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## European Court Ruling

### Transgender Woman's Dismissal Ruled Unlawful

by Clare Dyer, *The Guardian* (U.K.)

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In the last issue of *Polare* we reported the case of a M.T.F. who lost her job with the Cornwall County Council, U.K., and was taking her case of unfair dismissal to the European Court. The following news item is reprinted from U.K. publication *Gemsnews* No.24, and outlines the findings of the Luxembourg Court.



P's solicitor Madeleine Rees, said she would be claiming "hundreds of thousands of pounds" because [her client] had lost not only a well paid job but opportunities for advancement.

A college administrator who was sacked for undergoing a sex change is to claim a six figure sum in compensation from Cornwall County Council after the European Court of Justice in Luxembourg ruled yesterday that her dismissal was unlawful. The male-to-female transsexual named only as 'P', was sacked in 1992, part way through sex change surgery.

***The court held that the directive did cover transsexuals because the discrimination was based on their sex.***

'P' took her case to a Truro industrial tribunal which decided she had been dismissed for changing sex but that transsexuals were not covered by the Sex Discrimination Act. The tribunal asked the Luxembourg Court for a ruling on [if] the 1976 European Community directive on equal treatment for men and women at work made it unlawful to sack an employee for changing sex.

The court held that the directive did cover transsexuals because the discrimination was based on their sex.

The case will go back to the industrial tribunal to determine compensation. 'P's solicitor Madeleine Rees, said she would be claiming "hundreds of thousands of pounds" because she had lost not only a well paid job but opportunities for advancement.

'P' said "I'm delighted, both on behalf of myself and everyone in Europe that has this difficult medical condition" After losing a package worth £70,000, she said she had to take a job paying £23,000, but was now earning £30,000 as an academic outside the west country.

The ruling paves the way for compensation for Bobbi Elmer, a forty-nine-year-old male-to-female transsexual whose case, at Exeter Industrial Tribunal was adjourned pending the Luxembourg judgement. the tribunal ruled last October that her 'gender identity disorder' was the reason behind decisions by the Home Office to withdraw her right to counsel prisoners at Exeter, and by her employer, Insight Alcohol Services, not to offer her another job.

The government is likely to extend the Act to cover transsexuals.

In the meantime, Ms Rees said, it would be open to courts and tribunals to re-interpret the Act without legislation.

The point will be tested next month when a transsexual ride engineer, sacked by a theme park, takes her former employers to the London South industrial tribunal.

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The Gender Centre is committed to developing and providing services and activities, which enhance the ability of people with gender issues to make informed choices. We offer a wide range of services to people with gender issues, their partners, family members and friends in New South Wales. We are an accommodation service and also act as an education, support, training and referral resource centre to other organisations and

service providers. The Gender Centre is committed to educating the public and service providers about the needs of people with gender issues. We specifically aim to provide a high quality service, which acknowledges human rights and ensures respect and confidentiality.