



GENDER IDENTITY AND DIGNITY AT THE WORKPLACE



Everyone has the right to live and work with dignity and equality.

Regardless of your gender identity or sexual orientation, you have the full right to live with dignity in society and to enjoy equal opportunities in the workplace. Sri Lanka's legal framework and progressive social policies clearly protect these rights.



1. EQUAL RIGHTS FOR ALL

The Constitution of Sri Lanka guarantees equality and non-discrimination to all persons.

Article 12(1) states that everyone is equal before the law and is entitled to equal protection of the law. Discrimination based on gender identity or sexual orientation is a violation of this fundamental right.



Equality is not a privilege. It is a fundamental right.



2. DIGNITY AND RESPECT IN THE WORKPLACE

Every employee has the right to a safe, respectful, and inclusive work environment.

- No one should be harassed, abused, or treated unfairly because of who they are.
- Employers must promote a culture of respect, inclusivity, and fairness.
- Everyone deserves equal opportunities for recruitment, promotion, training, and benefits.



Respect at work builds a stronger, fairer, and more productive society.



3. LEGAL PROTECTIONS

Sri Lankan laws and policies protect you from discrimination and harassment.

- The Penal Code and fundamental rights ensure protection from harassment and violence.
- The Right to Information Act, Labour Ordinance, and Public Service Circulars promote fairness and equal treatment.
- International human rights principles also uphold the rights of LGBTQ+ persons.



The law is on your side. Your rights are valid and enforceable.



**A workplace that respects diversity is a workplace that thrives.
Be inclusive. Be respectful. Be human.**



KNOW YOUR RIGHTS.
USE YOUR RIGHTS.
PROTECT YOUR FUTURE.



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GENDER IDENTITY AND DIGNITY AT THE WORKPLACE

1. THE CONSTITUTION AND THE RIGHT TO NON-DISCRIMINATION BASED ON GENDER IDENTITY

The Constitution of Sri Lanka — the supreme law of the land — guarantees the **Right to Equality** to every citizen through Article 12.



DISCRIMINATION IS STRICTLY PROHIBITED

Article 12(2) of the Constitution states that no citizen shall be discriminated against on the grounds of race, religion, language, caste, **sex (gender)**, or any such ground.



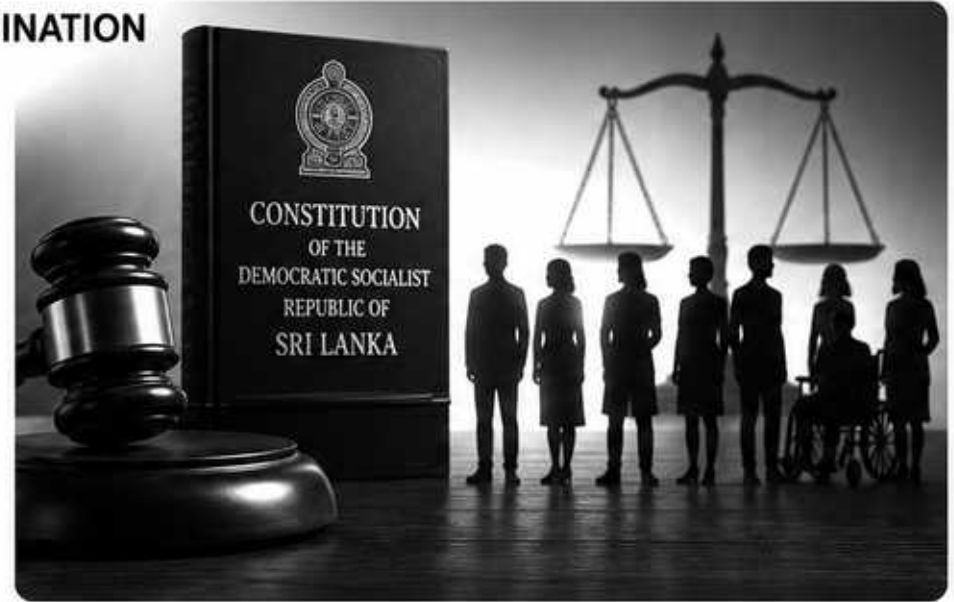
SUPREME COURT INTERPRETATION

The Supreme Court of Sri Lanka and the legal community have clearly interpreted that the term “sex” in the Constitution includes **sexual orientation and gender identity**.



