessary for unions and civil society to work together to protect public goods. And we are winning some of our fights: On the trade agenda, people around the world are realizing that free trade agreements with unlimited protection of investors' interests are not compatible with their economic independence. It is a fight between democracy and the profits that go to actioners of multinationals.

PSI is also in the lead of a global campaign for tax justice, which revolves around fighting corruption, tax avoidance and evasion, but also focuses on a tax shift that will reduce pressure on working people with higher taxes for the super-rich, who often escape from taxation. Concepts such as the TOBIN tax, a financial transaction tax, have won significant ground in the last 5 years and we hope that no more excuses will be used to finally implement it so to provide much needed revenue for education, health and social services.

Fighting against violations of trade union rights is the core business of PSI. Trade union rights violations in the public sector have become a daily occurrence and even more so – these are systemic violations that are not the exception, but the rule. Many governments have already introduced the worst private-sector practices in public sector

employment conditions and today 50% of public service workers are in precarious employment, a majority of whom are women. A full-time job with a decent wage and full social security coverage is again a distant dream for millions of workers.

In the last year, PSI has denounced trade union rights violations in countries all over the world, including in Algeria, Botswana, Chile, Columbia, Croatia, Ecuador, Egypt, Fiji, Georgia, Greece, Guatemala, Honduras, Jordan, South Korea, Lebanon, Paraguay, Peru, Swaziland, Turkey, Tunisia, Portugal and others. In 2014, we are experiencing the persistence and worsening of a major crisis of the social and economic model on a global scale. Changes are occurring in a very dynamic and often dramatic way. Building democracy and social justice is one of the priorities of our affiliates in countries where union rights are attacked, or where the changes of regime foster the hope of democratic reforms and peoples' participation, such as in large parts of the MENA region.

Civil and political rights are undeniably interlinked with trade union rights and no social justice can prevail without democracy which is what our members in Algeria and Egypt demand. Governments persist in interfering in trade union activities by arresting trade union leaders and members, such as in Turkey, using the pretext of criminal activities and locking up more than one hundred trade unionists at a time, for undefined pre-trial periods. This is utterly unacceptable and a major violation of human rights.

Public Services International's Programme of Action, adopted at our World Congress in November 2012, confirms PSI's commitment to the right to equal opportunities irrespective of sex, marital status, ethnic origin, national identity, disability, sexual orientation, age or religion at the workplace, in trade unions and in the broader political, social, economic and cultural context.

While lesbian/gay/bisexual/transgender (LGBT) workers' and human rights are better protected now than ever before in many countries

– discrimination and violence against LGBT people is again on the rise both in the Western and developing world. In some countries, legislation outlaws LGBT relations or so-called gay propaganda. In others, impunity for violence committed against people who identify as gay or transgendered leads to growing numbers of crimes. Some governments use discrimination against the LGBT minority as a “divide and rule” strategy with the support of certain religious or ultra conservative groups. Such policies are dangerous and contribute to more inequality and discrimination in a vicious and dangerous cycle, making governments accomplices with the criminals who attack and sometimes kill LGBT people.

LGBT workers’ rights are trade union rights, and trade union rights are human rights. That trade union rights are human rights is indisputable: the principle has been affirmed in a wide range of founding documents, beginning with the Universal Declaration of Human Rights of 1948. The understanding that LGBT workers’ rights are trade union rights has gained ground throughout the international labor movement. However, many LGBT workers have not joined (or joined and then left) unions which have failed to address their concerns. Recruiting and retaining LGBT workers who have until now remained outside the orbit of the labor movement will benefit a union’s size, negotiating strength and representative capacity.

Similarly, supporting and developing LGBT activists will further increase the union’s relevance to LGBT communities and initiate a “virtuous circle” whereby increased LGBT visibility strengthens not only recruitment of LGBT workers, but also their counterparts in other communities: indeed, the more diverse and less monolithic a union shows itself to be, the more effectively it will be able to recruit from a broad range of equity-seeking communities.

The global union federations Public Services International and Education International have done a considerable amount of joint work to advance LGBT equality. Today, trade unions are involved in

national and international work to protect LGBT workers' rights, in the same way they take action to protect many groups and individuals who face prejudice and discrimination.

So what is it that we do to support our members?

1. Working within unions: Giving visibility to LGBT activists – giving them a voice within the trade union.
2. Building cooperation at regional level so that more advanced unions can support others.
3. Supporting exchange and building capacity on trade unions and LGBT workers' rights.
4. Joint campaigning
5. Supporting the participation of unions at international events – like the OUTGAMES, ILGA Conference and others
6. Ensure participation of unions in initiatives at UN level and with the ILO and other international organizations

What do we need to improve?

1. More visibility
2. More joint action
3. More cooperation
4. More capacity building
5. More cross-over activity and fighting multi-layer discrimination
6. Build on the notion that a progressive union is a union that fights for LGBT workers' rights

December 13, 2014, Saturday

Second Panel: Union Experiences in the United Kingdom

Moderator: Kürşad Kahramanoğlu, *Kaos GL Association Member, Unison Union Former International Relations Coordinator*

Speakers: Gethin Roberts, “Lesbians and Gays Support the Miners” Member & Phyll Opoku-Gyimah, “UK Black Pride” President and Founding Member, Head of Campaigns at Public and Commercial Services Union

Gethin Roberts,

“Lesbians and Gays Support the Miners” Member:

I will talk about a bottom-to-top approach. About the work LGBT activists conduct inside the union movement. Following Thatcher’s decision to close coal mines, miners realized this: This was only the tip of the iceberg. The interventions in this have effected not only the miners but a much bigger segment of society. With mines shut down, people’s opportunities of income decreased in the surrounding. Without a warning, people’s mines were getting shut down and the workers went on strike. In 3 weeks, all miners in the United Kingdom were on strike. Except for the Nothing mine, miners were on strike. Every miner in the South was on strike. Because the public there too was under threat. One of the first things the government did was to confiscate the property of the miners union. As a result, we had no money to strike and campaign with. They dumped the social insurance payments on the families of miners. There was extreme police brutality. And illegal intervention. They tried to stop miners from going from one place to another and show solidarity for each other. Many people were arrested. Mounted policemen attacked one of the miners protests and 200 miners got arrested. Hundreds of them were punished and had to spend time in jail.

While these were happening, there were also mass support. Young Lesbians and Gays Union, of which I am a proud member, decided to join the support. We started to collect money in front of a gay bookstore. We got in contact with the miners in the South to support them. We started to send them money and visit them. They started to visit us too. By doing so, we established a strong friendship bond, which has lasted even to this date. We became the major financial source of miners. In a short time, we became an important group for miners who did not have any money to strike.

Now you might ask why it is important to tell this and go back to historical events. There are three reasons: The impacts of the failure of that strike can be felt in the UK even today. It is because austerity measures worked back then too. Secondly, for the first time after 30 years, we can see the official state documents of that time. We can see how the state orchestrated the police violence and how everything was planned. We can also see how close we go to victory. It was a very big defeat for the union movement. Especially when it was that close to a victory... It looks like we lost the fight only with a margin of breath. The third reason is these events are remembered even today and continue to have an impact on what is happening now. A movie came out a short time ago. I was called "Pride". We see the support of gays for miner in this movie. We see the support of young LGBTI activists. It is important also as a movie. We went to different places and engaged with the unionists. When we saw the movie at other places, the reaction from the audience was great. It was really great to talk on the movie.

