

# Data on Transgender Discrimination and Best Practices in the Job Corps Setting

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## **Presenters:**

Mara Keisling, National Center for Transgender Equality

Lisa Mottet, National Gay and Lesbian Task Force Transgender  
Civil Rights Project



# Terminology



- Gender Identity
- Transgender
- Transgender Woman
- Transgender Man

# Transition

- **Some individuals will transition from living and working as one gender to another.**
  - ▣ These individuals often seek some form of medical treatment such as counseling, hormone therapy, electrolysis, and reassignment surgery.
  - ▣ This type of medical and counseling support is NOT easy to come by.
- **Some individuals, however, will not pursue some (or any) forms of medical treatment** because of their age, medical condition, lack of funds, or other personal circumstances.
  - ▣ Not all transgender individuals will follow the same pattern, but they all are entitled to the same consideration as they undertake the transition steps deemed appropriate for them, and should all be treated with dignity and respect.

# Meet Andy



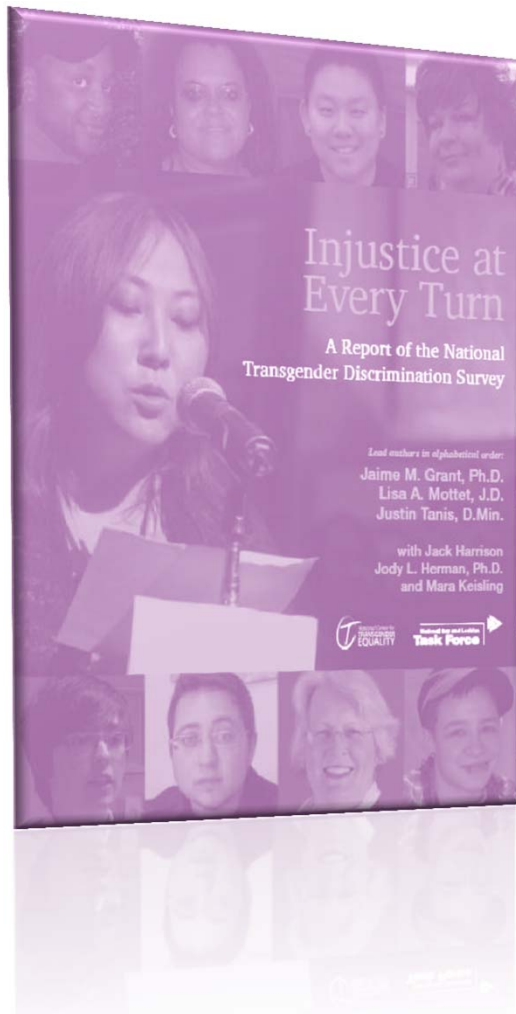
<http://www.youtube.com/watch?v=-dZ6Eu6TuXc>

# Meet Bryce



<http://www.youtube.com/watch?v=4mcVIQNmPBQ>

# Data on Discrimination



## National Transgender Discrimination Survey

Methodology:

