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Recommendations for an inclusive workplace for trans and gender non-conforming staff members, dependents, and other stakeholders of the UN System

Presented by: UN-Globe

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Definitions

UN-GLOBE would like to stress that there are no universally agreed upon definitions of terms such as gender identity, sexual orientation, trans, intersex, etc.

UN-GLOBE will work in the months ahead to establish its own set of definitions but until then, we note that IOM and UNHCR have jointly issued a comprehensive Glossary of Terms that may help clarify the meaning of some of the terms we have used. [Annex I]

Their mention here should not be seen as an endorsement from UN-GLOBE.

Gender

Gender and gender identity go hand in hand. Any discussion on gender, and any strategy on gender, shall include a reference to gender identity.

In addition, gender categories should never be limited to the male-female binary. It should always be recognized that when we discuss gender, we must also discuss trans and gender non-conforming individuals, those with non-binary genders, and those who don't identify with any gender, among others.

Therefore, in order to move away from the male-female binary, gender balance across all job levels should be reconceptualized as over-represented gender vs. under-represented gender, with trans and gender non-conforming individuals always falling under the under-represented gender category. This approach achieves three key objectives: it is well within the spirit and intent of achieving gender balance at all job levels; it moves away from the male-female binary; and it is inclusive of, and acknowledges the existence of, trans and gender non-conforming staff, and those who don't identify with a gender, among others.

RECOMMENDATION 1 – All gender strategies shall reference gender identity, and shall make provisions for staff members of all gender identities, including those who do not identify with a gender.

RECOMMENDATION 2 – Gender balance should be reconceptualized as over-represented gender; and under-represented gender, with trans and gender non-conforming individuals always falling under the under-represented gender category.

Recruitment

Two principles should be fundamental:

One, respect for the privacy of individuals. Throughout the application process, it should be up to the job seeker to decide whether to disclose one's trans status or not, including one's gender history. Disclosure or non-disclosure should not be grounds for dismissal under any circumstances. (See also Discrimination section.)

and Two, messaging that clearly states that trans and gender non-conforming people are welcome in the UN System.

RECOMMENDATION 3 – In order to actively promote equality of opportunity for trans and gender non-conforming people, job advertisements shall make clear that the UN system welcomes applications from peoples of all sexual or gender identities. Any reference to a diversity strategy or to a gender strategy in the job application

shall also make clear that this includes people of all sexual or gender identities. It would also be useful if all job vacancy announcements clearly stated that the hiring organization does not discriminate on any basis, including sexual orientation or gender identity.

RECOMMENDATION 4 – The initial PHP or job application filled out by the applicant shall contain the following gender categories: Male; Female; Trans; Gender non-conforming; None; I self-identify as...; Prefer not to say. There should also be a line below where the job applicant can specify one’s gender identity on an optional basis. In addition, the PHP or job application shall ask the job applicant for the candidate’s preferred self-identified name, gender, pronoun, and title. For the latter, the following categories should be made available: He; She; They; Ze; Other (please specify); Prefer not to say.

RECOMMENDATION 5 – The staff member’s legal and/or preferred name, gender, pronoun, and title; and the name and gender of the legal partner (if any) shall only be visible to personnel in human resources offices, or executive offices. This will help address persistent fears from trans and gender non-conforming individuals that disclosure of their gender identity can prejudice the hiring manager’s decision. However, in order for the hiring manager to be able to make an assessment that takes gender parity into account, the application seen by the hiring manager shall specify whether the job application is from an overrepresented gender identity, or an underrepresented gender identity. [See more on these terms in the Gender section above.] Once a shortlist of candidates has been made by the hiring manager, the human resources office shall release the information that will enable the hiring manager to interview candidates and do any informal background check needed.

In addition, PHPs or job applications should remove age, and the number and names of children from the application seen by hiring managers in order to ensure such information does not bias the selection process.

RECOMMENDATION 6 – Any background check carried out, whether informally or formally, by the hiring manager or office of human resources, which may disclose the applicant’s previous name or gender history (if these changes occurred in between employment, for example), shall be conducted in full respect of the rights and dignity of the applicant, and in full confidentiality, with assurances that the gender history of the applicant will not prejudice the selection process. It is the responsibility of human resources offices to ensure to the extent possible that there has been no gender bias during the selection process.

