



Challenges Faced by Transgender People in Obtaining Employment – A Thematic Analysis

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Abstract: Purpose - Right to work is a fundamental right as per the Indian Constitution. The Transgender Persons (Protection) act has also reiterated that irrespective of gender every individual deserves an employment opportunity to earn one's livelihood. Yet Transgender people in India are struggling to find employment opportunities post transition. And Transgender people face job security threats if they are open about the transition process in most circumstances. The study aims to understand various challenges faced by Transgender people in obtaining jobs.

Methodology - In depth interviews were conducted to understand the employment challenges faced by Transgender people. Purposive Sampling technique was used. The sample consisted of Transgender people who were assisted by non-profit organizations to obtain jobs. The interviews were transcribed, coded and themes were found.

Findings -The themes derived from the interviews that brought out the challenges of obtaining jobs were transphobia, educational roadblocks, family abandonment, lack of awareness, gender insensitivity and rainbow washing by companies. Accessibility to jobs despite gender identity is bleak particularly in smaller organizations in comparison to larger organizations.

Conclusion -The true outcomes of inclusion will be felt only when organizations are incorporating inclusion practices in all functions of the organization. Inclusion starts from ensuring a Job Opening notification includes an acknowledgement of all gender identity applicants to having gender neutral medical policy. Companies need to start doing more than just the PRIDE Month initiative.

Keywords: Transgender people, employment, challenges, job opportunities, discrimination

1 Introduction

Due to cultural remorse and sheer indifference, the transgender population has been mocked for years. As a result, a community that is rich in potential is drastically underutilized. If pushed in the proper direction and given encouragement in terms of education and equitable chances, the community can effectively contribute to the country's economy as well as society at large [10]. The living circumstances of transgender people in society, the prejudice and intolerance, and the few options they possess for sustaining themselves is proof for the marginalization of the community.

Like racial and ethnic minorities, transgender people are prone to minority stress, which is an ongoing stress caused due to marginalization as transgender people [22]. Greater resentful settings within one's household, in the workplace, at educational institutions, and in society at large are associated with minority stress, which can lead to mental health problems like ingrained prejudice against homosexuals, trauma-related stress disorder, and anxiety disorders.

(Bhattacharya & Ghosh, 2020)

The impact of micro aggressions on trans and non-binary persons is rarely studied, but the body of research is developing and shows that, as expected, the more microaggressions gender minorities face, the greater the impact on their physical and mental well-being [3]. Transgender people are also deprived of basic health care be it gender based or general health care, access to quality healthcare is a challenge [8, 24]. Lack of health care affects the Transgender people's ability to sustain employment [5, 27]. While studies on the stigma, discrimination and social challenges are being explored by researchers, the actual change in employment opportunities post implementation of the Transgender Persons (Protection of Rights) Act, 2019 isn't widely studied [3, 16]. In several studies, transgender people are largely disregarded or given mere depiction in studies on sexual orientation [6, 25, 33].

While the Supreme Court and the Indian government have made progress in improving the well-being of transgender people, it is important to note that mere acknowledgment is insufficient to address the issue [14]. Even while this acknowledgment helps the transgender community's financial requirements, social isolation takes time to change in tandem with societal shifts in perception. The guidelines for upholding the "Right to Work" in India should be based on this judiciary policy, particularly with regard to the transgender community [7]. True inclusiveness for transgender employees as well as any other excluded population involves more than just establishing the place of employment as a more diverse environment; it also entails ensuring that all workers are treated fairly in terms of prospects, incentives, and day-to-day experiences at work.

Previous studies show how difficult it is for transgender people to get job prospects. Inconsistent trans-inclusive organizational cultures and a lack of trans-inclusive non-discrimination rules are the main causes of the lack of equity in the workplace [9]. Studies have also examined the negative stereotypes and prejudices of employers around transgender employment as well as concerns with coming out and transitioning [12]. The challenges transgender people have in their careers during their gender transition and how crucial it is to keep a job and source of income at this point in time isn't emphasized enough [28, 32]. A number of minority groups have had their needs met

by the area of counseling for careers, but the transgender community has always been disregarded. The hiring company's discriminatory behavior during the selection process, workforce entrance delays brought on by the transition process, and labor entry anxiety stemming from unfavorable prior experiences seem to restrict workforce entry during the pre-working period.

Additionally, the research acknowledged that liberated stay was not available throughout the period of employment, primarily as a result of unfair treatment and harassment [15, 26]. Furthermore, research has shown that the unpredictability of finding an alternative job at the post-working period inhibits transgender people's flexibility to leave their current employment [34].

There is a lack of management studies pertaining to Transgender people, despite the recent surge in academic interest in LGBT concerns. (McFadden, 2015; Rumens, 2016) The subject is still not well-researched; further attention and clarification are required in human resource development towards Transgender Community.

