



GENDER IDENTITY AND WORKPLACE DISCRIMINATION: A STUDY OF TRANSGENDER ISSUES

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Abstract

From time to time discrimination in the workplace rears its ugly head, regardless of the enormous efforts of the society to be a fairer and equal place for the marginalised. The innuendo and witty put-downs are still common in the workplace. Workplace discrimination is often associated with harassment of males or females and an inmate part of society that is often neglected is transgender. One of the reasons for being the most disempowered groups in India is the discrimination faced by their community faces in their life. Even the Constitution of India provides them equal rights as any other citizen of India, which include the Right to Personal Liberty, Dignity, Freedom of Expression, Right to Education and Empowerment, and Right against Violence, discrimination and exploitation. The present research study is an attempt to put light on the discrimination faced by transgender in their working environment. The paper focuses on the hardships confronted by transgender while acquiring jobs, disclosure of their identity at their workplace, and types of harassment faced at the workplace due to their Gender identity. The study also tries to make out whether any support is received by the transgender from fellow employees and upper management. To reach the results, a survey study will be done. The primary data shall be collected through face-to-face and telephonic interviews as a tool in a survey. The data collection will be done from transgender around Delhi NCR between the ages of 18 and 55 years using non-probability sampling, via purposive and snowball sampling techniques. The sample size will be 25 and the participation will be voluntary and unpaid. The data collected then will be interpreted and presented using the percentile method along with graphs. Both qualitative and quantitative techniques will be applied to the present research study. The data collected and analysed would help in drawing conclusions on the topic. The inferences would be relevant for understanding the workplace discrimination experienced by transgenders.

IndexTerms: Gender, Identity, Transgender, Workplace, Discrimination.

INTRODUCTION

Right to education, employment, healthcare, and self-identification are basic rights that are legitimized by every human being. However, in India, transgenders were deprived of these till the unique judgment of the Supreme Court of India in 2014 that provided a legal identity to transgenders as the third gender and that became the basis for the formation of Transgender Persons (Protection of Rights) Act of 2019. A transgender is a person who is not recognised for the sex or gender that they were designated with at the time of their birth (Munoz, 2011). The word 'transgender' is related to the third gender, i.e. other than male or female (Faagrwal, 2019). Of the 490,000 India's trans population, only a few have access to paid work (2011 census). As per one of the research studies by the National Human Rights Commission, about 92% of transgenders are denied the right to engage in any form of economic activity in the country and even the qualified ones are deprived to have access. But a Chennai-based start-up came forward and placed 42 trans people in the first 14 months of their existence. Similarly, Kochi Metro Rail Limited hired 23 transgender persons in Kerala in 2017, but 8 of them gave up their jobs within a month due to accommodation denial by their landlords. There was no other option left but to quit their jobs as legally even the employer could not

help them fight against such discrimination (Aron, 2019).

The efforts of the Indian government to provide the trans community with a dignified life passed the Transgender Persons (Protection of Rights) Act in 2019 which forbids discrimination against people from the trans community in the fields of education, employment, and healthcare and also commands the central as well as the state governments to take care of the welfare schemes for them. But are transgenders being treated equally similarly to other genders, especially in the workplace? In the efforts to uplift the gender and sexual minorities (GSM) little or no attention has been paid to concerns faced by the trans community in the workplace (Robinson, 2011). The trans community have also been facing discrimination in the health and education sectors. At schools many transgenders usually drop out owing to the fact that they are often physically assaulted, verbally exploited, social taboos and for not being accepted as per the societal gender norms. The trans community have to strive hard for employment, housing and even for basic health facilities. Transgenders especially youth, encounter obstacles chiefly related to their own gender identity, resulting in depression or the development of suicidal tendencies. The basic factors that stimulate mental health issues incorporate societal stigma, insufficient social support, positive HIV Status and violence-related stress. Even their participation in Indian political affairs is insignificant because of ambiguous rules and anachronistic systems. The Government of India is also working on it and has initiated various welfare policies and schemes for the trans community that includes economic, social and political amendments, and legal, policy and constitutional reforms to avert the violation of human rights for their community and preparing a new mechanism to undertake special issues faced by trans people.

