

TRANS EMPLOYMENT RIGHTS IN THE EUROPEAN UNION

10 THINGS COMPANIES/EMPLOYERS CAN DO³

1. Adopt a clear policy on diversity and non-discrimination, with clear reference to gender identity and gender expression; and covering all aspects related to the activities of the company. Such a policy should:
 - i. Cover recruitment, employment, promotions, salary, leave, sick leave, family related benefits and other relevant benefits;
 - ii. Contain a detailed definition of non-discrimination and diversity, specifically covering harassment and victimisation;
 - iii. Apply to employees, service providers and customers alike; and
 - iv. Detail the internal procedure in place enforcing the provisions of the policy.
2. Review the recruitment and promotional processes of the company to ensure that the focus rests on the competences and skills of the prospective employee and not their personal characteristics. It is suggested that anonymous recruitment procedures be used. References to the policy should be clearly indicated in the call for applications, and the job advert should be formulated in a language that is non-gender specific and non-binary.
3. Adopt guidelines on matters that apply to trans people's wellbeing at the workplace covering:
 - i. Transition on the job;
 - ii. Self-determined coming out;
 - iii. Use of toilet, bathroom, changing room and other gendered facilities;
 - iv. Work clothes and dress code; and
 - v. Privacy and protection against being outed.
4. Train human resource managers and other key personnel in diversity with an emphasis on trans issues, so that they:
 - i. Are aware of the particular aspects of trans people's experiences;
 - ii. Can conduct interviews, and manage employment relations in an informed and competent way; and
 - iii. Develop awareness that trans people, like others, have wide and diverse capabilities and talents.
5. Make the company policy known internally and externally through visibility on the website, inclusion in newsletters, and in any other way that is appropriate.
6. Support the establishment of an employee resource group dealing with diversity issues, or [depending on the size of the company] an LGBTI specific group encouraging the participation of trans employees, and making sure that all trans employees know who their contact person is.
7. Work closely with and benefit from the knowledge of other entities (trans or LGBTI employee networks from other companies and NGOs) dealing with trans workplace issues to exchange information, ensure that the policies remain up-to-date, and to have access to current best practices.
8. Review and, where unnecessary, reduce usage of gender markers, binary categories, gendered uniforms and/or gender segregation. Where gender segregated facilities are necessary, an option should be provided to all individuals to make use of individual or collective facilities as preferred, no questions asked.
9. Encourage trans employees to be visible at work and collaborate with their employers on diversity and inclusion, leading the way for other employees.
10. Encourage trans employees to guide their employers to implement best practices.