

UnlockEquality: Level up your workplace

5.EU Legislation on Inclusion of LGBTQ+ & Gender-diverse employees

Funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or State Education Development Agency of Republic of Latvia (SEDA). Neither the European Union nor SEDA can be held responsible for them.





Contents

Council Directive 2000/78/EC (Employment Equality Framework).....	3
Charter of Fundamental Rights of the European Union (Human Dignity & Non-Discrimination).....	5
Charter of Fundamental Rights of the European Union (Article 21 – Prohibition of Discrimination).....	6
European Institute for Gender Equality – EIGE (Guidance on Gender Identity and Workplace Inclusion).....	7
General Data Protection Regulation - GDPR (Protection of Sensitive Personal Data).....	8
Charter of Fundamental Rights of the European Union (Article 8 – Protection of Personal Data).....	9
European Commission – Gender Equality Strategy (Promoting Inclusive and Safe Workplaces).....	10
European Institute for Gender Equality – EIGE (Training and Awareness Resources).....	11
Council Directive 2000/78/EC (Harassment as a Form of Discrimination).....	12
Charter of Fundamental Rights of the European Union (Article 1 – Respect for Human Dignity).....	13

Funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or State Education Development Agency of Republic of Latvia (SEDA). Neither the European Union nor SEDA can be held responsible for them.





Disclaimer

The Unlock Equality project includes references and links to external websites, including but not limited to sources concerning European Union legislation, policy documents, guidance materials, publications, and further third-party resources.

These links are provided solely for information and convenience. The Erasmus+ consortium partners of the Unlock Equality project do not own, control, monitor, or endorse the content of external websites and cannot guarantee accuracy, completeness, relevance, legality, timeliness, accessibility, or continued availability of any information found on them. The consortium partners shall not be held liable for any loss, damage, inconvenience, or consequence arising directly or indirectly from the use of external websites, third-party content, further links contained within those websites, downloadable materials, technical errors, viruses, malware, or any other harmful components.

Funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or State Education Development Agency of Republic of Latvia (SEDA). Neither the European Union nor SEDA can be held responsible for them.





Council Directive 2000/78/EC (Employment Equality Framework)

Full Title

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

Page | 4

Summary

This directive establishes a comprehensive EU-wide framework prohibiting discrimination in employment and occupation on the grounds of religion or belief, disability, age, and sexual orientation. It applies to both the public and private sectors and covers all stages of employment, including recruitment, working conditions, pay, promotion, vocational training, dismissal, and membership of workers' or employers' organisations. The directive prohibits direct discrimination, indirect discrimination, and harassment related to the protected grounds. Harassment is defined as unwanted conduct that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating, or offensive environment, and is therefore considered a form of discrimination.

In addition, the directive protects individuals from victimisation, ensuring that employees who lodge a complaint, participate in proceedings, or support others in asserting their rights are not subjected to retaliation. Member States must guarantee access to judicial and/or administrative procedures to enforce these rights effectively.

Connection to Organisational Policies

Employers should implement comprehensive equal treatment and non-discrimination policies that explicitly cover all grounds protected under this directive, particularly sexual orientation, which is directly relevant to LGBTQ+ inclusion in the workplace.

Recruitment, promotion, and evaluation processes should be based solely on objective, job-related criteria, with no consideration of sexual orientation, age, religion, belief, or disability. Workplace rules and practices should be reviewed regularly to identify and eliminate indirect discrimination arising from seemingly neutral policies that disproportionately disadvantage protected groups.

Organisations must also establish clear internal procedures for reporting discrimination and harassment, ensure complaints are handled confidentially and effectively, and explicitly prohibit retaliation against those who raise concerns. Training for managers and staff should address equality obligations under this directive, helping to prevent discriminatory behaviour and foster an inclusive working environment aligned with EU law.

Official EU Reference

Official Journal of the European Union, OJ L 303, 2.12.2000, pp. 16–22.

Funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or State Education Development Agency of Republic of Latvia (SEDA). Neither the European Union nor SEDA can be held responsible for them.




<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0078>

Charter of Fundamental Rights of the European Union (Human Dignity & Non-Discrimination)

Full Title

Page | 5

Charter of Fundamental Rights of the European Union, proclaimed on 7 December 2000 and given binding legal force by the Treaty of Lisbon (2009).

Summary

The Charter sets out the fundamental rights and freedoms that must be respected within the scope of EU law. Article 1 establishes that human dignity is inviolable and must be respected and protected in all circumstances. Article 21 prohibits discrimination on a wide range of grounds, including sex, sexual orientation, gender, religion or belief, disability, age, and other personal characteristics.

The Charter is legally binding on EU institutions and on Member States when they are implementing EU law. It therefore underpins all EU equality and non-discrimination legislation and provides a fundamental rights framework for protecting individuals against discriminatory treatment in employment and other areas covered by EU law.

Connection to Organisational Policies

Although the Charter applies primarily to EU institutions and Member States when implementing EU law, its principles directly inform employers' obligations under EU equality directives. Organisations should ensure that workplace policies and practices respect human dignity and prevent any form of discrimination, including discrimination affecting LGBTQ+ and gender-diverse employees.

In practical terms, this means fostering a workplace culture that treats all employees with respect, prohibits degrading or humiliating behaviour, and ensures equal treatment regardless of personal characteristics. Policies addressing harassment, inclusion, data protection, and complaint handling should reflect the Charter's core principles, reinforcing dignity, equality, and respect as foundational values of the organisation.

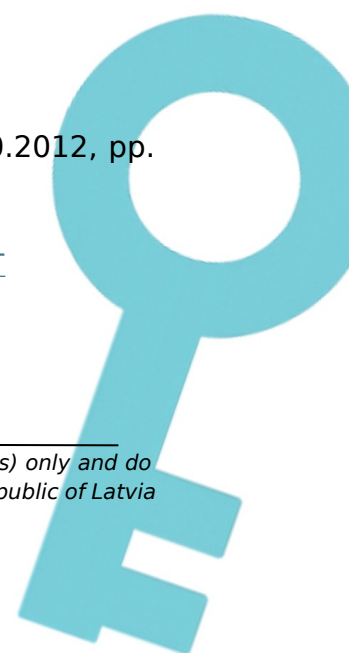
Official EU Reference

Charter of Fundamental Rights of the European Union, OJ C 326, 26.10.2012, pp. 391–407.

Articles 1 (Human Dignity) and 21 (Non-Discrimination).

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

Funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or State Education Development Agency of Republic of Latvia (SEDA). Neither the European Union nor SEDA can be held responsible for them.





Charter of Fundamental Rights of the European Union (Article 21 - Prohibition of Discrimination)

Full Title

Charter of Fundamental Rights of the European Union, Article 21 – Prohibition of discrimination.

Page | 6

Summary

Article 21 of the Charter of Fundamental Rights of the European Union prohibits any discrimination based on a wide range of grounds, including sex, sexual orientation, gender, religion or belief, disability, age, racial or ethnic origin, and other personal characteristics.

The Charter has binding legal force within the EU legal order and applies to EU institutions and to Member States when they are implementing EU law. Article 21 therefore provides a fundamental legal basis for all EU equality and non-discrimination legislation, including employment-related protections.

Connection to Organisational Policies

While the Charter directly binds EU institutions and Member States, its principles shape employers' obligations under EU equality directives. Organisations should ensure that workplace policies and practices do not result in discriminatory treatment and that all employees are treated equally, regardless of protected characteristics.

In practice, this means adopting clear non-discrimination policies, preventing harassment and exclusion, and ensuring equal access to employment opportunities, fair treatment, and effective complaint mechanisms. Article 21 is particularly relevant for promoting inclusive workplaces and safeguarding the rights of LGBTQ+ and gender-diverse employees.

Official EU Reference

Charter of Fundamental Rights of the European Union, OJ C 326, 26.10.2012, pp. 391–407.

