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**HRM and the case of transgender workers: A complex landscape of limited HRM 'know how' with some pockets of good practice.**

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## **HRM and the case of transgender workers.**

*A complex landscape of limited HRM 'know how' with some pockets of good practice.*

### **Abstract**

**Purpose:** HRM departments report a lack of knowledge on supporting transgender employees during gender transition in the workplace. The purpose of this research is to survey the experiences of transgender workers in English, French and German speaking countries to evaluate their experience of transitioning at work and the HRM support they received to do so.

**Design/methodology/approach:** A questionnaire consisting of 32 quantitative items and qualitative text boxes was completed by 166 transgender individuals.

**Findings:** Results show a mostly negative landscape with some pockets of good practice.

**Research limitations/implications:** Answers are based on self-report measures and data is cross-sectional.

**Practical implications:** Recommendations for good practice are proposed for HRM departments.

**Social implications:** A move towards a more inclusive workplace.

**Originality/value:** Questions focus on HRM practices specifically while other surveys have assessed work practices more broadly.

**Keywords:** transgender, LGBT, equality, diversity, inclusion.

### **Transgender persons are discriminated against at work**

Despite the legal progress made over the last 20 years (*i.e.*, Sex Discrimination (Gender Reassignment) Regulations 1999, Gender Recognition Act 2004, UK Equality Act 2010), surveys conducted by charities in support of transgender rights show that the unemployment rate among transgender persons is 7% higher than the general population and 26% get fired because of their gender identity. In the US, up to 90% of transgender workers report that they have been harassed, discriminated against or mistreated in the workplace while in the UK 38% have experienced actual physical intimidation or threats. For these reasons, up to 46% of transgender persons hide their gender identity in the workplace.

Whilst the increasing participation of organizations in diversity initiatives such as the Corporate Equality Index and the Workplace Equality Index shows a willingness to adopt a more inclusive environment, there is a danger of treating equality as a 'box-ticking exercise'. Only a small percentage of companies that promote themselves as 'highly inclusive' genuinely are – for example, despite openly promoting diversity, 80% of large UK organizations fail to provide non-discrimination policies for transgender employees and only 17% of FTSE100 companies even mention the word 'transgender' on their websites.

Although HRM practitioners tend to be the first point of contact when a transgender employee comes out at work, many indicate that they have never had to support a gender transition and lack knowledge and training on the recommended good practice. Managers' responses when a transgender employee comes out not only have legal implications but can also affect the employee's sense of dignity, fair treatment, and acceptance in the

workplace. Overall, organizations do not know how to react when an employee discloses that he or she is going to transition at work and corporate policies do not adequately address the issues of gender identity or expression.

### **Design**

A questionnaire with a combination of quantitative and qualitative items was developed based on the National Centre for Transgender Equality report and the Government Equalities Office's guidance for employers (*The recruitment and retention of transgender staff*). It was translated into English, French and German as according to Equaldex these are some of the three biggest population groups supporting transgender rights in employment and therefore ought to be leaders in good HRM practice. Participants were recruited via online transgender community forums with more than 500 members worldwide.

One hundred and sixty six transgender professionals participated in the survey. The largest language participation was in English (47%) closely followed by German (42%), and then French (7%). Most respondents were from Germany, the US, the UK, Austria, and France. More than half had at least a university degree, 49% were employed, 14% were either self-employed or studying, and 12% were unemployed. Most respondents were white (91%) and identified as female (69%).

### **Findings**

*The 'glass ceiling': transgender careers can grind to a halt.*

Although twenty-four percent of respondents had a promotion in a company where they were openly known to be transgender people, 11% were explicitly demoted because of their gender identity and 13% were demoted but it was argued that their gender identity was not the reason. One respondent explained that: "Firing was not allowed for being [a transgender person] but I was always passed over for promotions."

Twenty-seven percent of respondents experienced constructive dismissal and believe that it was due to their gender identity, and 2% were explicitly fired for that same reason. One respondent reported: "Lost job for being transgender. Had no problems working for them for 32 years. As soon as they knew I was transgender, that all changed. Did take them to court. Did win case."

These findings echo those of the National Centre for Transgender Equality surveys where 23% of respondents were denied promotion after coming out and 26% reported losing their jobs. Indeed, the risk of transgender persons losing their job is estimated as three times higher than for lesbian or gay workers, and some are specifically dismissed after transitioning because organizations do not want transgender persons representing them. As many transgender persons have successful careers up to the point of transitioning, this represents a considerable loss of talent for their employers.