The youth are asking this: "What is a union?" In this sense, the movie explains a very important thing. The actor who plays David Daum says, "If we are facing an enemy, getting the support of a friend who you didn't even know existed is the best feeling one could feel." I think, the feeling of getting support from a friend who you did not know existed is given by this film. It also calls people to get involved in

every possible way. Many people saw this movie and said, “We have to support them.” We as LGBTIs have accomplished a lot. We now have both the responsibility and the opportunity to stand by others. The film is a really great piece on solidarity. It will wake up a generation in the UK. They are not aware of anything; neoliberals presented greed and competition as something natural and inevitable. The solidarity between the LGBT people and the miners shows this is not true. The majority of people did not know that what was taught us could not be true. Now we should all become activists because what happened in history was a true transformation movement. Last week in the US, people working in fast-foot chains went on strike and they started to get support. Other groups in the UK are supporting decent wages for migrants... Young women are advocating low-cost housing and we are supporting them. We are collecting money for the Soma disaster in Manisa, Turkey. We want the people in Soma to feel that they are supported by a friend who they didn't even know existed. We want to support Manisa through Kaos GL and Eğitim-Sen.

Kürşad Kahramanoğlu

Kaos GL Association Member, Unison Union, Former International Relations Coordinator:

Thank you very much for sharing that we met 30 years ago. And thank you for not sharing where we met. (Laughs) I think people can talk about serious subjects also by making jokes; there is not need to be an activist with a sullen face.

The strike which was supported by the LGBT movement of which I was a part of had ended after paying a high price; it ended as a defeat for the workers. I have never seen such a proud defeat. Miners could stand against the state's police and army with the support of their families and small groups like us. Although I was a part of it myself, I do not want to tell it with great details. I think it was 10 years ago at another Kaos GL conference where I told the story and it ended

with tears. The miners were walking at the forefronts of the LGBT Pride parade. The movement in England was very important. Until that moment, LGBT activism was only about sexuality. LGBTs were perceived as not having any links to other social movements and issues. That movement carried the LGBT movement to a political arena. It was very important for LGBT people to give their support to the miners' cause.

LGBT issues are political issues. After many years, here in Turkey at Gezi, we went on the streets and expressed interest in what was happening there. The Gezi process has led to a connection with other movements and to more visibility. If the Gezi protests succeeded in giving the LGBT movement the reputation of a very serious political movement, the events in England made the same impact.

Opoku-Gyimah

"UK Black Pride" President and Founding Member, Head of Campaigns at Public and Commercial Services Union:

I brought you greetings and solidarity on behalf of my union, Public and Commercial Services Union. Also on behalf of UK Black Pride, of which I am the president and a founding member, I would like to salute you all. Before coming here, we did something on Twitter. We told people we were going to Ankara and asked if they had any messages. There was an explosion all of a sudden. Everyone started to say, "Deliver our solidarity messages. Let's stand together and fight together to all forms of discrimination." This is why we understand that no matter where you are, we are strong if we are together.

Our friend touched a very important point here. When we are talking about the marginalization of a group, here is what we should understand: Your struggle has to become my struggle. I am a black woman and probably the only black woman in the room. When I was coming here, someone asked me: "Are you going to Ankara?" I did

not understand what that meant and someone explained me: "If you see a black woman in Ankara, she is either a diplomat or works in the entertainment sector." I am in neither of these sectors. Even though I am much better, I am not in the entertainment business either. Here is what I am trying to say. I am a Proud Black Lesbian Feminist unionist, I have two daughters and I still look good, I know. I also overcame domestic violence, and overcame life itself. I fight against discrimination on an international level.

There are plenty of greetings from every unit of our organization against the oppression our brothers and sisters live. It is very important to be on the same platform, as the charismatic sir who is sitting in the middle said, it makes us feel very good. When our group was founded, people said, "No you can't do this, you are racist, you discriminate, there can't be something called "black pride". But the reason we united in a room like this was to create a safe space. Exchanging experiences and common grounds are very important for unions. It is a democratic organization. We campaign for fair wage and retirement rights. We advocate equality for all in workplace. Our priority is our members; with democratic votes, we look after our members' rights and interests. If there is a voting, we as the staff must respect it. I am a CNB worker and the founder of Black Pride; however, wherever and whatever you can do, I am willing to fight for equality and justice. Before us, our mothers and fathers wanted us to move this forward. I never want to stop; I want to take future generations further and further.

PCS is also a public business services union. I works in the field of rights. There are parties that appear legitimate. For instance, a political party shows a far right, racist and homophobic approach both in its comments and party policies. There was a flood and he blamed trans and gay people for it. This is why this type of approach is very damaging for the society. For instance, these right wing parties always talk negatively about black people. Women parliamentarians -some of them- do not want women to breastfeed their babies in public. We

will do everything we can to make sure right wing organizations can't survive. This is important. We are campaigning against right wing politics and we are clear about our message. We do not want anyone in this society to be the scapegoat. In times of economic recession, right wing parties always find people they can scapegoat.

We need to come together but should not land in society with parachutes either. This is why this conference should be more about mobilization. You are opening up doors for people to get involved whether they are LGBT or not. The fundraising movement for miners shows that we have a common ground. It was a new movement and became a symbol of discrimination LGBT people face in London. It became a powerful act.

When we go on the stage, we do it as an organization that embraces everyone. Yes, being marginalized and discrimination hurt everyone. We are aware of this but should also be aware of and recognize this: Instead of trying to get ahead of each other, in other words instead of trying to compete our identities, it is important that we come together. Because when we come together, we become the embodiment of a collective struggle. We lose everything when we push each other. We are stronger when we are a collective. Really, solidarity is so important and so powerful. I close my speech with this sentence: If you are neutral in situations of injustice, you have chosen the side of the oppressor.

December 13, 2014, Saturday

Third Panel: Union Experiences in Germany

Moderator: Sevim Özdemir, Kaos GL Union Group

Speakers: *Detlef Mücke, Confederation of German Trade Unions & Anna Braunroth, Legal Advisor of the Federal Anti-Discrimination Agency (FADA)*

Detlef Mücke

Confederation of German Trade Unions:

I want to start by telling what we, as gay teachers, have done so far. We emerged to fight against the discriminatory articles of the Penal Code and the first thing we did was to organize masked protests. We were afraid of losing our jobs, so the masks were inevitable. Our struggle gave fruitful results and LGBT movement started to focused on the recognition of trans identities. These articles remained in the Penal Code until 1969. In addition, gay men were jailed. These articles were removed only in 1994.

But what should be done? First of all, the curriculum needs to change. Children know nothing about LGBT people. Plus, legal support should be given to people in workplaces. When it came to legal support and organizing in unions, the unions presented the following opinions to LGBTs:

- Homosexuality is people's private lives and should not be part of union works.
- Homosexuals are harming the reputation of unions.
- From the perspective of right wing unions, homosexuality alone is a reason for rejection.

Under these circumstances, we fought for the recognition of LGBTs. We created an environment of solidarity. Today I see that we have accomplished a lot in unions. We see bulletins where 16 ministers express their opinions next to 80 gay teachers. There is now legal support in unions for LGBT workers. There are trans teachers' networks and researches are being made on school books.

We have seen very aware and engaged participants at Pride parades. We even had students who were holding banners that said, "Yay! My teacher is gay!"

This is the situation in Germany. I would like to conclude my speech by saying, “In the fight between traditions and human rights, the winner should be human rights!”

Anna Braunroth

Legal Advisor of the Federal Anti-Discrimination Agency (FADA)

In Germany, protective laws for LGBTs start with the Constitution. Our Constitution says “All humans are equal.” However, it does not say anything about sexual orientation. Our 1949-dated Constitution has not updated itself about this.

But what is the Parliament doing about protective laws? We have the German General Equal Treatment Act for this. It is a relatively new act and includes discrimination in workplace. The minimum condition of the act is gender identity and ethnicity.

The number of discrimination cases we get at my organization FADA is very low. In Germany, LGBTI groups are well organized and offer quality legal services.

What does the Federal Anti-Discrimination Agency do? We are a legally registered, fully independent organization. We aim at raising awareness and establishing networking activities. We fight against discrimination on the basis of sexual orientation and gender identity.

The policies which our organization is founded upon are:

- Unions should work in work councils.
- Unions should get engaged in social responsibility projects
- When necessary, it should use dialogue and its right to collective indictment.

