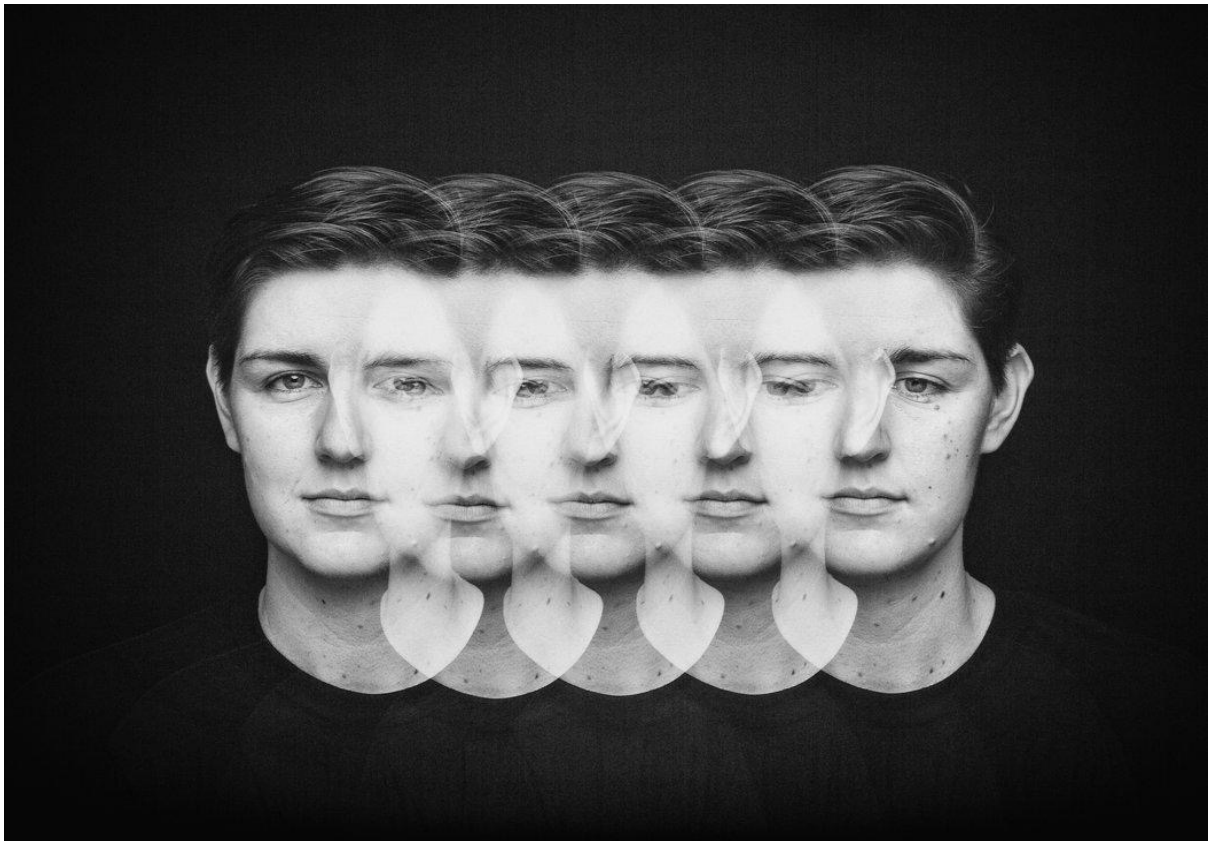


Transgender at Work



June 2016

Introduction

In practice, it is shown that when speaking of lesbian women, homosexual men, bisexuals and transgender people (LGBT), many are largely referring to homosexual men. But being transgender is about who you are, and not who you are attracted to. However, there is a common ground. All four are about feelings and behavior that do not conform to gender norms in society.

Transgender is an umbrella term for persons who are searching for their own gender identity, which can manifest in various ways. This is sometimes difficult to understand, even for professionals and social workers. Additionally, professionals are often unaware of specific issues, which results in providing inadequate service. Insufficient knowledge about transgender people can also lead to misunderstanding, discrimination and likely to their social isolation as a group. Finally, various national studies show that they are in a vulnerable position.