*Diversity training helps!*

Most respondents felt that their organization 'widely supported' them during their transition (59%) and reported experiencing no discrimination (56%). Thirty-one percent stated that they received positive encouragement from colleagues more senior than them, 28% from a co-worker at the same level, and 11% from a junior colleague.

One respondent shared: “I really feel like I could not have transitioned in a better work environment. My supervisor and head of my department, as well as the executives have been very supportive.”

Forty-four percent reported that they were harassed at work; mostly by their direct co-workers (13%), managers (11%), and even HR (7%). One respondent explained: “A couple of my colleagues initially refused to talk to me, but that has now stopped.”

Findings show that in organizations in which no diversity training was conducted, almost half of transgender employees received negative comments from colleagues. In companies that provided training, no participant received any negative comments from co-workers and everyone received at least one positive comment. One respondent stated that: “The company I worked for, had a very progressive policy on LGBT and I would have been protected.” Three quarters of the participants however stated that they do not remember their organization providing diversity training.

A supportive work environment can increase coming out and job satisfaction. While training is a widely recommended good practice, specific diversity training usually has a weak effect. In the case of transgender workers, it seems that the opposite is true. A possible reason for this might be that people are generally less familiar with transgender issues than they are with gender, race, or even sexual orientation. Training could, therefore, give employees a much needed introduction paving the way for initial understanding. However, simply developing a policy and creating gender transition guidelines will not instantly create an environment in organizations where all employees are treated as equals; it will require genuine engagement on the part of the organization, management and HR.

#### *Make reasonable adjustments.*

Thirty-seven percent of respondents stated that they did not need reasonable adjustments to be made because of their transition. Twenty-seven percent had a mostly positive experience of their organization’s reasonable adjustments and 6% were allowed to work from home after gender reassignment surgery even though this was not ‘usual’ in the company. One respondent elaborated: “One regular customer (on an American air force base) wrote to my employer saying that I must not use the ladies toilets while on the base. My employer responded by allocating me a vehicle with its own toilet!” Another 12% of participants were able to do adjustments once in a while, however possibly not often enough to conveniently accommodate all the therapies, examinations, and other non-medical appointments they need to attend during gender transition. Twenty-four percent of respondents stated that they would have needed adjustments for such but that these were not offered, 8% were denied the option of remote working after surgery even though the work could be done from home.

Thirty-eight percent of respondents reported that their company made a plan for their transition at work and 10% reported having had many follow-up meetings. Fifty-four percent of respondents reported that their company did not make any plans for their transition and 56% had no follow up meeting after the initial discussion. Eight percent had a plan but it took a long time to implement. One respondent explained: “The company handbook does not cover anything trans related.” On average, it took respondents 5 weeks to receive new work equipment

in their desired name (*e.g.* new email address, business cards, nametags, uniforms, *etc.*). The reported shortest time was within one month and the longest was over a year.

Taking time off work for reasons related to transitioning is a key issue because transgender workers are likely to need time off for medical and cosmetic procedures. Transitioning can involve recovering from major surgery, which is a painful process and can lead to complications. For this reason, a-gender, the support network for transgender government staff, advises that managers should be mindful of medications' side effects and recommends that they change performance objectives during transitioning. Guidelines do not recommend how long it should take to receive new work equipment, but point out that failure to update and maintain records to reflect the individual's transition is a frequent cause of distress to the employee. A transition plan can help guide managers, the employee and co-workers and is especially useful for managers who are inexperienced with managing a transition. It is suggested that regular follow-up meetings are carried out to keep track of the employee's health, exposure to discrimination, and progress of the workplace transition.

### **Recommendations**

It may sound simple, but:

- ✓ do train the trainer, HR must have up-to-date information about good practice;
- ✓ do train managers on how to manage a gender transition, even if no one has come out yet;
- ✓ as a minimum, do train staff on how to be respectful towards transgender employees, even if no-one in your organization has come forward yet;
- ✓ appointing a diversity manager and implementing mentorship programs would be even more helpful;
- ✓ do ensure managers lead by example to create a supportive and inclusive culture;
- ✓ do be open about gender identity issues and show zero tolerance towards discrimination.

When an employee makes their intention to transition known:

- ✓ do develop a transition plan tailored to each unique employee;
- ✓ do schedule regular meetings to monitor transition experience;
- ✓ do make adjustments when these are reasonable;
- ✓ do change all work equipment in good time;
- ✓ do communicate with internal as well as external stakeholders that come in professional contact with the transitioning individual.