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# **Transgender individuals employed in the formal labour market: a distant dream?**

A qualitative study examining the exclusion of transgender individuals from the formal labour market in the city of São Paulo, Brazil

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## **ABSTRACT**

The purpose of this thesis is to provide a contextual and legal analysis on the exclusion of transgender individuals from employment in the formal economy. The chosen research design was a case study, in which the city of São Paulo is examined. Through a qualitative analysis, this study subscribed to the Social Exclusion framework (Jehoel-Gijsbers and Vrooman, 2007) in order to investigate such exclusion, and it took into account the perspectives and experiences from three groups: i) transgender people; ii) human resources professionals and recruiters; iii) other stakeholders. Semi-structured and group interviews were carried out, and combined with secondary data, this study sought to explore to what extent transgender individuals have access to or are excluded from the formal labour market, the obstacles faced, how the national legislation posits itself in relation to the transgender community, and what can be improved to integrate them. The findings of this thesis suggest that the transgender community is excluded through a diverse set of motives, including widespread and institutional transphobia fostered by heteronormativity; insufficient access to basic services (e.g. health and education), and lack of protection from the legal apparatus. In conclusion, changes in the legal system and in companies' policies are key to overcome such exclusion.

**Keywords:** *transgender people; formal labour market; social exclusion; são paulo; formal employment; transphobia; marginalisation.*

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*"When I was working at this clothing store, I carelessly left my documents on the counter. My co-workers looked at my personal documents and found out I was born a man. They made a petition against me, collecting signatures from employees from all the other stores in that shopping mall. Their main argument? The toilet. They wrote that I should be expelled from the mall because I had been using the ladies' room. I ended up being fired... but one thing I always remember was how I suffered this public humiliation simply because I am a trans woman" (Babi).*

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## **ACRONYMS**

**AIDS:** Acquired Immune Deficiency Syndrome

**ANTRA:** National Association of Transsexuals and Transvestites in Brazil

**GDP:** Gross Domestic Product

**GLAAD:** Gay & Lesbian Alliance Against Defamation

**HIV:** Human Immunodeficiency Virus

**HR:** Human Resources

**IBGE:** The Brazilian Institute of Geography and Statistics

**IDB:** Inter-American Development Bank

**ILO:** International Labour Organisation

**LGBTQ:** Lesbian, Gay, Bisexual, Transgender, and Queer

**NGO:** Non-Governmental Organisations

**REDLACTRANS:** The Latin-American and Caribbean Network of Trans Persons

**RQ:** Research Question

**SDG:** Sustainable Development Goals

**SEADE:** The São Paulo State Foundation of Data Analysis

**SEF:** Social Exclusion Framework

**SP:** São Paulo City

**SPMOHRC:** São Paulo Municipal Office for Human Rights and Citizenship

**SRS:** Sex-Reassignment Surgery

**STF:** The Brazilian Supreme Court

**TGEU:** Transgender Europe

**TMM:** Trans Murder Monitoring

**TTA:** Traditional Text Analysis

**UDHR:** Universal Declaration of Human Rights

**UN:** United Nations

**UNHCHR:** United Nations High Commissioner for Human Rights

**UNAIDS:** Joint United Nations Programme on HIV and AIDS

**USD:** United States Dollar

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# 1. INTRODUCTION

On January 1st, 2016, the United Nations (UN) launched the Sustainable Development Goals (SDGs), ushering a new global agenda for development. One of the goals aims at reducing inequality among and within countries through the empowerment of minorities and inclusiveness of all in the social, political and economic spectrums. The Universal Declaration of Human Rights (UDHR, 1948:4), likewise, advocates that “*all human beings are born free and equal in dignity and rights*”. The transgender<sup>1</sup> community, nonetheless, is often denied this basic human right.