RECOMMENDATION 7 – During the application process, the job applicant shall be referred to by the self-identified name, gender pronoun, and title, including during any announcement made upon selection. No gendered assumptions are to be made based on names or physical appearances. And at no point is the job applicant’s gender identity, nor gender history to be revealed, including to the hiring manager, unless necessary.

RECOMMENDATION 8 – Staff orientation and on-boarding procedures for all staff members shall provide comprehensive information on the support and mechanisms of redress available to trans and gender non-conforming staff members should they face discrimination or harassment on the basis of their gender identity or expression. This information shall be given to all staff members and not limited to those who identify as trans as there may be staff members who do not officially identify as trans, who are gender non-conforming, or who may be getting ready to embrace a trans identity. In addition, trans and gender non-conforming staff should also be given accurate answers to questions related to health insurance coverage of their medical needs. In order to ensure this, UN-GLOBE recommends that a team of focal points on trans, and gender non-conforming issues be established in human resources, health insurance, or executive offices, and any other relevant offices.

RECOMMENDATION 9 – All staff members working in human resources or in executive offices, and all staff members working on gender issues, and trans, gender non-conforming focal points, shall attend mandatory training on sexual orientation and gender identity, and shall receive additional training on human resources policies and staff entitlements that are relevant to trans and gender non-conforming individuals, those who have a non-binary gender identity, and those who don't have a gender identity.

Gender categories, pronouns, form of address

All staff members, including trans and gender non-conforming people, have the right to be addressed by their preferred pronoun, which may be a pronoun other than “he” or “she”, such as “they”, or “ze”, or another pronoun.

RECOMMENDATION 10 – All staff members, particularly senior leadership, should strive to use inclusive language, which is key to an inclusive workplace. Therefore, all oral or written correspondence (e-mails, messages, letters, official records...) shall avoid using the formulation “he or she” that limits gender categories to two, and excludes those persons with non-binary identities. Instead, the use of gender-neutral language like “one”, “everyone”, “all”, should be encouraged.

Example :

Avoid: “Once he or she is selected, he or she should hit the ground running .”

Use instead : “Once someone is selected, we expect the selected person to hit the ground running.”

RECOMMENDATION 11 – The Coordinator for Multilingualism for the UN Secretariat (currently the Under-Secretary-General for Conference for General Assembly and Conference Management) shall convene a working group of language specialists and task them with producing UN guidelines on using and writing inclusive language, including gender-neutral language, in six UN official languages. The working group shall seek the input of trans rights groups, as facilitated by UN-GLOBE. Once these guidelines have been published, they shall be widely distributed to staff. In addition, to ensure wide implementation, all who draft in English shall be particularly targeted and encouraged to follow the guidelines, as other UN languages can then follow this lead.

Alternately, UN-GLOBE can convene such a working group, and share its proposals on the use of inclusive language, including gender-neutral language, with the UN system through the Coordinator for Multilingualism for the UN Secretariat.

RECOMMENDATION 12 – All forms to be filled out by staff, and by any other person that engages with the UN (including employment applications, profiles in online applications, security forms, participant forms, beneficiary forms, procurement forms... etc.) that requires specifying gender should offer the following choices: Male; Female; Trans; Gender non-conforming; None; I identify as...; Prefer not to say.

RECOMMENDATION 13 – All staff shall be entitled to be addressed in the pronoun of their choice. The following categories should be available: He; She; They; Ze; Other (please specify).

Legal names, official records

Despite being recognised as a right by UN human rights mechanisms, in most countries trans and gender non-conforming people have no access to legal recognition of their gender identity, and/or face abusive requirements to obtain such recognition that in themselves violate UN human rights standards, including forced/coerced sterilizations, treatment, divorce and medical certification. And in too many countries around the world, citizens are not allowed to change their legal names and or/gender in order to reflect their gender identity.

The UN System should avoid incorporating these practices into the ways it grants recognition to its staff and should uphold UN human rights standards instead, and take all steps within their power to recognise and respect the gender identity of trans and gender non-conforming staff members, trans and gender non-conforming dependents, as well as of trans and gender non-conforming stakeholders such as consultants, contractors, participants, visitors, beneficiaries, clients, and other individuals who have a relationship to the UN system.

The UN System should always act in the best interest of its staff members, their dependents, and stakeholders, and uphold UN human rights standards, including in relation to the rights of trans and gender non-conforming individuals.

