

# WORKPLACE DISCRIMINATION OF TRANSGENDER YOUTH DURING GENDER TRANSITION: A QUALITATIVE STUDY IN PENANG STATE, MALAYSIA

Kumarashwaran Vadevelu\* and Niwet Arunberkfa

Prince of Songkla University, Thailand

## ABSTRACT

**\*Corresponding author:**  
Kumarashwaran Vadevelu  
[kumarashwaran.v@psu.ac.th](mailto:kumarashwaran.v@psu.ac.th)

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This study investigated the effects of psychosocial discrimination on transgender youth in the workplace when their physical transition appearance took place. A sample of 18 transgender respondents between 18 and 40 years of age were selected through the snowballing technique. Semi-structured interviews were conducted with the aid of open-ended interview schedules. Five primary themes were identified as the effects of psychosocial discrimination. These were: (1) employment discrimination during job interview, (2) forced termination by their employer, (3) bullying behaviour by working colleagues as rejection of the respondents' gender identity and gender expression, (4) employment opportunity, and (5) sex work as the best solution due to employment discrimination. The results of this study showed that this marginal group has often been forced to quit their jobs when their employers become aware of their sexually expressed gender identity, which have been perceived to affect the good reputation and image of the workplace organisation. As such, this study assessed the resultant effects of psychosocial discrimination on this marginal population at workplace when their physical transition appearance took place. The study outcomes indicated that most of the respondents experienced discrimination even prior to employment during job interview. Hence, this study suggests that both government and non-governmental organisations should take the initiative to provide employment opportunities to the transgender population in Malaysia.

**Keywords:** Employment discrimination; physical transition; youth transgender

## 1. INTRODUCTION

'Transgender' is a term that has been applied to describe gender identity, sexual expression or gender variance from behaviour of the original birth gender. Transgender individuals refer to those whose self-identification as male, female, both, or neither gender identity fail to match their assigned gender identification based on their biological sex. Past studies on transgender have indicated that social exclusion, marginalisation, and preconception against gender identity or gender expression have adversely affected this marginalised population across the globe, particularly in light of their mental and physical health, social support system, and employment opportunities (Bockting et al., 2013; Kenagy and Bostwick, 2005; Nemoto et al., 2011; Risser et

al., 2005; Rodriguez-Madera and Toro-Alfonso, 2005; Sperber et al., 2005; Xavier et al., 2005). This marginalised population have been reported to suffer largely due to physical and sexual harassment (Edney, 2004; Minter and Daley, 2003; Petersen et al., 1996; Witten and Eyler, 2007; Winter et al., 2018).

Past studies have outlined that since lesbian, gay, bisexual, and transgender (LGBT) staff members have distinctive deterrents in all-inclusive assignments, it is important for the techniques and practices implemented by the Human Resource Management (HRM) to effectively address potential complications that may be raised by a wide range of employees (Gedro et al., 2013; McPhail et al., 2016). A set of different challenges is confronted by transgender persons worldwide, particularly those living in South Asia. In line with the International Labour Organization (2013) concerning work-related sexual situations and sexual category, several insights pointed out the fact that transgender persons faced the worst discrimination at their workplace.

Stress linked with employment and housing is also a form of discrimination experienced by the transgender group. Many transgender individuals have reported that they had to resort to frequent job hopping due to rejection of their gender identity and gender expression by both employers and local communities (Hill and Willoughby, 2005; Human Rights Watch, 2014; Irwin, 2002; Suriyasarn, 2015; UNDP and ILO, 2018; Winter et al., 2018).

Difficulty in securing decent employment by the transgender community has turned into a catalytic mechanism that forces them to be part of the sex industry solely to fulfil economic necessity and basic needs in life (Nemoto et al., 2004). Transgender women have appeared to encounter more prominent labour and housing segregation due to rejection towards their gender personality and gender expression. In addition, several transgender women detail extraordinary trouble in finding or keeping employments due to disgrace and discrimination related to on-conforming sexual orientation. As the result, they may be more likely to do sex work for financial survival (Nemoto et al., 2004).