LITERATURE REVIEW

Worldwide scholars have been working on minorities, especially in gender studies. Various research has been done on discrimination and rights of the trans community by Benokraitis, & Feagin (1995), Dispenza, Watson, Chung, & Brack, (2012), Eliason, DeJoseph, Dibble, Deevey, & Chinn, (2011), and on the health of transgenders by Benson, (2013), Bockting, Miner, Romine, Hamilton, & Coleman, (2013), Bradford, Reisner, Honnold, & Xavier, (2013), Drescher, (2013), Lev, (2004), Slamah, K. (2005). But almost negligible work is done on discrimination in the workplace especially in India, though the discussions have been going on for a long on the status of the third gender in India generally though further specifications have been made in the fields of education, society, family and the challenges faced by them in every point of their life.

Right from the elementary level, transgender students face harassment at the school level (McGuire, Anderson, Toomey, Russell, 2010). Their research study manifested that harassment at the school level was pervasive and was negatively associated with feelings of security and well-being.

Transgenders do experience professional losses and adaptations but also gained new and meaningful occupations (Beagan, Souza, Godbout, Hamilton, MacLeod, Paynter & Tobin, 2012) and they do suffer one or other form of harassment or violence that too economic discrimination that results in violent incidents (Lombardi, Wilchins, Priesing & Malouf, 2001).

The efforts of the Indian government to provide the trans community with a dignified life passed the Transgender Persons (Protection of Rights) Act in 2019 which forbids discrimination against a trans person in the fields of education, occupation and even healthcare and also superintends the government both at central and state level to bring forth welfare schemes in these sectors for the trans community. But are transgenders being treated equally similarly to other genders, especially in the workplace? Among the work on gender and sexual minorities (GSM), almost negligible attention is given to transgender issues in the workplace (Robinson, 2011).

Another research study conducted by Brenda L. Beagan, Lauren De Souza, Caleb Godbout, Laura Hamilton, Janet MacLeod, Emma Paynter & Ashley Tobin in 2012 explored the occupations of transgendered People. The study showed that the occupational focus tended to change over time. The transgenders surveyed experienced professional losses and adaptations but also gained new and meaningful occupations.

In 2001, E L Lombardi, RA Wilchins, Dana Priesing and Diana Malouf did a study on 'Gender Violence: Transgender Experiences with Violence and Discrimination' and discovered that more than half of the people surveyed faced one or the other form of harassment or ferocity within their lifespan. It was also established most of them experienced economic discrimination that results in violent incidents. They proposed legislation for hostile offences and workplace protections for the transgender community.

Dr Rajkumar conducted research on the status and challenges for transgender in India and concluded that human rights are fundamental to every human being and cannot be constituted or revoked by any government that comprises of right to equality, liberty, life, dignity and freedom of thought and expression.

RESEARCH OBJECTIVES

The prime objective of the present study is to investigate discrimination faced by working transgenders in Delhi and seek to find out the gravity of discrimination in the workplace. The other objectives of the research study are as follows:

- To investigate the nature and frequency of discrimination faced by transgenders in workplace;
- To find out the perpetrators of discrimination among trans community people;
- To make out support received by the transgender from fellow employees and upper management;
- To explore the effect(s) of discrimination on victims and,
- To find out the awareness about the rights of transgender.

RESEARCH METHODOLOGY

The present study entails both primary and secondary data so mixed-method approaches were adopted. Various research papers and articles were compiled to collect the secondary data. The survey method was adopted to collect the primary data. Telephonic interviews with the 25 working transgenders of Delhi from 18-55 years of age were conducted. The sample was selected using the purposive and snowball sampling techniques. The participation of the respondents was voluntary and unpaid.

DATA ANALYSIS AND INTERPRETATION

Demographic Profile of the Respondents

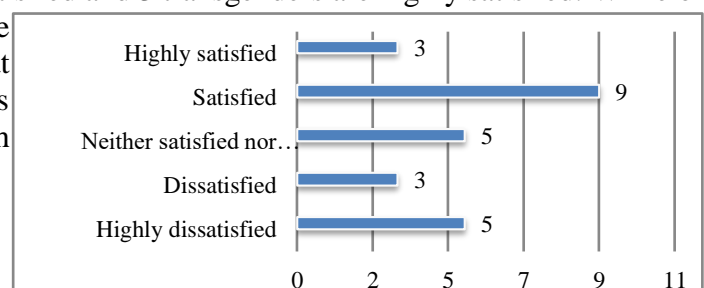
The data portrays the demographic profile of transgenders. Nearly half of the respondents i.e. 11 are young adults, followed by 9 respondents who are adults and only 4 respondents are above 43 years. For ages, transgenders have been deprived of their basic right to education but still, of the 25 transgenders interviewed from Delhi, 17 have done higher secondary while 6 are graduates and only 2 are postgraduates.