Staff members, dependents, and stakeholders such as consultants, contractors, interns, participants, visitors, beneficiaries, clients, and other individuals who have a relationship to the UN system shall be issued UN forms of identifications, documents, and other records that reflect their gender identity. Ensuring this is key to ensuring and respecting the person's dignity.

RECOMMENDATION 14 – The organizations of the UN System shall record the staff member's self-identified name, gender, pronoun, and title and use these in all engagements and interactions with the staff member whether or not this name is documented in any official identification card or passport. The self-identified name, gender, pronoun, and title shall be used in, among others, e-mail address, name plates, business cards, organization charts, and listings in any relevant database or directory.

There may be times, however, when the use of a staff member's legal name and gender marker as listed on one's passport is legally required, such as when requesting a visa from a host country. These times shall be the only exceptions when a UN official document lists the staff member's legal name and gender marker.

In order to ensure this, it may be necessary for organizations of the UN system to hold two sets of names and gender markers on file.

Staff member's privacy shall be respected at all times and such information should be processed confidentially and access restricted only to those persons who require access.

RECOMMENDATION 15 – The organizations of the UN System shall issue, upon request from the trans or gender non-conforming staff member, a laissez-passer that reflects the staff member's self-identified name, gender, pronoun, and title. Such laissez-passers shall also be granted to local staff upon request. In some countries, possession of such a document can prevent harassment from police, military, or security officials, who at times particularly target trans and gender non-conforming individuals, and who would be able to quickly identify someone as trans or gender non-conforming should the name used or one's physical appearance not match the name or the sex/gender listed on government identification.

In order to avoid further harassment from immigration officials when going through customs, the laissez-passer should also clarify on a second page that the individual named in the laissez-passer is also the bearer of a passport with "x" name, where "x" stands for the individual's legal name, as stated on one's passport.

RECOMMENDATION 16 – The office of human resources shall identify a focal point to whom a trans or gender non-conforming staff member can address queries regarding official records and laissez passers.

Privacy and confidentiality

Trans and gender non-conforming staff members have the right to discuss their gender identity and expression openly, should they wish to do so, or to keep this information private.

RECOMMENDATION 17 – Periodic reminders shall be sent out to all staff members reminding them that all those who handle personnel records, including managers, shall hold these records in strict confidentiality, and shall in no way share them or reveal them to non-relevant parties. This includes information related to gender or sexual identity, previously-held names, legal names, identification documents and other confidential documents such as medical records. Strict confidentiality shall also be extended to trans and gender non-conforming family members and dependents, as well as UN stakeholders such as consultants, contractors, interns, participants, visitors, beneficiaries, and other individuals who have a relationship to the UN system.

Mobility

Trans and gender non-conforming staff members and their dependents, and staff members with trans or gender non-conforming spouses or dependents, may encounter discrimination on the basis of their gender identity and expression in certain duty stations. Because of this, at the request of the staff member, mobility to safe locations should be prioritised for internationally-recruited trans and gender non-conforming staff members in any mobility scheme. This should be done in consultation with the affected staff member.

Organizations of the UN System should not oblige trans or gender non-conforming staff members or staff members with trans or gender non-conforming spouses or dependents to move or travel to a duty station where individuals may face legal sanctions on the basis of their gender identity or expression unless the organization obtains assurances that the host country will not arrest or otherwise take any legal action against UN staff members or their family members for violation of local laws that specifically target trans and gender non-conforming individuals.

[See UN-GLOBE paper on mobility for additional information.]

RECOMMENDATION 18 – The organizations of the UN System should ensure there is equality of opportunity for all trans and gender non-conforming staff members when it comes to mobility.

If mobility is dependent on serving in hardship duty stations, it is the responsibility of the organizations of the UN System to ensure either:

The safety of trans and gender non-conforming staff members and their dependents, as well as the safety of staff members with trans or gender non-conforming spouses and dependents, in the

assigned hardship duty station;¹ or

The option of serving in a hardship duty station where the trans staff member and/or trans dependents will not be violating any local laws that specifically target trans and gender non-conforming individuals. If this can't be found, this should in no way negatively impact the career progression of trans and gender non-conforming staff.