Discrimination in the workplace due to rejection of their gender identity and gender expression has led this marginal population to experience highly traumatic stress levels. Consequently, the resilience amongst transgender persons is shattered due to pressing financial constriction and the social dilemma of local society being against the LGBT community (Mizock and Lewis, 2008). In most cases, the transgender community is disregarded in Human Resource Management which highlights the obstacles endured by them at organisations and the need to find ways to overcome these hurdles (Law et al., 2011).

Transgender individuals in Malaysia are not legally able to change their identity documents to reflect their self-defined sex, be it restorative in order to get gender-affirming healthcare, or for social acceptance. Furthermore, state-enacted Islamic laws in all 13 Malaysian States, of which a few are contained in Syariah Law as applying to Muslims and others are part of the Malaysian State Criminal Law, unequivocally criminalize the sexual orientation expressions of trans-women and, in 5 States, trans-men. Also, gender-reaffirmation surgeries are haram (illegal) (Asia Pacific Transgender Arrange, 2017).

These circumstances are critical as the majority of Malaysian transgender persons experience discrimination and harassment in daily life because of their preferred gender identity. To date, research on Trans people's access to employment has been limited to self-reported data from samples too small for statistical analysis, or to personal testimonies (Human Rights Watch, 2014). This implies that, for numerous transgender individuals, exposing their gender identity and sexual orientation would be problematic since such identity or orientation is regarded as illegitimate according Malaysian Law. Cases where exposition of it does take place could result in a fine, arrest, and for subsequent trial in a court of law (Asia Pacific Transgender Organize, 2017).

## 2. MATERIALS AND METHODS

This study investigated the effects of psychosocial discrimination on transgender youth in the workplace when their physical transition appearance took place. This qualitative study was conducted in Penang state, Malaysia. Qualitative researchers firstly set out to capture genuine experiences of people by investigating texts related to social accounts (Denzin and Lincoln, 2005). This was followed by the qualitative approach considered particularly suitable when studying marginalised populations (Bogdan and Biklen, 2007; Fassinger, 2005). The qualitative research design was employed in this study to determine the effects of psychosocial discrimination on transgender youth at workplace when their physical transition appearance occurred.

Eighteen respondents were selected via the snowballing sampling technique. Researchers identified the key informants in this research according to a predetermined ethnic and religion breakdown. Nine respondents were Malay Muslims, while another nine were Indian Hindus. The attempt to incorporate

multiracial respondents failed due to high discrimination towards the LGBT community in Malaysia. The respondents who participated in this study were of the 18-40-year age range. This particular age range was selected as it represented the largest population in Malaysia at risk of living with HIV/AIDS, and also corresponds with the Malaysian youth age range, of 15-40 years. In Malaysia, most youth development programs and activities are crafted for youth between 18 and 25 years old. All data retrieved from the interview sessions were analysed and transcribed carefully to ensure data accuracy. The content analysis was conducted to better understand the emerging themes and sub-themes derived from the collected data.

## 2.1 Data collection

To assess the sample size, a convenient sampling technique was employed. Respondents were selected based on their availability. The interviews were conducted with the full consent of the respondents. A total of 18 face-to-face audio-recorded interview sessions were conducted. Prior to the interviews, the respondents were given a brief description regarding the study objectives. The semi-structured, in-depth interview approach was implemented to serve as a means to gather data to determine the impacts of psychosocial discrimination on transgender youth in the workplace when their physical transition appearance took place. The semi-structured interview guide allowed the respondents to answer the open-ended questions more freely. All 18 respondents had worked as sex workers during most of their lives. At the time of the study, only 9 respondents were still working as sex workers for gaining money for managing their daily expenses.

## 2.2 Ethical considerations

All members were treated with respect and with consideration of the sensitivity of their gender identity; their vulnerability, and the difficulties associated with their transition as transgender persons in public. All participants in this research had voluntarily participated during the in-depth interviews. All information obtained was confidential and protected from access by third parties. Any confidential individual data (such as names, work titles, bosses) were safely secured and, password protected (Creswell, 2010; Iphofen, 2016). Prior to the interviews, the researcher read out the whole informed consent form to each respondent and asked each for written consent. Also, they were briefed on the objectives and scope of the study, including their rights to discontinue the interview at any time and without any objection.