In terms of employment, it was observed that 14 respondents are working in the private sector while only 3 are able to get a job in the public sector and 3 are self-employed i.e. running their own business. On the other hand, 2 are working with NGOs and 3 are either begging or earning through their age-old work. On observing the level of employment at their workplace, none of the transgender is able to reach the level of Class 1 employee while only 6 are able to grab and position themselves at the level of Class 2 employees and 12 of them at the position of Class 3 level and only 7 respondents are occupying the positions at class 4 employees in public or private sector.

Economic independence is very important for the growth of any individual. The data shows the annual income of the transgenders and of these 10 respondents are able to earn nearly 5 lakhs per year while 9 had an earning between 5 – 10 lakhs in a year. On the other hand, 4 are earning between 10 – 15 lakhs annually and only 2 between 15-20 lakhs per annum. Not even a single transgender from Delhi surveyed is having an income of more than 20 lakhs per annum.

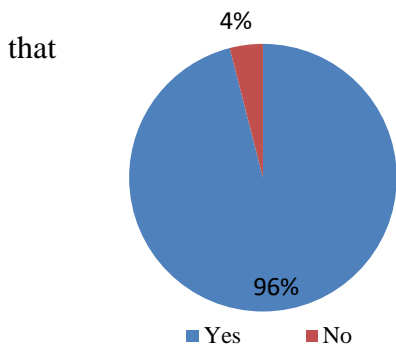
Job Satisfaction and Transgender

The data represents the job satisfaction level of transgenders in Delhi. Nearly half of the respondents i.e. 48% are happy at their workplace 9 respondents are just satisfied and 3 transgenders are highly satisfied. While on the other hand, 3 respondents are dissatisfied and 5 are highly dissatisfied with their jobs and feel dejected at their workplace. 20% of the working transgenders from Delhi are neither satisfied nor dissatisfied with their responsibility at work.



Discrimination: A Stumbling Block at the Workplace

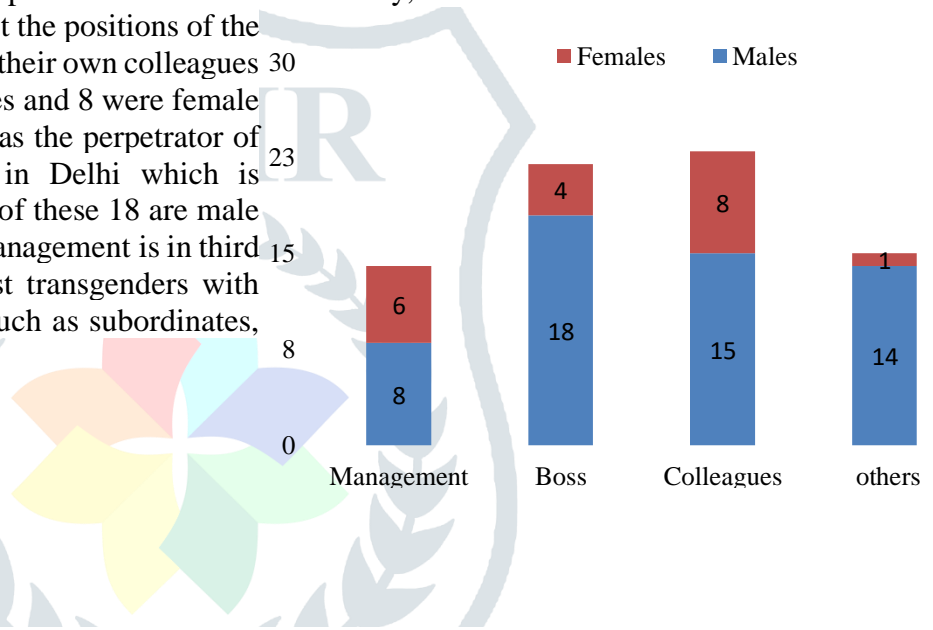
The data comprehensively demonstrates discrimination as one of the stumbling blocks of discrimination in the workplace, with harassment and stereotypes faced by almost all transgenders. About 96% of the respondents agree that discrimination in the workplace is omnipresent and is one of the biggest issues, while 4% don't



believe so and have acknowledged it as part of life. The data clearly states gender discrimination is deep-rooted in every sphere. The respondents also disclosed the shocking truths with more than half i.e. 56% being discriminated against either regularly on a daily basis or weekly or fortnightly at their workplaces. While 16% agreed that it happens on a monthly basis and a mere 1 respondent is of the opinion that it rarely happens.