RECOMMENDATION 19 – During the duty station reassignment process, all staff shall be granted comprehensive information from the office of human resources on the conditions of life expected in the new proposed duty stations for trans and gender non-conforming persons, including local laws and social situations related to gender identity and expression, any information relevant to the medical needs of trans staff and those who are transitioning, as well as the possibility of obtaining visas for oneself and for dependents.²

RECOMMENDATION 20 – A trans and gender non-conforming staff member or staff member with trans and gender non-conforming dependents (in the case of family duty stations) should have the right to refuse to accept an assignment in a country based on personal safety concerns, and such concerns should be accepted by UN mobility appeals boards (or similar bodies). Staff members in such situations should be provided with a suitable alternative that does not raise such personal safety concerns.

RECOMMENDATION 21 – Before the move to a new duty station, the organizations of the UN system shall ensure that any legal issues that may arise with the host country because of the staff member's trans identity or gender expression, or the trans identity or gender expression of a dependent of a staff member, is handled promptly with the host government. Such legal issues may include refusal from a host country to grant a residency visa to a trans or gender non-conforming staff member or dependent who has not obtained legal recognition for one's gender identity, including their name and/or gender marker.

RECOMMENDATION 22 – If visas are not granted nor forthcoming in family duty stations, even if the staff member has already settled in the new duty station, the organization shall offer the staff member who is unable to obtain dependent visas because of gender identity or gender non-conformity entitlements corresponding to staff who maintain dual households. In case the visas granted are visas such as tourist visas that require frequent renewal, the organization shall cover the costs of any trips outside the duty station that a dependent of staff must take in order to renew the visas.

RECOMMENDATION 23 – Short term visas are not ideal for the dependents of trans and gender non-conforming staff members, or trans and gender non-conforming dependents of staff, and shall not be proactively sought. The frequent need for renewal can require frequent trips in and out of the country that can expose a trans or gender non-conforming individual to harassment from immigration officers and to invasive questions. Therefore, in situations where the dependent of the staff member is on a short-term visa, the organizations of

¹ As already stated, trans and gender non-conforming individuals are particularly vulnerable because of their gender identity and/or expression.

² UN-GLOBE can assist in this regards, as it is collecting a database of information on service in different duty stations.

the UN system shall grant either a waiver, if so requested by the staff member, that will allow this person to apply to other posts immediately (or after serving for an abbreviated length of time but not the full expected term), or secure for this person another post.

Security and functional immunity

The UN System should be knowledgeable about the particular security challenges, including risks and threats, faced by trans and gender non-conforming staff and their dependents, as well as staff members with trans or gender non-conforming spouses and dependents, and other trans and gender non-conforming stakeholders, including consultants, contractors, interns, participants, visitors, beneficiaries, clients, and other individuals who have a relationship to the UN system.

In at least 57 countries around the world, trans and gender non-conforming people are criminalized and/or prosecuted on the basis of their gender identity and/or expression. This includes discriminatory national laws that criminalize so-called “cross-dressing”, or so-called “imitation of the opposite sex”, and other such discriminatory laws.³

These laws, and the prosecution of trans and gender non-conforming people based on their gender identity and expression, have been condemned by UN human rights mechanisms and agencies as violations of fundamental UN human rights standards and obligations of States under international law (see report A/HRC/29/23 of May 2015 of the UN High Commissioner for Human Rights to the Human Rights Council on discrimination and violence against individuals based on their sexual orientation and gender identity, and the joint UN statement on Ending violence and discrimination against LGBTI people, September 2015).

Discriminatory laws, prosecutions and other practices based on gender identity and expression are, in addition, also linked to broader patterns of violence and discrimination against trans and gender non-conforming people, with wide-ranging negative impacts on the security of trans and gender non-conforming staff and their dependents, as well as staff with trans or gender non-conforming spouses and dependents, and other trans stakeholders such as consultants, contractors, participants, visitors, beneficiaries, clients, and other individuals who have a relationship to the UN system that engage with the UN.

Where local legislation conflicts with UN human rights standards enshrined in international law, it is the obligation of organizations of the UN system to uphold these standards, including as regards to respecting the rights and protecting the security and wellbeing of trans and gender non-conforming staff members, their family members and dependents, and other trans stakeholders who engage with the UN. The response of the organizations of the UN system should not be that trans and gender non-conforming staff members comply with local laws, as this would mean they would have to comply with laws that prohibit cross-dressing, for example.

In addition, the UN system should recognize that those most vulnerable to discriminatory local legislations are General Service and National Staff, who do not have the choice to ask for reassignment to another country should they face harassment, or the option to be evacuated when their security is threatened because of their sexual or gender identity. General Service and National Staff are also under greater pressure to comply with local legislation, traditions, and/or customs. The UN System should particularly ensure that the rights of local staff are not violated, and should have separate contingency plans in place for General Service and National Staff for the threats they face.

