

Collective Bargaining Checklist Sexual Orientation & Gender Identity

The collective agreement is the foundation for workers to access their rights in the workplace. Many agreements are silent on the rights of lesbian, gay and trans workers. It is important to review our collective agreements to ensure that we meet our legal obligations and fully represent all our members. As unions, we can bargain beyond the bare minimum legal requirements.

- ⌞ Does your agreement have a no-discrimination clause which includes sexual orientation and gender identity/gender expression?
- ⌞ Does your agreement have anti-harassment/anti-violence clauses? Do they include sexual orientation, same-sex partnership status and gender identity as prohibited grounds? Is there a clear investigation/resolution process?
- ⌞ Does your agreement call for mandatory workplace human rights training for all employees, including on sexual orientation and gender identity issues?
- ⌞ Does your agreement recognize same-sex relationships?
- ⌞ Are same-sex spouses and families fully covered in all pension texts and provisions and in all benefits provisions?
- ⌞ Is the length of cohabitation (time living together) the same for opposite sex and same-sex couples?
- ⌞ Is the method of proof of relationship the same for same-sex couples as it is for opposite-sex couples?
- ⌞ Does the method of proof require that the relationship be “public”? (There can still be safety issues involved for same-sex couples.)
- ⌞ How are those benefits accessed? Do lgbt workers have to out themselves in the workplace to access the benefits?

- ⌞ Does the administrative process allow claim forms to be submitted to the insurer rather than the employer?
- ⌞ Does the bereavement leave provision recognize same-sex partners and their family members? Does it respect privacy/safety issues?
- ⌞ Is the definition of parental leave inclusive. Does it recognize same-sex parents?
- ⌞ Are the leave provisions for attendance at a birth or adoption gender neutral or do they specifically include lesbian and gay non-birth parents?
- ⌞ Is it clear that parental leave includes adoption leave?
- ⌞ Does the drug plan include drugs for in vitro fertilization, insemination, HIV/AIDS, hormone therapy, etc. without formularies and without annual or lifetime maximums? (A formulary is an approved and limited list of drugs, rather than any medication prescribed by your doctor.)
- ⌞ Does the medical benefit package include coverage for sex reassignment surgery, counselling and electrolysis?
- ⌞ Does your agreement include return to work or leave policies that accommodate workers who transition on the job?
- ⌞ Does the medical leave provision allow for part-day absences?
- ⌞ Do the life insurance and long-term disability insurance contain barriers such as pre-existing clauses, non-evidence maximums?
- ⌞ Does your life insurance include a provision for a living benefit advance and conversion?
- ⌞ Does your agreement include clauses which might have a negative impact on trans workers, such as gender-specific dress codes.
- ⌞ Does your agreement have accommodation provisions for workers who are trans (e.g. washroom accessibility)?

This list of possible benefits and entitlements has an ever expanding horizon. Here is an extensive, but not exhaustive list.

Insured

Non-Insured

Registered Pension Plans

Bereavement Leave

Life Insurance

Maternity/Parental Leave Top Up

Accidental Death & Dismemberment Insurance

Adoption Leave

Survivor Income Benefit

Family Leave

Long Term Disability

Marriage Leave

Major Medical/Extended Care

Child Care Leave

Dental Care

Child Care Subsidies

Vision Care

Leave For Medical Appointments

Drugs

Relocation Leave & Expenses

Family Care (eg. Nursing Home Coverage)

Family Tuition Fees/Subsidies

Automobile Insurance

Family Memberships

Travel Insurance

Travel Passes

Legal Plans

Complimentary Tickets

Mortgage Subsidies