Perpetrators of Discrimination

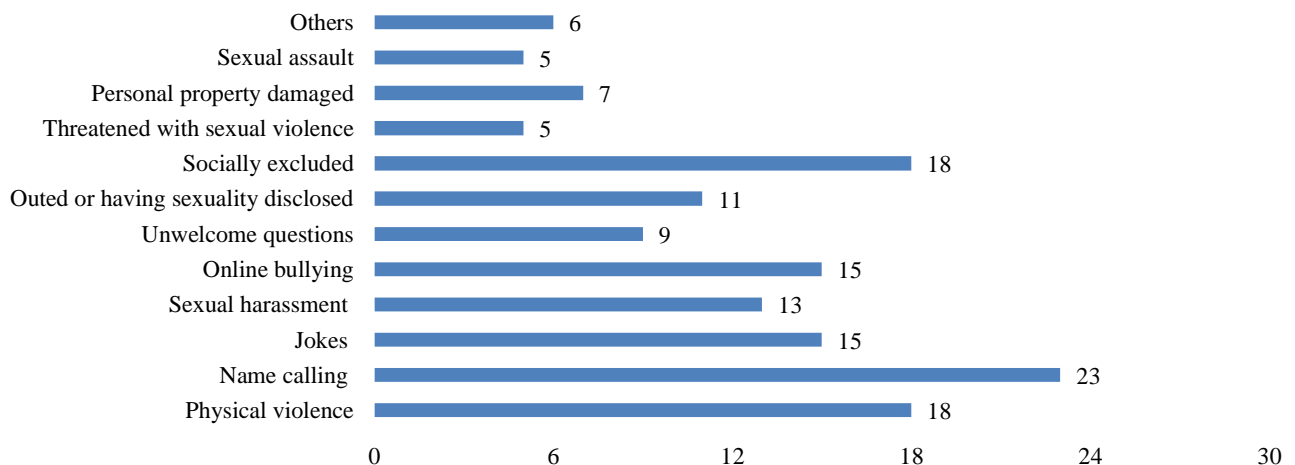
With the thought of gender discrimination, the first thing that comes to one's mind is men as perpetrators because of patriarchal society, but is that similar in the case of transgenders? On enquiring about the perpetrators of discrimination in the workplace with the trans community, the records show that 74% are male perpetrators only. And on apprising about the positions of the perpetrators, that mostly turned out to be their own colleagues with 31%, of the 15 were male colleagues and 8 were female colleagues. The boss took second place as the perpetrator of discrimination faced by transgenders in Delhi which is asserted by 22% of the respondents and of these 18 are male bosses while 4 are female bosses. The management is in third place in terms of discrimination against transgenders with 19% confirming it followed by others such as subordinates, clients or even class 4 employees.



Types of Discrimination Faced

The data represents the most frequent discrimination that transgenders have faced in their workplaces. Almost all were victims of discrimination except one. 96% of the respondents experienced name-calling followed by physical violence and social exclusion experienced by 72% of the transgenders of Delhi. Another type of discrimination is jokes about their orientation as well as they are being bullied online by their own officemates as expressed by 60% of them. Sexual harassment is the next discrimination that is common as more than half of the sufferers i.e. 52% said that they have faced it. Next in the row is discriminating by either disclosing their

sexual



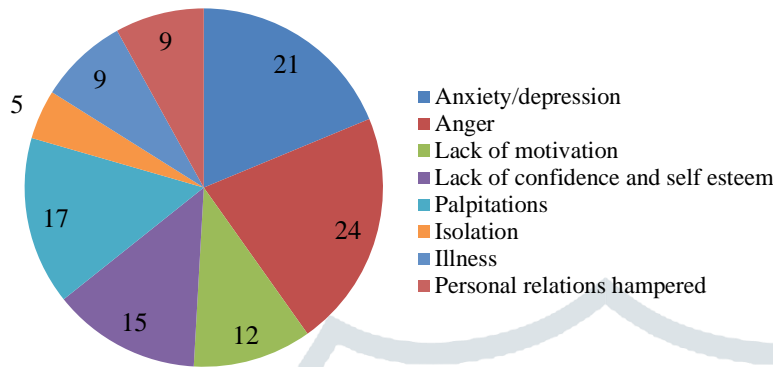
identity or keeping them out of the peer groups at their workplace, which was encountered by 44 % of the transgenders closely followed by asking unwelcomed questions again and again by 36% of the respondents.