According to the United Nations High Commissioner for Human Rights (UNHCHR), people from different parts of the world suffer violence and discrimination when their sexual orientation or gender identity<sup>2</sup> is not in consonance to what is dictated by a heteronormative society (UNHCHR, 2011:3). Consequently, the transgender community is one of the most vulnerable and marginalised groups of people in that myriad of violence and discrimination. The violations suffered by trans<sup>3</sup> people include – but are not limited to – a wide range of physical and emotional attacks, and discrimination when trying to access basic services, such as: education, health and employment (Ibid.).

According to Fedorko and Berredo (2017:4), trans people are prevented to have proper access to education, health and formal employment since their childhood due to the widespread prejudice and discriminatory structures in many societies. The authors further point out that “*all these factors expose trans and gender-diverse people, especially people of colour, ethnic minorities, migrants, and sex workers, to high degrees of violence*” (Ibid.). Correspondingly, Vivek *et al.* (2016:1-2) argue that the ways in which marginalisation impacts transgender individuals' lives are strongly interconnected and are presented at different levels. Stigma, transphobia<sup>4</sup>, poverty, lack of social and economic systems & resources, and compromised access to health

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<sup>1</sup> Please see Appendix 1. Glossary (p. 64).

<sup>2</sup> Please see Appendix 1. Glossary (p. 64).

<sup>3</sup> "Transgender", "Trans" or "Gender-diverse" people: these three terms are interchangeable.

<sup>4</sup> Please see Appendix 1. Glossary (p. 64).

and education, are just a few examples of an enormous list of hardships endured by the transgender community throughout their lives.

Taking into account the discriminatory and exclusionary structures, consequently, transgender people are likely to experience a series of hardships when trying to access employment in the formal economy. Workplace-related research on LGBTQ (Lesbian, Gay, Bisexual, Transgender, and Queer<sup>5</sup>) reveals that trans professionals are the most vulnerable, marginalised, and excluded group of people from accessing gainful employment, suffering discrimination in all phases of the employment cycle (recruitment, admission, job advancement or dismissal). Subsequently, transphobia and discrimination discourage trans individuals to apply for jobs in the formal sector, increasing exponentially their social exclusion (Vivek *et al.*, 2016:1-2).

Such marginalisation and limitations in employment within the formal economy leave transgender individuals with limited livelihoods options, contributing to the cycle of poverty and exclusion. Many transgender people, hence, are "*pushed towards jobs that have limited potential for growth and development, such as sex work*" (Vivek *et al.*, 2016:2). When combined limited options of employment, discrimination, and transphobia, many transgender people see sex-work as the most viable option to earn a living, even though it means to be highly exposed to discriminatory environments, violence and dangerous working conditions (Fedorko and Berredo, 2017:4).

In the same way, transgender individuals in Brazil endure a series of hardships and discrimination in all spectrums of their lives, especially in accessing the formal labour market. According to a research done by the National Association of Transsexuals and Transvestites in Brazil (ANTRA)<sup>6</sup> in 2013, around 90% of transgender people are sex-workers. On top of that, the estimated life expectancy for trans people is 35 years while the average for the rest of the Brazilian population is 74.9 years (IBGE, 2013).

In this myriad of violence and socioeconomic inequalities suffered by trans people, the exclusion from accessing employment opportunities in the formal economy should be considered as a concerning factor that catalyses poverty, marginalisation,

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<sup>5</sup> Please see Appendix 1. Glossary (p. 64).

<sup>6</sup> For more information, please see: <https://antrabrasil.org/>

and low life expectancy. Although access to employment in the formal economy might not entirely resolve the dreadful situations experienced by transgender individuals, it can prevent them from experiencing abuses and life-threatening situations while working in the informal sector, especially when working as sex-workers.

Employment is not only paramount to earn a living and support loved ones, but it also contributes to a sense of dignity and accomplishment over a lifetime. Unemployment and/or underemployment are connected to serious socioeconomic and political issues. Ensuring access to decent jobs within the formal labour market thus can result in multiple and positive socioeconomic outcomes, such as proper access to basic services, human rights, and eventually overcome poverty and marginalisation.