STATE POLICY AND OBLIGATION

Therefore, denying services, socially excluding, or depriving legal protection based on being lesbian, gay, bisexual (**LGB**), or transgender (**Transgender**) in both public and private sectors is a violation of the Constitution.



Everyone has the right to live and work with dignity, equality, and respect — regardless of who they are or who they love.



EQUALITY IS NOT A PRIVILEGE.
IT IS A CONSTITUTIONAL RIGHT.



DIVERSITY STRENGTHENS OUR NATION.
INCLUSION MOVES US FORWARD.



RESPECT. PROTECT. EMPOWER.
TOGETHER FOR A JUST SRI LANKA.



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2. DIGNITY AT THE WORKPLACE AND CREATING A HARASSMENT-FREE ENVIRONMENT

Employees spend most of their day at work. Therefore, it is the responsibility of employers and colleagues to prevent mental or physical harm based on gender identity.



THE RIGHT TO DIGNITY

Every employee has the **legal right** to be evaluated based on their professional skills alone and to work in an environment **free from harassment, insults, mockery, or any form of discrimination** based on sexual orientation or gender identity.



COMMON FORMS OF HARASSMENT AT THE WORKPLACE



VERBAL HARASSMENT

Making derogatory comments, jokes, or slurs about someone's clothing, voice, behavior, or sexual orientation. This includes gossiping, mocking, teasing, or using offensive language.



PROFESSIONAL DISCRIMINATION

Denying job opportunities, promotions, training, or other career advancements based on gender identity or sexual orientation, even when the employee is qualified. Unfair termination or isolation from workplace activities.



Employers must establish clear policies against harassment and discrimination, provide awareness training, and ensure safe reporting mechanisms for all employees. A respectful workplace is a productive workplace.



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3. PROVIDING REASONABLE ACCOMMODATION

“Reasonable Accommodation” refers to fair and practical adjustments made in the workplace to enable employees of all gender identities to perform their duties without barriers and with dignity.

Companies must implement the following inclusive and flexible policies, especially for transgender and gender-diverse employees:



1. RESPECT NAME AND IDENTITY

Use the employee’s chosen name, pronouns, and gender identity in all official communications, records, and interactions. Update HR systems, ID cards, and email addresses accordingly.



2. ACCESS TO APPROPRIATE FACILITIES

Provide access to restrooms and changing facilities that align with the employee’s gender identity. Gender-neutral facilities should also be available where possible.



3. POLICY AND DOCUMENTATION

Ensure workplace policies, forms, and documents allow employees to self-identify their gender and do not force disclosure of legal gender status.



4. CONFIDENTIALITY AND PRIVACY

Respect and maintain the confidentiality of an employee’s gender identity and any related information. Do not disclose it without their consent.



5. AWARENESS AND SENSITIZATION

Conduct regular training and awareness programs for all staff to promote respect, inclusion, and understanding of gender diversity.



6. SUPPORTIVE WORK ENVIRONMENT

Foster a culture of respect and zero tolerance for discrimination or harassment. Encourage employees to report issues safely and ensure fair and prompt action.



Reasonable accommodation is not a favor — it is a right.
An inclusive workplace empowers everyone to contribute, grow, and succeed with dignity.