Article 21 – Prohibition of discrimination.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

Funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or State Education Development Agency of Republic of Latvia (SEDA). Neither the European Union nor SEDA can be held responsible for them.





European Institute for Gender Equality - EIGE (Guidance on Gender Identity and Workplace Inclusion)

Full Title

Page | 7

European Institute for Gender Equality (EIGE) – Guidance and resources on gender identity, gender expression, and inclusive workplaces.

Summary

The European Institute for Gender Equality (EIGE) provides EU-level guidance, research, and practical tools to support gender equality and inclusion, including the inclusion of transgender, non-binary, and gender-diverse people in the workplace. EIGE promotes an understanding of gender identity and gender expression as integral to equality and non-discrimination policies.

EIGE's guidance emphasises the importance of respectful communication, inclusive organisational policies, safe working environments, and institutional practices that recognise and accommodate gender diversity. While not legally binding, EIGE guidance supports the interpretation and implementation of EU equality law and policy.

Connection to Organisational Policies

Organisations are encouraged to use EIGE guidance to develop inclusive workplace policies that go beyond formal legal compliance. This includes adopting inclusive language, respecting chosen names and pronouns, ensuring confidentiality during gender transition processes, and providing appropriate training and awareness-raising for staff and management.

EIGE guidance also supports organisations in identifying structural and cultural barriers that affect gender-diverse employees and in implementing practical measures to promote dignity, safety, and equal participation. Integrating EIGE recommendations helps employers align everyday practices with EU equality objectives and create genuinely inclusive work environments.

Official EU Reference

European Institute for Gender Equality (EIGE) – Gender identity, gender expression, and workplace inclusion resources.

<https://eige.europa.eu>

Funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or State Education Development Agency of Republic of Latvia (SEDA). Neither the European Union nor SEDA can be held responsible for them.





General Data Protection Regulation - GDPR (Protection of Sensitive Personal Data)

Full Title

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data
(General Data Protection Regulation – GDPR).

Page | 8

Summary

The General Data Protection Regulation (GDPR) establishes a comprehensive EU framework for the protection of personal data. It provides enhanced safeguards for special categories of personal data, including data revealing sexual orientation and information related to gender identity, which are considered highly sensitive.

The GDPR requires that such data be processed lawfully, fairly, and transparently, and only where there is a clear legal basis. It emphasises data minimisation, confidentiality, purpose limitation, and security, ensuring that individuals' privacy and dignity are protected. Data subjects are granted enforceable rights, including access, rectification, erasure, and protection against unlawful processing.

Connection to Organisational Policies

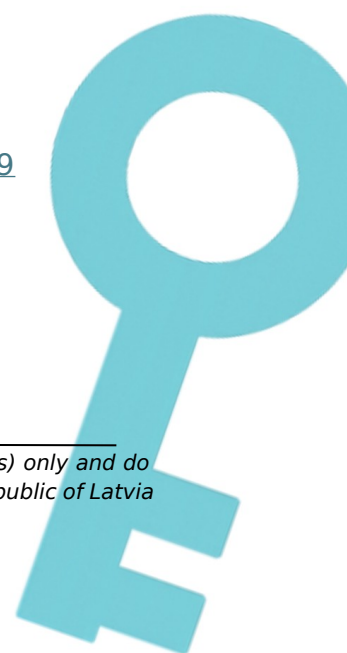
Organisations must ensure that any processing of sensitive personal data related to LGBTQ+ and gender-diverse employees is strictly limited, confidential, and legally justified. This includes information about sexual orientation, gender identity, transition status, names, pronouns, and health-related data.

In practice, employers should adopt clear data protection policies, restrict access to sensitive data to authorised personnel only, and ensure that updates to HR and IT systems (such as name or gender marker changes) do not require unnecessary disclosure. Consent must be freely given where relied upon, and employees must never be pressured to disclose personal information. Aligning organisational practices with the GDPR supports trust, dignity, and inclusion in the workplace.