## 2.3 Themes

Five primary themes were identified as the effects of psychosocial discrimination in the employment efforts of sexual transitioning persons. The emerging themes were: (1) employment discrimination during the job interviews, (2) forced termination by their employers, (3) bullying behaviour by working colleagues as rejection of the respondents' gender identity and gender expression, (4) employment opportunity, and (5) sex work as the best solution to counter workplace discrimination. The following discussion of the results of the data gathering phase, is undertaken in the latter order of those themes.

# 3. RESULTS

## 3.1 Workplace discrimination during job interviews

Most of the respondents had experienced discrimination during job interviews. For example, a respondent expressed the following:

*"I still remember during my job interview a few years ago. They told that if I had wanted to work with them, I would have to dress up like a real man. Besides, they asked me to get rid of my long hair. All organisations where I attended interviews gave me the same response. I cannot behave and dress up like men. Within me, I have women feelings. This is the main reason I am a sex worker now. They cannot accept me".*

(Respondent 16)

## 3.2 Forced termination by their employers

Feedback by the respondents varied regarding the acceptance level displayed by their employer during their past working experience. In some situations, 10 respondents were forced to quit their job when their employers were aware of that their sexual expression and gender identity differed from their original birth gender. The employers perceived that employing this transgender youth would be bound to tarnish the good reputation of the organisation. A respondent indicated the following in line with this notion:

*"I was working as an admin staff in a big company in Penang, Malaysia. When I just started working there, I just wear long pants and short shirt. After a year, I found and confirmed my true gender identity. At that moment, I realised that I'm really a woman inside myself. I have women*

*feeling and my body is not in accordance with my women inner feelings. After that, I started wearing women outfit every day. At my workplace, people started to look strangely at my dress and behaviour. My employer treated me badly and scolded me if I made simple mistakes in my work. Even though I have a Diploma, they promoted a staff member without Diploma. Then, my employer forced me to resign from my job because my cross-dressing and women behaviour would affect the good reputation of my organisation. I was forced to quit my job."*

(Respondent 7)

While some were rejected by employers, others had employers who had accepted the gender identity and gender expression of these respondents. This was shared by two respondents:

*"My boss can accept my women personality. I don't care about my lifestyle as long as I can perform well at my workplace".*

(Respondent 5)

*"My working colleague and my boss know that I have a living partner and they know that I'm a transgender person. But they still accepted me. I'm really lucky to have them.*

(Respondent 13)

### **3.3 Bullying behaviour by working colleagues as a rejection of respondents' gender identity and gender expression**

Bullying behaviour towards the respondents displayed by their working colleagues had been reported to occur at their workplace as a result of rejection towards gender identity and gender expression. These were indicated by some of the respondents, as follows:

*"The last time when I worked at a fast-food restaurant, I was bullied by my working colleagues most of the time. They abused me harshly, such as being slapped on my face and kicked on my body. Every day they behaved rude towards me because they can't accept my feminine behaviour".*

(Respondent 1)

*"My boss came to know that I'm a transgender person when I started to wear women outfit after I discovered my true identity as a woman within myself. Then, bad things started to happen to myself. I didn't receive any promotion and my boss didn't increase my salary. My management staff started to scold me because I wore women outfit at my workplace. They told me that my personality would spoil the company's name. They gave me loads of paper work to do when compared with the others. It's not fair".*

(Respondent 7)

On the other hand, some employers seemed to accept the personality of some respondents without any gender bias. This was shared by one of the respondents:

*"During my previous job interview, my boss saw my identity card and asked me whether I'm a transgender person. I told him the truth and because my qualification suited the job, he hired me. He told me that if anybody tries to bully me during work hours, I should report to him".*

(Respondent 9)

### **3.4 Employment opportunity given to transgender persons**

Despite the significant challenges, there were cases when some of these respondents were given employment opportunity by employers who are part of the transgender community. They tend to share similar experiences to those of non-transgender persons, particularly in terms of job discrimination faced by the respondents. The following statements describe the scenario:

*"I really love my boss, she understands what I have gone through as a transgender person in life. She too has experienced job discrimination in her life because she is also a transgender person like me".*

(Respondent 11)

*"My current boss is a transgender person like me. She does support me in life by giving me moral support. I got this work because I have known her for a long time. When she had wanted to open this beauty parlour, she called me and asked me to work with her. My boss doesn't want me to work as a sex worker".*

(Respondent 12)