December 14, 2014, Sunday

First Panel: Union Experiences in the Netherlands

Moderator: Marten Van den Berge, *TIE Netherlands*

Speakers: *J. Vreer Verkerke, Transgender Europe Board Member & Anya Wiersma, Coordinator of Women's Network of the Dutch Confederation of Labour Unions*

Marten Van den Berge

TIE Netherlands

I am actually a member of a union of blue-collar workers and a project manager at TIE-Netherlands. We work on raising awareness about the union rights of LGBTs and fight for the elimination of discrimination based on sexual orientation in workplace. In Turkey, we work on issues such as the right of young workers and safety in work environment. We conduct our solidarity works in Turkey as well. For instance, we work closely with friends at Birleşik Metal Union.

I will introduce you the speakers of today. Anya Wiersma and we work together on the international union movement. With J. Vreer Verkerke, we work on sexual diversity, gender and the Queer movement in Amsterdam. We have a special connection. Together we were subject to many violent interventions by the police on May Day protests. In Turkey, you are quite familiar with this. There is police intervention also in the Netherlands. This lead to special bonds between us.

I want to introduce Anya. She is a social worker. And a member of Abvakabo Public Workers Union. It is the second biggest union in the Netherlands with 350 thousand members. Anya is also the former head of the women's union in the Netherlands. She has been working in this field for 9 years. Right now, she is the Coordinator of Women's Network of the Dutch Confederation of Labour Unions. Together

with KESK, she works on women's labor. This is why she is familiar with the situation in Turkey.

As for our other speaker, J. Vreer has been working on basic education for the past 14 years. A member of the Abvakabo Public Worker Union, J. Vreer has been working on LGBT issues for the past 27 years. They are a part of the pink network of the Dutch Labor Unions Confederation, work in the assembly of the confederation and represent it on international platforms. J. Vreer is also a trans activist, working on organizing and advocacy, self-care and self-support groups for trans people. They established the first trans network. They also wrote shadow reports for women related conventions at the UN, were a member of the European Committee which looks at the rights of trans people. Finally, J. Vreer organized the first autonomous trans conference in Barcelona and continues to work on gender identity and bodily diversity.

J. Vreer Verkerke

Transgender Europe Board Member:

First of all, I believe it is very important to be here because, without the voice of T, it is not good to organize an LGBT event. Some have mentioned it but it is not enough. Without T, it is not complete. I will be speaking with a few hats today. I am a trans activist and at the same time I am a human rights advocate trainer. And I am also here on behalf of the world's biggest trans organization.

I want to start with giving reference to pop culture. In the 80s, there was a song called "Ten out of 10", some of you might remember. They said, I am one of the 3 unemployed, I am one of the 5 unemployed... One of the studies in Europe shows that every 1 out of 4 experience discrimination in health services. The trans population in the Netherlands is believed to be somewhere around 48 thousand. 4 people out of 1000 is trans. Between the ages of 15 and 70. While more than 50% identify as trans women, 30% identify as trans men.

The bearded lady Conchita Wurst won the Eurovision Song Contest last year. She put herself out there as a woman. She reunited gender. Her living in a male body does not change this reality. She just wants to be herself. One of the problems trans people face is having to choose a category/identity if they have not done so yet. The reality is not only about being a woman or being a man. By the way, gender is something a doctor or a midwife tells after looking at your genitals. It is really silly to do this right at birth.

There are not that many activists in the Netherlands. Of course there are not so many union members either. Union membership is not a first priority for many people. Trans people do not have much expectation from institutions either; they don't trust them. This is why they think there is not much point in becoming a member of a union. I think this is valid also for other countries. In the case of the Netherlands, only the term equality is included; it is because they are dodging the real issue here. According to a survey by the Fundamental Rights Agency, trans people are subject to the most severe discriminations. The survey was done with 6600 people. This is more about Europe of course. Not much data is coming from the Netherlands. We can say the data that comes from the rest of Europe is more trustworthy.

Now I would like to talk a little bit about the number of trans people. Many trans people do not fit gender norms. For instance, 22% of the population do not identify themselves with any terms. Calling trans people trans is a cultural behavior. According to the same study, 35% trans people were subject to violence. There is similar data about discrimination too. When we look at the European Union, there is a directive: Equal Employment Directive. In Turkey, it is not a binding law. The current government won't be accepting it. It looks like it protects trans people but it doesn't. It does not mention discrimination on the basis of gender identity. It is the same old stuff. Generally, when legislations do refer to trans people, they refer to those who are "diagnosed" as trans. Or to people who have been identified for having sexual anomaly in medical sense.

They say trans people overall Europe are not employed. They are either unemployed or have limited work. When we look at Council of Europe countries, out of 47 countries, only 12 of them offer protection. This means only 25% of the entire Council of Europe. 2 countries only want additional legislation. Out of 47, 33 of them had not done any legislations with regard to sexual orientation. In many countries, the referral to trans people includes diagnosing trans people as mentally ill. When they want to go through a gender-assignment process, they get stigmatized. Therefore, it is important that trans people are not longer pathologized. Only through this way, we will all be able to live in welfare. Similarly, it is important that unions take their steps while keeping these important points in mind. In the European Union, 9 out of 10 trans people say that having the necessary paperwork will help them maintain a quality life.

There is some protection on a European level. Like I said before, The EU protection does not bring equality to everyone. Only very recently, terms such as gender identity or even gender have started to be used. We advanced from sex, in this sense. But of course this is a challenge for those who reject the term gender. In European legislation, Council of Europe documents, United Nations documents, the right to organization and expression is protected, and Turkey is one of the signatory states. These are very important. Especially the privacy of family is very important. It is a subject brought up at human rights courts. More and more often, I hear that municipalities are closing down the houses of trans people. When people find out that you are a trans, they come and seal your house. The moment they seal your house, they violate your privacy, private life and the right to safe housing.

As an activist, when I look at my own experience, I talked a little bit about my trans life outside the union. I am not saying unions are not working for trans; they are. But generally it is difficult to tie the two of them. There is not much familiarity. Trans people are just like other people. But they don't accept trans people. They don't apply

to organizations either. But even the rate of application to these institutions is higher than the rate of applications to unions. Unions are not very dependable places in that sense. My expectation is this: Doing politics in a way trans people can express their demands. During the years I was a representative, I learned a lot about working conditions and negotiations. But we did not talk about anything else. These were interesting discussions. But not what I needed during those years... For instance, collective labor bargains.... My colleagues knew nothing about LGBT rights and I was not able to bring it up. Even though the union offered many trainings, there was nothing on LGBT issues. I saw that unions were patriarchal.

During those years, I became a member of the commission. We received support from the higher ranks in the union. We were asked to conduct a research. This was a very big progress. We started to collect information. I would like to make a few recommendations to the unions in Europe from a Western perspective: The only way we can inform trans people about unions is to reach out to them. There are recommendations to ensure equality for trans people. In addition to socio-economic conditions, I wish to touch briefly the core messages of 10 recommendations: Trans equality should be ensured at all ranks and levels. Trans people should be made visible not only in the internal works of the unions but also outside works. There needs to be more active efforts to bring more trans people into the union movement. Printed materials should give more information about the movement. During trainings, information about trans people should be shared with the trainees. There should be trans remembrance days at unions.

Anya Wiersma

*Coordinator of Women's Network
of the Dutch Confederation of Labour Unions*

After the World War II, the Women Trade Union was established (1947) by women whose men had been a member of the Trade Union. The only role for women was to support their husbands who had to

rebuild the devastated country. Women were educated by the so-called ‘Marshall Food Package’. The package had to provide healthy food for the men.

In the seventies and eighties women became more aware about their own role in the family and society. They wanted to re-enter the labour market and also finish their high school or university degree. Most of the time women dropped out of school without a certificate when they got married.

The Women Trade Union was one of the promoters of the “Women Section School”. These kind of women schools provided school hours at the same time their children were taught. A lot of women preferred these kind of school hours due to the combination of childcare and education.

The Women Trade Union developed lots of encouraging projects. For instance for women who wanted to work at home or re-enter the labour market and raise awareness about financial independence.