³ Source: Criminalisation and Prosecution of Trans People, Trans Respect versus Transphobia, Transgender Europe, 2016, <http://transrespect.org/en/map/criminalization-and-prosecution-of-trans-people/>

RECOMMENDATION 24 – Any trans or gender non-conforming staff member, whether locally recruited or internationally recruited, who is detained and/or prosecuted under laws that primarily target trans and gender non-conforming individuals shall be granted functional immunity by the Secretary-General or his representative, even if the detention happened outside of official UN working hours or UN premises.

RECOMMENDATION 25 – The legal departments of the organizations of the UN system shall issue policy guidelines on the expectation of compliance with laws understood to be transphobic in nature, such as the prohibition on cross-dressing.

RECOMMENDATION 26 – All future host country agreements should include provisions that ensure that no staff member nor dependent nor relevant stakeholder will be prosecuted for any laws that are homophobic or transphobic in nature, such as laws prohibiting cross-dressing.

RECOMMENDATION 27 – All UN security officers, including external personnel or external firms contracted by the UN shall be given mandatory training so that they are ready and able to address the security challenges (including risks and threats) faced by trans and gender non-conforming staff and their families and dependents, and other trans and gender non-conforming stakeholders such as consultants, contractors, interns, participants, visitors, beneficiaries, clients, and other individuals who have a relationship to the UN system. These include verbal or physical harassment, threats in the workplace or outside of it, local laws, and detention by local security forces. They may particularly target General Service or National Staff, who may be under greater pressure to conform to local customs and traditions, and whose differentiated needs should also be part of the mandatory training for security officials.

RECOMMENDATION 28 – The Department of Safety and Security shall ensure the inclusion of LGBTI concerns in all aspects of Security Risk Management, including travel advisories, security briefings, Basic Security and Advanced Security in the Field online courses, and any check lists for security personnel. In addition, DSS shall ensure that security officers include in their security reports, whether daily, weekly, or monthly, any incidents in the host country involving the targeting of individuals because of their perceived sexual or gender identities, gender expression, and/or gender non-conformity. In other words, LGBTI and gender non-conforming concerns, along with gender, shall always be focus areas for security personnel, and they should be regularly reported to the ICSC.

RECOMMENDATION 29 – The organizations of the UN System shall bear all the cost and responsibility of providing a lawyer or legal services to any locally-recruited or internationally-recruited staff member detained or charged with violating any laws that target trans individuals and gender non-conforming people, including laws against so-called “cross-dressing”, or so-called “imitation of the opposite sex”, and other such discriminatory laws. This responsibility also includes bearing the financial costs of hiring outside counsel if an outside counsel is determined to best be able to navigate the local juridical system. This determination shall be made in close consultation with the affected staff member.

Health insurance

Having access to health care is particularly essential for individuals who are transitioning. Transition-related costs can be very expensive, yet crucial for the mental and physical well-being of trans individuals. Therefore, the organizations of the UN System shall ensure that all of its health care providers, in whichever duty station or country, cover the health-related and transition-related care of trans or gender non-conforming staff, at a level of care deemed appropriate by the World Professional Association for Transgender Health (WPATH), a professional organization dedicated to promoting understanding and treatment of the medical needs of trans individuals. This coverage should be extended as well to the trans or gender non-conforming dependents of UN staff, and to eligible trans or gender non-conforming UN stakeholders. Coverage should include medical and mental health care.

Additionally, the organizations of the UN System should engage with insurance providers to ensure that staff members and dependents, and eligible UN stakeholders who are trans or gender non-conforming shall receive coverage for the medical needs appropriate to their bodies, regardless of the sex/gender marker indicated in insurance paperwork or other legal documents. For example, a trans male staff member may still require a pap smear or screening for breast cancer, and a trans female staff member may still require a prostate exam.

RECOMMENDATION 30 – All health insurance schemes for trans and gender non-conforming staff members and for trans and gender non-conforming dependents, as well as eligible trans or gender non-conforming UN stakeholders shall include coverage for all necessary medical care that contributes to the mental well-being and physical dignity of trans individuals. In this regards, the World Professional Association for Transgender Health (WPATH) has issued Standards of Care that covers the medical needs of trans individuals, which should be considered standard coverage. Every trans staff, trans dependent or eligible trans UN stakeholder should be fully covered according to WPATH’s Standards of Care.

