

## PRESS RELEASE

No. 503/2015

Date: 14th July 2015

---

### **AMENDMENT TO THE EQUAL OPPORTUNITIES ACT**

HM Government of Gibraltar has published the Equal Opportunities Act 2006 (Amendment) Regulations 2015, which arises from a reinterpretation of the requirements under EU Directives. One of main changes in the legislation is to extend the protected strands under the Equal Opportunities Act to transgender individuals.

This comes about as a result of EU jurisprudence finding that prohibition of employment discrimination on the grounds of gender also applies to discrimination arising from gender reassignment.

The Regulations incorporate gender reassignment into the Equal Opportunities Act as an equal opportunities ground and an equal opportunities category thereby allowing this category of persons to benefit from prohibition on discrimination on equal opportunities grounds under the Act.

“Gender reassignment” is defined as a process for the purpose of reassigning a person’s sex by changing physiological or other attributes of sex. The equal opportunities category in relation to gender reassignment is a person who is proposing to undergo, is undergoing or has undergone gender reassignment. In order to be recognised as a transgender person, that person is required to provide evidence by way of a statement by a medical practitioner.

The legislation provides a general prohibition against discrimination against transgender persons and also that where a person is absent from work because they are undergoing gender reassignment, that absence from work must not be treated less favourably than any other absence. Harassment on the grounds of gender reassignment has been incorporated into the prohibition in section 14 of the Act.

Commenting on the publication of the legislation, Minister for Equality Samantha Sacramento said “This is an important amendment to our legislation and it extends the strands who are afforded protection from discrimination to another group of people; transgender people deserve to be recognised and protected from discrimination in their own right.”

Ministry of Tourism, Equality, Social Services and Housing,

HM Government of Gibraltar • 14 Governor’s Parade • Gibraltar GX11 1AA

t +350 20066482 f +350 20042509 (Centrex 2368) e mfess@gibraltar.gov.gi w gibraltar.gov.gi