Currently, The Women Trade Union is facing serious problems losing members. Most of the members are old. Unfortunately, not enough new members have joined the Women Trade Union.

To protect the specific women’s issues in the Trade Union, the network ‘women FNV established last year on 7 March 2013.

Typical “women’s issues” are for example: the wage-gap. Still, we can’t explain the percentage of 8% which is the percentage of the unequal payment between men and women. Other issues are the percentage of 48% of women who are not financially independent. They need the wage of their partner to earn their living. But you can only find 8% of women in top positions.

The common opinion is: Caring for children is the problem for women, not for men in general discussions. Also sexual harassment of women at their workplace and in society is a problem women face.

Also in the Trade Union we are facing problems. For example the image of the Trade Union where you mostly can find white old men. Most of the WOM are board members and most of the WOM don't have a job anymore. They are not connected with a current workplace but they have as a board member the right to vote for labour rights and labour circumstances. Hopefully, you will see my point.

Personally, I think that image is really threatening the Trade Union in general and women in particular because of the shortage of women as board members and other important boards.

I would like to go back to the network. Another benefit of the network is the structure. It is a flexible structure with lesser than less meetings and discussions. The network is more dynamic and therefore more attractive for being a member.

To maintain and develop activities for the network would become a struggle if there was no money or support for the women themselves. Every year we have to plead for money and convince board members of the importance to take care for women issues.

I would like to share some words about the activities of the network and I would like to show some pictures. We organize district meetings and general meetings for women. We try to equip them how to bargain about their salary and about their labour circumstances. Giving them more knowledge about their collective labour agreements and so on. Raising awareness about their rights and duties at the workplace.

The goals of the Network Women FNV... The network women FNV wants to connect women and wants to use their experience and knowledge for the Trade Union. Therefore it is necessary to use new structures for a dynamic Union work. The old structures provided a lot of meetings and discussions but it doesn't work anymore and is not attractive for new members.

The network women FNV offers women the possibilities to exchange and to share their experiences with other members and to stand up

for their rights in the Trade Union regarding their economic position, in addition to fight for a better position at the labour market and to strengthen their position.

Networking is a method of activating union work that is based on active participation of women in the Trade Union. The goal of this activating union work is to realize decent work for everyone, in particular for women.

The network women FNV has a few topics for the upcoming year 2015.

These are:

- To call attention to issues regarding labour and income
- To stand up for decent work and to realize improvements for women
- To strengthen solidarity within the network
- To clear the collective interest of women and keep the good work within the common interests
- To support sections/sectors with regard to important issues for women
- To improve the visibility and the interest of the Trade Union and to take care for enlisting new members
- To increase the participation of women in business and in the Trade Union.

December 14, 2014, Sunday

**Second Panel: Unions in Turkey and Cyprus and the Problems of
LGBTIs, Women and Youth**

Moderator: Türkan Karagöz, İzmir Eğitim-Sen, Branch 2, LGBTI Commission

Speakers: *Şaziye Köse, Confederation of Public Workers' Unions (KESK) Co-President & Sakine Esen Yılmaz, Education and Science Workers' Union (Eğitim-Sen) Secretary General & Semen Saygun, Cyprus Turkish Teachers Union (KTÖS) President*

Şaziye Köse

Confederation of Public Workers' Unions (KESK) Co-President:

We are trying to move forward outside the bipolar labor-capital relationship model which is imposed by capitalism. There is no such a thing called “ideal capitalism” and there will never be one. The labor-capital discrepancy always includes exclusion, discrimination, homophobia and marginalization. It depends on these factors. If we are to reach victory, labor needs to challenge capital. And the labor movement needs to cleanse itself.

We all know; capitalism relies on body-gender regime and is heterosexist. It is in war against women. Population needs to grow. Population losses need to be repaired immediately; women need to give birth and stay at home.

Official history does not keep a record of witch hunting. The body-regime on which it is based requires this. Everything that does not offer its productivity and production rationale gets excluded. Capitalism is a constant “locking” regime: it locks the crazy in mental hospitals, ill people in hospitals, criminals in jails, soldiers in barracks, the elderly in care-houses and children in schools... The results of locking everyone up is a society that can be recorded and watched.

Fighting against capitalism is fighting against the body and gender regimes. If we do not target the body-gender regime on which capitalism relies, then we don't do our job. The existing labor movements and union movements are based on the dualism of capitalism. It took over the same body-gender-discipline regime. This is why they are facing

serious challenges. We, as women and LGBTs, have to open channels to meet with them. We need to do more about this.

The womanization of labor is a long process. Women's movement together with the union movement is a challenge for capitalism. This is why unions, workers' movements and women's assemblies are vital. They should be supported and protected from attacks.

We need to get rid of our masculine way of doing things. We need to get rid of this radically. KESK has started this; however, it is only a drop in the ocean. This are small moves. For human rights, the anti-discrimination movement needs to be strengthened. We need to do everything we can to get rid of this extreme masculinity.

All social organization models should question their structures that put power and hegemony in the center. Norms should be shaken from their roots. If they are not shaken well, the victories of the union movement will not filter itself from masculinity. Let's increase the drops in the ocean. We are open to collective works and cooperations with LGBTs. We are ready to overcome the barricades in front of us.

Sakine Esen Yilmaz

Education and Science Workers' Union (Eğitim-Sen) Secretary:

I actually worked more as a women's secretariat. What kind of a path did we follow and what happened? It is possible to say there is a strong connection between the labor movement and the LGBT movement. Today, in both KESK's and DISK's by-laws, the terms "sexual orientation" and "gender identity" are included. But of course we cannot say we have come a long way.

We are trying to come up with practices and, for this, we are establishing commissions. While doing all that, we are in regular cooperation with Kaos GL. The gender studies efforts at the university

met with reactions and blockings. Our works are targeted. There are these kinds of external reactions all the time. But there are also internal reactions. This is the general situation.

There is the notion that “if women organize separately, this will hurt the class struggle”. Women form the majority of the education sector. The field of education has a tendency toward being a job for women. If we want to be sucessful as a union, we need to develop a variety of policies.

Women have to be involved in decision-making mechanisms. Women should get organized, become stronger and get involved more in decision-making mechanisms. That was our basic starting point. We started with a 30% women quota and it was implemented. We filled this number. In the 2014 congress, we increased it to 40% and we will probably fulfill that number too. Yes, there are women's works in unions but we always faced budget problems. There is a “gender-sensitive budget”. Now we will not face challenges when it is about women and LGBTs. This makes our position stronger. Until now, we had worked as the women's commission but now we work as the assembly. All decisions that concern women are taken in this organ. Without going against the policies and by-laws of the union.

During this period, we have also been giving trainings on gender to women. We are empowering ourselves; however, we realized the men around us were not transforming. This is why we started to organized trainings for mixed groups too. As a result of this, we raised our own trainers.

This is what the internal mechanisms of unions look like. We want these steps to be taken also in other professional fields. But to what extend are women included in collective labor bargains? Because our collective bargain mechanism is very weak, women are not well represented either.

The state has this approach: There is conservatism in this country in a very serious sense. Patriarchy is produced constantly and we have to be on alert at all times. The network of patriarchy is spreading constantly and this network is closed to the participation of women and LGBTs.

Semen Saygun

Cyprus Turkish Teachers Union (KTÖS) President:

We are so close to Turkey, yet so far. What is happening in northern part of Cyprus? You see us only in the media and people think Cyprus is all about its entertainment business. Cyprus's north is run by neo-liberal politics and production is not possible. This in the end comes back to us as not being able to unite under unions, not being able to organize and the loss of social victories. It leads to the commercialization of fundamental human rights such as education, health and a big decrease in budget.

Privatization in Cyprus is done by the own hands of Turkey and despite the will of northern part of Cyprus. We are of course used to privatization with the aim of making benefits available to proponents. We, as northern Cypriot Turks, are against AKP's hegemonic control over the island.