RECOMMENDATION 31 – Recommendations 43 and 44 are applicable to General Service, and National staff, and their dependents, including children, as well as any eligible UN stakeholder. In instances when they are not under the same health insurance that covers international staff, they should be reimbursed by the Organization for any medical needs related to their gender identity or expression that were incurred, including hormone treatment, or surgical procedures, or any medical travel incurred [see Medical Travel section below].

RECOMMENDATION 32 – Organizations of the UN System shall negotiate with all their health insurance providers the maximum possible coverage that will minimize or eliminate the co-pay for trans and gender non-conforming staff, for the trans or gender non-conforming children of staff, and for eligible trans or gender non-conforming stakeholders.

RECOMMENDATION 33 – No health insurance of the UN system shall cover conversion or reparative therapy that aims to “correct” same-sex sexual attraction, or genital-normalising surgeries that aim to “correct” atypical sex characteristics.

Medical travel

Trans and gender non-conforming individuals who are transitioning may require access to hormone treatments, which are classified as controlled substances in many countries. These hormone treatments can come in a variety of forms, including syringes, implants, patches, tablets, or gels, and frequencies can vary from daily applications to long-acting ones.

Those assigned to duty stations where medical treatment or hormone treatments are not available for transitioning individuals may require regular travel to either a country where such treatments are available, or to the country where the transition process was first initiated. In particular, surgical treatments may not be available at all, or may be inadequate, or even unsafe. In addition, medications related to trans care may also not be available in the host country, and there may be no shipping options available from third countries. In such circumstances, medication related to trans care should be sent by diplomatic pouch if there is no other means of delivery available.

Travel related to the medical care of individuals who are transitioning should be considered as medical travel, and paid for by the employing organization.

RECOMMENDATION 34 – All travel undertaken for medical purposes that are related to one’s trans status shall be classified as medical travel, and shall be covered by the Organization, including for General Service, National Staff, and any eligible UN stakeholder. In case medical travel cannot be applied to General Service, National Staff, and any eligible UN stakeholder, Recommendation 31 on reimbursement applies.

RECOMMENDATION 35 – Rest and recuperation shall be established in the closest duty station where medical transition treatment is available, and where there is no prohibition against being trans, or being a cross-dresser.

RECOMMENDATION 36 – Organizations of the UN system shall ensure that medication that needs to be shipped to staff undergoing transition or for other trans-related treatments are delivered under diplomatic pouch when no other means of delivery are available.

RECOMMENDATION 37 – Medical services at headquarters shall play a leading role in ensuring medical care for trans and gender non-conforming staff, for the trans or gender non-conforming children of staff, and for eligible trans and gender non-conforming stakeholders, regardless of their duty station. They shall ensure that local medical services offices are fully aware of the medical needs of trans individuals, and shall help facilitate access to medical care and medication if the local medical services are unable to.

Transition support

Staff members, and other stakeholders such as consultants, contractors, and interns who transition during their employment should be able to count on the support of management and human resources staff who should at all times respect the right of privacy of the transitioning staff member, in line with best practice within public sector and private sector organizations.

RECOMMENDATION 38 – The organizations of the UN System shall provide specific guidance to trans and gender non-conforming staff, and other stakeholders such as consultants, contractors, and interns, including but not limited to:

Who is charged with helping a transitioning staff member manage the workplace transition;

What a transitioning staff member can expect from management;

What management’s expectations are for the transitioning staff member’s colleagues;

What the general procedure is for implementing transition-related workplace changes, such as adjusting personnel and administrative records;

How to create a workplace transition plan; and

How and if any announcement will be made to colleagues of the trans or gender non-conforming staff member.

RECOMMENDATION 39 – This guidance should be spelled out, and there should be a designated focal point in the offices of human resources to guide managers and transitioning staff through the process. UN-GLOBE can also act as a resource throughout this process.

Discrimination and harassment

Where they have not done so already, the organizations of the UN System shall prohibit discrimination of any kind on the basis of a staff member’s actual or perceived gender identity or expression, as well as towards family members and dependents, and other stakeholders such as consultants, contractors, participants, visitors, beneficiaries, clients, and other individuals who have a relationship to the UN system. Retaliation against any person objecting to, or seeking enforcement of protections against discrimination based on one’s gender identity or expression shall also be prohibited.