According to an article in the Dutch newspaper, "de Volkskrant", from December 27th 2015, entitled 'Improving knowledge and understanding, less discrimination' (*nl. 'Meer kennis en begrip, minder discriminatie'*), 2015 was the 'year of transgender people'. Caitlyn Jenner presented herself to the world and was listed as seventh on *Time* magazine's shortlist for the 2015 Person of the Year. The series *Transparent* became a hit in the Netherlands and Loiza Lamers became Holland's Next Top Model; actress Laverne Cox became the first openly transgender person to have a dedicated wax figure at *Madame Tussauds* and H&M launched an international campaign with transgender models. Role models successfully draw attention to transgender people, but there is still much to be done. Many transwomen and men are victims of violence, young transgender people are more likely to commit suicide, and it is dangerous to walk on the streets as a transgender person.

At work, many transgender people deal with a lack of understanding, harassment, insensitive comments and bullying from their colleagues. This could also be a barrier to a person's desired career, as they can't be themselves at work. Unemployment figures are much higher among transgender people than among the general population and transsexual people are nearly four times less likely to receive a disability benefit. Only 61% of transgender people are employed.

This manual is an initiative of Ben Ehlting, chair of the LGBT network of UWV*. The manual aims to contribute to more knowledge and understanding of transgender issues. With additional insight into the challenges transgender people face at work, it is hoped that their feelings of safety and appreciation that everyone is entitled to will be enhanced.

* *UWV (Employee Insurance Agency) is an autonomous administrative authority (ZBO) and is commissioned by the Ministry of Social Affairs and Employment (SZW) to implement employee insurances and provide labour market and data services.*

The Dutch employee insurances are provided via laws such as the WW (Unemployment Insurance Act), the WIA (Work and Income according to Labour Capacity Act), the IVA (Full Invalidation Benefit Regulations), the Wazo (Work and Care Act), the Sickness Benefits Act a.s.o



Caitlyn Jenner ✓
@Caitlyn_Jenner

Follow

I'm so happy after such a long struggle to be living my true self. Welcome to the world Caitlyn. Can't wait for you to get to know her/me.

6:17 PM - 1 Jun 2015

259,688 407,635

The most retweeted tweets between January 1st, 2015 and December 1st, 2015; at position 10: Caitlyn Jenner presents herself to the world.

What does transgender mean?

'Is it a boy or a girl?' is often the first question asked when a child is born. We expect a clear answer and assume that the child will later also feel like a boy or a girl.

But that is not true for everyone. For transgender people, the gender assigned at birth does not (entirely) match their inner identity. Their inner experience as man or woman is different from what you would expect from their gender at birth. Under the term transgender, we distinguish three main groups:

1. People who want to live full time in the gender role which is different from the one assigned to them at birth. Often, they seek hormone treatment and/or surgeries to make their bodies conform with their gender identity (gender reassignment surgery or transition).
2. People who do not feel comfortable in the stereotypes for either men or women, and those who identify with both.
3. People who only temporarily switch from male to female and vice versa.

Stories of transgender people are very diverse and personal. They do not fully, or only partially, identify with the role that fits their external sexual characteristics, assigned at birth. The official name for this is gender dysphoria; a feeling of discomfort with their own gender.

Gender Dysphoria

Sarah asks if her father will dress as a woman from now on: 'No my dear, all my life I have been dressing up as a man. This is me.'

The extent of gender dysphoria varies greatly from person to person. There are men for whom it is sufficient to occasionally, although often in secret, wear women's clothing.

But there are also persons who most certainly believe that they were born in the wrong body. They absolutely can not live with the idea that they are, biologically speaking, a man, while they feel like a woman and want to present themselves as such. Of-course the opposite exists as well: women who feel completely like men and want to become one. In these cases, we speak of transsexualism. Transsexuals can undergo an often lengthy process of psychological evaluation and medical interventions on the way to becoming the gender they identify with.

Finally, there are also persons who fall in between these two examples.

Acceptance and emancipation of transgender people is slowly but surely on the rise, but prejudice is still an everyday fact. Therefore, many transgender people keep their true identity to themselves, fearing that opening up will have disastrous consequences for their lives. Figuratively speaking, your neighbor could be transgender without you even knowing it.

Facts and Numbers

There are no exact figures on the number of transgender people in the Netherlands. According to the website of the Ministry of Education, Culture and Science, an estimated 0.5 percent of the population are transgender. A study from 2012 Rutgers WPF (knowledge center for sexuality) found that 4 percent of the population does not feel unambiguously male or female. One percent of the population is so dissatisfied with their male or female body, that surgery is considered.

