TGEU Makes Submission to EU Consultation on Health & Safety at Work

article, socio-economic rights, health & depathologisation, sex workers

TGEU contributed to a consultation by the European Commission on the Occupational Health and Safety (OSH) framework 2020-2027.

The previous OSH strategy has not yet specifically addressed the situation of trans people at the workplace. TGEU encourages the Commission, to do so, also in light of the EU LGBTIQ+ Strategy committing the Commission to mainstream trans perspectives throughout its work. TGEU recommended that the next framework focused on improving health and safety of marginalised groups at work.

Discriminatory attitude at work as a mental health hazard

Many trans employees are subjected to verbal abuse and even physical violence perpetrated by other employees, as well as by customers, clients, and/or suppliers, while on the job. They also face staggering rates of discrimination in recruitment, promotion, remuneration, and benefits (S. Whittle, 2014). The EU LGBTI Survey II (2019) found that 35% of trans respondents felt discriminated at work in the past 12 months. This marks a worsening of the situation by 8 percent points to 2012 (23%). Trans people's experience at the workplace is worse than that of its LGBT peers. Trans women are particularly affected (40%).

The workplace is the number one situation where trans people are exposed to discrimination, without receiving adequate support: only 27% of trans respondents did not experience anti-LGBTI attitude at work in the past 5 years, whereas two third did. Most lacked individual support (62%) and more general pro-LGBTI support at work (65%) during that time. This is matched by negative attitudes amongst EU citizens: every second person does not feel (completely) comfortable with a trans colleague at work (Eurobarometer 493, 2019). This is alarming as it affects trans people's mental health, safety, productivity, and preservation of workforce. Research has found that trans employees who can be open about their gender identity are more likely to report being satisfied at work than those who cannot (Stonewall, 2016).

Access to gendered facilities and clothing

Access to gendered facilities, including changing rooms, toilets and washing rooms, as well as work clothes and dress codes are key to ensure the mental and physical well-being of trans people at work. Some trans people avoid taking in liquids and hold out not to use the bathroom at all, if accessible bathrooms are absent or far away. This can lead to health problems (urinary tract), lower ability to concentrate, and thus increased safety hazards.

Hampering trans people's access to hand-washing facilities at work by discriminatory attitude or lack of protocol becomes a public health hazard in the on-going pandemic.

Impact of COVID-19 on employment situation

Trans people are more likely to work in precarious job positions, low incomes, criminalised or informal settings, such as sex work or care work.

Since the COVID-19 outbreak and preventive measures applied nationally (social distancing, self-isolation, quarantine), possibilities to work and working conditions for sex workers plummeted dramatically. As most sex workers cannot rely on professional security (sick pay, monthly salary, unions, etc.), their livelihood and wellbeing is endangered. In Germany, where sex workers are able to officially register, emergency funds for freelancers were also accessible for sex workers. The pandemic has highlighted again the need for save working conditions for sex workers (see ICRSE Statement, 18 March 2020).

Main issues to be taken up in the OSH framework 2020 – 2027

TGEU recommends the EU Commission for the OSH framework 2020 – 2027 to focus on improving occupational health and safety for marginalised groups and to:

1. Extend legal protections to gender identity and gender expression in EU employment law from currently gender reassignment.
2. Ensure proper implementation by member States of EU employment law in regard to gender reassignment, gender identity, and gender expression.
3. Provide training and best practice exchanges for employers and employer associations on safe work places for trans people.
4. Focus on improving safe working conditions for those in gig-work, precarious, and atypical work.
5. Promote decriminalisation of sex work as key to improve safe working conditions for sex workers.
6. Encourage member states to adopt national action plans to improve occupational health and safety for those in sex work, gig-work, precarious, and atypical work.