

Backgrounder on transphobic harassment and discrimination in employment and health care

CUPE Equality Branch

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Introduction

Canadian transgender and transsexual (trans) workers experience harassment and discrimination in all areas of life. This backgrounder focuses on two major areas: employment and health care.

It presents trans workers' top employment and health care concerns and how CUPE has tackled those.

This paper draws from the work of Line Chamberland, Homophobia Research Chair and professor in sexual and gender diversity studies at the Université du Québec à Montréal.

It is also based substantially on the personal experiences of three CUPE trans activists: Audrey Gauthier, Deidra Roberts and Martine Stonehouse. Audrey, Deidra and Martine are members on the CUPE National Pink Triangle Committee. We thank them for sharing their stories, and we acknowledge the work of other CUPE trans activists who have blazed the trans rights trail.

Deidra Roberts is a 36 year CUPE member, a skilled labourer in facilities maintenance, and the first transsexual person to transition while working for the City of Regina. Deidra has been active on provincial and national union committees of LGBTTI activists – and more recently on her local union executive (Local 21).

Martine Stonehouse is a trans activist and 30 year CUPE member (Local 4400) at the Toronto District School Board, where she works as a caretaker. The documentary *Transfixed* shows Martine's struggle to get funding for her surgery after it had been delisted by the Ontario Ministry of Health, and her role in the legal battle to restore access for all trans people in the province.

Audrey Gauthier is a flight attendant based in Montreal and an activist on Pink Triangle committees at the local (Local 4041), sectoral, provincial and national levels. Audrey has been active in the union since 1998 and was the second transgender person to transition in her workplace.

1. What are trans workers' top employment and health care concerns?

Employment

Canadian transgender and transsexual workers experience high rates of harassment and discrimination at work.

What we know from members:

Deidra: "I had started on hormones in 2001 and didn't come out until 2006. During that time I had the most harassment - when I didn't want to declare what I was doing. You start to look different, start to change. People start to notice things. I could have filed harassment charges then, but it was too early."

Audrey: "Not that many trans workers are unionized. Many are having nightmares at work."

Martine Stonehouse: "A lot of trans people live in fear of how to come "out" to their employer. Many employers discriminate against trans people. Some fire trans workers when they're "outed" or transitioning - that's if we're lucky enough to find employment in the first place. Workers with medical problems or disabilities have even more stacked against them."

Audrey: "For some people, I'll never raise high enough to be a female. I had the surgeries, the psych evaluation, and the two-year treatment. I did all the steps. I jumped over all the bars. When is it going to be enough? What's the next step to be accepted as a female? ... I'm still hurt by comments. And often, it's not what is said, it's more the impression that's left behind."

What we know from the research:

- Transgender workers are more likely to be refused employment, underemployed, forced out of a job (fired, laid off, or forced to resign) or pushed onto a leave of absence due to harassment and discrimination.
- Of 433 trans people in Ontario surveyed by TransPulse, 18 per cent had been refused employment and 13 per cent had been fired explicitly because of their identity or their trans history. The rates are higher when including trans workers who report that discrimination may have been a factor.
- In a US survey of 6,540 trans people, respondents experienced unemployment at twice the rate of the general population, with rates for people of color up to four times the national unemployment rate.
- Trans workers are more likely than the average worker to be underemployed and to hold precarious and informal sector jobs.
- Many trans people do not have identity documents that correspond to their gender and cannot get academic transcripts or recommendation letters.
- Violence against transgender workers is pervasive. Ninety percent of the 6,540 respondents in the US Transgender Discrimination Survey reported experiencing

harassment, mistreatment or discrimination on the job or took actions like hiding who they are to avoid it.

- Employers often fail to provide a safe environment for trans people by:
 - accommodating medical leaves necessary for transition;
 - respecting confidentiality;
 - addressing harassment;
 - using the person's chosen name and pronoun, and;
 - providing appropriate sexualized spaces (e.g. washrooms and change rooms), uniforms and equipment.

Health Care

Transgender people face health inequities rooted in structural and social determinants of health and barriers within the health care system.

1. Financial barriers

Trans workers are more likely to be economically disadvantaged and face financial barriers to health care.

- 71 per cent of trans workers in the TransPulse survey had at least partial college or university training, yet half earned \$15,000 or less per year.

Deidra: "The last thing I wanted to do was transition at work. But I had to be realistic. If I had waited until I won the lottery, I would still be waiting."

2. Stigmatization

- Stigmatization and isolation contribute to mental health and other health challenges for trans workers.

Deidra: "The trans rates of suicide are extremely high. It's very depressing and daunting when you look at it – 'how am I going to do this?'"

Martine: "A lot of the mental health issues that affect the trans community are caused by the problems we have fitting into a society that doesn't understand us, and by the discrimination we face daily. We wouldn't have them if everybody respected everybody."

Audrey: "Even now, I'm not invited to dinner as often. I don't have as many friends as I used to. Not because they want to be mean. They just don't understand. They find it complicated. ... Even when people are open minded, when you really get into it, you realize they just don't get it."

3. Lack of culturally competent services

- Culturally appropriate and safe health care services for trans people are not the norm, particularly outside of urban centres.

Martine: "If you're in a rural area, there's not much support out there. We want to change attitudes and policies to get trans people better access to health care in smaller centres. Also to get access to sex re-assignment surgery in public hospitals in Canada. Currently, we have to leave the country to have surgery in a public hospital."

