

# the gay trade unionist

newsletter of the nsw gay trade unionists' group

PO Box 71, NEWTOWN NSW 2042  
NUMBER 10

ISSN 157 - 0099

## SCOTTISH NUMBER

DEC1979/  
JAN1980

### Tribunal Declares Gay Sacking "Fair"

EDINBURGH: A major set back in Scotland on November 12 1979 for gay rights when an industrial tribunal rejected a gay man's appeal against his sacking by the Youth Camp where he worked.

John Saunders, a worker at the Residential School Camp, Aberfoyle in the Central Region of Scotland, had an adequate work record, and there had been no complaints involving his homosexuality from teachers, parents or staff at the Camp. Nevertheless, when tipped off that John "had homosexual tendencies", the Secretary of the National Camps Association sacked him.

This is a case similar to, but probably more dangerous than the MELBOURNE CITY MISSION case because John was an employee of 2½ years standing, and because an industrial tribunal (which included a trade unionist) unanimously upheld his sacking as "fair". Chairperson of the Glasgow Industrial Tribunal summing up the case said:

"...it was reasonable for the employers to assume the risk (of molestation) as others would have done, and to act upon that belief by depriving him of a job. This in the Tribunal's opinion was fair and reasonable."

### EDINBURGH & DISTRICT TRADES COUNCIL

On the 21st December 1979 the Edinburgh & District Trades Council issued a statement condemning the Tribunal's decision.

"The Tribunal's entirely unsubstantiated decision is against natural justice & legitimises prejudice against homosexual workers.....It is a scandal that public opinion and an employer's prejudices should put at risk anyone's right to work.

The Trades Council Executive urges the Employment Appeals Tribunal to overturn the Glasgow Industrial Tribunal's decision in the Saunders Case, and calls on all affiliated Branches to come to the defence of their homosexual members."

Derek Ogg of the Scottish Homosexual Rights Group said, "It makes blackmail easier, for employers have only to look at this decision to feel justified in sacking someone - and blackmailers will exploit this." The SHRG regard this case as important for the job security of all working lesbians & gay men. They will also be backing John in his appeal at the Employment Appeals Tribunal in April and possibly through the Scottish courts and even the House of Lords.

John who has never had anything to do with the gay movement before said, "I didn't ask for this to happen. Like all these things, the point is that it can happen to anybody." However, he said that it was a fight he had unexpectedly been caught up in, but he was determined to keep up the battle. "It's about other people too" he said.



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## ANOTHER TRADE UNION GROUP FOR GAY RIGHTS!

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At the October Scottish Homosexual Rights Group's 2 day day Schools for Gay Rights, a Scottish Trades Union Group was formed to involve the Scottish Trades Union Congress in gay rights.

The group, the Lothians Trades Union Group for Gay Rights, has since been recognised by the Edinburgh & District Trades Council as a group which "will advise the Trades Council from time to time on its Gay Rights Policy."

At/

The Day Schools, like the ACSPA National Meeting on Gay Workers held in Melbourne last year, many trade unionists attending had been delegated by their Branch or Trades Council - a sign that gay rights is being taken seriously by the trade union movement around the world. If you'd like details, a report on the 2 day schools is available from :

Bob Deacon, 10 Rashiehill Terrace, Breich West Calder, West Lothian. SCOTLAND.

And

The Lothian Trade Union Group for Gay Rights,  
c/- SHRG, 60 Broughton Street, EDINBURGH. EH1 3SA SCOTLAND.

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## SHRG RECOGNISED BY ACAS

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The Scottish Homosexual Rights Group has recently achieved official recognition from the Government's Advisory, Conciliation and Arbitration Service (ACAS).

This means that SHRG will be able to represent people applying to ACAS for help and act as agents for gays. In practise this means SHRG could offer advice to ACAS on anti-discrimination clauses it may be commending to employers, or prompt ACAS to ask employers the consequences for a particular individual if s/he came out at work.

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## THE EDINBURGH & DISTRICT TRADES COUNCIL GAY RIGHTS RESOLUTION

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"This Trades Council is opposed to discrim. against homosexual men and women.

