

TRANS EMPLOYMENT RIGHTS IN THE EUROPEAN UNION

10 THINGS GOVERNMENTS CAN DO²

1. Implement international human rights standards without discrimination, explicitly prohibiting discrimination on the grounds of gender identity and gender expression, as well as multiple discrimination, either within the framework of the domestic transposition of the Gender Recast Directive or the consolidation of national anti-discrimination legislation. Such laws should cover conditions for access to employment, self-employment and occupation, including: promotion and dismissals, membership of and involvement in an organisation of workers or employers or other professional organisations, and working conditions including pay.
2. Extend sick and invalidity schemes to trans people and ensure that employers make such schemes available. Recognise the age of retirement of trans individuals based on their preferred gender and not the birth sex. Make available occupational social security schemes and pension schemes to trans individuals and their spouses/partners in line with the jurisprudence of the CJEU as well as schemes covering industrial accidents and professional diseases, and unemployment benefits.
3. Include the human rights concerns of trans people in the scope of activities of equality bodies and/or NHRIs.
4. Introduce legislative or policy measures that provide access to change of name and/or gender on official educational and employment certificates, and related documentation. Provide effective protection of the right to privacy of trans people in the context of employment, in particular regarding employment applications, to prevent disclosure of their gender history or former name to their current employer, fellow employees, and/or clients.
5. Ensure the establishment and implementation of appropriate strategies to prevent discrimination on grounds of gender identity and gender expression in employment and occupation in both the public and the private sector. These strategies should address identified concerns, and be periodically assessed against indicators of equality.
6. Address the human rights of trans people, particularly the right to equality at the workplace, through specific human rights education training programmes and in-service courses, as well as awareness-raising campaigns for the general public.
7. Involve and consult trans people and their organisations when developing and implementing legislation and policies that concern them.
8. Develop research projects to collect and analyse data on the human rights situation of trans people including discrimination and intolerance they encounter with due regard to the right to privacy of the persons concerned.
9. Abolish any legal provisions, regulations, and administrative procedures that are contrary to the principle of equal treatment of trans people.
10. Introduce proactive statutory duties to ensure equality mainstreaming across government and review policies and practices that may directly or indirectly discriminate against or disadvantage trans people.

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Inspired by recommendations found in **Supra Note No. 4, Commissioner for Human Rights** (2009); Recommendation CM/Rec (2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity <https://wcd.coe.int/ViewDoc.jsp?id=1606669>