n=6,456

Sept. 2008-Feb. 2009

Internet and Paper

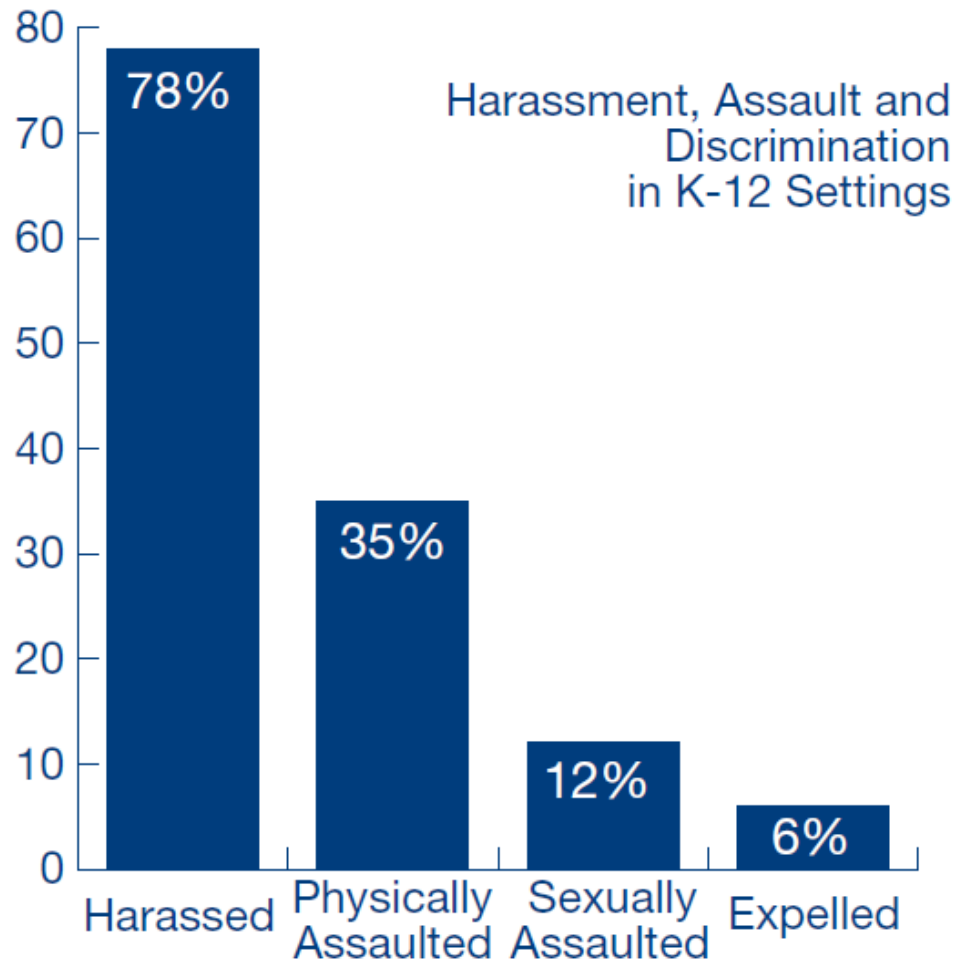
# Key Findings



**Discrimination was pervasive across all areas of life and all demographics**

- Education
- Employment
- Housing
- Public Accommodations
- ID Documents
- Police/Jails
- Health
- Family

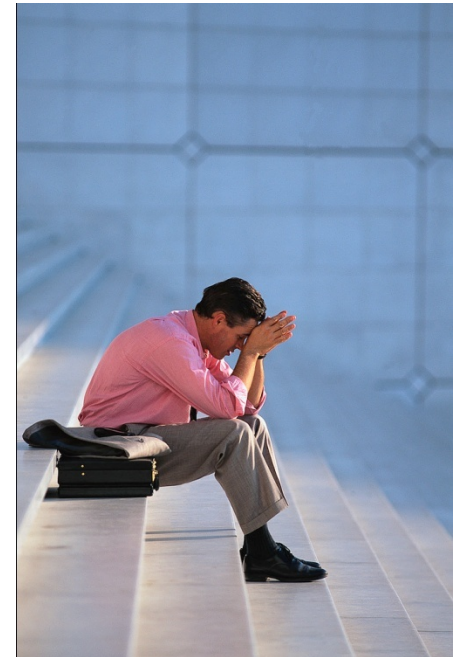
# Education





# Employment

- 90% harassed, mistreated, discriminated against, or hid who they are to avoid it
  - 26% lost a job
  - 44% not hired
  - 50% were harassed
  - 57% delayed gender transition
  - 71% hid their gender or gender transition