Discrimination by damaging their personal property or threatened with sexual violence and even sexual assaults are various kinds faced by the transgenders of Delhi.

Effects of Workplace Discrimination on Transgenders

Discrimination deeply affects the mind, body and soul of any individual. All the transgenders who have been victims of discrimination at the workplace consented that have become irritated and get angry about even small things. Depression or anxiety took second place as the respondents were affected due to workplace

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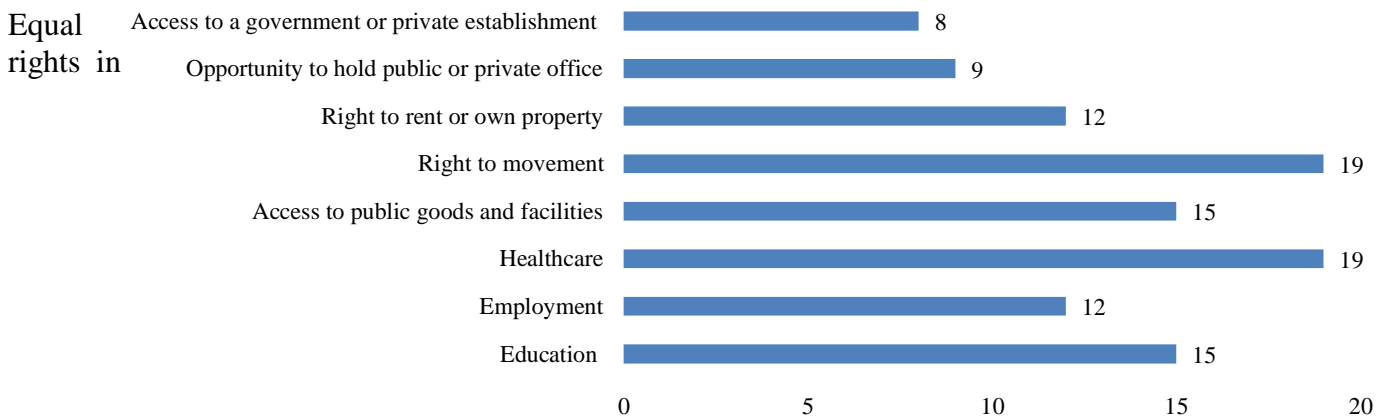


discrimination, in the opinion of 84% respondents. 68 % of the respondents surveyed feel palpitations due to discrimination closely followed by a of confidence and self-esteem by of the transgenders. 48% of the respondents felt a lack of motivation their workplace due to discrimination, while illness, personal relations getting hampered even Isolation were other various disorders that working transgenders Delhi face.

Awareness of Rights among Transgender

Supreme Court of India gave a verdict to give an identity to transgenders as the third gender and gave rights to education, employment, health and others under the Transgender Persons (Protection of Rights) Act of 2019. To comprehend if the transgenders are they aware of it, the respondents were asked about the same. 88% of the respondents coincided that they are aware of the Act while 12 were in disagreement.

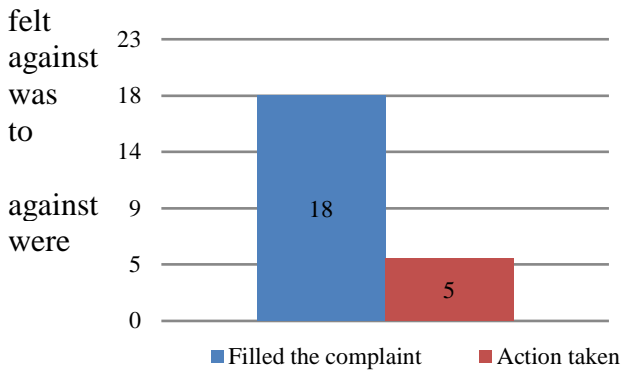
To understand their awareness level about their rights in details, the respondents were given the option to answer.



healthcare and right to movement were the rights known among the 76% of the respondents followed by 60% of the respondents who agreed that they are aware of right to education and right to access to public goods and facilities. Next in the row is the consciousness is there about the right to employment and the right to rent or own property 48% of the respondents while more than one-third are aware of the laws related to property.