### **3.5 Sex work as the best solution to counter employment discrimination**

Some respondents were involved in the sex industry to earn a living. This was solely due to employment discrimination. The study findings showed that 50% of the respondents (9 respondents) worked

as commercial sex workers, while the rest did not participate in the sexual industry. Two respondents claimed the following:

*"Currently I'm working as a sex worker full time. I have no choice because I can't find work as they reject my feminine personality".*

(Respondent 1)

*"I'm working as a sex worker for almost 5 years now. I tried many places but they rejected me during job interviews because they can't accept LGBT community, which may cause bad name to their company. I have no choice but to work like this to earn a living".*

(Respondent 16)

#### 4. DISCUSSION

The findings paint a clear picture of employment discrimination faced by transgender youth in Malaysia, especially in the Penang state. The study outcomes evidently describe the various experiences and situations faced by the respondents while trying to secure a decent job, so as to lead a healthy lifestyle. Unfortunately, 50% (9 respondents) of the respondents in this study opted for sex-related jobs as their profession, as a consequence of social exclusion and discrimination by the Malaysian society that views the LGBT community as going against the local society norms, beliefs, and culture. All of the respondents in this research have worked as sex workers as a profession in daily life. But currently only 9 respondents currently still work as sex workers for earning money for managing their daily expenses.

Kirk and Belovics (2008) asserted that transgender persons engaged in various types of employment across the globe have experienced high levels of discrimination at their workplace. According to Minter and Daley (2003), lack of employment opportunities is a significant issue within the transgender community. This is because; many of these transgender individuals may not be able to find a job that suits them or work that provides a reasonable income. A survey report conducted by Grant et al. (2011) on Sexual Orientation Law and Public Policy summarised the experiences of the LGBT community at workplace. The report revealed that between 15% and 57% of transgender individuals had experienced employment discrimination.

Prior studies have outlined a pattern of discrimination experienced by those transgender persons during job interviews. One of the main reasons the employers are unable to accept transgender to work in their organisations is due to improper women outfit, appearance, and personality that are against the original gender at birth of the transgender person. Due to such discrimination, some of the respondents willingly succumbed to the sex industry to support themselves (Xavier et al., 2007). The outcomes of these studies are consistent with the findings reported in this present study, which indicated that most of the respondents had experienced discrimination in the workplace, especially during job interviews. Due to the hardship faced in securing a job, some respondents decided to join the sex industry, especially to meet the high cost of living in Penang state, Malaysia.

Past studies carried out between 1996 and 2006 that had looked into discrimination against transgender at workplace found that 13-56% of transgender employees were terminated from their position, while 13-47% of them were denied employment opportunities on the basis of their non-conforming gender orientation and gender identity. Additionally, 22-31% of transgender individuals were harassed at their workplace, and 19% were denied promotion due to their non-conforming gender identity (Grant et al., 2011).

These results retrieved from previous studies are in line with those found in this present study. It was found that most of the respondents (10 respondents) have been forced to quit by their previous employers, mainly because the management perceived that the identity portrayed by the respondents were too embarrassing, as well as the fact that their gender identity and gender expression would tarnish the good name of the company. Previous studies pertaining to discrimination in the workplace related to sexual orientation revealed that most of the victims were from the transgender community who lost their career opportunities due to their sexual orientation and gender identity. This marginalised group was dismissed from their positions and most of them had experienced harassment by their colleagues who were against the LGBT community (Barclay and Scott, 2006; Lambda Legal and Deloitte Financial Advisory Services LLP, 2006; Out and Equal Workplace Advocates, Witeck-Combs Communications and Harris Interactive, 2002; Reback et al., 2001; Sugano et al., 2006; Wessler, 2005; Xavier, 2000; Xavier et al., 2007).

Some of the respondents in this study shared their experiences when they were bullied by the ex-colleagues at workplace. One respondent was slapped in the face and was treated aggressively because the respondent's behaviour reflected that of a feminine despite not being clad in women's outfit during working hours. This clearly shows that the presence of discrimination in workplace was a clear result of rejection due to gender identity and gender expression. In this research paper, almost half of the respondents worked in



beauty parlours, along with transgender employers. This illustrates two different working scenarios; between respondents' experience working with transgender employers and with non-transgender employers. Those who worked with transgender employers felt more comfortable in the workplace because they enjoyed the freedom to wear women's outfit during work hours. Concurrently, they received moral support and financial support to advance in life as a successful transgender person. On the contrary, respondents who worked with non-transgender employers were often faced a variety of discriminatory behaviours by their colleagues and employers.

