

Trans Youth at Work

Y-GAP COMMUNITY BULLETIN

y•gap:

YOUTH•GENDER
ACTION PROJECT

Everyone has the right to a safe and healthy workplace. This Bulletin provides recommendations for employers to help create welcoming and supportive work environments for trans youth.

The Challenges Faced by Trans Youth Employees

Major employment challenges can happen at all stages of a youth's transition: (1) visibly trans youth seeking work, (2) employed trans youth "coming out" at work with the intention of transitioning on the job, and (3) transitioned youth who must disclose because of administrative processes.

VISIBLY TRANS YOUTH SEEKING WORK

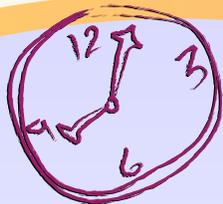
Transition (i.e., going from male-to-female or female-to-male) is a long process that can take months to years and there may be awkward periods where physical changes become noticeable to others. Many trans youth do not get hired or are terminated because of overt or suspected transphobia.

"In previous job hunts, I have been explicitly discriminated against - it was basically like, you know, 'We don't hire people like you.'"

Because they anticipate rejection or poor treatment, significant numbers of trans youth suffer a lack of confidence and experience social anxiety that may negatively affect the impression they make to prospective

"There was one job that I lost specifically because I'm trans. I'd been promised this job until the boss found out that I was trans, and then another job - I think I didn't get it because I'm trans, but I'm not certain. And other job opportunities, I certainly noticed that [suddenly], I got passed up for a lot of the jobs I was qualified for and I've had a much harder time than I ever did before... it's been a harder process all around."





employers. This anxiety is exacerbated by the fact that the most entry-level jobs available to them include significant interaction with the public (e.g., retail). Some youth report delaying job searches or resign themselves to being unemployed during transition due to this anxiety. Often, the anticipation of a potentially negative work experience and/or stories about other trans youths' negative employment experiences help shape these fears.

"I just don't feel confident in myself, so yeah, I think that's my obstacle. I'm doing [a placement] right now and they told me that I'm actually really good at data entry and those things, but I just lack confidence and social skills. I'm also worried whether my employer will be trans-positive...I guess often people have a hard time finding jobs."

EMPLOYED TRANS YOUTH "COMING OUT" AT WORK WITH THE INTENTION OF TRANSITIONING ON THE JOB

Sometimes, trans youth quit work to avoid transitioning on the job. Sometimes, trans youth "come out" in the hopes of transitioning on the job, an act of courage which can also carry significant anxiety regarding potential negative responses by other staff.

Many trans youth experience harmful work environments that include being "outed" at work, being gossiped about by co-workers, co-workers asking invasive questions about surgeries, ridicule and harassment. Some trans youth fear being physically attacked on the job. Breaches of confidentiality can leave trans youth feeling vulnerable and exposed.

Being mis-gendered or questioned about their gender and acts of overt hostility may also come from customers. These experiences can become unbearable and trans youth are often left with no choice but to quit their jobs.

"When I first came out, they told all the middle and lower level managers. But when we moved buildings, they did it again, which I didn't understand cause none of those people knew me as a male. I'm like, "Why did you out me to half the building?" so I was really pissed with that. They need a policy on who gets told, what they get told and when."

"People at work were starting to make comments about me, my body shape, my face...someone said, "I heard them [other colleagues] say they could tell because of your face" and so I immediately left there. I felt absolutely shocked - almost broke down, went home, had a crisis... I worry they're talking behind my back - what are they saying? I just feel like that's a very unsafe space."

Even relatively supportive work environments can cause chronic stress for trans youth, such as worries about how others perceive them and dilemmas about gender presentation. Also contributing to this stress may be the misuse of pronouns among colleagues or employers and/or repeated difficult interactions with a single employee.

"My manager was fantastic, and the staff within the [store] were really good... everything was awesome until the assistant manager came in. She would not understand that I was trans and kept calling me by female pronouns, even after I had a couple of talks with her."

UNWANTED AND UNAVOIDABLE DISCLOSURE AS EXPERIENCED BY TRANSITIONED YOUTH.

Trans youth are often put in a position of having to disclose their trans status to either past or prospective employers because of reference and criminal background checks or questions that arise when discrepancies are noticed between their legal identification or choice of name. Having to involuntarily disclose to people can be an intrusive experience or a painful reminder of a past that the person does not wish to revisit.