Attitude towards transgender people

From the population aged 15 to 70 years old, about one in 250 people is transgender (Movisie, November 2015). Thirteen percent of adults are against surgeries and hormone treatment for transgenders, even if these have been thought-through. Eighteen percent would rather not deal with people whose sex is unclear. Twenty nine percent think that there is something wrong with people who are not clearly male or female. The perception of transgender people is 42% positive, 25%, neutral and 11% negative.

Undesirable behavior

Nearly 4 out of 10 transgender people had a negative experience in public, in the year preceding the SCP survey in 2012. The transgender network in the Netherlands ([TNN](#)) found that one third of them are insulted for being transgender and 43% have experienced at least one violent incident in the last year. Eighty seven percent of transgender people who experienced serious incidents have never officially reported them. Four out of five have changed their behavior after an incident due to feeling unsafe (like not doing sports or shopping and even avoiding other people). Finally, a quarter of them gets professional help because of violence and insults.

'Out of the Closet'

At least 10% of transgender people are still in the closet (probably more, because they are less likely to participate in research aimed at transgender people). Forty five percent of transgender people are not out at work.

In addition..

In 2012, the Bureau of Social and Cultural Planning researched the lives of Dutch transgender people. Of more than 450 questioned, two thirds felt lonely. A quarter felt intense loneliness. For the rest of the population this number is at 10%. Half of them had mental problems, especially due to unemployment, disability, low incomes and the lack of a partner. Transgenders that have completed their transition have the fewest psychological problems while one in five have attempted suicide and 69% have considered it.

Transgender people are more often unemployed than others and on average they are better educated but nevertheless have lower average income. A third of single transgender people are living below the poverty line (for the rest of the population this number is at 14%).

Legislation

Dutch Law

Both recognition of gender identity and protection against discrimination are legally regulated. The employer is obligated to make sure every employee has a socially safe environment at the workplace. Previously, transgender persons who wanted to live as their desired gender were only able to legally make this change after 'being physically adapted to the desired sex, and from the best and most responsible medical and psychological perspective' and 'without being able to impregnate or to give birth'. This goes against the right to self-determination and is a violation of the integrity of the body of transgender persons. Therefore, from July 1st, 2014 the Transgender Law came in effect, in which the starting point is that only the lasting conviction to belong to the oppo-

site sex is sufficient to adjust the gender in the birth certificate. however, an expert report attesting to this is required to be submitted at the expense of the applicant.

The General Equal Treatment Act (*nl. De Algemene wet Gelijke Behandeling, AWGB*) establishes the grounds on which one can not be discriminated in the Netherlands. The following grounds are explicitly mentioned: religion, belief, political opinion, race, gender, nationality, sexual orientation and marital status. To date, sex discrimination laws have had to serve as protection for transgender people. However, TNN, Transgender Network Netherlands considers this ground inadequate and a hindrance in making the discrimination that transgender people experience visible.

The explicit naming of gender identity and expression as a ground for discrimination promotes recognition of the discrimination experienced by the transgender people. This offers the prospect of a greater willingness to report and thus improves the approach to this type of discrimination.

European Regulations

Transgender people are not explicitly mentioned in the EU legal guidelines, but the European Court of Justice already ruled in 1996 that the prohibition of discrimination based on sex should also be applied to transsexuals. In a new report, the European Commission has made it clear that this also applies to gender identity as ground for non-discrimination. The European Commission thereby implicitly interprets the recommendation of the EU-Agency for Fundamental Rights (FRA). The FRA warned last year that limiting protection against discrimination to sex reassignment surgery leaves about a half of transgender people out in the cold. Because of the excessive discrimination against transgender people, FRA advised extending the existing European anti-discrimination directives to gender identity.

Transgender Europe (TGEU) did point out though that this interpretation of the European Commission is not obligatory for EU member states.

Transgender at UWV

Clear diversity policies and other signs showing that UWV is open to minorities, increase the likelihood that a trans employee, who still works in his or her assigned gender role, will feel encouraged to come out. This applies to the organization but also to the direct supervisor on site.

