

No. DP-13011(7)/2/2021-DP-I
Government of India
Ministry of Social Justice and Empowerment
Department of Social Justice and Empowerment
(Drug Prevention Division)

Room No. 622-A, Shastri Bhawan,
New Delhi, Dated: 14.02.2024

To

1. Chief Secretaries of all States/UTs
2. Secretaries of Central Ministries/Departments

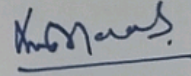
Subject: Policy regarding "Equal Opportunities Policy for Transgender Persons"-reg.

Madam/Sir,

I am directed to say that in pursuance of the Transgender Persons (Protection of Rights) Act, 2019 and Transgender Persons (Protection of Rights) Rule 2020, this Department has framed a policy regarding "Equal Opportunities Policy for Transgender Persons". A copy of the policy is enclosed herewith for information, compliance and implementation please.

2. This issues with approval of the Hon'ble Minister of Social Justice and Empowerment.

Encl: as above.



(Rajesh Kumar Makkar)
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Copy to:

1. PS to HMSJE
2. PS to MoS(AN)/MoS(RA)/MoS(PB)
3. PPS to Secretary, SJ&E
4. PPS to JS(SD)
5. DS(DP)

Equal opportunity policy for Transgender Persons

A. Introduction:

In December 2019, the Government of India, passed the Transgender Persons (Protection of Rights) Act, 2019 which for the first time extended constitutional rights to persons identifying as transgender.

Ministry of Social Justice & Empowerment is dedicated to fostering an inclusive, diverse, and supportive work environment where all individuals, regardless of gender identity, can thrive. This policy is formulated in alignment with the Transgender Persons (Protection of Rights) Rules, 2020 notified by the Government on 29.09.2023, and reflects the Ministry's commitment to eradicating discrimination, promoting equal opportunities, and providing a workplace that respects the rights and dignity of transgender persons.

B. Scope:

This Equal Opportunity Policy applies to all employees of the Ministry and its operations. This Policy will be a guiding document for business partner workforce, interns/ trainees including temporary employees.

C. Objective:

The primary objective of this comprehensive policy is to create an atmosphere that ensures the fair treatment of transgender individuals, free from discrimination, harassment, and bias, while establishing a robust grievance redressal mechanism.

D. Policy Statements:

1. Non-Discrimination & Enabling Work Environment:

- i. The Ministry strictly prohibits discrimination based on gender identity or expression. Every employee, regardless of gender identity, will be treated fairly and with dignity.
- ii. An employee, consultant, or potential employee or consultant shall not be denied recruitment, appointment, promotion, professional or training opportunities, or have their services terminated or treated unfairly in relation to their employment based on their gender identity or expression.
- iii. A transgender employee shall be addressed according to their pronouns, chosen name and gender in all workplace communication and have these reflected in their organizational communication, email addresses and other official documents.

2. Recruitment and Hiring:

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The Ministry is committed to fair and inclusive recruitment and hiring practices. Transgender individuals will be considered for employment based on their qualifications and skills without prejudice.

3. Workplace Harassment and Bullying:

Harassment or bullying based on gender identity is strictly prohibited. Any reported incidents will be promptly and thoroughly investigated, and appropriate corrective actions will be taken.

4. Privacy and Confidentiality:

Information related to gender identity will be treated with utmost confidentiality. Employees are expected to respect the privacy of their colleagues and refrain from disclosing any such information without explicit consent.

5. Access to Facilities:

Ensure infrastructural facilities (such as unisex toilets) and amenities (such as hygiene products) to be provided to the transgender persons to effectively discharge their duties

6. Sensitivity Training and Awareness:

The Ministry will conduct regular training programs to raise awareness about transgender issues and promote understanding among employees. This includes education on the Transgender Persons (Protection of Rights) Act, 2019 and the Transgender Persons (Protection of Rights) Rules, 2020.

7. Promotion of Transgender-Friendly Policies:

The Ministry will actively advocate for and implement policies that promote transgender inclusivity and equality.

E. Grievance Redressal Mechanism:

- i. Head of Office shall appoint a Complaint Officer who shall preferably be of a senior rank and in this role will be reporting to the Head of Office.
- ii. Any employee who believes they have experienced discrimination or harassment based on gender identity is encouraged to report the incident to the Complaint Officer, who will then forward the reports to the Grievance Redressal Committee of the Academy.

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- iii. All reports will be treated with the utmost confidentiality. A thorough and impartial investigation shall be conducted promptly by the committee to address the concerns raised.
- iv. Upon completion of the investigation, appropriate corrective actions will be taken to address the issue. This may include counselling, training, disciplinary measures, or any other necessary actions to rectify the situation.

F. Responsibilities:

- i. Every employee of the Ministry is responsible for giving effect to this Policy. They must promote the values of Equal Opportunity through respect, care, sensitivity and dignity.
- ii. It shall be the functional responsibility of the Administration Section to ensure compliance with this Policy and implementation of related programs and to report findings and progress to the senior management.
- iii. Any employee who violates this Policy, or in any manner discriminates against any person or otherwise harasses or harms them shall be deemed to be in breach of the Code of Conduct of the organization, and shall be appropriately dealt with, along with actions that can be taken under this Policy or any other action that the management may deem fit
- iv. The Head of Department will be overall responsible to oversee and promote the effective operation of this Policy

G. Communication of the Policy:

This Policy will be available to all employees via the Ministry's websites and normal communication medium within its offices/commissions/autonomous bodies.

H. Compliance:

All employees are expected to comply with this policy. Non-compliance may result in disciplinary action, up to and including termination.

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