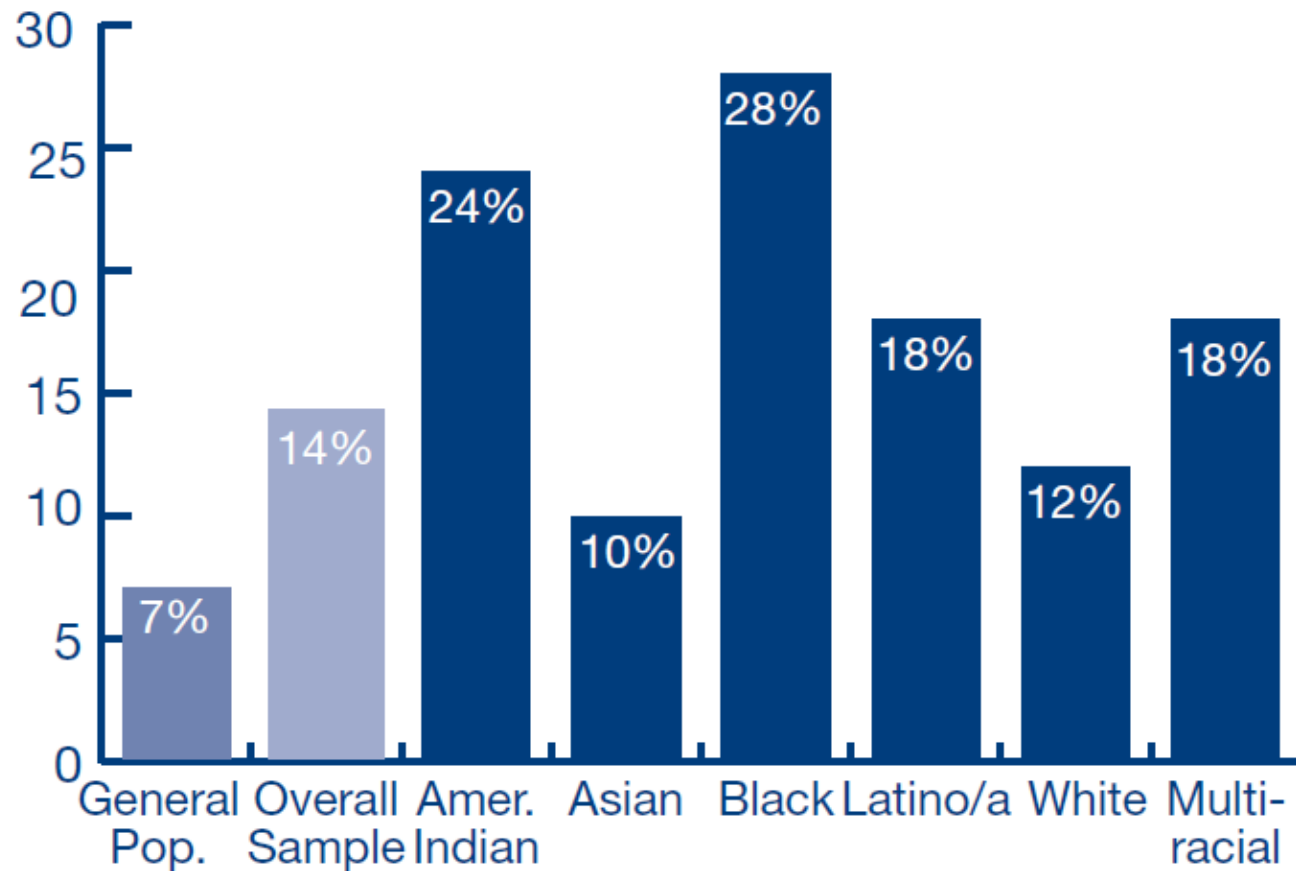
# Employment



- 48% information shared about them to coworkers
- 45% referred to by wrong pronouns on purpose
- 41% inappropriate questions
- 22% denied access to appropriate bathrooms
- 9% physically and 8% sexually assaulted at work