If an employee decides to transition, it will be inevitably visible at the workplace. But if they choose not to talk about themselves or their personal transition history, that wish must be respected. Also when the employee confides in the manager or some colleagues, that does not mean that he or she wants to be open to the whole organization. It is therefore not appropriate to 'out' somebody as him or her.

Sometimes people have difficulty with the gender role change of a colleague. It may happen that clients disapprove of a trans employee. In every case, this deserves support from the manager in discussions or when giving explanations to colleagues or clients.

If problems arise between colleagues or clients, it may prove useful to involve an independent third party to provide some explanation or to mediate. Resentment or fear are often a result of ignorance and prejudice. For instance, women colleagues are sometimes afraid of a 'male' transwoman in the dressing room, because they assume that a transwoman 'is actually a man'.

'To be transgender is not a choice or a lifestyle, it is a difficult, unrequested challenge'

If a colleague begins their transition

If an employee is changing gender role or sex, or planning to, the change affects the whole team. Thus, a plan involving everyone has a better chance of succeeding and increases mutual trust. The following questions are better asked as a group:

- Does the employee wish to remain in their current position, or do they prefer to be reassigned to another position?
- When will the employee appear in their chosen gender role and have their personal data changed and how should they be addressed?
- Would they like to inform their colleagues, team leaders, clients or external relations themselves? When and how will they be briefed? Is it necessary to involve third parties?
- What agreements should be made about dress code, dressing rooms and the use of restrooms?
- Which changes are required in the systems and databases?
- How far can colleagues go with questions and concerns? Will they get response from the transitioning employee himself, or from an external party?
- What is the expected duration and timeline of the process? What are the expected absences and how can they be planned as a group.
- Is the employee's safety and privacy protected and is he free from harassment within existing measures? Otherwise: how should the measures be adapted?

The announcement

Informing colleagues and possibly clients is desirable if the transitioning employee already knew them in another capacity. On one hand, there is need for general information about transgender topics, on the other hand individual information is required to understand the situation of the person in question. This information should take into account the privacy of the person in question: don't tell more than necessary.

Sometimes the employee takes a brief hiatus before coming back to work in the new gender identity. Others choose to continue working and inform their colleagues before the weekend or holidays that there will be changes. In any case, it is important to make concrete arrangements, where possible with support from HR, communications, counselor or otherwise. Also, the organization's LGBT network can play a role. Always consider the following points:

- Do not go into too many details about the specific personal situation
- Respect the wishes of the transgender employee and their right to keep personal (medical) information secret.
- Give details about when and how colleagues can acquire more information on the subject. Indicate clearly what name and pronoun the colleague wants to be addressed with.
- Treat the colleague with respect for his identity, by using their new name, self chosen pronoun, even if there are few changes in his outward appearance.

This also applies to material changes such as personal administration and payroll, e-mail address, business card and such. But also, not so obvious things such as use of the restrooms. It can happen that an employee in transition asks for privacy in the dressing room or have their own changing time. Much depends on the possibilities and circumstances.

What is the effect of a transition in the workplace?

The diagnosis and supervision of transitioning person by specialists may take several years. Through the lack of specialists in this area it can happen that your employee must travel several hours for an appointment, and thus be absent half day or whole day. If medical procedures take place, the absence period is usually one to twelve weeks, depending on the procedures.

Dialogue

'I am particularly well accepted as transsexual. Already during the application they were confronted with Fran. We talked openly about it. Everyone showed understanding when I would cry without reason. Colleagues respond cheerfully as I would try a new look. They took me to clients. I heard that in the beginning a colleague would explain the situation beforehand to the clients, but this stopped later:: "We trust you, which should suffice as an introduction", he said .

"I could not have dreamed of a better environment to transition. What is the secret? Dialogue! I tried to provide enough information and background so that they could put themselves in my shoes and they listened.

The entire transition process can take years, a period in which the appearance of the person in transition sometimes is not enough 'masculine' or 'feminine'. It is possible that an employee asks to temporarily work in another- less public position or one with less responsibility. If this route is chosen the change will go better with the change of the social role.

The LGBT network

Employees can always contact their LGBT network. Just to be able to tell their story in an atmosphere of confidentiality, or to contact transgender employees of other companies or organizations through their network can be valuable. They often can (and are pleased to) share their experience and give useful tips. The network can possibly even give a workshop or presentation on the subject for colleagues who work with the transitioning person.