Any incident of discrimination, harassment, or violence based on gender identity or expression, whether it is against a staff member, dependent, or other stakeholder, or from a staff member or stakeholder, shall be dealt with immediately, including investigating the incident, taking appropriate corrective and/or disciplinary action, and providing the staff member, dependent, or stakeholder with resources and support.

Violations include but are not limited to:

Refusing to issue ground passes and conference badges to staff and other stakeholders that reflect a person’s gender identity and expression, including their preferred name and pronoun;

Denying staff members and other stakeholders access to locker rooms and/or restrooms that correspond to their self-identified gender identity;

Prohibiting staff members and other stakeholders from dressing or otherwise expressing themselves according to their gender identity or expression;

Refusing to respect staff members and other stakeholders’ gender identity or expression;

Intentionally and/or persistently referring to a staff member or other stakeholder by a name or pronoun that either does not correspond to their self-identified gender identity or expression, or is not in accordance with their expressed wishes;

Comments that denigrate or mock the gender identity or expression of a staff member or other stakeholder, based on individually-held gender expectations. These comments can be directed to a

staff member, be in reference to a staff member, or be directed towards a category of people in general;

Physical, verbal, or sexual harassment;

Failure to hire, to promote, or to terminate a staff member's contract of employment because of the staff member's actual or perceived gender identity or expression.

These violations should be widely publicized as violations, as staff members may not see that denigrating or mocking a person because of the person's gender identity or expression constitutes discrimination and harassment.

RECOMMENDATION 40 – The organizations of the UN System shall explicitly prohibit all forms of discrimination and harassment of staff members, and other stakeholders such as consultants, contractors, and interns on the basis of their gender identity and expression. Retaliation against any staff member, and other stakeholders such as consultants, contractors, and interns who addresses or speaks up about discrimination and harassment on the basis of gender identity and expression, or for any reason related to trans, and gender identity and expression issues shall also be explicitly prohibited. ST/SGB/2008/5 shall be amended immediately to include gender identity and expression as one of the protected categories in paragraph 1.1. "Other status" is not adequate enough to cover the very specific discrimination and physical threats that trans and gender non-conforming individuals can face.

RECOMMENDATION 41 – The organizations of the UN System shall ensure that clear and effective recourse mechanisms are available for trans or gender non-conforming staff members, or other stakeholders such as consultants, contractors, and interns who face discrimination or harassment. This means that said trans or gender non-conforming individual shall have a clear course of action to take in said instances. The course of action to take should not put the onus on the staff member, or relevant stakeholder to decide whether one wants to go to the Ethics Office, for example, or to the Ombudsman's office. The onus should be on the Organization to act as soon as possible, upon receipt of the complaint, and provide proper guidance.

RECOMMENDATION 42 – The organizations of the UN System shall ensure that all entities that have potential responsibilities in handling complaints (inter alia, human resources officers, ethics officers, ombudspople, diversity focal points, complaints panel members, staff counsellors, conduct and discipline team officers, staff representatives, focal points for women, supervisors, investigators, administrative tribunals, heads of departments) are capacitated to provide support to trans and gender non-conforming staff members, or relevant stakeholders in full respect of their dignity, privacy, and rights. They should know, for example, how to handle complaints confidentially, and be aware of the specific issues faced by trans and gender non-conforming people.

RECOMMENDATION 43 – The organizations of the UN System shall regularly conduct public information campaigns targeted to all staff, and other relevant stakeholders on the prohibition of discrimination on the basis of, inter alia, gender identity and expression. As part of these regular campaigns, information shall be distributed on the recourses available to those who face discrimination on the basis of, inter alia, gender expression and identity, and the clear course of action they can take should they be the victim of discrimination or harassment. These public information campaigns should also make clear that certain acts, such as denigrating and mocking others because of their gender identity or expression, constitute prohibited

discrimination, as this link is not necessarily clear to all staff, who may feel that mockery is perfectly justified in defence of gender norms.

Accountability

It is not enough to have mechanisms in place for staff, their dependents, or other stakeholders (such as consultants, contractors, interns, participants, visitors, beneficiaries, clients, and other individuals who have a relationship to the UN system) who have been discriminated against, harassed, or retaliated against to report the incident. It is not enough to have recourses to offices such as the Ethics Office. There also has to be accountability. Those found after an official process to have violated staff rules and regulations should be appropriately disciplined, including those in senior posts. Without consequences for violators, faith in the system could be severely undermined.