It is particularly concerned about the failure of either the law or the Labour Movement to secure equal rights in employment. Employees' private lives are no business of their employer and homosexuality should not justify either dismissal or denial of promotion. Job security would remove a primary cause of blackmail and openness about sexuality (rather than deceit) will foster better relations among working people.

Discrimination at work is part of a wider pattern of discrimination against people in society as a whole. This Trades Council, therefore, calls for the repeal of section 7 of the Sexual Offences (Scotland) Act 1976, for an end to discrimination in the provision of goods and services and, in such areas as health, housing, education and social work, for the provision of services which are appropriate to the needs of gay people.

P.T.O.

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This Trades Council recognises the right of gay people to organise and to affirm their stance publicly. This Trades Council believes that that the non-homosexual majority has a responsibility to ensure that gay people are free from discrimination and harassment and it recognises that there is a need for widespread education to dispel the myths that surround homosexuality."

Edinburgh

27 March 1979

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# CAMP NSW SURVEYS NSW PUBLIC SERVICE ATTITUDES TO HOMOSEXUALS

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A survey of NSW Government Departments and Instrumentalities to find out the extent of overt discrimination against homosexual employees and potential employees was recently released by CAMP NSW. Not one department or instrumentality said they overtly discriminated against homosexuals.

The survey was in the form of 117 questionnaires sent out to 50 departments and 67 instrumentalities on the 31st August 1979. Each questionnaire asked three questions.

1. Whether or not sexual preference, either implicitly or explicitly, is a consideration in the selection of new officers to the dept./instrumentality.
2. Whether or not sexual preference is a factor of any magnitude in considering in-service training of applicants.
3. Whether or not sexual preference is considered or discussed during the consideration of applicants for transfer or promotion.

Remarkably, the non-reply rate was only 19% !

The tally was:-

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REASON FOR NOT DISCRIMINATING	TOTAL
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We do not discriminate on the basis of,

1. sexual preference	68
2. sex/gender	5
3. sexuality is a private matter	2
4. Public Service Board guidelines/ Anti-Discrimination Legislation/Equal Opportunity	5
5. does not discriminate against homosexuals	2
6. its an issue unrelated to work situation	1
7. does not discriminate/chooses most suitable applicant	3
8. they do not enquire into "sexual proclivities"	1

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The author of the survey, Terry Goulden, was critical of the Public Service Board reply. It mentions : "the government's policy on equal opportunity in various instruction notices...", specifically mentioning instruction notice No.66 published 12 April 1978. Terry pointed out that this notice relates to the Anti-Discrimination Act and so only mentions homosexuality as an area for further investigation. He stated that a search of the Board's notices failed to provide evidence that the Board has ever clearly and unequivocally stated that it does not discriminate employees on the grounds of homosexuality. Considering the past record of the Public Service ferreting out and firing homosexuals and refusing employment to known homosexuals, Terry recommended that the Board clearly set out its current policy in a Public Service Board notice, and that the statement be incorporated into the NSW Public Service Recruitment and Employment Manual.



The CAMP NSW report also recommended that :

- a. the Public Service Board encourage personnel officers in the Service to acquaint themselves with difficulties faced by their homosexual employees because of the oppressive attitudes of society and because of the past attitude of the Public Service.
- b. if the Public Service Board is to adhere to its stated policy of equal employment opportunities it should instruct the Personnel Planning Division to look into areas of the Public Service Regulations which discriminate against homosexuals, especially homosexual employee's relationship partners.
- c. the Public Service Board seek information from the Rhine Delta Region Provincial Government in the Netherlands on their system of declaration of relationship, for non-marital and homosexual relationships.
- c. the Public Service Board as a matter of urgency investigate the discrimination that exists whereby the long service leave and superannuation entitlements of deceased employees are only paid to the widow/er.

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#### AND ANOTHER GAY WORKERS' GROUP FORMS !

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A Gay Health and Welfare Workers Group was recently formed in Melbourne.

The aim of the group is to encourage concern on social, political and conscience issues, relevant to gay workers in the health and welfare fields. It will also help build social networks to supplement colleague and other professional networks.