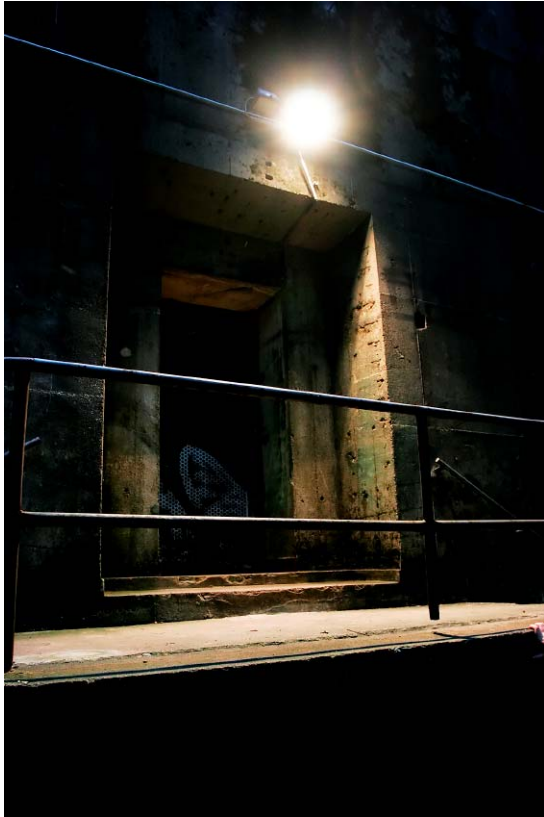
# Employment

Unemployment Rate By Race



# Employment

16% moved to underground economy



Those who lost a job =

- double+ underground economy
- 4x homelessness
- more incarceration
- double+ HIV
- double+ drinking/drugs.