Frequency of Complaint Filled and Action Taken

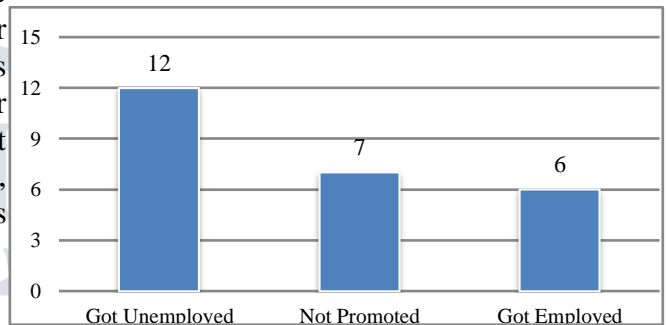
Being a conservative community, the third gender usually does not protest any discrimination against them. Instead, people are more aware and as per the stats of the research study, the thoughts are contrary. The reason behind



that may be the grave extent of discrimination that victims they had no choice but to report the discrimination done them or maybe because of continuous discrimination that going on and might have reached the breaking point due misconduct. 78% of the working transgenders of Delhi interviewed agreed that they have lodged a complaint against discrimination, but only 22% agreed that their complaints heard and action was taken.

Identity and Employment Opportunity

The fight against discrimination in any organisation depends on the working environment of any organization. Moreover, the organisation’s policy determines whether the organisation fosters an environment where discrimination is not acceptable or not. The respondents were therefore asked if they were hired or turned down due to their gender identity. Surprisingly, 48% of the respondents confessed that they were turned down from the job after their identity was disclosed while 28% agreed that they are not promoted because of their sexual identity. On the other hand, 24% of the working transgenders consented that their job is due to their identity only.



Findings

The following are the major findings of the present research study are:

1. Most of the working transgenders of Delhi under study belong to the age group of 18-30 years i.e. youth and adults.
2. All the respondents were educated above a higher secondary level and most of them were working in the private sector.
3. As anticipated, most of the transgenders were placed as class 3 employees and not even a single was placed as Class 1 employees.
4. More than two-thirds are earning between 1-10 lakhs annually and not even a single respondent is earning more than 20 lakhs per annum.
5. Nearly half i.e. 48% of the transgenders of Delhi are happy and satisfied with their jobs.
6. The issue of discrimination is universal in workplaces with transgenders, as 96% of the respondents accepted the prevalence of gender discrimination in the workplace and agreed that they have faced discrimination.
7. 20% of the working trans community encounter discrimination on a daily basis while the rest face it once or twice a week.
8. 74% of the perpetrators turned out to be men and 26% are women.
9. The most common type of discrimination faced by working transgenders in the capital city are name-calling, physical violence and social exclusion followed by jokes, online bullying and even sexual assaults.
10. Most of the respondents either get easily angry about small things or are depressed and suffer from anxiety because of discrimination at their workplace.
11. 88% of the trans community people surveyed are aware of the Transgender Persons (Protection of Rights) Act, 2019.
12. More than two third i.e. 76% knew about their equal rights in healthcare and the right to movement while 60% of them are aware of the right to education and right to access to public goods and facilities followed by the right to employment and right to rent or own property by nearly half of the respondents.
13. 72% of the respondents do file complaints against discrimination but are not contended with the action taken as it was taken in only 20% of the cases filed.
14. 20% consented that they are not being promoted because of their gender orientated while 12% confessed that they were hired on the basis of their gender identity.

Discussion

There is a need of acknowledging and treating transgenders equally in the workplace. This research study concluded that there are still significant numbers of trans who are unemployed and those who are employed mainly work in the private sector and secondary to it a small chunk is also scattered in the public sector and with NGOs. Transgenders often move to other places due to harassment faced in family, school and community as it affects their mental health as well. Due to dissimilarity in their gender identity, the transgender population make them vulnerable to prejudice, disgrace, dishonour, ferocity and pestering in various spheres of life inclusive of livelihood, education, health care, housing and public services. The major reason behind the Trans community being belittled is that they are either employed in low-wage work or in low-skilled jobs that lead to greater penury. One of the feasible rationales behind their economic ostracism emanates from lower educational attainment, high school abandonment rates and lesser opportunity for job skills. Another reason could be the gender identity that hinders them from getting jobs or promotions which was one of the findings of the present study. There should not be any discrimination because of gender identity, especially in the area of employment as the bill passed in 2014 prohibits it. There is a great need for the establishment of a helpline and career opportunities and an online placement system for them. To empower transgenders it is necessary to organise various awareness programs at the mass level to outreach the public and this community.

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