

Transition leave

Making queer rights a union fight

Black Flag Sydney

The recent struggle at the University of Sydney between staff and management has involved something with little precedent in Australian working-class history: a popular demand for ‘transition leave’. This refers to time off work for gender diverse staff to undergo the various surgeries, therapies, and treatments necessary to affirm their identity and for their general well-being. This demand took a real fight to implement and we think it’s important to present the details of how it happened to inspire people in other industries to take similar steps and push for it in their workplaces. It’s a pretty unique intersection between class and queer issues – an intersection we in Black Flag Sydney emphasise in our work.

USyd, like most employers, is pretty transphobic. In the case of USyd, it’s not a deliberate, conscious bigotry, but rather one based on neglect, or structural discrimination. The University is perfectly happy to present itself as a trans-inclusive, queer-friendly place, selling itself to potential queer students (customers!) as a happy place to be. However, there is little sympathy for trans staff from the various layers of management. Even something as basic as printing an updated staff identification card can be frustrating. One person we spoke to said the uni only really developed protocols on this when they were forced by the threat of public opposition.

The general transition leave demand arose nationally as a “recommended claim” for the 2021 National Tertiary Education Union bargaining round some time ago. However, it was only through mostly transgender rank-and-file unionists pushing the claim at the workplace level that the demand grew in prominence and also in clarity, increasing at most workplaces from twenty to thirty days per year.

Union militants pushing for transition leave at both the branch and the national level had to contend with two primary but linked forms of opposition: general union conservatism and more specific transphobia – both open and discreet. The value of the transition leave demand shows itself here, as something that pushes for change on both the “economic” and the “political” level.

At USyd, the NTEU originally wanted the proposed log of claims to go up without a discussion. This didn’t just incense union activists interested in queer issues, but also other groups, like casuals organised as part of the Casuals Network, who wanted a say in how their conditions were determined. They successfully fought for open discussion of the log of claims at the branch level, among the membership. It was here that they were able to really campaign for adequate demands for casuals and for transition leave.

Within the NTEU nationally, the demand for transition leave was galvanised by a more general debate over bigotry against transgender people. In late 2021, a resolution against transphobia written by the union's national queer caucus was amended by the NTEU's general secretary to remove criticism of "hate speech that is masquerading as academic work" and "gender critical ideology." The backlash from the queer caucus against this hostile amendment is what led directly to the national campaign on transition leave. The left wing of the NTEU leadership only really accepted the gender affirmation leave campaign *after* trans unionists fought for it, and many of them are still yet to accept reversing the transphobic amendments.

The campaign has involved a number of politically important fights. Transition leave quickly became one of the most prominent demands in the USyd dispute, at times overshadowing wage demands, galvanising union members and activists. Within the branch, some conservative members were quite critical of the transition leave campaigners for allegedly leaving other socially important demands like domestic violence and menstrual leave to the side. For the transition leave campaigners, this was a moment to politically challenge the separation and opposition between "women's issues" and "transgender issues"; indeed, the prominent campaigners for transition leave regularly promoted the other demands and stressed them in their speeches.

Underscoring the hostility to trans activism within the branch was the general divide between "second wave"-inspired feminists, some of whom are TERFs, and more contemporary feminists who are open and enthusiastic towards transgender issues. The opposition was not just based on different conceptions of feminism, though, but also different conceptions of union activity. The former group didn't see much value in public campaigns at all, and would have preferred the union to work through private negotiations behind closed doors. The latter group, however, saw public campaigning as an important part of the rank-and-file militancy essential for serious working-class activity.

The demand for transition leave has demonstrated the power organised workers have in pushing for more general social demands. This is already having an impact on general queer activism, leading some to embrace a politics based on class rather than just identity. However, the proponents of transition leave have no illusions that the demand is a hole-in-one solution. Indeed, one activist speculated that the reason the NTEU leadership conceded to the gender affirmation leave campaign is because it was easier for them to stomach than a targeted campaign around transphobic management, bathrooms, and identity documentation, as well as a more general one around public funding for trans healthcare.

This is why activists have been valuing the way the transition leave campaign has facilitated more general queer campaigning, providing an "in" for people to start thinking about how queer and union activism can intersect. A queer rank and file network will likely develop out of the campaign even after this dispute ends.

Presently, things are moving fairly slowly. At USyd, management has accepted a one-off period of thirty days transition leave, plus access to up to fifty days per year from general personal leave for transition purposes and an option to apply for more if this is exhausted. Activists have made it a point to fight for transition leave as an annual, not one-off entitlement. This is firstly to cover the people whose treatments are multi-year, but also to stress the political point that transitioning is an ongoing process, and that the issues surrounding it will necessitate leave being taken over a longer period of time. Trans people shouldn't have to use personal leave for this purpose – being trans is not an illness and nor should it be pathologised by requiring it to come from the same pool as sick leave.

The demand has been fought for at other campuses. A campaign around it developed at the University of Tasmania, though the union recently suffered a set-back. Management offered twenty days leave, the union countered with a demand for thirty, and management then countered with ten days of general “special leave”, take it or leave it. Nevertheless, the campaign is ongoing, and we encourage people to sign their petition online.

The campaign has also resonated with workers in other industries. One prominent NTEU activist has been contacted so many times by other unionists keen to raise transition leave that they have assembled a shareable pack of research and suggested strategies.

The fight has also revealed the importance of being organised in a political sense. The pressures of activism are immense – the aforementioned prominent activist, who is a member of a Trotskyist organisation, said it was vitally important for them to have a network of experienced people backing them up, offering advice and sympathy where necessary. Without that, in the face of constant and often incoherent opposition, “it would have been very easy to lose your mind.”

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