# Key Findings



Anti-Transgender Bias

+

Racism

=

Devastation

# Key Findings

**Respondents lived in extreme poverty,  
nearly 4X more likely to earn <\$10k**



# Key Findings

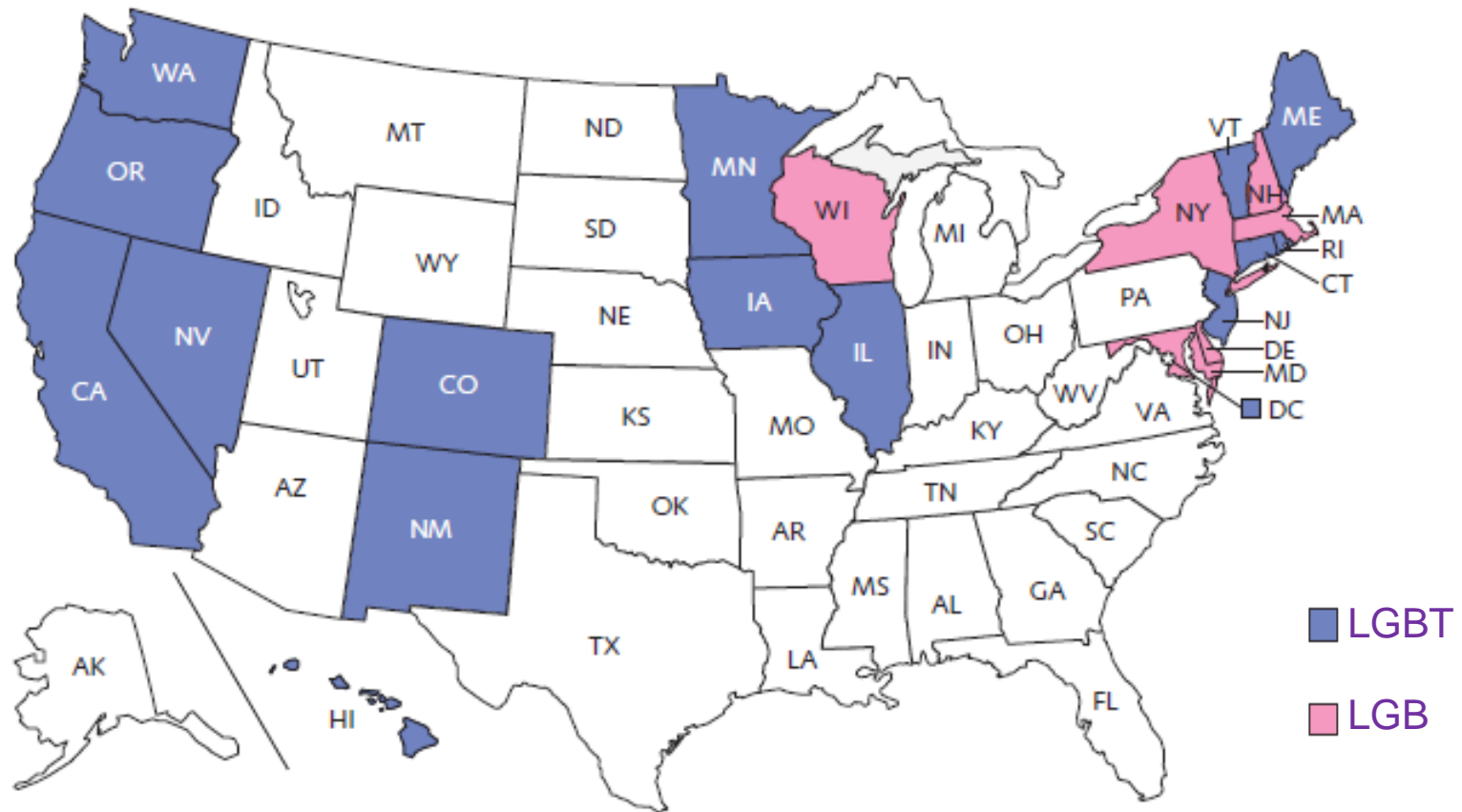


## Increased Suicide Attempts

General Population: 1.6%

Transgender People: 41%

# State Protections





# Local Protections



- Over 160 Diverse Cities or Counties, including:
  - Logan, UT
  - Scranton, PA
  - Jefferson County, KY
  - Kansas City, MO
  - Kalamazoo, MI
  - Dallas, TX
  - Baltimore, MD
  - Omaha, NE

# Federal Protections



- Job Corps is prohibited from “sex” discrimination
  - ▣ Several courts have held “sex” discrimination protects transgender people, and generally those who break “sex stereotypes”
  - ▣ EEOC has ruled that Title VII’s prohibition on sex discrimination covers anyone who has or who plan to transition gender

# Likely Manifestations of Discrimination

- General discrimination and disrespect of the person's identity by worksite staff, Job Corps staff, and other members of the program
- There are three ways this is likely to play out:
  - The person applies and is accepted into the program as someone who is already living as a gender different than their birth, which may or may not be known at the time they are accepted into the program
  - The person lets you know just as they are about to start the program how they identify
  - The person discloses partway through the program how they identify

# Additional Challenges

- The student may not be 100% consistent, as they negotiate their fear of discrimination and other's reactions
- Very unlikely that they will have a legal name change or updated ID documents
- The student may be very afraid of being out to certain people or all people, especially their parents
- The student may be very concerned that you will discriminate, and that fear may come out in a negative way
- You have gender-segregated housing facilities
- You may have grooming standards that differ based on gender
- They may want to be out and you may not think it is “wise”

# Addressing Discrimination

- Recommendations originate from:
  - ▣ Adapted from best practices from employers and youth-serving organizations
  - ▣ Office of Personnel Management “Guidance Regarding the Employment of Transgender Individuals in the Federal Workplace”



The screenshot shows the OPM.gov website. At the top right, there are navigation links: "OPM.gov Home | Subject Index | Important Links | Contact Us | Help". Below this is the OPM logo and the text "U.S. OFFICE OF PERSONNEL MANAGEMENT" and "Recruiting, Retaining and Honoring a World-Class Workforce to Serve the American People". A search bar with a "Go" button and a link to "Advanced Search" is also visible. The main heading of the page is "Employment of Transgender Individuals". Below this is a sub-heading "Guidance Regarding the Employment of Transgender Individuals in the Federal Workplace" and a section titled "Policy and Purposes". The text under "Policy and Purposes" reads: "It is the policy of the Federal Government to treat all of its employees with dignity and respect and to provide a workplace that is free from discrimination whether that discrimination is based on race, color, religion, sex (including gender identity or pregnancy), national

