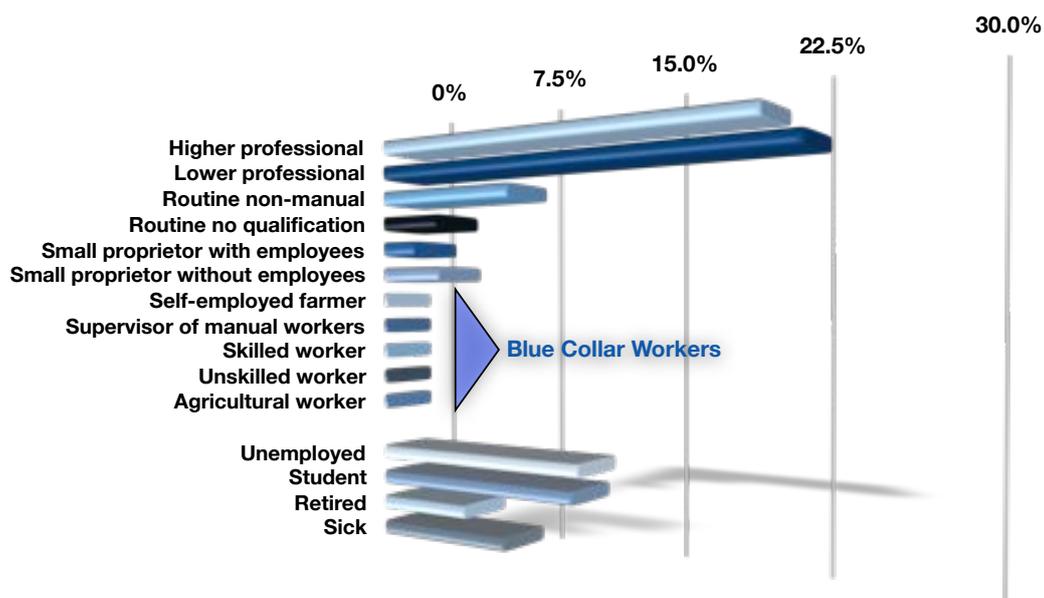


# Workplace Harassment of Gender Variant People

## An example from the United States

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The number of people who are transitioning to live in a gender role other than that assigned at birth is growing very rapidly. Recent data indicates that the number transitioning is more than doubling every four years and increasing numbers of organizations are presented with a transsexual person coming out in their workforce. Discrimination against these people in the workplace is against the law in many jurisdictions and many companies explicitly forbid their persecution in policy statements and staff manuals. However, despite these apparent protections, and notwithstanding their professed policy of care, many corporations appear to take no practical action to prevent the workplace becoming so unpleasant for such

employees that they feel unable to continue; most commonly they just leave but suicide is not unknown. Nowhere is this lack of concern more apparent than amongst employers of the blue collar staff, where uninformed Human Resources Departments, irresponsible management and hostile coworkers conspire to make life unbearable for these people.

In a recent survey of some 2700 transsexual people in Europe almost no people who believed themselves to belong to the blue collar sector were not in any gainful employment. This can be seen clearly in the chart showing the employment situation of those who responded to the survey. Of those that were working none felt able to continue in their trade as artisans or skilled laborers and at best were scratching a living doing *ad-hoc* lower-paid work.

Meet Penny (not her real name) a striking 6'1" woman. She is very skilled Heating Ventilation and Air conditioning (HVAC) engineer and licensed electrician. Penny lives by herself in an immaculately kept apartment tastefully decorated with many examples of her own glasswork and tubs of flowering cyclamen. She is vivacious and fun to be with. However, at birth Penny was assigned as a boy and after many years struggling with the torment of gender identity misalignment she finally sought medical help. After hormone treatment and gender confirmation surgery she has legally transitioned to the female role. She is now at peace with herself and would be very happy apart from... her workplace.

Penny works for a subsidiary of a very well known international environmental services company that portrays itself as an equal opportunity employer and according to the corporate webpage "*above all supportive*" of its employees.