## **1.1. Purpose**

Research into inclusion and diversity in the workplace has been focused on diversity management policies and practices, mainly in relation to gender equality or race (e.g. Bell and Nkomo, 2003; Bell and Berry, 2007; Bowring and Brewis, 2009; Ozbilgin, 2009). As pointed out by Priola *et al.* (2014:488), ‘visible minorities’ - such as gender and race - have dominated the research spectrum, and ‘invisible minorities’, such as the LGBTQ workers, have been neglected in many studies related to their inclusion and integration in the formal labour market. Among the organisational studies examining the inclusion of LGBTQs to the formal labour market, little attention has been given to the transgender community in the academia. Thus, transgender people in the workplace can be considered under-researched, revealing the need for more research about ‘invisible minorities’ in the formal labour market (Ibid.).

By subscribing to the contribution of Jehoel-Gijsbers and Vrooman (2007) on social exclusion, this study aimed at providing a contextual and legal understanding on the accessibility and exclusion of transgender individuals in the formal labour market in the city of São Paulo (SP), Brazil. It is important to note that this study employs the concept of ‘accessibility’ referring to the investigation on to what extent transgender individuals can access the formal labour market, while the term ‘exclusion’ refers to the examination of aspects that leave them excluded from formal employment.

In addition, this study sought to produce academic material to assist organisations (both public and private) on two fronts: i) to implement policies that aim at increasing the number of transgender employees; and ii) to integrate and end discrimination during all phases of employment (from selection to integration to the work environment).

## **1.2. Research Questions**

This research is a qualitative study that took into account the perceptions of different groups of individuals involved in the access of transgender individuals to employment in the formal sector. The groups of people who contributed to this study are: i) Brazilian Transgender individuals; ii) HR professionals and Recruiters; and iii) Other stakeholders (such as lawyers, public officers who work (in)directly with LGBTQ population, and consultants specialised in Diversity in Organisations). Additionally, the national legalization was scrutinised in order to evaluate how it interferes – positive or negatively – on their access to/exclusion from the formal labour market. Scheyvens and Storey (2003:57) point out that qualitative research is meant to “*explore the meanings of people’s worlds*”. This study thus was guided by the following research questions (RQs):

From the perspectives and experiences of transgender people, HR professionals, and other stakeholders in the city of São Paulo, Brazil:

**RQ.1.** To what extent do transgender individuals have access to/are excluded from the formal labour market?

**RQ.2.** What are the obstacles perceived throughout the employment cycle when transgender individuals look for/obtain a job in the formal sector?

**RQ.3.** To what extent does the national legislation assist and protects the transgender community in relation to their accessibility to/exclusion from employment and integration within the formal sector?

**RQ.4.** What can be improved to facilitate the access of transgender individuals to the formal labour market?

## **2. BACKGROUND**

For a better understanding of the access of transgender individuals to employment in the formal labour market, the following sections are composed by: i) clarification on the identification of transgender people; ii) brief overview at the regional level (Latin America), and iii) overview at the local level (Brazil and São Paulo). Socioeconomic details and political intricacies connected to the exclusion of transgender individuals from employment will be also presented to illustrate the current situation.

### **2.1. Who are they?**

In order to understand who transgender individuals are, it becomes fundamental to clarify two key aspects related to the topic: gender and the binary female-male matrix. In the Brazilian and many other societies, the heteronormative discourse dictates that the feminine gender refers to woman while the masculine refers to men; consequently, it is assumed the following correlations: "*vagina/female/woman/femininity and penis/male/man/masculinity*" (Baggio, 2017:363). This study however subscribes to the idea that gender is *socially constructed*, which means that gender is defined through social norms and behavioural expectations associated with the male-female binary (Butler, 2006).

Vivek *et al.* (2016:3) point out that it is essential to recognize one's right to identify his/her gender irrespective of the sex assigned to them at birth as a male, female, or a gender that does not fit within the male-female binary. This study likewise defends that everyone should have the right to identify his/her own gender independently of the sex assigned at birth.