Trans Etiquette:

When an employee has completed his transition, it is and remains the responsibility of the manager to guarantee safety at the workplace for him.

Bad jokes, ignoring the new gender of the colleague and calling him by the old name are things that can not be tolerated. If this happens, the offending employee should be spoken to. This is otherwise also responsibility of other colleagues. The following guidelines will help all involved:

- Transmen are not former women and transwomen are not former men. They usually knew for a long time that their gender did not match the one that appeared on their passport; the only thing that changed is that they made it known.
- Non-trans people are called cis or ciscgender, not 'normal people'.
- Never use the word 'conversion' or 'remodeling' to describe a sex reassignment surgery.
- Once someone announces a transition, you immediately change your way of addressing that person so that it matches his gender identity, not just after they have had 'the surgery', started with hormonal treatment, or after they changed their passport. Don't use terms such as 'it', 'she-male' or 'woman' with quotation marks, etc., even jokingly.
- Gender identity is different from sexual orientation. Sexual orientation is who you are attracted to. Gender identity is one's own personal sense of what man and woman means. Transgender people can be homosexual, lesbian, bisexual or heterosexual.
- Respect the name used by a transgender person. If you happen to know their birth name, do not share it without explicit permission.
- Not all transgender persons like to make their transgender status known to others. If this status is known to you, that is still personal information and it is up to them to share. Do not share this information if you know it or you think you know it.
- One does not go around asking ciscgender persons about the appearance and condition of their genitals, therefore the same should apply for transgender persons. Do not ask if he had 'the surgery'.
- Perhaps well intentioned, the following questions may come across as abusive or insulting:
 - 'It is not visible that you are transgender. You look good.'
 - 'You look like a real woman.'

UWV and transgender clients

Many transgender people have often experienced prejudice and discrimination after their outing. Or, they do not want to be identified as 'trans'. It may also be that a job seeker says nothing about it during an interview. There is no legal requirement for the applicant to state their transgender status.

Sometimes it is unavoidable during an interview. It can as well be that a CV outs the person in question. The candidate himself can use it to explain certain leaps in the career, or because their legal status does not match his gender expression. It can also be that the name on an old diploma or certificate has not yet been adapted.

When someone changes his sex or assumes a different gender identity, it has no effect on his professional skills. On the contrary: if a transgender person can be himself, his self-esteem and general well-being will increase.

Sometimes transgender people choose to consciously resign when they start reversing their gender role. Then they start looking for new job as soon as their transition is over with the goal of getting a fresh start in their professional life at a new workplace.

Documenting the fact that a client is transgender should always be done in agreement with the person in question. The same applies for mentioning this fact to a prospective employer.

Medical aspects

A transwoman (born as boy) will develop a more feminine presentation. If she chooses a hormonal treatment, she will grow breasts, her facial features will become more feminine and her figure more rounded. Her beard may also be removed. Some transgender people undergo facial feminization surgery to improve their facial features. Genital surgery and breast augmentation are also among the possibilities.

A transman (born as girl), when choosing hormonal treatment, will develop beard growth, an increase in general body hair, deepening of the voice and increased muscle mass. He can also remove female body characteristics such as breasts, uterus and fallopian tubes. Genital surgery is also possible.

Hormonal treatment is known to cause fatigue in the beginning. Transwomen lose muscle mass and get more emotional. Transmen develop more muscle mass and get more aggressive and easily irritable. It is often about getting used to it and regaining balance to deal with the changes. Many transgender people describe this period in retrospect as a second puberty, with all the emotional consequences. Searching for and the development of the new "self" can also translate into experiments with new dressing style or new hairstyle.

Financial Aspects

Some of the medical treatments mentioned above are not reimbursed by health insurance, as they are considered cosmetic surgery. And those costs can be quite high.

In January 2016 Financiële Dagblad (Financial Daily) published a study showing that the number of sick leaves rise as a result of increased debt. Absenteeism can therefore be often traced to psychological problems due to financial problems.

When an employee officially changes gender, he keeps his accrued rights and obligations from before. The Civil Code (*n.l.* Burgerlijk Wetboek) states that the new gender comes into effect upon registration in the birth register. The sex change applies from that date on, and not retroactively.

This means that all rights are retained, including pension contributions and seniority. Contracts, deeds and insurance policies taken with the old name and gender remain valid. For example, a new employment contract is not necessary for the person.