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FLEXIBLE POLICIES THAT CAN BE IMPLEMENTED AT THE WORKPLACE

AREA	FLEXIBLE POLICY THAT CAN BE IMPLEMENTED
 <p>NAMES & PRONOUNS (Names & Pronouns)</p> 	<p>Allow and respect employees to use their preferred name and pronouns (e.g., he, she, they) in all workplace communications, records, and interactions.</p> 
 <p>DRESS CODE (Dress Code)</p> 	<p>Make dress code policies flexible and inclusive of all gender identities. Offer gender-neutral dress code options that allow employees to dress comfortably and authentically.</p> 
 <p>FACILITIES (Facilities)</p> 	<p>Provide at least one safe and accessible gender-neutral restroom or rest area that can be used by everyone at the workplace.</p> 



Small changes create a big difference.
An inclusive workplace is a respectful, productive, and safe workplace for everyone.



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4. STEPS TO TAKE IF YOU FACE DISCRIMINATION OR HARASSMENT

If you experience discrimination or harassment at the workplace because of your gender identity, you can take the following legal and institutional steps:



1. COMPLAIN TO THE HUMAN RESOURCES (HR) DEPARTMENT

Most leading companies and institutions have anti-discrimination policies.



File a written complaint with details of the incidents, dates, and evidence to the HR department or the relevant disciplinary committee.



You have the right to a fair, confidential, and impartial investigation.



2. CONTACT THE DEPARTMENT OF LABOUR

If the harassment has resulted in unfair treatment such as loss of job, unjust demotion, salary cuts, or denial of promotions:



You can file a complaint with the Commissioner General of Labour or the nearest Labour Office for investigation and appropriate action.



Every worker has the right to fair treatment and equal opportunity.



3. APPROACH THE HUMAN RIGHTS COMMISSION (HRCSL)

If the discrimination occurred in a state institution, department, university, or any other public sector body:



You can lodge a complaint with the Human Rights Commission of Sri Lanka (HRCSL) for violation of Article 12 of the Constitution (Right to Equality).



The law protects you. Equality is your constitutional right.



No one should be discriminated against or harassed because of who they are.
Stand up. Speak out. Seek support. Your rights matter.



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5. RESPONSIBILITIES OF EMPLOYERS AND MANAGEMENT

Employers and managers play a vital role in creating a respectful, inclusive, and safe work environment for all employees, regardless of their gender identity or sexual orientation.



1. DEVELOP AN EQUAL RIGHTS POLICY

Include a clear and comprehensive Equal Opportunity Employer Statement in the HR Manual that explicitly prohibits discrimination based on gender identity or sexual orientation.

This policy should cover:

- ✓ Recruitment and hiring
- ✓ Promotion and career development
- ✓ Compensation and benefits
- ✓ Workplace facilities and conduct
- ✓ Grievance redressal mechanisms



2. CONDUCT AWARENESS PROGRAMS

Organize regular training and awareness programs for all employees on Diversity and Inclusion, with a focus on gender identity and sexual orientation.

These programs help to:

- ✓ Build understanding and empathy
- ✓ Reduce bias and stereotypes
- ✓ Promote respectful communication
- ✓ Encourage an inclusive workplace culture



3. TAKE IMMEDIATE DISCIPLINARY ACTION

Address all incidents of harassment or discrimination targeting gender identities seriously and without delay.

Employers must:

- ✓ Investigate complaints promptly
- ✓ Take fair and proportionate disciplinary action against the offenders
- ✓ Ensure zero tolerance for harassment at any level
- ✓ Protect the rights and dignity of the affected employee



A respectful workplace is not just the right thing to do — it is good for people, good for business, and essential for a fair and inclusive society.

Inclusion is a leadership responsibility.



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KEY TAKEAWAY:



There is no gender in professionalism, dedication, or talent. Every citizen has the opportunity and the right to contribute to the nation's economy through their abilities.



It is our collective responsibility to ensure that every person can work with dignity, equality, and respect — regardless of their gender identity or sexual orientation.



A workplace that respects diversity and provides equal opportunities is the foundation for a more productive and successful business!



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