Transgender, therefore, is an umbrella term, which refers to those who either "*do not identify themselves with the gender ascribed to their body or do not express themselves the way society expects*" (Baggio, 2017:363). It is important to note that

transgender identities belong to gender, not sexuality. In this sense, transgender individuals can have different sexual orientations, including heterosexual (Ibid.).

## 2.2. Latin America

The report "Latin America's informal economy", Ramirez (2016:2) informs that around 130 million workers are employed within the informal economy. In addition to that, those who have the lowest educational level are more likely to be excluded from the formal labour market and are bound to face obstacles to other services, such as housing and health.

In this myriad of socioeconomic inequalities and challenges within the formal labour market, the transgender community in Latin America is found to be one of the groups most marginalised, exposed to the social ills, and many are eventually murdered (see Table 1). According to the Trans Murder Monitoring (TMM), a total of 2,190 murders of transgender people were reported worldwide between 2008 and 2016; of these, 78.1% occurred in Latin America, that is more than 1,710 murders out of the total number (Balzer *et al.*, 2016:13).

**Table 1.** Murders per region across the world <sup>7</sup>

Region/Year	2008	2009	2010	2011	2012	2013	2014	2015	Jan-Jun 2016	Total	Percentage
<b>Central and South America</b>	94	167	182	208	254	217	238	216	135	1711	78,1%
Asia	18	20	31	26	21	20	31	21	10	198	9,0%
North America	19	14	9	17	17	23	15	23	14	151	6,9%
Europe	13	20	11	16	15	10	8	13	7	113	5,2%
Oceania	3	1	0	0	0	1	0	0	0	5	0,2%
Africa	2	2	0	1	1	4	1	1	0	12	0,5%
<b>Total</b>	<b>149</b>	<b>224</b>	<b>233</b>	<b>268</b>	<b>308</b>	<b>275</b>	<b>293</b>	<b>274</b>	<b>166</b>	<b>2190</b>	<b>100,0%</b>

*Note:* This is not a global overview as the the statistics have been collected from organizations and governments willing to cooperate with TMM.

Source: TMM Annual Report 2016, TvT Publication (Balzer *et al.*, 2016:13)

The reasons for such high number of trans individuals being murdered in Latin America are comprised by a wide range of factors, such as transphobia, social

<sup>7</sup> Table 1 shows a substantial imbalance between the regions, such as the case of Africa where it accounts 0.5% of total murders from January 2008 to June 2016. According to the TvT Research team responsible for the TMM Annual Report (Balzer *et al.*, 2016:13), the striking imbalance between world regions is due to the fact that areas with higher visibility of trans people (in society and public discourse), presence of national and international organisations in support of the trans community, and professional monitoring of trans murders are bound to be the same areas to have the highest absolute number of reported murders. Further on, the report calls to attention the fact its data is likely to be missing from places where social society and trans visibility is not prominent or organised (Ibid.).

violence, poverty, lack of access to social services, employment, and so forth. The numbers above show that the transgender community is not only being prevented from full social integration (such as access to health, social services, and employment in the formal economy), but they also reveal that the level of social exclusion is so enormous that the majority of transgender people is exposed to a high level of violence that many get killed eventually.

### **2.3. Brazil and São Paulo**

São Paulo city (SP) is the most populated city in Latin America; its population surpasses the number of 11,7 million people (SEADE, 2018). SP is also home for national and international companies, being considered the most important economic hub in Brazil, accounting for 17% of total GDP in 2016 (Euromonitor, 2018)<sup>8</sup>.

The city's main source of employment and revenues come from "Services" (62,8%), followed by "Commerce" (18,2%), "Industries" (11,9%), and "Construction" (9,1%). Additionally, the job market in SP is acclaimed due to the high level of qualification and training its workforce possesses - around 62% of workers have completed 11 years or more in education compared to the national average of 50% (SEADE, 2018).

