

TRANS EMPLOYMENT RIGHTS IN THE EUROPEAN UNION

10 THINGS TRANS RIGHTS ORGANISATIONS CAN DO⁶

1. Inform trans people about their rights; covering both the Gender Recast Directive and reference to its national transposition as well as any other applicable anti-discrimination provisions regarding:
 - i. Access to employment and self-employment including promotion and to vocational training;
 - ii. Working conditions including pay; and
 - iii. Occupational social security schemes.
2. Monitor your country's transposition of minimum EU anti-discrimination standards in employment regarding sex, including coverage of gender reassignment (which is increasingly understood as referring to gender identity and gender expression), and contribute to European level periodic monitoring reports compiled by TGEU, ILGA-Europe and others.
3. Raise institutional and public awareness about the systematic discrimination experienced by trans people in the sphere of employment, citing the 2012 *FRA LGBT Survey (Being Trans in the European Union: Comparative analysis of the EU LGBT survey data (2014))* and other European-level human rights reports, Eurobarometers covering discrimination on the basis of gender identity, and similar relevant and authoritative domestic studies. Where possible, make sure to illustrate your advocacy with reference to genuine individual cases that show the extent and severity of the discrimination suffered.
4. Identify gaps in national law with regard to employment protection and gender recognition and draw strategies for improvement as necessary (e.g. address the relevant ministries for human rights/justice/employment/other; lobby parliamentarians; rally support from other NGOs, trade unions, equality bodies and/or NHRIs).
5. Publicise individual cases where trans people's employment is negatively affected by the lack of legal protection against discrimination and/or insufficient gender recognition procedures. Seek legal advice on possible remedies with reference to the Gender Recast Directive.
6. In cases of discrimination, encourage and support trans people to seek redress (e.g. through referrals to equality bodies or pro-bono lawyers), and make use of administrative and judicial remedies, referring both to the Gender Recast Directive and the jurisprudence of the CJEU and ECtHR that judges must apply in their decisions.
7. Make specific reference to the Gender Recast Directive and/or the CJEU jurisprudence in any document, public statement and letters to government and elected officials you send regarding the issue of trans equality in employment and occupation as well as gender recognition legislation.
8. Bring your concerns to the attention of the European Commission. [The relevant offices are: Unit D.1 'Equal Treatment Legislation', D.2 'Gender Equality', and D.4. 'Non-discrimination policies and Roma coordination', all within Directorate D Equality, DG Justice, European Commission.]
9. Keep TGEU updated about the state of implementation of the Gender Recast Directive and gender recognition legislation in your country and let us know how we can support your actions.
10. Document, publish, and circulate cases of good practices that can be useful to trans rights organisations and advocates elsewhere. Explain what the good practice consists of, what makes it so useful, the impact it has already had, any testimonials from trans people themselves, and who to contact should one request further information.