For instance, the Cypriot Turkish Airlines has been privatized and liquidated. Right now, we do not have such an airport. Political alliance has won against logic. In terms of privatization of education, the budget for education in the north is very small and goes mostly to private schools. Teachers in temporary positions have to work in public schools under very insecure conditions. This is why the quality of education goes lower and lower in public schools and privatization increases.

Despite the 2009 union resistance following the re-organizing the wages of public workers, the law went into effect. It started to be

implemented in 2011. This meant, for those who started working after 2011, this was a great financial and emotional damage. For teachers who entered the education field after 2011, this meant 41% loss in wages. They got less than teachers who started only a year earlier than they did and this has caused great damage on their motivation.

Conservatism politics started with Turkey's ruling AKP. They established an association for building mosques. Now we have 202 mosques and only 160 schools. Religion classes are now mandatory. Quran courses are constantly increasing. Ottoman structures are built everywhere.

In 2007, the age for retirement went up to 60 according to the Social Security Act. The registered number of unemployed people increased by 17.8%. With regard to unemployment, there is not even any data about LGBTs. With a change in the provision of 154 law, homosexuality is no longer classified as a "sexual relationship against nature". It is no longer a crime. However, LGBT friends have still not gained enough visibility even after the law change.

December 14, 2014, Sunday

Third Panel: Unions and the Problems of LGBTIs, Women and Youth

Moderator: Berna Savcı, Eskişehir Eğitim-Sen, Kaos GL Education Group

Speakers: Belkıs Yurtsever, Health and Social Workers Union (SES) Women's Secretariat & Meliha Beysülen, Municipality and Local Government Services Workers (Tüm Bel-Sen) Women's Secretariat & Sibel Özen, Women's Labor and Employment Initiative (KEİG) & Emrah Kirimsoy, "Agenda: Children" Association

Belkis Yurtsever

Health and Social Workers Union (SES) Women's Secretariat:

The field of health is under invasion. It created a conflict within itself. This is why it is on the agenda of unions. We know that the health sector is not equal for everyone. It is discriminatory for everyone because it is the continuation of the masculine state, the continuation of a statist system... There are reasons for this of course. There is a problem with defining health. What we understand from health is directly linked to how health services are given. This is why it is not possible to say the masculine, statist and singularist language does not leak into the health sector.

There is a need for a socialist understanding of health which is inclusive of all differences, languages, faiths and cultures. The understanding of health is heterosexist and not biofeminist. Health and medical fields need a biofeminist mind. Health needs to become a sector that touches and reaches out to all segments of society. LGBTs are subject to serious problems in the field of health such as discrimination, violence and lack of access to privacy. Health workers are not outside the problem. They actually perpetuate the problem. This is a self-criticism. But what should we do from here onwards? We, as health workers, gained some things after severe battles. In recent years, sensibility toward the LGBT movement became a part of unions, including SES. Until recent years, we did not have a definition for sexual orientation and gender identity in our works and positions. In this sense, our language with regard to the LGBT movement is new. This is another self-criticism.

Our struggle takes diverse forms while continuing. Our reasons increase. People need access to health services beyond their faith and language. Even though we say there is respect for the privacy of LGBTs and that there is justice and equality, LGBT people continue to face injustices. Have we managed to stand against this as SES Union? We can debate about this. But we need to see that the masculine language has been trying to enter the health sector just like all other

sectors. As SES, we have started a few new things with regard to the LGBT movement. Together with Amnesty International and our departmental administrations, we have started trainings on LGBT issues. We mention this in our bulletins. These very important publications reach out to our workplaces.

Of course, LGBTs are not discriminated against only in the field of health. There is also a language problem. We say “LGBTIs” which shows we have an approach that is not very sensitive toward the political and ideological background of the cause. Because we don’t say people of HDP, people of CHP or people of SES. This is why need to re-organize our terminologies and language. And we need to do this on a societal level. Against such codes of heterosexism, we need a path of struggle that is built on collective solidarity. In terms of professional field, social work is our area. Shelters are a serious problem in terms of discrimination. In the field of health, we have established a network of struggle for those who cannot express themselves in their own language. I have to underline this.

Are we able to do something about all of these? Thanks to our trainings, we have come to realize there is much work to do at the organizations we visit such as health institutions and the Ministry of Health about bodily politics and LGBT rights. We have had discussion on such issues. We have created policies to advocate the right of LGBTs to benefit from shelters. We are also trying to make sure LGBT people not only take place in unions but also take part in decision-making mechanisms. Social aid is always linked to poverty, but LGBTs are not mentioned in this poverty. When policies are created, SES disseminates these declarations. From now on, in future declarations of positions, it is important to apply to SES to disclose discriminatory cases in social work and health as well as the need to change legislations and hate crimes bill. There are also activities of women educators.

Additionally, there is a need to promote and increase victories. To do this, we need to report and disseminate our success stories. We need

a solidarity and information network. We, as the society and unions, need to re-build our language. We want to work with the LGBT organizations and movement to advance access to health. I want to add a small detail too. The lives of intersex friends are invaded by doctors, families and society from birth onwards. Intersex identity can be based on biological, physiological and hormonal; people are identified as woman or man based on the arbitrary decisions of families and doctors. Children have absolutely no right to decide who they are. This can lead to serious health problems later on. We have to fight against this medicalization and forced identities. The field of medical should become healthy.

Meliha Beysülen

*Municipality and Local Government Services Workers (Tüm Bel-Sen)
Women's Secretariat:*

We are workers of local governing. Local governments are places where we observe discrimination, pressure and mobbing the most. We as workers are subject to discrimination and oppression on the basis of our political choices, ethnicity, faith, sex and gender. Patriarchal capitalist system divides people as Armenian, Kurd, women, Alawite and exploits them. This is our situation in municipalities. LGBTs are not visible at all on local governance level. The conservative policies are a challenge for the visibility of LGBTs as well. We have to work together collectively to ensure the municipalities take a stand against discrimination and toward democratization.

What do we do as Tüm Bel-Sen? I would like to tell you about the works of our women's secretariat. Our women membership ratio is 3:1. This ratio is 5:1 in management positions. Our numbers drop in the second area. We have a 2% budget for women and our women's quota has not passed yet. We do have a women's assembly. In the women's assembly, we are dedicated to fight against patriarchal system. We have trainings on gender. We have also commissions and

one of them is the LGBT Commission. We do not yet have a member of this commission and our responsibility is to encourage our friends to join. We also printed a brochure about discrimination, so our fight continues also via our publications. We have another brochure about mobbing. To eliminate mobbing, we have been organizing trainings in İzmir. We are fighting for a free life where all identities can live collectively. We are threatening the patriarchal capitalist system, not the society itself.

Sibel Özen

Women's Labor and Employment Initiative (KEİG):

In a few sentences, I would like to talk about the KEIG Platform. We are active in 14 cities and have 30 women's organizations in our body. Most of them mainly work on gender equality. We do legal advocacy and litigation. We have repeatedly met lawyers to find answers to what we can do against discriminatory policies at workplace and how we can use them effectively. We usually have unionists friends. Including legal support and Criminal Court Law, there are court cases opened for women and LGBTs about job application and re-employment lawsuits on the sole basis of employer-employee relations. Without looking at special discrimination and without looking at women or LGBT identities, cases are open on the basis of employer-employee relations.

I would like to talk about legislations which regulate discrimination against women but still include discrimination in themselves. In the first clause, it mentions grounds of protection from discrimination such as religion, language, race but it does not mention sexual orientation or gender identity. Even though it is interpreted in a larger sense in the Constitution, we are not able to protect some vulnerable groups by categorizing them as "etc." This is why sexual orientation and gender identity have to be explicitly mentioned there.

When looking at discrimination, they look at a limited period of time from getting hired to getting fired. However, a person can be discriminated against also after getting fired. For instance, when the debates were continuing on whether or not the maternity leave should be increased to 24 weeks, many employers said they would not hire women. We do not have a legal tool to fight against such forms of discrimination. I have another criticism: The proof of burden is on the employer normally; however, the employee is obliged to provide all the solid possibilities of a discrimination first. But proving discrimination is very difficult. Discrimination usually occurs during a conversation between the employer and an employee. This is why it is difficult to prove this. For us to be able to present as proofs, the employers should be collecting all statistical data.