4. Invisibility

- Even at the level of government data and planning, there are major gaps in information and policy on trans workers' health care.

2. How is CUPE mobilizing to eliminate anti-trans harassment and discrimination?

Deidra: "Before getting involved, I had no idea of what CUPE did in the area of human rights or how they champion equality. I'm so proud to be a CUPE member now."

Audrey: "Without a union, I wouldn't have been able to survive. I probably would have quit my job."

Martine: "I probably wouldn't be in my job, now 30 years, without my union, CUPE, and Local 4400."

2.a CUPE fights anti-trans workplace harassment and discrimination through:

- Bargaining and enforcing occupational health, duty to accommodate and other rights for trans workers; CUPE was the first Canadian union to develop a kit of bargaining proposals and resources on transgender rights.

Deidra: "I'm not expecting preferential treatment. I just expect what everyone else gets - to be treated fairly."

In 1999, Martine was instrumental in adding gender identity protection for students and staff of the TDSB as the board debated additions to their first human rights policy. When the policy was implemented in May 2000, the TDSB became the first public school board in Canada to have Gender Identity protection.

- Educating members about transphobia.

Audrey: "When I tell my story, people realize I'm just like any other girl. I have the same issues. I'm just a married girl living in a bungalow in Laval."

- Participating in public actions that raise awareness, celebrate gains and challenge harassment and discrimination.

Audrey: "I want people to understand: After all, it's not such a big deal. It's a big deal for us, transitioning, but it shouldn't be such a big deal to others."

- Supporting community initiatives like Egale's "Safe Schools" campaign.

Martine: "We've donated to Egale's initiatives over the last few years, and some members are directly involved."

2.b Working with other unions and community allies, CUPE has helped make strides on legislated rights:

- Activists gained protection against gender identity and gender expression discrimination in human rights legislation in Manitoba, Ontario, and Nova Scotia.

Martine, along with the Trans Lobby Group, played a key role in making Ontario the first major jurisdiction in North America to provide human rights protection for transgendered people, when Toby's Act passed in 2012.

- We continue to fight for protection against discrimination and hate crimes based on gender identity in the *Canadian Human Rights Act* and the *Criminal Code of Canada*.

Martine: "I really think it's comparable to the five women in 1929 who fought to have women recognized as persons in Canada."

2.c CUPE has worked to improve access to health care:

- CUPE lobbies for public funding for sex reassignment surgery, prescription drugs and other health care essentials.

Martine won a decade-long fight when the Ontario government reinstated funding for sex reassignment surgery in 2008, becoming a union leader in the process: "I had a lot of fun fighting this case." ... "It's a wonderful thing to finally see the fruits of your labour after years of fighting." "From the beginning, my goal was to not only address my personal situation but to have sex reassignment surgery reinstated as a medical procedure paid for all trans people by the provincial health plan."

Deidra: "I'm trying to organize trans workers in Saskatchewan to work towards a common goal: to get surgery fully covered by the province."

Sexual reassignment surgery should be as easily accessible as the hip surgery she had in February, says Roberts. “I had my hip replaced, there’s no questions asked. It should be the same way for a sex change. It’s not a cosmetic surgery. It’s about feeling good inside your body, feeling good with yourself.”

- CUPE negotiates coverage of trans health needs under workplace benefit plans and employee assistance programs.

Deidra: “The Employee and Family Assistance Plan helped me out through my transition.”

- CUPE participates in research and education for culturally competent health care, working with groups like Rainbow Health Ontario.

2.d CUPE bargains transition leave and supports members who transition in the workplace:

- CUPE is supporting Line Chamberland’s research on transitioning at work¹.

Audrey: “I didn’t change sex to wear a bra, a dress, nylons and makeup. It was for inner peace. It was for something inside me - to be more at home, within me.”

2.e CUPE brings trans and other LGBTTI activists together, and supports them to be active in their union:

- CUPE creates safe space for trans members to become active.

Deidra: “I remember going to our union meetings in the 70s and 80s. They were a little raunchy. Now, they read the Equality Statement. Women are involved. Meetings are more civil.”

Martine: “I’m proud of what I’ve accomplished – not just for me, for all trans people. Our legal fight changed the way people look at us. I wanted people to understand and not be afraid of who we are.”

Deidra: “There is a stigma attached to asking for help. It’s seen as a sign of weakness. But really it’s a sign of strength. People in groups are stronger.”

- CUPE has a national Pink Triangle Committee with LGBTTI members from across the country; three seats are designated for trans members.
- Members participate in the Canadian Labour Congress (CLC) Solidarity and Pride

¹ <mailto:http://www.chairehomophobie.uqam.ca/recherche/projets-de-recherche-en-cours.html>

Working Group, where we contribute to projects like the Workers in Transition Guide².

Deidra: "The stories in the CLC booklet show I'm not alone."

- Members get support and training to become union leaders.

Deidra was recently elected to her local union executive. "I enjoy the activist work. It's energizing. I feel like I'm doing something important, I'm contributing. It's like I woke up. I see the importance of the union."

Audrey: "The union is sitting on a treasure. We're coming out, we're speaking up. I wish I could be used more by my union. I owe the union so much."

Martine: "We're right there fighting for our rights and health care, and we're not going away!"

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² <http://www.canadianlabour.ca/news-room/publications/workers-transition-practical-guide-union-representatives>