"It was weird getting the job because, of course, they wanted references. And I was like, "Well that's great! How am I going to explain this?!" [sarcastic]."

The Implications of These Challenges for Trans Youth

Unsupportive work environments can force some trans youth to have to work independently, through a close referral network, or "under the table." While this work may be more easily accessible because it bypasses the need for some types of official documents, it can also lead to under-employment and create vulnerability to marginalization and exploitative working conditions.

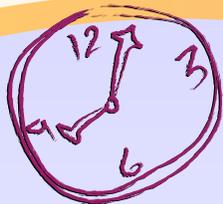
"I accessed a couple under the table jobs as a male. I was never "outed" - and I did not out myself. One of them was a hyper-masculine job doing landscaping... It was

pushing a machine that was 300 lbs door-to-door for 12 hours a day. And it wasn't even a salary. It was a commission, so that was a bad one that ended badly. I injured myself a couple of times and the last day, I couldn't even walk."

"It's not easy, you know, I wanna work a regular job, but I can't work a regular job because they won't accept you... No lies, the sex work actually, I didn't expect for me to do that - it just came to a point where I wanted to survive, wanted to make a living, make ends meet... I had to do what I had to do."

Many people face barriers to employment. For trans youth, this is often one of many challenges they may be facing. Employment barriers can be compounded by a higher prevalence of homelessness due to family rejection. Similarly, trans youth are less likely to receive financial support from family. This lack of support occurs in a context where youth often have to acquire significant resources in order to physically transition due to the limited funding for transition-related surgeries. In this way, steady employment is often integral to being able to transition.

Employment is critical for youth in other ways as well. For example, trans youth describe the "catch-22" of needing to prove they are employed and have a "stable income" in order to be able to secure housing, yet have difficulty finding work if they do not have stable housing. In all these ways, a supportive work environment helps young people stay in jobs, and this can help create the financial stability that positively affects their transition and well-being generally.



What Workplaces Can Do to Support Trans Youth Employees

As an employer, you set the tone for the workplace culture. The success of trans youth at work depends on your good management and your commitment to an equitable workplace. Your support makes a difference.

"During those crucial months of, first coming out and then going full-time, I hit it big with that [trans-friendly] organization that hired me on because I don't think I would have found work [otherwise]."

Respectful workplaces are integral in building greater self-confidence among trans youth. This confidence can make other life goals, such as going back to school, seem more attainable. Being able to maintain employment can also reduce stigma by validating the contributions trans youth make. For non-trans employees, having a trans youth employee normalizes being trans and can break down stereotypes.

So what does a supportive work environment look like? Trans youth appreciate supervisors who are well-informed and proactive in their approach. Such supervisors take the initiative to ensure a welcoming and safe working environment, including interfacing with colleagues when necessary. This means moving beyond "tolerance" to acceptance and advocacy.

"My one boss, he was amazing. He said, "It'll be good, don't worry. If anyone says anything, you tell me and I will deal with them."

There are many additional things that employers can do to be supportive and to provide a positive work environment for trans employees. Most changes are easy to implement, simple, and require no new resources. It begins with creating awareness among staff and leading from a vision of providing inclusive working environments for all.

Human Rights Information for Employers

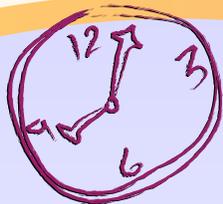
Gender identity, while not currently a separately enumerated ground, is included as part of the protected ground of “sex” in the Ontario Human Rights Code. The Ontario Human Rights Commission (OHRC) has explicitly stated that trans people are covered, and that the OHRC policy applies to the workplace. The following is a summary of some of the key points made in the OHRC policy paper.

EMPLOYERS CANNOT

- Deny or restrict employment opportunities based on ideas “about how men and women should behave and look.”
- Make employment or a promotion conditional on trans people changing how they appear because you think it might make customers or co-workers uncomfortable.
- Terminate an employee returning to work after sex reassignment surgery.
- Allow harassment, such as offensive cartoons, graffiti, or demeaning remarks or jokes by co-workers. This creates a poisoned environment for workers.
- Directly or indirectly identify a person’s sex which may be different from his or her gender identity.
- Insist that washroom use for trans employees be restricted to biological sex.
- Insist that change rooms for trans employees be restricted to biological sex.