We work on discrimination faced by women but we also work closely with LGBT organizations. When we look at the problems of LGBT people in work place, we see that LGBT people develop a defence by means of self-control mechanisms when applying for the positions. They apply for jobs in certain areas only. If the person is not at a manager level, she/he over-works to compensate in order not to lose his/her job. If the person is out, this can be exploited and the person can be given way too much work.

I would like to mention some of the international laws too. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). It is like the Constitution of women's rights. Here is why this convention is very important: It obliges countries to comply with the principles and ensure equality by not only passing laws but also implementing those laws.

With CEDAW's protocol that went into effect in Turkey in 2002, we can make individual applications directly. They give recommendation decisions but not only on a single case. Their decisions are valid for all women in similar/same situations. Their decisions make us stronger politically.

There were 2 individual complaints from Turkey: One was returned because of methodology and the other one came back with a ruling that Turkey did indeed violate the discrimination ban. One of the important things there was that Turkey did not write a report. Turkey takes necessary measures against physical and economic violence but when it comes to implementing them, it does not follow the laws. It takes no preventive measures. The ruling said Turkey needs to fulfill its role in taking serious measures. This is why judges and legislators should be trained on gender roles. I am a lawyer but I have never taken such training.

Apart from that, there is the Council of Europe's Istanbul Convention that went into effect on August 1st. We can say it is a step ahead of CEDAW's convention because Turkey was the first country to sign it. That's where it gets its name. What is also different is it includes sexual orientation in its content. But gender identity is not in it. It is a convention for girls and women. What is really important in its content is it refers to female genital mutilation, forced marriages, forced sterilization and forced abortion as crimes. Countries are obliged to include these in their national legislations and work closely with NGOs and civil society. Of course this is very important for NGOs. Since the state does not keep a record of who is getting discriminated against, the NGOs do the state's job and monitors the field of discrimination. Collection of data make our cases stronger. As a lawyer, I said conventions and laws, but we should also actively use institutions that are already taking human rights violations cases. It is important to use Human Rights Institution, Ombudsman's office etc. Decisions taken at these institutions are more recommendations. But it is still important to enter lawsuits with the decisions from these institutions.

Emrah Kırımsoy

"Agenda: Children" Association:

In Turkey, the youth and unions do not come together. And what do we mean by "youth"? There are different classifications. In the

EU Youth Program, it is between the ages of 13-30. In our National Youth Policy, it is between 14-29. According to the Turkish Statistical Institute, it is between 15-24. And the European Youth Covenant says it is between 15-25. So we have a problem defining who the youth is. I want to draw your attention to one other point: People between 0-18 are classified as children based on documents. In this sense, the definitions of children and youth overlap. Based on the statistics, the youth rate was 16.6% (15-25) in 2013. 51% men, 48% women. We have under-age youth, we have over-18 youth... From time to time, we say future generations, and then we say “the word belongs to the elderly”... Youth continue to be instrumentalized, commodified and used as a family property. Of course, we have to think about what we mean by “youth”, what we mean by “youth unemployment”... We have to think what “opportunities” are when we talk about employment in general.

I want to talk about the right to not work and a specific case. Ahmet Yıldız, who lost his life at the age of 13 after his body got caught in a press machine, is an example for the right not to work. A painful example. As “Agenda: Children” Association, we tried to follow up with his court case. He was not supposed to be working. The family agreed with the employer and the employer paid compensation for the life of Ahmet. This was a completely different process... One more time, we saw the real value of a young person’s life in Turkey...

There are many international agreements. There is the fundamental International Labor Organization (ILO) agreement which says normally nobody under 15 can work. Its condition is 13 as an age limit for soft works and 18 for dangerous works. We see how well countries abide by these rules...

I want to talk about the children’s and youth movement that emerged in Peru. Its name is NAT. This movement was born in 1976 in Lima, the capital city of Peru. It is comprised solely of youth and children. Until now, it has spread to Central America, South America and

countries in the Global South. What is this movement doing? It is a solidarity platform for helping economic needs, families, and children and teenagers who have to work for cultural reasons. Plus, they are also trying to make sure the damages caused by labor exploitation are made visible, repaired and compensated. After being founded in the 70s, it has gathered many histories and cities together in declarations it has released. Pages and pages long... But I would like to share a little note from a working girl in Bolivia:

“Hello, I am Lordes Kruschansanchez'. I am the founder and the spokesperson of working children and youth association. Never give up. If you planned something, you want to succeed in it. But if your working conditions are bad, then we need to fix it. I have an offer to ILO. When we make plans about countries, we need to look at the reality. A cook cannot tell a teacher how to teach. Because a cook would not know how to teach. This is why, when designing a program about a country, look at the country. I am from Bolivia. I love my country but there are no laws that allow children the right to not work. So many children have been working and there are still now laws. We managed to get recognition after our wonderful works. They need to know the law, obey the law and respect the law. Children are people too. They work because they have to earn; so help advance their conditions. We are not inviting children between 10-12 to work. We are calling those who work to join us.”

There were developments after the bill on youth and children who work. Of course, as the first phase, instead of banning children's employment fully, they have established mechanisms that regulated the situation to comply with justice and protection.

LGBTI Rights Are Union Rights!

The rights of lesbians, gays, bisexuals and trans people are human rights. And human rights constitute the core of union activities. Unions should have a clear political stance on the field of LGBTI issues. They should have autonomous LGBTI policies as part of their current existing anti-discrimination policies. They should not only ban discrimination on the basis of sexual orientation and gender identity but they should also take necessary measures to advance equality.

If unions pave the way for LGBTI organizing, this will help the true representation of their members and workers within the unions. This leads to the strengthening of diversity and democratic structure.

Discrimination against LGBTI workers is not any different than other forms of discriminations against other segments of society. All workers deserve safe and discrimination-free work places.

Unification of LGBTI workers at unions who cannot be visible at work and are denied access to their fundamental rights depends on how successful unions are in developing policies on sexual orientation and gender identity. This way, the victims can find the necessary strength to resist against discrimination. If union policies create a positive climate, then this can have a positive impact on the visibility of LGBTI workers' problems.

Additionally, unions are also in an employee position since they hire their own workers. They should apply the policies they developed for members and commissions for their own workers too.

With this brochure, we aim at raising awareness at unions with regard to the issues of LGBTI people, underline the vital link between the

LGBTI movement and union rights, suggest successful examples to help unions create their own policies, initiatives and actions at workplace and during collective bargaining, and make recommendations to help unions integrate LGBT equality into their policy papers and practices.

Discrimination on the basis of sexual orientation and gender identity at workplace can take various forms:

- LGBTI workers can experience discrimination during hiring and firing as well as in accessing employment opportunities, vocational trainings and promotion of staff.
- LGBTI workers are usually not out. They remain so due to the fear that they might experience discrimination in promotion, career advancement and access to trainings. In the case of LGBs, this fear might hold them back from joining and trying certain professional fields. In the case of trans workers, this fear might hold them from advancing with their gender transition.
- LGBTI workers are constantly subject to transphobic and homophobic bullying and mobbing. This is why it is vital for unions to build an environment in which people's dignity and equality can be fully enjoyed.
- There are certain rights heterosexual spouses gain after marriages, which discriminate against LGBTI workers. Some of these rights are paternity and maternity leave, help with lodging and relocation to another place, bereavement leave, educational support to workers or their families, free or cheaper access to certain services and goods, social aid, credits and advance payments, health insurance, retirement for the living spouse...

To unite!

Heterosexism and its impact on work life and discrimination on the basis of sexual orientation and gender identity are not the issues of

only LGBTI unionists and women unionists. They are the issues of everyone at unions and should be included in the politics of unions. The LGBTI issue should not be minimized to “gender” issue but rather be seen from the point of universal human rights and the right to organize. When doing this, all actions should benefit from feminism and feminist methods.

