

Equality and access to rights for Transgender people in Austria

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Brief outline

- Austrian and European and national legal framework
- Access to rights – the Ombud for Equal Treatment as an equality body
- Requests and cases
- Proactive campaigns from the Ombud for Equal treatment
- European network Equinet



Austrian Equal treatment Law – LGBTI

- based on European Equality Directives
 - Court of Justice of the European Union (CJEU) says
 - P. and S. versus Cornwall County Council (1996): (**..TI**) trans-, non-binary - and inter persons protected under “gender”
 - Grant versus South-West Trains Ltd (1998): sexual orientation (**LGB...**) is not protected under “gender”, own protected ground since 2004
 - discrimination on gender: full protection at the work place, goods and services (housing)
 - Discrimination on sexual orientation: protection at work place
- Transrights (also non-binary and inter) have more protection in the Austrian Equal Treatment Act



Austrian equal treatment Act (based on EU-Directives) – LGBTI

employment, workplace

- sex/gender (trans, non-binary, inter)
 - ethnic origin (skin colour, language, tradition)
 - religion and belief (religious symbols)
 - Age
 - sexual orientation

access to goods, services and housing

- sex/gender (trans, non-binary, inter), ethnic origin

education and social security

- ethnic origin



Ombud for Equal Treatment

Equality body

- MS shall establish a body with competence to
 - provide independent assistance for victims
 - analyse problems, study solutions and provide assistance
 - conduct independent surveys concerning discrimination
 - publish independent reports and make recommendations
 - exchange of information with European bodies, like the European Institute for Gender Equality



Ombud for Equal Treatment

- Since 1991
- Independent state institution responsible for promotion and protection of the right to equality (set up at Federal Chancellery)
- Regional offices
- reporting (every 2 years) to Parliament
- basis of work
 - Equal Treatment Act (2004): equal treatment within the private sector
 - Gesetz über die Gleichbehandlungskommission und die Gleichbehandlungsanwaltschaft (GBK/GAW-Gesetz): mandate and procedure



Ombud for Equal Treatment

Main areas of work

- legal counselling and support to victims of discrimination
- interventions and negotiations with employers, companies, work councils and other stakeholders
- mediation and seek for friendly settlement
- filing cases to Equal Treatment Commission
- trainings, workshops, lectures, etc.
- Research, recommendations and assessment of legal drafts
- Information campaigns: Leaflets, Short infos, Website, Newsletter, Instagram, App



Requests for information, counselling and support

Report Period 2020/2021

- All Requests
 - Female (69%)
 - Trans (3 %) (period 2018/19 just 1%)
 - no request referring inter or no non-binary
- Transperson means transwomen
 - 39 cases
 - $\frac{1}{4}$: friendly settlement with help from OET
 - $\frac{3}{4}$: wanted just confidential counselling
 - 19 cases at the workplace
 - 20 cases referring goods and services (housing)



Proactive work of the Ombud for Equal Treatment (2020/21)

- building trust with stakeholders in the community
- information about the law
- standing clear as allies in pride month
- joint workshops
- joint leaflets about using equality based language referring LGBTI



 Gleichbehandlungsanwaltschaft

Geschlechtersensible Sprache – Dialog auf Augenhöhe

Leitfaden



European Network of equality bodies: Equinet

- Fights for better standards for equality bodies: independence, resources, full mandate, competences
- Exchange best practises
- Topic 2020: Equality Bodies Working on the Rights and Discriminations Faced by Trans and Intersex Person ([equinet_brief-trans-intersex_A4_04_web-1.pdf](#) ([equineteurope.org](#))
- [equineteurope.com](#)



Contact Austrian Ombud for Equal Treatment

- gaw@bka.gv.at
- www.gleichbehandlungsanwaltschaft.gv.at
- <https://www.youtube.com/watch?v=F47Lz1E6GHs&feature=youtu.be>
- Instagram: Wege_zur_Gleichbehandlung
- Gleichbehandlungs:App