Official EU Reference

Official Journal of the European Union, OJ L 119, 4.5.2016, pp. 1–88.
Regulation (EU) 2016/679 – General Data Protection Regulation.
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0679>

Funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or State Education Development Agency of Republic of Latvia (SEDA). Neither the European Union nor SEDA can be held responsible for them.





Charter of Fundamental Rights of the European Union (Article 8 - Protection of Personal Data)

Full Title

Charter of Fundamental Rights of the European Union, Article 8 - Protection of personal data.

Page | 9

Summary

Article 8 of the Charter of Fundamental Rights of the European Union establishes the fundamental right to the protection of personal data. It states that personal data must be processed fairly, for specified purposes, and on the basis of consent or another legitimate legal basis laid down by law.

The article also guarantees individuals the right to access data collected about them and the right to have it rectified. It requires that compliance with data protection rules be subject to control by an independent authority. Article 8 provides the constitutional foundation for EU data protection law, including the General Data Protection Regulation (GDPR).

Connection to Organisational Policies

Although the Charter applies directly to EU institutions and Member States when implementing EU law, its principles underpin employers' data protection obligations under the GDPR. Organisations should ensure that all personal data processed in the workplace is handled lawfully, confidentially, and proportionately.

For LGBTQ+ and gender-diverse employees, this includes protecting sensitive information such as sexual orientation, gender identity, chosen names, and transition-related data. Employers should limit access to such information, avoid unnecessary data collection, and ensure that HR and IT systems respect privacy and dignity at all stages of employment.

Official EU Reference

Charter of Fundamental Rights of the European Union, OJ C 326, 26.10.2012, pp. 391–407.

Article 8 - Protection of personal data.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

Funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or State Education Development Agency of Republic of Latvia (SEDA). Neither the European Union nor SEDA can be held responsible for them.





European Commission - Gender Equality Strategy (Promoting Inclusive and Safe Workplaces)

Full Title

European Commission Gender Equality Strategy (2020–2025 and subsequent updates) – EU policy framework for advancing gender equality and preventing discrimination.

Page | 10

Summary

The European Commission's Gender Equality Strategy sets out the EU's long-term policy commitments to achieve gender equality across all areas of society, including employment and working conditions. The strategy promotes inclusive, safe, and respectful workplaces, addressing discrimination, harassment, and violence based on sex, gender, and intersecting inequalities.

The strategy explicitly recognises the need to protect vulnerable and under-represented groups and supports measures to combat gender-based violence, workplace harassment, and structural discrimination. While not legally binding, it guides EU legislation, funding priorities, and policy implementation at both EU and national levels.

Connection to Organisational Policies

Organisations are encouraged to align workplace policies with the objectives of the Gender Equality Strategy by fostering inclusive cultures, preventing harassment, and ensuring equal treatment for all employees. This includes implementing clear anti-discrimination and anti-harassment policies, promoting respectful behaviour, and creating safe reporting mechanisms.

The strategy also supports inclusive approaches that consider intersectionality, including the experiences of LGBTQ+ and gender-diverse employees. Integrating its principles into organisational practices helps employers move beyond minimum legal compliance towards proactive equality, safety, and well-being at work.

Official EU Reference

European Commission – Gender Equality Strategy

https://commission.europa.eu/strategy-and-policy/policies/gender-equality/gender-equality-strategy_en

Funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or State Education Development Agency of Republic of Latvia (SEDA). Neither the European Union nor SEDA can be held responsible for them.





European Institute for Gender Equality - EIGE (Training and Awareness Resources)

Full Title

European Institute for Gender Equality (EIGE) – Training, awareness-raising, and capacity-building resources on gender equality and inclusion.

Page | 11

Summary

The European Institute for Gender Equality (EIGE) develops and disseminates training materials, toolkits, and awareness resources to support the effective implementation of gender equality and non-discrimination across the EU. These resources aim to increase understanding of equality principles, prevent discrimination and harassment, and promote inclusive organisational cultures.