2 Methodology

Qualitative data was collected using a semi structured interview guide from Transgender community members [2]. An inductive approach was employed to go through the transcripts and identify emerging themes [18]. Thematic analysis was used to analyze and interpret the data. Interviews were transcribed, the recorded information was coded to generate sub themes and main themes were identified. The participants were Transgender Community Members who are part of the organized workforce who were contacted through non-governmental organizations which were training and placing transgender community members in white collared jobs. Using purposive sampling technique, a total of 16 transgender people were interviewed as part of the study. 12 members gender identity was Transwoman and 04 members gender identity was Transmen. Computer Assisted Qualitative Data Analysis Software (CAQDAS) was used to analyze the data. NVIVO was used for analysis.

3 Results

Following the collection of data through in-person interviews, a six-phase process was employed for thematic analysis: becoming acquainted with the data, coding process, searching for themes, reviewing themes, defining and labeling themes, and ultimately combining the analytical narrative, data extracts, and integrating the findings. The themes are discussed below along with important participant excerpts that were key to identifying themes.

3.1 Transphobia

It is transphobic to refer to non-binary persons as "men" or "women," or trans women as "men" or trans men as "women." It is misgendering to use incorrect pronouns, such as "she" for transgender males and "he" for transgender women. It is transphobic to refer to non-binary individuals without using "they/them" (or similar pronouns) or to refer to binary trans people with these terms. From vacancy and job opening communication, the content will speak volumes about the companies hiring, whether it is inclusive or not. While the job descriptions fail to express inclusive hiring practices, Transgender community members will not apply for such company openings. The hiring personnel lacking sensitivity, awareness and expressing Transphobia explicitly or implicitly will also stop transgender people from applying for jobs.

Thematic Statements on Transphobia

- "People lack understanding of what gender identity is and what is sexual orientation? They are not sensitive enough to even ask what our preferred pronoun is"
- "Some people fear transgender people due to bad experiences with transgender people in signals, some have experienced curses as well, this creates transphobia among people"
- "With fake transgender people, their misbehavior and nuances created by the Transgender people there are many fears and misconceptions about Transgender people"

3.2 Educational Barriers

Most participants shared the experience of changing career paths due to discontinuing education after coming out about their gender identity. Lack of support from family is a main reason for break in education which is further worsened by lack of shelter and protection. Due to educational gaps and lack of qualifications, finding jobs in organized sectors is a challenge for Transgender Community members.

Thematic Statements on Educational Barriers

- "I was thrown out of my house during my first year of medicine after coming out, I was begging on the streets before working in a hotel"
- "The minute I told my parents about my gender identity, I was forced to go for counseling, I was not comfortable in attending college and I eventually stopped going to college"
- "There was a skill gap which I found to be a major difficulty in obtaining a job, I was not a graduate which was a major requirement for most jobs"

3.3 Policies dearth

Although discrimination against Transgender people is a violation against right to equality and right to employment. Transgender people at Workplaces are still discriminated against and harassed. While participants opine that the discrimination is hidden

and not explicit. The policies seem to be a beginner to prevent explicit discrimination and harassment, Transgender people need policies that promote sensitization and normalization. Health related policies, bathroom access, dress code policy, pronoun usage, fair promotions etc are areas where inclusion needs to be focused on more explicitly.

Thematic Statements on Policies dearth

- “Rainbow washing has become the norm in companies”
- “Just celebrating pride month, that’s what most companies think of as inclusivity and diversity”
- “Just having inclusion, diversity and equity policies without actually hiring diverse people does not validate inclusion, in most places my friends”
- “Companies don’t even respond to our job applications, very rarely I have heard transgender friends say that they have gotten back prompt response from HR”

3.4 Legal documentation

Personal identification documents with gender identity cause a conflict while verifying documents during the hiring process. Gender identity according to the individual might not match the gender identity on the document. Post transition Transgender people’s gender identity is different from the identity assigned at birth. The challenges in changing the sex in the documents is a difficult process.

Thematic Statements on Legal Documentation

- “Personal Identity documents are not easily obtained after gender reassignment surgery, most of us have not gotten our gender changed in our ID’s due to the complexity in the process”
- “Companies don’t have a preferred pronoun option, especially small-scale companies where I worked even though I was a transman, I was still addressed as a woman and the HR would say they are going by my documents”

3.5 Pressure to hide gender identity

Not all transgender people are comfortable in revealing their gender identity publicly. This puts the individuals at an awkward place emotionally and physically. Absence of sensitization and questions that are likely uncomfortable could make the interview process difficult for Transgender people. Lack of privacy and boundaries become a major roadblock to make the hiring process fair for Transgender employees.