Unions should embrace the equality slogans and chants of LGBT people. Homophobia and transphobia are not any different than other forms of discriminations such as racism, ethnic discrimination, sexism, religious discrimination. Anti-heterosexist movement acts in collaboration with other movements and believes that liberation is possible only through collective action. Unions should put this collective action in their agendas.

LGBTI workers/members do not come out not only in other workplaces but also at unions they are part of. This is why all segments and mechanisms at unions should be built with an anti-heterosexist view and effort. The creation of an anti-heterosexist environment will promote and help LGBT workers organize.

Unions should create an environment where anti-heterosexist members can take action without fear or doubts.

Unions should do everything they can to bring visibility to actions around anti-heterosexism and anti-discrimination. They should promote these values both on local level as well as via their headquarters.

One of the ways for unions to include more diversity is to build allies. They should have more dialogue and joint actions with other civil society actors such as associations on women, children, LGBTI, migrants... International solidarity and cooperation should be among priorities.

Regulations within Unions

Anti-heterosexism politics should be integrated into the essential politics of unions. Debates and discussions around these politics among members and all other parties should be protected and guaranteed. And these politics should be made visible in the publications and programs of unions.

LGBTI equality should be valid at all levels of the unions and a clear position on the unions' position on equality should be declared.

Unions should bring up their LGBTI policies at its congresses, general assemblies, conferences and similar events.

Practices that ban discrimination should be embraced and implemented on local, regional and national level.

LGBTI rights can be integrated into the social agenda of employers and unions. Equality, diversity, solidarity and social responsibility projects can be done to start this.

In documents and written regulations of unions, no heterosexist language should be used or promoted. Previous documents and paperwork should be revised accordingly. "Homophobia" and "transphobia" should be clearly defined in disciplinary regulations and guidelines.

It should be clearly and openly announced that no discrimination on the basis of sexual orientation and gender identity will be tolerated at unions. This principle should be clearly written in the equality policy, statute and guidelines. The rights of LGBTs should be defined as union rights and should be protected and promoted.

The problems of LGBTI members and workers should be gathered in systematic reports; awareness raising events should be planned and organized to underline these violations. The impact of LGBTI actions on the unions's internal dynamics should be monitored and evaluated on a regular basis.

Leaders and executive directors of unions should be trained about the LGBTI issues. Further educational materials and programs should be created to raise awareness on the issue. Sexual orientation and gender identity should be integrated into these materials and programs.

LGBTI rights should be taken into consideration in every step of the way; they should be put on the table at times of decision-making and collective labor bargains.

To raise awareness among other unionists, LGBTI equality should be integrated in various materials such as bulletins, magazines, journals, and internet sites.

Before collective labor bargains take place, unionists should make it clear in which articles and documents LGBTI rights are guaranteed and stated.

If the unions have an equality union/assembly, organizing secretary or a women's assembly/secretariat, LGBTI members should be represented in these platforms. These groups and units formed should be urged to include LGBTI reality in their works.

To organize with LGBTI unionists!

Unions should have the goal and responsibility to attract potential LGBTI members. This ultimately helps and increases the participation and visibility of LGBTI members at all levels of the unions. Establishment of an LGBTI commission, branch, assembly or unit will help LGBTI members to come together and take actions.

Unions should feel the responsibility to create an environment and atmosphere where LGBTI workers and members do not feel afraid of "coming out". This is important for LGBTI workers to support the actions of their unions. It should be underlined that the LGBTI issue is not the problem of only LGBTI people but also everyone who identifies as activists against heterosexism.

Campaign materials should be created on and for LGBTI equality, organizing and membership.

Paths and methods of unions on LGBTI equality should be clearly defined and explained. Awareness should be raised across unions by means of LGBTI networks or other similar structures, education and learning programs and positive discrimination programs. Equality and ethics of their policies should comply with the gender-assignment and gender transition regulations.

It should be clear to everyone at all levels and positions at the unions that no discrimination is allowed on the basis of gender identity and gender transition process.

People who offer counseling to members and who represent the unions on other platforms should be trained on these issues.

In the case of gender transition, data of the persons should be updated, old records should be deleted and maximum care should be given to the privacy and security of persons in transition.

Trans members should be well informed about the services they can use and support groups they can go to inside unions.

Equality policies should be inclusive of trans people. For instance, policies on sexism should be re-written make it inclusive for trans people.

Hiring policies and procedures that clearly indicate anti-transphobic positions should be created and negotiated. For instance, unions can choose to include a trans-inclusive language in their job postings and urge trans people to apply.

The privacy and security of trans people should be protected and guaranteed in all documents, including personnel records.

Unions can open to negotiation the on-leave time of trans people during their transition and bring this up during collective labor

bargains. Unions can organize trainings for its members on trans rights and transphobic assault.

People should be identified to offer support to trans people and funds should be allocated for this purpose.

Finally, “T’s should not be forgotten in the broad LGBTI struggle. Often, trans people cannot find any platform to raise their issues. There is a need to work on more trans-inclusive policies.

Advocacy and Legal Support

Unions play a vital role in breaking the silence around stigma and sharing the LGBTI struggle. This is important for the plans of unions on political visibility in soon future. States are responsible for eliminating discriminatory procedures in the steps of employment, access to vocational trainings, hiring processes, promotions, firing, working conditions and defining salaries. Unions have the responsibility to follow up these procedures and make sure the state accepts and implements them.

Discrimination against LGBTI people at workplace is directly linked to discrimination in society in general. Unions should, therefore, advocate for the access of LGBTIs to quality services such as education, health, housing/shelter and protection from hate crimes.

Unions should be the first place to go when there is a need to consult and receive information on discrimination on the basis of sexual orientation and gender identity at workplace. LGBTI people who have experienced discrimination should be offered union protection and receive legal support.

Unions should open discussions on LGBTI equality in business world in broader sense. Companies should be trained on hiring procedures, the security of workers, the feeling of belonging to a workplace and productivity, all of which depend on a healthy work environment.

Special policies should be developed for LGBTI equality in workplaces. These policies should be well integrated and made visible in the general equality policies of workplaces. Regulations should also include measures against bullying, mobbing and assaults.

Employers and the business world should discuss and debate on the equality of their LGBTI workers. Protection of LGBTI workers from discrimination and assaults is possible only with the consent and collaboration of employers.

Instead of creating policies that target only heterosexual families and ignore all other forms of relations, companies should be urged to support all forms of families regardless of whether couples of a contract or not. Relationships should be based on the statement of couples and these people should have access to all the services heterosexual couples have.

Regulations and documents should be determined based on the needs of LGBTI people. This should be valid not only for companies with LGBTI workers, but all companies regardless of the profile of their staff.

If there are legislations against discrimination, unions should be in charge of the promotion and implementation of these rules. They should also make sure employers know about the existing legislations and that they take necessary actions for the effective implementation of them.

Unions should lead a movement of zero tolerance to discrimination and assault. This means the protection of everyone's dignity and security regardless of their sexual orientation and gender identity.

Solidarity with LGBTI organizations

Working closely with LGBTI organizations help unions access to LGBTI union members and reach LGBTI groups in rural areas. It

helps and expands their understanding and the level of knowledge. It also makes it possible for unions to give the right and efficient answers to the needs. It also helps the profile of unions; encourages new members to join the movement and strengthens the roles carried out by LGBTI members.

Organizations and initiatives of lesbian, gay, bisexual, trans and intersex people should be supported. For instance, unions can do advocacy and campaigns against prejudice.

With a full dedication to LGBTI visibility and equality, unions should join in key LGBTI events such as LGBTI Pride Week in Istanbul and International Day Against Homophobia and Transphobia (IDAHOT) in Ankara.

Unions should support and endorse the demands and petitions on legislative changes of democratic mass organizations and LGBTI associations.

LGBTI events should be supported and unions should be represented at such events. Stands and information desks at major events like Pride and IDAHOT could promote the profile and the works of unions.