Most of the respondents felt that their transgender employers had better understanding regarding the challenges and obstacles faced by the transgender community in the Malaysian local society, particularly denial of employment opportunities for those transgender persons. Due to this gender discrimination against the transgender community, transgender employers take on the responsibility to offer job opportunities to their community. This study found that most of the respondents were advised by their transgender employers not to participate in the sexual industry that poses a high risk of HIV transmission. Transgender employers have always inspired the respondents to start their own business, as well as encouraging them to continue their gender identity and gender expression which provided them with joy in having women's inner feelings and instincts.

Transgender persons could be the most dismissed community in Malaysian society (Schepel, 2011). The society regards this community as a source of disgrace and loathing due to their atypical sexual practice and its negative impact on the society and which eventually serves as a major motivation for transgender persons to become professional sex workers. Numerous studies that have investigated the transgender community in light of HIV/AIDS (Schepel, 2011) indicated that most of them succumbed to prostitution for their survival, while some for the financial allures (Bockting et al., 2013; Boles and Elifson, 1994; Nemoto et al., 2011; Rodriguez-Madera and Toro-Alfonso, 2005; Schepel, 2011).

During gender transition, transgender persons are invariably driven to seek social support from their employers. The research findings of this study clearly showed that non-transgender employers at times discriminated against the respondents by denying job promotion and salary increment, as well as giving extra work to them in the hope that the respondents would quit their job. In a comparative analysis of profit and work encounters of female-to-males (FTMs) and male-to-females (MTFs) transitions in recent times, especially after their move within the work environment, it was found that FTMs experienced either no change or slight increment in pay after transitioning (Schilt and Wiswall, 2008).

Some of the study respondents claimed that discrimination exists mainly because their employers are unable to accept their gender identity and gender expression since these are not in conformity with culture, beliefs, and norms of the personal values held by their employers and working colleagues. In certain situations, some of the respondents had to leave their jobs due to the negative feedback received regarding their gender identity and expression, which cause them hurt. Due to such negative working environments and harsh discrimination, the respondents felt unhappy and dissatisfied to continue working in the organisations. Such adverse conditions also had affected their social functioning by stifling their motivation to attain decent and healthy living. Some colleagues accused the respondents for causing the organisation embarrassment and negatively affecting the reputation of the organisation due to their non-conforming gender identity. This notion is supported by a prior study that highlighted the fact that a transgender individual may bring embarrassment to the organisation due to their gender identity and gender expression (Barclay and Scott, 2006).

To a minor extent, some employers and staff tend to accept transgender and gender identity by providing moral support so as to overcome issues related to HIV/AIDS. In discussing the aspects of support and encouragement through Volunteer Counselling Test (VCT) and sexual transmitted infection (STI) testing, most of the respondents claimed that their employers were unaware and insensitive in regard to health aspects. This could be a reason for the absence of discussion between employers and respondents about VCT and STI tests.

## 5. CONCLUSION

The study outcomes clearly highlight the importance of social support in the workplace for the creation of positive work environments and the enhancement of the productivity and performance of transgender persons in transition. Discrimination against gender identity and gender expression negatively affects not only one's productivity and job performance, but also hinders job promotion at workplace. A further outcome could be the poor social functioning of this marginalised population.

To date, many countries, including Malaysia, have failed to fulfil the psychosocial needs of, and offer support for this marginalised population in defiance of their gender identity and gender expression. This lack

of support emanates primarily from their perceived notion that the identity and social practice, and sexual behaviour of transitioning transgender persons are in direct violation of the customary beliefs, norm, culture, and ethnicity in their society. The pressing issue remains that this marginalised population needs support and acceptance albeit that Malaysian society as a whole regard them as being against God's will and contrary to nature. This study therefore suggests that, as a form of basic support, both government and non-governmental organisations should offer employment opportunities for the transgender population in Malaysia. For one, such support might well discourage those concerned from getting involved in the illegal sex industry

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