



WHAT IS IT ALL ABOUT?

It is a question of getting used to diversity

(Whittle et al. 2007)

Gender identity and expression is a fundamental part of each person's identity. We spend most of our lifetime at work; it is an important place for social interaction. In some countries, living in the preferred gender at work for a period of time is a pre-requisite for legal gender recognition. Management that supports its trans* employees eases the way for others to familiarise themselves with the issues. Transgender experiences become more known and understood and employing a trans* person can show a company's commitment to diversity in the workplace.

MINIMUM LEGAL REQUIREMENTS

What are the legal obligations of an employer towards an employee?

Within the Council of Europe member states, **the right to work, including the right to safe and healthy working conditions (which imply work free from discrimination) is enshrined in the European Social Charter.** Within the EU, trans* people, and here specifically transsexual people ("intending to, undergoing or having undergone gender reassignment"), are covered under EU gender equality legislation. Judgments of the European Court of Justice **oblige an employer to apply:**

- **sex equal treatment legislation in matters of employment and occupation, including trans* people**
- **equal pay and social security benefits, including trans* people**

These are **minimum** requirements for national laws to protect trans* people in employment.

(Frketic and Baumgartinger 2008)

"The area of employment was the most problematic for trans people"

"The main reason why trans people do not live their chosen gender is the workplace"

INSTITUTIONAL DISCRIMINATION

Trans* people often face institutional discrimination and forced "outing" (Baumgartinger/Frketic 2008). For example, discrimination by an employer when an applicant applies with identification documents that do not match their gender expression or the gender expectations of the employer. Another example is if an individual's pay slip and name badge show different names.

CONCERNS EMPLOYERS MAY HAVE (SOME EXAMPLES):

Employers might have stereotypes about trans* people that are badly informed or based on prejudices. When faced with a trans* employee, they might think or say:

- *I have nothing against a trans* person, but what about my employees, clients or business contacts? It might adversely affect my business.*
- *I have nothing against a person being trans*, but it should not be displayed at work. The person can do whatever they want in their free time.*
- *Time-off for medical treatment and other costs will be expensive for the company.*
- *I do not know how to address this and I do not want to talk about embarrassing things.*
- *What happens during transition and how long does it take?*
- *Which bathroom or changing facilities should the trans* person use?*

COUNTER ARGUMENTS / ALTERNATIVES (SOME EXAMPLES)

Some arguments to think about when dealing with employers, human resource managers or other management:

THERE IS NO EVIDENCE THAT SHOWS BEING TRANS* NEGATIVELY AFFECTS THE SKILLS AND WORK CAPABILITIES OF AN INDIVIDUAL.

TRANSPHOBIA MIGHT BE HARD TO DETECT WHEN THE PERSON IS ALSO DISCRIMINATED AGAINST ON OTHER GROUNDS, E.G. "RACE", ETHNICITY, ABILITY/ DISABILITY, AGE. JOIN FORCES BY SEEKING AND DEVELOPING ALLIANCES WITH OTHER SOCIAL MOVEMENTS.

IT IS NOT NECESSARY TO GIVE ANY MEDICAL DETAILS TO THE EMPLOYER (EVERYONE HAS A RIGHT TO PRIVACY!)

PEOPLE HAVE DIFFERENT GENDER IDENTITIES AND EXPRESSIONS. EACH PERSON HAS THE RIGHT TO DEFINE THEIR OWN IDENTITY AND BE TREATED ACCORDINGLY.

TRANS* EMPLOYEES, LIKE EVERYONE ELSE, NEED A WORKPLACE THAT FITS THEIR QUALIFICATIONS AND SKILLS, FREE FROM DISCRIMINATION AND HARASSMENT, WITH RESPECT FOR THEIR DIGNITY - NOT PITY.

The right to privacy has to be strictly enforced by the employer. Possible costs cannot justify infringements to the rights of a trans* person. Keep in mind that the trans* person is not at fault, but that the systems in place need to be adjusted to respect an employee's dignity.

MANY IT AND ORGANISATIONAL ISSUES CAN BE ADDRESSED EASILY AND AT LOW COST - IF THE WILL IS THERE. TACKLE EACH QUESTION ONE BY ONE AND WORK WITH OTHER TRANS* ACTIVISTS, TRADE UNION AND GENDER EQUALITY BODIES FOR IDEAS.

ALLOW FOR INSECURITIES TO ARISE AS PART OF THE LEARNING PROCESS. OFFER RESOURCE MATERIALS ABOUT TRANS* ISSUES AND PREFERABLY IN-HOUSE TRAINING, WHERE LANGUAGE AND DO'S & DON'TS ARE ADDRESSED.

IT'S NOT ENOUGH TO JUST CALL THE WORKPLACE "TRANS*-FRIENDLY". MANAGEMENT HAS THE POSITIVE OBLIGATION TO PREVENT ANY DISCRIMINATION AND TO BE PROACTIVE IN PROVIDING ANTI-DISCRIMINATION TOOLS IN THE WORKPLACE.

ALLIES

There are many potential allies within trade unions, workers' councils, national equality commissions, adult education institutions, vocational schools and other professional schools. Cooperate with national institutions or social movements like anti-discrimination or social justice movements.

Try to find your own allies who are trans*-friendly and open minded to your goals.