Penny was a well regarded member of the company's workforce, until she announced her intention to transition to the her preferred gender. Since then she has experienced nothing but outright hostility from management and coworkers. She arranged to have her major surgery during in preplanned vacation time so as not to disrupt her work responsibilities. When she returned to work, with her legal change of name the Human Resources Department were extremely antagonistic and went so far as to suggest that her dressing in gender appropriate clothing was against corporate rules. In a subsequent medical examination the company doctor insisted upon inspecting her genitals, a blatant invasion of privacy and quite irrelevant to her ability to carry out her duties.

Since her transition Penny believes her supervisors have delighted in allocating her dirty and unpleasant work well beneath her proven and acknowledged skills. Both her supervisors and coworkers still insist upon addressing her by a male name and using masculine pronouns when referring to her, despite having been informed how very hurtful she finds this is and her provision of proof of her legal status. Not one person in the whole plant has offered her any commiseration or offered support—she is quite alone and feels very vulnerable.

The company's Code of Business Conduct states that it:

*“... is committed to providing equal opportunity and fair treatment to all individuals on the basis of merit, without discrimination because of race, color, religion, national origin, sex, sexual orientation, age, disability, veteran status or other characteristics protected by law...”*

Despite these reassuring words the company has not provided appropriate changing and bathroom facilities for female operational staff (it seems that their policy is not to hire women). Although Penny is given access to the supervisors' facilities this has been done in such a way as to maximize her discomfort.

The company's code of conduct continues by saying that it:

*“... prohibits harassment in any form, whether physical or verbal and whether committed by supervisors, non-supervisory personnel, or non-employees. Harassment may include, but is not limited to, offensive sexual flirtations, unwanted sexual advances or propositions, verbal abuse, sexually or racially degrading words...”*

Although *gender variance* is not listed *per se* in the manual it seems likely that the drafters intended to decry all forms of employee harassment. Yet every day and all day Penny suffers hurtful forms of address, lewd comments about her genitals and body and criticism of her dress which in fact is discrete and in excellent taste.

Penny is firmly convinced that the company is looking for any excuse to fire her and a couple of baseless threats have already been made. She is very careful not to give her supervisors the slightest excuse to take action against her, being scrupulous about her time keeping and undertaking every task, however demeaning, willingly and well. She works in a dangerous environment and it is always a concern that verbal harassment can turn nasty and real physical harm result.

How can a well managed company, that professes extremely high corporate ideals, allow a skilled employee to be so mistreated and be forced to work in an atmosphere of perpetual fear and loathing? Why waste the skills of a well paid worker who asks for nothing more than to be treated with simple respect, diligently fulfills her contract of employment and wishes to be allowed to live her life at peace with herself? It must be assumed that the corporate officers do not overtly condone this torture but they must accept culpability as they have taken no action to prevent it.

Part of the problem may lie in the process the company's code offers the employee as a remedy

*“If you have any complaints about discrimination or harassment, report such conduct to your supervisor or the Operating Unit Corporate Compliance Officer or the Human Resources Department for your Operating Unit.”*

Penny is required to report her problems to the very people who have made their distaste for her so apparent. Penny understands that the harassment she receives is both illegal and contrary to published company policy but she can see no course of action which will not leave her in an even worse situation. Her union is also disinclined to help.

Clearly either the training concerning gender variant people being provided to the Human Resources Department, management and workers is insufficient, or the penalties for ignoring it are too slight. That a pleasant charming and able individual should be subject to such institutionalized mistreatment is a terrible indictment of any company's culture.

The blatant disregard of corporate non-discrimination policies in operational units is unfortunately very common in many organizations. Gender variant people are particularly vulnerable as they have to struggle with a enormous number of medical, legal, financial, social and family problems. By marginalizing the employee, permitting if not overtly encouraging persistent bullying and demanding unreasonable standards the companies know that even the most stalwart person will eventually give up and leave of their own volition. Penny is unusually resilient but it is an open question how much malicious treatment she will prove able to withstand.