Unions could organize meetings with LGBTI organizations to ask them about in what ways unions can support their cause and activities. Consulting LGBTI organizations is vital for unions to fully understand the issues and be up-to-date and knowledgeable.

Unions can establish working groups which will facilitate their meetings with NGOs. They can play a crucial role in the collection of policies, procedures and structures.

It is important to co-host and co-organize conferences, seminars and educational events with LGBTI organizations.

They can collect data and information by means of researches and surveys in collaboration with LGBTI organizations. This will

allow more access to gathering data on problems experienced in employment.

Unions can advocate and campaign, in collaboration with LGBTI organizations, for the creation of legislations that will protect LGBTI workers. They can also mobilize a movement together with other civil society actors to underline the importance of equal treatment at workplace.

Collective Labor Bargains (CLB) and LGBTI Equality

Collective Labor Bargains are vital for guaranteeing safety and equality for LGBTI workers. They also give visibility to the efforts of unions. Ultimately, these policies help unions attract more members and strengthen its organizing role.

Why is the LGBTI issue also a CLB issue? How can CLBs bring more protection and equality to LGBTI workers?

At these meetings, parties involved can advocate for the creation of Workplace Equality Action Plans that will explicitly mention sexual orientation and gender identity as the protected identity grounds. This is valid also for the creation of Workplace Gender Equality Action Plans.

Negotiating parties can choose to define the kinds of policies that discriminate against LGBTI people at workplace, such as promotion, family insurance, on-leave periods, social aid, family support which benefit heterosexual couples but not same-sex couples.

CLBs should be considerate of the impact of prejudice in society. For instance, it should aim at eliminating bad working conditions, excessive control and unfair distribution of the amount of work in office space.

These bargains should underline that LGBTI equality and the inclusion of all segments of society are a big part of the respectability of work.

This will be useful in eliminating assault and verbal/physical abuse by other workers, managers and customers.

Supporting same-sex partnerships socially and economically could be a part of these negotiations. For instance, time-off for illness, vacation, relocation and insurance should be given to same-sex couples as well.

Employers can be invited to these negotiations for the creation of policies that will eliminate assaults at workplace.

Trans people should be treated according to the gender they express and declare. The reflection of this on official documents must be done with special care and attention. Bargains can negotiate the possibility of giving trans people paid on-leave hours during their transition processes.

Creating Workplace Equality Action Plan

“LGBTI Equality Action Plan” can be a demo of with what methods the LGBTI reality can be carried to the table during CLB negotiations. This can also be an integrated part of an extended set of policies on gender equality and ethical behaviors. In some countries, there are success stories of LGBTI policies integrated into gender policies. The following elements can be used as part of the Equality Action Plan in office space:

- Creating an understanding of cooperation among employers for effective measures against prejudice and discrimination.
- Identification of needs and desired new arrangements as a result of consulting LGBTI workers and customers.
- Underlining indirect and unmeant discrimination as a result of careful inspection of all office policies, procedures and practices.
- Making necessary changes in policies to ensure they do not contradict with LGBTI equality.

- Recommending the consideration of LGBTI equality in professional and in-company trainings.
- Recommending the creation of new methods for the monitoring, reporting and evaluation of the situation.

Monitoring Labor Force

In the process of monitoring labor force, privacy with regard to sexual orientation and gender identity becomes crucial. Many LGBTI workers are afraid of coming out. Considering how widespread homophobia, transphobia, assault and abuse are in workplace, this doesn't come as a surprise. This is why it is important that unions working on LGBTI issues pay special attention to the privacy of workers and underline people's right to not come out.

In the office place which will be monitored, there is a need to make sure there is an equality policy and an action plan for who this policy will be implemented.

There needs to be clarification from the beginning why the monitoring is taking place and what will be done with the results.

Methods of monitoring and the intentions should be consulted with the lesbian, gay, bisexual, trans and intersex people in that office.

The privacy and confidentiality of all collected data is vital.

Sample Covenant for Sexual Orientation and Gender Identity Equality

“X” Union recognizes the diversity in work force and celebrates it.

We declare that, regardless of our members' sexual orientations and gender identities, we will create a work environment respectful and equal toward everyone. In addition to this, we also recognize the

diversity within the LGBTI movement, such as age, skin color, faith, ethnic identity, disability, political views and similar grounds, and celebrate this.

X Union recognizes that discrimination and prejudice exist.

We accept that misconceptions, prejudices, discrimination and stereotypes are common throughout society. We must take necessary steps to reach our goal, to eliminate prejudice, discrimination and assault, and to strengthen equality.

We will not make presumptions on people's sexual orientations, gender identities or relationships.

We will not discriminate against anyone on the basis of sexual orientation and gender identity in the phases of hiring, working, promotion, training, income, work conditions, on-leave days and social aids directly or indirectly.

When we defend the union rights of our members, we will not exclude the elements sexual orientation and gender identity.

We will never tolerate prejudice, bullying, mobbing and assault.

We will make necessary investigations about discrimination or assault claims and solve them through agreed procedures while keeping all information confidential.

X Union accepts the responsibility that it will strengthen equality and eliminate discrimination.

To compensate for and repair previous or current damages, we will be in contact with unions individually and institutionally. All policies, procedures and practices, in the light of sexual orientation and gender identity, will be re-evaluated in contact with the union.

Our language, publications and campaigns will reflect the diversity of work force and will be inclusive of LGBTI workers.

We will make union rights more accessible to LGBTIs.

When we strive to reach equality, we will consult with LGBTI workers and union members.

X Unions recognizes people's right to come out or not to come out.

We will create a work environment in which people feel comfortable to come out or, if they wish, can keep their identities confidential.

Outing someone without his/her consent is an assault.

We accept that which rights are accessible, how discrimination and assault claims are solved and the impacts and results of these experiences should be recorded.

We will support our colleagues who will go through their gender transition ("change"); we will work with them and other colleagues closely to ensure that this process is included in the office plan. After the transition, we will treat our trans colleagues in accordance with the gender they declare.

X Union promises fast implementation and follow up.

We will keep this promise and include it in our equality strategy and action plan. To reach our plan, we will follow up and evaluate the practice together with the union.

We will define responsibilities clearly and make sure they are known to everyone. We will integrate the LGBTI equality right into our existing educational programs and materials and, when needed, organize special trainings.

We know that the union should do everything it can to reach the best results. We will make it clear to the companies and intermediary institutions in the contract that we expect them to comply with our equality policy.

Sample for LGBTI Equality Policy

“X” workplace, regardless of people’s sexual orientation and gender identity, supports equality policies for all workers. We guarantee that LGBTI workers will be treated equally and respectfully in our workplace. We are well aware that equality is for the great benefit of our institution. We know that concrete measures should be taken to ensure LGBTI equality actually works in an office place. We will ensure this by the following actions:

We will revise our current and future hiring and human resources policies in compliance with LGBTI equality principle.

We will train all staff on these policies and practices; we will make sure each and every staff agrees with these core policies.

We will disseminate this policy among our customers, users, clients and service providers.

We will provide training and counseling for staff at all ranks. We will give priority to executive managers, inspectors and human resources personnel.

We will create and finalize our policies in collaboration with LGBTI workers and unions. We will appoint an equality commission who will protect and support LGBTI workers.

We will develop special procedures to ensure unbiased and equal results in job posting, job interviews and hiring processes. We will make sure our language and the images we use do not give anyone the impression that the postings are closed for applications from LGBTI candidates.

We will integrate the LGBTI equality issue into vocational trainings and counseling opportunities. We will not allow discrimination in promotion, relocation or reposition on the basis of sexual orientation and gender identity.

We will make sure the LGBTI equality policy is implemented systematically by means of following up, evaluating and examining.

According to the rules and actions above, X workplace strives to end discrimination and assault in workplace. We aim at strengthening our office's respectability and justice by means of guaranteeing the potential, competence, productivity and compatibility of our workers.

Discrimination at Workplace and Fight Against Discrimination



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