EIGE's training and awareness resources cover topics such as gender stereotypes, inclusive communication, workplace equality, and the prevention of gender-based discrimination. While not legally binding, they provide practical support for applying EU equality law and policy in everyday organisational settings.

Connection to Organisational Policies

Organisations are encouraged to use EIGE training and awareness resources to inform staff training programmes, management development, and internal equality initiatives. Integrating these materials helps ensure that employees and leaders understand their responsibilities under EU equality frameworks and are equipped to recognise and challenge discriminatory behaviour.

For LGBTQ+ and gender-diverse inclusion, EIGE resources support respectful communication, awareness of gender diversity, and the creation of safe and inclusive workplaces. Using EIGE guidance strengthens preventive approaches and reinforces a culture of dignity, respect, and equal treatment.

Official EU Reference

European Institute for Gender Equality (EIGE) – Training and awareness resources.
<https://eige.europa.eu>

Funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or State Education Development Agency of Republic of Latvia (SEDA). Neither the European Union nor SEDA can be held responsible for them.





Council Directive 2000/78/EC (Harassment as a Form of Discrimination)

Full Title

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

Page | 12

Summary

Council Directive 2000/78/EC establishes that harassment related to a protected characteristic constitutes a form of discrimination when it has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating, or offensive environment.

The directive applies to harassment connected to any of its protected grounds, including sexual orientation, making it a key legal instrument for addressing homophobic harassment and exclusionary behaviour in the workplace. Harassment is therefore treated not as misconduct alone, but as unlawful discrimination under EU law.

Connection to Organisational Policies

Organisations must ensure that workplace policies clearly define harassment as a prohibited form of discrimination and explicitly cover harassment related to sexual orientation and other protected characteristics. Anti-harassment policies should go beyond general behavioural standards and reflect the legal definition of harassment set out in the directive.

In practice, this requires employers to establish clear reporting procedures, ensure confidential and timely investigations, and take effective corrective and disciplinary action where harassment occurs. Employers must also protect employees from retaliation when they report harassment or participate in investigations. Training and awareness initiatives should reinforce that creating or tolerating a hostile environment is incompatible with EU equality obligations.

Official EU Reference

Official Journal of the European Union, OJ L 303, 2.12.2000, pp. 16-22.

Council Directive 2000/78/EC.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0078>

Funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or State Education Development Agency of Republic of Latvia (SEDA). Neither the European Union nor SEDA can be held responsible for them.





Charter of Fundamental Rights of the European Union (Article 1 - Respect for Human Dignity)

Full Title

Charter of Fundamental Rights of the European Union, Article 1 - Human dignity.

Page | 13

Summary

Article 1 of the Charter of Fundamental Rights of the European Union establishes that human dignity is inviolable and must be respected and protected in all circumstances. It is the foundational principle of the Charter and underpins all other fundamental rights, including equality, non-discrimination, and data protection.

As a binding part of EU primary law, Article 1 applies to EU institutions and to Member States when they are implementing EU law. It provides a fundamental rights basis for protecting individuals from degrading, humiliating, or demeaning treatment, including in employment and workplace contexts.

Connection to Organisational Policies

While Article 1 directly binds EU institutions and Member States, its principle of respect for human dignity informs employers' obligations under EU equality and labour law. Organisations should ensure that workplace policies, behaviours, and practices uphold dignity and do not tolerate humiliating, degrading, or demeaning treatment.

For LGBTQ+ and gender-diverse employees, this includes preventing harassment, respecting identity and privacy, and ensuring that all organisational procedures are applied in a manner that preserves dignity. Embedding respect for human dignity into organisational culture strengthens inclusive, safe, and respectful workplaces aligned with EU values.

Official EU Reference

Charter of Fundamental Rights of the European Union, OJ C 326, 26.10.2012, pp. 391–407.

Article 1 - Human dignity.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

Funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or State Education Development Agency of Republic of Latvia (SEDA). Neither the European Union nor SEDA can be held responsible for them.