RECOMMENDATION 44 – Staff members who through an official process are found to have discriminated against or harassed trans or gender non-conforming staff members, or their family members and dependents, or the trans or gender non-conforming children of staff, or other trans or gender non-conforming stakeholders such as consultants, contractors, participants, visitors, beneficiaries, clients, and other individuals who have a relationship to the UN system-- or have engaged in retaliation against them-- shall be held accountable for their actions. There should be zero tolerance for any such behavior, and this should be made clear to all staff members, particularly those in supervisory and/or senior roles.

Awareness-raising and mainstreaming within the organizations of the UN System

Gender identity and expression should be consistently mentioned and addressed in all relevant policies or guidelines of the organizations of the UN system, including those relating to inclusion and protection from discrimination and harassment.

It is necessary that all staff members understand the issues related to gender identity and expression, on which currently much ignorance exists within the organizations of the UN system.

This understanding is particularly needed among staff who help draft policies, and security staff who are tasked with protecting staff members.

Training is important, but training has to be part of a wider set of tools, such as inclusion of gender identity and expression in policies and guidelines, information for trans and gender non-conforming staff in onboarding packages, public information campaigns against discrimination on the basis of gender identity or expression, and so on.

RECOMMENDATION 45 – Training on gender identity and expression combined with training on gender shall be made mandatory for all staff in the UN System. Training shall particularly target staff who are providers of services or protection to staff, and therefore can expect to have interactions with trans and gender non-conforming staff.

RECOMMENDATION 46 – All onboarding packages shall include information for trans and gender non-conforming staff, and mention resources available to them such as UN-GLOBE.

RECOMMENDATION 47 – Public information campaigns shall be periodically carried out to raise awareness on gender identity and expression.

Restroom and other facilities

UN non-discrimination policies in relation to gender identity and expression should also apply in the context of access to restrooms and other facilities such as locker rooms. At no point should discriminatory policies be put in place that specifically mandate that trans or gender non-conforming individuals making use of the Organization’s facilities use specific restrooms or locker rooms, for example, or be required to use restroom and facilities that correspond to the sex they were assigned at birth. The principle should be that all trans or gender non-conforming individuals will be allowed to use restroom and other facilities that correspond to their gender identity.

RECOMMENDATION 48 – Staff members, their dependents, and stakeholders of the UN such as consultants, contractors, interns, participants, visitors, beneficiaries, clients, and other individuals who have a relationship to the UN system shall have the right to use the restroom and locker room that corresponds to their gender identity. Any staff member, whether trans, gender non-conforming or not, who has a need or desire for increased privacy, regardless of the underlying reason, can be provided with an alternative single-stall restroom, or alternative changing area or, or allowed to use the locker room that corresponds to their gender identity before or after other employees use it. Under no circumstances should trans or gender non-conforming individuals be required to use specific facilities, or restrooms or locker rooms that were created only for them. They should never be required to use restrooms or locker rooms that correspond to the sex they were assigned at birth.

RECOMMENDATION 49 – The Organizations of the UN system shall progressively move to “all genders” bathrooms, as opposed to gender-segregated bathrooms. The UN should lead by example and send a message of inclusiveness to help combat discriminatory policies in place in some countries where the use of restroom and other facilities has been restricted to those that correspond to the sex assigned at birth.

Dress codes

RECOMMENDATION 50 – Trans or gender non-conforming staff members or their trans and gender non-conforming dependents, and other trans and gender non-conforming stakeholders such as consultants, contractors, interns, participants, visitors, beneficiaries, clients, and other individuals who have a relationship to the UN system shall have the right to comply with applicable dress codes in a manner consistent with their gender identity or gender expression. This includes any uniforms that staff members or other stakeholders or may be required to wear, or dress items that are provided to beneficiaries of UN projects and activities. Safety equipment, however, shall be appropriate to the bodies of trans or gender non-conforming individuals. When it comes to dress codes, however, Organizations of the UN System shall avoid instituting dress codes that are clearly gendered, such as requiring females to wear skirts, for example, or males to wear ties.

Conclusion

We recommend that all organizations of the UN System establish a working group to examine these recommendations, and to enact them.

UN-GLOBE stands ready to be part of these working groups, and help all organizations of the UN System enact the Recommendations contained here.

The UN System should stand for inclusiveness for all, and equality should start at home. We are here to help.

UN-GLOBE can be contacted at ohrm_globe@un.org