The address is: Gay Health & Welfare Workers' Group,  
PO Box 1059, NORTH RICHMOND. 3121  
Ph: Laurie (03) 41.4797 (office hours)

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#### ARE DISCRIMINATION BODIES TOTALLY USELESS?

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A question posed by a reader a couple of months ago is a question we all might be soon asking ourselves. "How do you get grounds for an investigation when the employer isn't going to give the true reason for discrimination?"

After some months the Victorian Committee on Discrimination in Employment and Occupation replied to Tony Collins, the gay social worker refused employment at the Melbourne City Mission because he was gay. (see GTU No.9). They said they found no evidence of discrimination.

Months before, the Victorian Anti-Discrimination Bureau had confirmed that "homosexuality was a factor in considering Tony's application." Did the Melbourne City Mission change its story?

Tony suggests that the lesson from his case is that Federal and State legislation is totally inadequate to cover discrimination against gays. Not only can they contradict each other, but, even if the Federal body had found that discrimination had occurred, it would not have the power to effectively challenge the Melbourne City Mission's homophobia. And the State body is even more useless because it fails to even include homosexuality as grounds for a complaint.



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## FIGHTING DISCRIMINATION : A Series

### PART 3 : HOW AUSTRALIAN UNIONS WORK

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#### INTRODUCTION

Most gay people are dependent on employment - so being known at work as homosexual or lesbian, whether by accident or design is the biggest risk in any gay person's life. Why? The consequences in an unaccepting society range from instant dismissal to harrassment or persecution from management and fellow workers alike. To guarantee our job security, Gay Trade Unionists are encouraging gays to take an active part in trade unions.

Trade unions are fundamental to the social and economic fabric of this country. Their charter is to fight for the protection & betterment of their members and although gay rights is at the moment a "non-issue" with most unions, an increasing number are adopting policies, specifically to protect their gay members. For gay members the task is to ensure that our union takes up gay rights as a legitimate issue to fight for, and also to ensure at the rank and file level that we have sound support against discrimination. In some cases this may mean not only just raising the issue locally, but even starting or re-activating a union sub-branch for our own protection.

This series will help gays get some idea of the workings of most unions in Australia, and later will give a constructive guide to fighting discrimination including strategies and resource materials.

#### JOINING A UNION

If there is a union sub-branch operating where you work, there should be a union representative who will tell you how to join the union. If there is no union ask your local Trades and Labor Council's advice on joining a union. Alternatively, the Gay Trade Unionists' Group will be able to find out for you.

#### HOW UNIONS WORK

Unions in Australia have different histories, different sizes & have members working in different environments. Consequently, their structures vary considerably. It is possible however, to give a general guide.