EMPLOYERS MUST

- Only deny or restrict employment opportunities based on merit.
- Only make promotions based on merit.
- Consider the process of transition as a part of being transsexual.
- Take timely, effective steps to address and rectify any harmful situations (e.g., removing graffiti, speaking with staff). Failure to do so can itself constitute harassment.
- Treat an employee’s trans status as private and confidential. Store all relevant files securely with designated personnel.
- Ensure that washroom use will correspond to an employee’s presenting gender. This principle applies even when someone is pre-operative.
- Ensure that where there are no separate stalls in the change room of the person’s social gender, or accommodation be made such as a creating single-use area (1).



Facilitating an on-the-job transition

When someone transitions on the job, appoint someone in Human Resources (and the union, if there is one) to assist the employee with his or her workplace transition. Co-create a transition plan based on the employee's needs, including whether the employee wishes to stay or be transferred and expected timelines for various procedures (2).

A disclosure plan should be made in consultation with the employee, but delivered by management to relevant employees. As part of the announcement, good practice calls for an explanation of company policy, a statement of management's full support, expectations for colleague behaviour, and some general education.

Plan in advance so that paperwork changes happen simultaneously with a workplace disclosure, including changes to name and employee identification tags, email address and business cards, payee name on cheques and deposits, the personnel database, and organizational charts, etc. Documentation related to government records (e.g., licenses, pensions) may have to wait until a legal name change has taken place.

Recognize that transition is multidisciplinary in nature and often involves appointments with multiple medical and service providers. Be reasonable about time off or flex time that may be required to attend these appointments.

Some health insurance plans exclude procedures that are medically necessary for trans people. Remove exclusions and/or consider health coverage and protections for trans people in benefit plans and collective agreements, which may include hormone coverage under prescription reimbursements, transition leave/short term disability for surgery recovery, and funds towards sex reassignment procedures and surgeries.

INSTEAD OF...

- Waiting to "get" a trans employee to develop appropriate governance, administration, and personnel policies and practices...
- Having gender identity be implicitly covered in non-discrimination policies or diversity statements under "sex"...
- Having gender-specific uniforms and dress codes...
- Telling all new employees or another department that a trans person works here...
- Leaving it up to the trans employee to educate other staff...

TRY THIS...

- Pro-actively undertake an internal workplace assessment to identify existing strengths and areas for improvement.
- Ensure that any non-discrimination policies or diversity statements explicitly include "gender identity."
- Use gender-neutral uniforms and dress codes. If specific, give trans employees a choice (3).
- Ensure that disclosure is always made on a strictly "need-to-know" basis.
- Ensure that staff and board member diversity training is inclusive of trans issues.

Footnotes

1. Canadian Labour Congress. (2009). *Workers in transition: A practical guide for union representatives*.
Available: www.canadianlabour.ca
2. *Ibid.*
3. *Ibid.*

Key Resources

Canadian Labour Congress. (2009). *Workers in transition: A practical guide for union representatives*.

Available: www.canadianlabour.ca

Equality Staff, CUPE -- Ontario Region can advise other CUPE members (only).

Current contact: Joanne Martin,
Phone: 416-292-3999

HRC Foundation. (2008). *Transgender inclusion in the workplace* (2nd ed.).

Available: www.hrc.org/documents/HRC_Foundation_-_Transgender_Inclusion_in_the_Workplace_2nd_Edition_-_2008.pdf

Ontario Human Rights Commission. (2000). *Policy on discrimination and harassment because of gender identity*.

Available: www.ohrc.on.ca/en/resources/Policies/PolicyGenderIdent/pdf

The Ontario Public Health Association, Public Health Alliance for LGBTTTTIQQ Equity. (2006). *Workplace Assessment Tool*.

Available: www.opha.on.ca/resources/docs/SexualHealthPaper-Jun06.pdf

Sources

The contents of this bulletin were drawn from the literature and findings from the *The Youth-Gender Action Project (Y-GAP)*, a community-based action-research partnership project between Dalhousie University and Central Toronto Youth Services.



Y-GAP

The Y-GAP project is committed to understanding and improving the lives of trans youth living in Toronto and across Ontario. Y-GAP researchers interviewed twenty-one youth about their challenges and triumphs. The research highlighted how particular experiences are integral in shaping, for better or for worse, the emotional and physical health and safety of trans youth. These factors included the level of family support, their ability to access responsive health care, and their success in being able to find safe work environments. Trans youth at Work is part of the Y-GAP Community Bulletin Series.

Contact Information

For more information about the Y-GAP Project, please visit www.ctys.org/ygap or contact:

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Thank you to our funders