APPENDIX: Glossary

- **Cisgender**
Anyone who is not transgender; person who feels identified with the sex assigned at birth. Cis- (Latin) = on this side; 'trans-' = on the other side.
- **Drag queen / - king**
The gender expression of a man / woman, who magnifies certain gender behavior and characteristics of the opposite sex as their gender expression, or as a form of entertainment.
- **Gender identity**
Felt conviction of being a man or a woman, both or neither.
- **Gender dysphoria**
Not feeling (entirely) identifying with the role that fits sex characteristics assigned at birth.
- **Gender expression**
The external expression of one's gender identity in behavior, dressing, language, hairstyle and body characteristics.
- **Gender adaptation treatment**
The medical process of hormone treatment and gender operations so that person's body becomes more congruent with the gender they want to live as. At the Gender clinic of VUmc young people can get puberty blockers from their 12th year and hormone treatment from their 16th year, which will align their body with their gender identity. There are gender centers at VUmc Amsterdam and UMC Groningen.
- **Intersex conditions**
Someone whose anatomy does not fit under the label of man or a woman. The former (medical) term hermaphrodite is no longer used.
- **Real life test**
The period in which stability of a person's gender identity is tested before surgical procedures. Medical practitioners set this period to see if the social conversion also brought real relief to the gender conflict. The test is no longer required in the medical transition process.
- **Transgender**
An umbrella term for transvestites, transgenderism and transsexuality and all other forms of gender variation.
- **Transsexual**
Medical jargon for persons who feel the need to medically adjust their bodies so that they are no longer in conflict with their gender identity. Transsexuality has nothing to do with sexuality; it concerns gender identity, not sexual feelings. Therefore not everyone uses this term.
- **Transition**
Personal and social process that a transgender person undergoes so they can live as their preferred gender. This (sometimes lengthy) process includes, but not always, medical and legal changes (e.g. name change and gender surgeries)
- **Transvestite or crossdresser**
This is when someone's gender identity mostly matches the sex at birth but they want to occasionally express a different gender identity through clothing, language, behavior or attitude. It is often done secretly. Transvestites usually live according to their birth sex in public, so they are not visible in the workplace.

- **Transman**
A transgender man who was assigned girl/woman at birth.
- **Trans Woman**
A transgender woman who was assigned boy/man at birth.
- **Gender Fluid**
Someone who combines masculine and feminine identity characteristics or who wants to transcend them. Their identity shifts between feminine and masculine, or combines both. A gender fluid may therefore feel like a man, woman or both at the same time.

APPENDIX: citations / links

- www.coc.nl
- <http://fra.europa.eu/en>
 - <https://www.youtube.com/watch?v=B6GOYVsOOy4>
- 'Gender Transition Briefing 1.10 CISCO' presentation by CISCO
- [Handboekje voor de transseksuele vrouw](#) (free download) Transexual Che Dansert, now a woman, collected a treasure of knowledge and experience during her transition in this book.
- www.iedereenisanders.nl
- [LGBT survey](#) European Union Agency for Fundamental Rights (FRA)
- www.movisie.nl/kennisdossiers/lhbt-emancipatie
- [Handreiking 'De kastdeur op een kier'](#) 'Sexual and gender diversity in multicultural Netherlands' by Movisie
- www.rijksoverheid.nl/onderwerpen/homo-emancipatie
- www.stichtingtransman.wordpress.com

- www.transgendernetwerk.nl

- [TNN onderzoekt veiligheid van transgenders \(2015\)](#)
 - ['Transgenders op het werk'](#) Publication by Gelijk Kansen in Vlaanderen By the department of Work and Social Economy
- www.transvsiezorg.nl
- www.vereniging-genderdiversiteit.nl
- www.vumc.nl/afdelingen/zorgcentrum-voor-gender/

Further

- [John Oliver focuses on the 'T' in LGBT](#) What you should never ask to a transgender?
- [Interview met Niels](#) In June 2015 brave Niels (13) told his story at a national talk show. He was born as a girl. Two years ago Niels realized that he is actually a boy.
- [How to manage as parent of a transgender](#)
- [Brave trans teenager comes out to his class metronieuws.nl](#)
- [Not having an operation does not make you less transgender](#)

COLOPHON

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