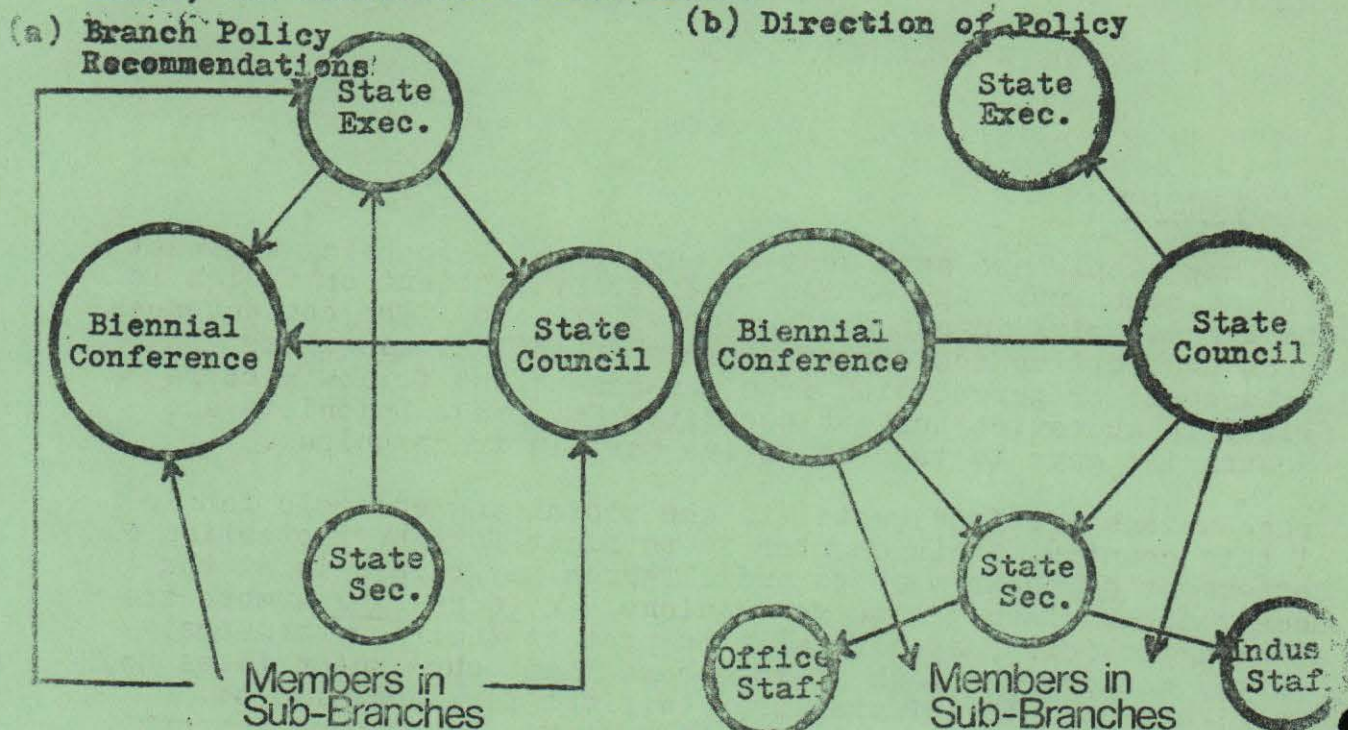
In almost all unions the basic organisational unit is the sub-branch, section, chapel etc. A sub-branch or section may consist of members from one workplace, a number of workplaces or a particular geographical area - or it may have only members within an organisational group or grade.

The sub-branch holds regular general meetings (about once a month) which all members can attend and discuss work issues and receive reports on the State Branches activities. They can also put forward items for consideration by the (State) Branch Executive, the Branch Council or the Branch Conference.

At least one formal meeting a year is usually designated for election of sub-branch union representatives and for deciding on policy motions for the Branch Conference.



As well as elections, you may also be involved in putting forward certain recommendations in the hope that they may become Branch policy. Diagram (a) sets out the process in one union, the Electrical Trades Union.



Recommendations are made by members to the Branch Conference, Executive & Council from their local sub-branch or section. The Branch Secretary may make recommendations to the Branch Executive and through them to the Branch Council and Branch Conference. The arrows indicate the direction in which recommendations are made. The circles are drawn in different sizes in order of relative importance. The Branch Conference is the most important policy making body in the State Branch.

The National Conference and the Branch Conference determine the policy of the union. Once policy is decided the membership and officials are bound to maintain it. Conference decisions bind the Branch Secretary and Branch Council. The Branch Council directs the Branch Executive and the Branch Secretary in upholding the policy and the Branch Secretary directs the industrial and office staff.

NEXT ISSUE: The State Branch Continued, plus a bit MORE !!!!

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## FORUM: GAY RIGHTS AT WORK

March 4th 1980 7.30pm Geo. Hunt Room Trades Hall Sydney

**WARNING!!**

Leave all social diaries blank! Fund raising party has been set for February 9th 4.00pm 5 Niblick Street, BONDI

Tell your friends!!!

KEG OF BEER PROVIDED

Entertainment 2-6pm

BONDI PAVILION

8pm Dance

# GAY MARCH 22ND

10AM TOWN

MARCH HALL

**NEXT MEETING !**

Wed 23 January 1980 6pm Al Fawa Restaurant 559a Eliz. St., Redfern.