**Single Step Foundation – Additional statement submission for UNWG on BHR regional (CEE and Central Asia) consultations on LGBTI+ people and business**

**3. Please share the experiences of businesses in integrating a gender perspective that is inclusive of the experiences of LGBTI people into their internal structures, policies and practices, including in inclusion and diversity initiatives, as well as in human rights due diligence processes?**

The Bulgarian employment market, while diverse in terms of industries, scale and scope, is not as diverse in practices and policies. We would like to share one particular policy that beyond inclusive messaging tackles the constraints enforced on employers operating in Bulgaria by the local legislation and specifically by the decisions of the Bulgarian courts - namely the current prohibition of [legal gender reassignment.](https://www.euractiv.com/section/politics/news/bulgaria-bans-gender-reassignment-surgery/)

Several Multinational employers, primarily from the Tech and BPO (Business Process Outsourcing) industries, have put in place recruiting and onboarding practices that show a way for others to make meaningful change within the boundaries of local legislation and excellent HR practices in DEI.

We would like to highlight the application of the following policies:

* Proper enforcement of GDPR and careful definition of access and retention of personal information during onboarding processes. While this is a provision of GDPR, Bulgaria has no enforcement body for GDPR practices, therefore, it is unclear how many employers are compliant with the Directive. Best practices in the employers we’d like to highlight is the limiting of personal information for individual employees to the roles of administrators as part of the HR department, accountants/payroll experts and IT managers, heading a company’s Active Directory. These practices and policies ensure that only a limited number of employees are aware of the designated biological sex of birth of an onboarded transgender employee.
* Active Directory provisions. This database in most organizations serves as the digital repository of personal information for employees as it is used to create and assign basic working tools such as emails, access cards, intranet profiles, etc. Companies who have updated their policies to not require emails, intranet profiles or access cards to use the given names or ID card/passport name are still a rarity, but this quality-of-life improvement ensures transgender employees are not outed as such and are spared the psychological and social challenges that revelation might pose. Unfortunately, this basic change is still a rarity.

These two extremely simple practices are a very low hanging fruit for many employers, yet without the will to implement and the lack of regulatory definition or reinforcement - these are missed opportunities that would greatly improve the efforts of integrating transgender job seekers into the workforce.

We would also like to underline one growing problem that impacts the conversion rate of job seekers to FTE’s (Full time employees) of transgender people.

* The Bulgarian Labor Law defines very carefully all prerequisites to an employer during the recruitment and administrative onboarding process. One item, however, has remained a gray area of ambiguity - the formal Job Offer. While the Labor Law defines what a contract is, a job description or regulatory documents for a new employee, there is no definition of a formal Job Offer document.

During the recruitment process many transgender job seekers naturally chose not to bring up their experience with their transition and in 99 out of 100 cases they would not have updated personal identification documents. As such they will be viewed as candidates under their chosen name and gender.

Once the recruitment is concluded and the candidate selected, a job offer will be sent. The document defines the financial offer, social benefits, high-level responsibilities description and a list of documents that need to be submitted to begin their employment. It is at this stage that the candidate needs to reveal their ID as one of the required documents and this is where a vast majority of job offers are withdrawn, due to lack of will or resources to onboard a transgender employee or due to biases or flat-out discrimination.

This is due to the fact that neither the Labor Law, nor any other employment regulatory document defines the job description as a legally binding document, therefore allowing such employers to withdraw their offers without any repercussions or reparation for the job seeker.

Changing this regulation will have immediate impacts. One good example is a clear track record for each employer of the number of offers withdrawn which can be done automatically as the Labor Commission in Bulgaria does this for specific cases of Labor Contract suspensions or terminations. Within this process it is easily implementable to the self-charging function of the Anti-Discrimination Commission in Bulgaria as many job seekers impacted by discrimination never report their experiences due to lack of faith in government institutions.

These are just a few examples of good practices and obstacles posed to the most vulnerable among the LGBTQI community in Bulgaria. As a social services organization, we at Single Step would be eager and willing to participate in highlighting the good practices and the ongoing issues of the job seekers in our community.

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