# Basic Recommendations



- ▣ Have a written policy of non-discrimination that covers those both employees and students in Job Corps
- ▣ Written policies on gender transition solve problems before they start
- ▣ Train all staff on the policy, including respectful treatment and the Golden Rule: treat transgender women like other women, and transgender men like other men
- ▣ Train employers and coworkers onsite to not discriminate against transgender Job Corps workers

# Confidentiality



- Your policy should make confidentiality the default (for both personal and medical information)
- Follow the preferences of student on questions of confidentiality about their transgender status
- No legal obligation to tell parents
- Potential legal obligation to NOT tell parents

# Confidentiality



## Guidance from OPM:

- “[T] transition should be treated with as much sensitivity and confidentiality as any other ... significant life experiences, such as hospitalization or marital difficulties. ”
- “Employing agencies... should advise employees not to spread information ... [G]ossip and rumor-spreading in the workplace about gender identity are inappropriate. ... [P]ersonal information about the employee should be considered confidential and should not be released without the employee's prior agreement.”



# Names/Pronouns

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- All staff should use the name and pronouns the young person prefers
- In records, use the young person's preferred name (and gender) wherever possible, especially for anything others see
- Paycheck will need to go to a person's legal name, but that is likely the only exception

# Dress



- The gender-neutral uniform solves many issues here
- Support young people to who dress and groom in accord with their gender identity
- Don't tell them to dress against their gender identity on off hours or at work
- Tolerate some inconsistency here – folks are young and are trying out expressing themselves, and they might second guess themselves

# Harassment



Understand this can take different forms, including:

- Using wrong pronouns or old name repeatedly, or on purpose
- Asking inappropriate questions about a person's body and/or medical treatment
- Outing/violating confidentiality, spreading gossip

Recommendation:

- Describing this as inappropriate behavior for staff or other participants is important, as they may not know

# Restrooms



- Approximately 80% or more of employers are providing appropriate access

## Recommendations:

- Access to restrooms should be according to a person's gender identity
- Deal directly with, and train, staff or others who object or disagree with the policy

# Restrooms

## Guidance from OPM:

*“For a transitioning employee, this means that, once he or she has begun living and working full-time in the gender that reflects his or her gender identity, agencies should allow access to restrooms and (if provided to other employees) locker room facilities consistent with his or her gender identity.”*

# Dormitories



- House people according to their gender identity
- Realize that some might not be 100% ready for that initially, but may need or want to switch part way through the program

# Name Changes/Legal Documents



- Provide information and assistance (or referrals) to those who need to update their name/gender on ID documents
- They may be too young to be able to do this by themselves, or may just need assistance and emotional support

# Educating Employers



- Suggest or require them to have a non-discrimination policy, and a policy on gender transition in the workplace
- Explain benefits of training their staff, especially hiring officers
- Explain the importance of confidentiality



# Dealing with Discriminatory Employers



- When students report discrimination at the worksite, consider:
  - ▣ Contacting the employer and describing the apparent problematic behavior
  - ▣ Reminding them that discrimination is illegal
  - ▣ Suggesting resources for educating themselves on eliminating discrimination and maintaining fair workplaces
  - ▣ Require them to train and/or discipline their staff

# Working with Community Organizations



- Figure out what local/state transgender organizations exist and develop relationships with them
  - ▣ For resources for the students
  - ▣ Potentially they can come train a worksite

# For More Information



- For assistance, contact either of us:
  - ▣ Lisa Mottet, [lmottet@thetaskforce.org](mailto:lmottet@thetaskforce.org)
  - ▣ Mara Keisling, [mkeisling@transequality.org](mailto:mkeisling@transequality.org)
- For data from the National Transgender Discrimination Survey, go to [www.endtransdiscrimination.org](http://www.endtransdiscrimination.org)
- For OPM's Transgender Guidance, go to <http://www.opm.gov/diversity/Transgender/Guidance.asp>