Thematic Statements on pressure to hide gender identity

- “All my government documents have my sex assigned at birth and there was this one time, where I was asked to not reveal that I am transman if i wanted the offer”
- “I had to quit three jobs as I had the fear of discrimination and harassment if i was open about my gender identity”

3.6 Physical and Mental Health Challenges

Acceptance of the gender identity that is different from the one assigned at birth is a major change in Transgender people's life. This change brings in several adaptations and transitions in terms of physical, emotional and mental health. During the transition the hormone replacement therapy causes innumerable changes that require rest for the body and mind. Lack of support in terms of leaves and insurance coverage for transition expenses are another challenge. While participants share that a few days of rest will ensure their productivity is not affected, showing up to work despite the physical and mental barriers is a challenge.

Thematic Statements on Physical and Mental Health Challenges

- “Big Companies are hiring Transgender people, but not being supportive at all, no insurance, no transition leaves. I want to leave this job, but I fear I may never get another job”
- “I understand hormone replacement therapy and gender reassignment leaves are not exactly what corporates are looking for while hiring transgender people. Even if they don't support us financially, few medical leaves are necessary to ensure we are working to our fullest productivity”
- “With the sort of challenges in obtaining jobs, I was willing to work for anyone who was okay with my gender identity, without any support for my transition”

4 Discussion

Through the thematic analysis process the codes were converted into themes which highlight the challenges faced by transgender people in obtaining jobs. While discrimination, stigma and lack of awareness were found commonly as experiences shared by Transgender people, the specific challenges faced by Transgender people in obtaining jobs are: Transphobia, Educational Barriers, Lack of effective policies, documentation problems, gender identity openness, mental and physical health challenges.

Discrimination [16] and stigma [20] are strong bases which are increasing Transphobia among individuals [1]. Prejudice based beliefs and perspectives were negatively impacting the integration of transgender people with the workforce.

An excerpt from one of the interview's, “If we go job hunting, they ask to see my ID before hiring me since, although I appear to be a woman, but it reads male on my ID, they refuse to hire me.” Transgender discrimination is an issue that needs to be addressed. Although the Transgender Persons Protection Act [13] in India provides reservation and employment opportunities, the ground reality seems to be different as per most of the participants in the study. The legal documentation obtaining process is not Transgender friendly as per the participants which has become another problem during job search and also post selection for job during the verification process.

Policy deficiencies due to lack of awareness, insensitivity, false inclusivity and positive experiences are another barrier to employment opportunities. Every June, businesses worldwide post the rainbow flag on their social media sites in a variety of forms

and designs. Companies host events and conduct programmes on inclusion and diversity. Yet most of these efforts are a mere explicit display of support and not truly relevant to the empowerment of LGBTQ (Lesbian, Gay, Bisexual, Transgender and Queer).

The practice of 'rainbow washing' refers to the use of rainbow colors and/or images in advertising, clothing, accessories, landmarks, and other contexts to show proactive dedication to LGBTQ equality and gain consumer trust, but with the least amount of work or practical outcome possible [31]. Accessibility to jobs despite gender identity is bleak particularly in smaller organizations in comparison to larger organizations.

Companies hiring process isn't transgender friendly, the job opening details are not inclusive in most companies. 14 of the participants share that most companies do not offer the option of Transgender [11]. A study revealed that out of 450 Forbes largest companies, 12 companies provided a third gender choice, three companies provided transgender options, and 92 companies entirely sidestepped the gender question. Ten organizations asked applicants to indicate if they were a man or a woman.

Educational barriers [29] need to be addressed, only having laws that protect the interest of the marginalized will not include the marginalized in the society. Often Transgender people are abandoned by families during the age of early education which is a crucial contributor to Transgender people involving in sex work and begging. Community centers to aid the abandoned will help the Transgender people finish education and build livelihood.

Participants have also shared how companies have offered conditional jobs on keeping their gender identity hidden. The stress that transgender people go through in living as a gender they were assigned at birth, while the gender they identify with being different is traumatizing. Many participants were asked to leave jobs voluntarily as they started transitioning to the gender identity they truly identify with. This creates unnecessary gaps in employment. Also makes finding alternative employment opportunities difficult.

Members of the sexual or gender diverse community face systemic to up-close unfair treatment, which negatively impacts their overall health and leads to unequal results in many important areas of life [21]. Due to the intersex status, gender identification, or choice of sexuality, half of LGBTQ adults said they had experienced some kind of harassment or discrimination at work in the previous year. This included being fired or being the target of verbal, physical, or harassment because of their gender. This reiterates the need for increased efforts to end the prejudice, bias and stigma.

5 Conclusion

Given that the majority of participants stated that they had experienced discrimination of some kind in the previous year, it is clear that equal protection must be guaranteed both in terms of the law and in everyday life. Reservations are a progressive move to open doors to employment opportunities for Transgender people, but the path and accessibility to these employment opportunities are uncertain and conflicted. There is a need to present a revised Labor bill to the legislature that protects people from discrimination based on their sexual orientation and gender identity.

The Ministry of Labor and Employment should also issue a circular alerting all companies to the legal penalties for discriminating against transgender employees following the enactment of a labor law that forbids discrimination based on gender identity. Gender identity sensitization programmes and training should be part of the education system and workplace training.

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