Being such a megalopolis, the LGBTQ community is large and very active in SP, e.g. the city hosts the world's largest gay pride parade (ParadaSP, 2018). Nonetheless, transgender people are still marginalised within all socioeconomic spectrums. The majority of transgender people work in prostitution due to the lack of employment opportunities in the formal economy; the ones who work outside prostitution are usually public servants or cosmetics entrepreneurs (Baggio, 2017:363).

Effective diversity policies focused on eliminating barriers for transgender individuals are still in early stages within Brazilian companies. Published by the Inter-American Development Bank (IDB) and Instituto Ethos de Empresas e Responsabilidade Social (Ethos), the report "The Social, Racial, And Gender Profile of The 500 Largest Brazilian Companies" (2016) brings to attention that during all phases of employment cycle, only 19,7% of companies have a policy of equal opportunity for the LGBTQ

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<sup>8</sup> For more information, please see: <http://www.euromonitor.com/sao-paulo-city-review/report>

segment of the workforce; in regards to recruitment and selection processes, only 8,5% have policies to eliminate obstacles and discrimination against LGBTQ candidates (IDB and Ethos, 2016).

The lack of fair policies and opportunities for LGBTQ people is also extended to the governmental spectrum. There is only one deputy who is openly gay out of 594 members in the National Congress of Brazil, which is the legislative body of Brazil's federal government. Although the national legislation allows gay people to civil unions, adoption and marriage since 2010, having one deputy who is openly gay is far from representative of the Brazilian LGBTQ community and that reflects on how the national legislation is moulded according to those who are in power. In 2011, for example, a proposal to distribute antidiscrimination kits in public schools was dismissed by the government after evangelical members of Congress complained of its sexual content (Barnes, 2014).

Nevertheless, some progress has been made over the past years, especially in SP. Due to the cycle of exclusion and marginalisation of transgender individuals in SP, in 2013, the City Hall launched a social programme called "Projeto Reinserção Social Transcidadania"<sup>9</sup> (Social Reintegration Trans citizenship in literal translation to English) to assist transgender individuals to uplift their educational level and standards of living.

The project aims at assisting unemployed transgender individuals in vulnerable situations to find a job within the formal labour market, to be socially reintegrated, and regain their citizenship. The two-year programme is based on a cash transfer scheme upon a set of rules and conditions. The amount of money - around 300 USD, which is approximately the Brazilian minimum wage - is given to participants if they meet a certain set of requirements and rules, such as: attendance to school, completion of a series of weekly socio-educational activities aimed at advancing their personal and professional skills.

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<sup>9</sup> For more information, please see:  
[http://www.prefeitura.sp.gov.br/cidade/secretarias/trabalho/cursos/operacao\\_trabalho/index.php?p=170430](http://www.prefeitura.sp.gov.br/cidade/secretarias/trabalho/cursos/operacao_trabalho/index.php?p=170430)

Transgender individuals who are receiving this social benefit are also required to participate in meetings to raise their awareness about their rights and are instructed on how to get proper and full access to health and psychological services. In other words, the Social Reintegration Trans citizenship aims at uplifting their education and social integration levels, having a special focus on being socially integrated, and professionally better prepared for the formal labour market.

All in all, SP has several similarities in terms of economics, politics, demographics, and labour market dynamics to many other cities across the globe. The case of the access of transgender to formal employment in SP can be valid and useful to similar settings across the world. SP therefore was chosen for this study not only due to its socioeconomic characteristics but also for its relevance to a broader context.

### **3. LITERATURE REVIEW**

The following literature review reveals that LGBTQ professionals and their integration into the work environment have been overlooked in organisational studies, especially when it comes to the integration of transgender professionals. Although the interest of scholars in the integration of transgender individuals in organisations has been growing over the past years, as evidenced in conferences and recent articles published in peer-reviewed journals, the majority of those studies are predominantly examining the situation in Anglo Saxon contexts (Ozeren, 2014:1211). It is thus suggested that there is a significant research gap in relation to the study of this topic in other settings, taking into account legal frameworks, institutional structures, and cultural norms (Ibid.).

Hence, national and international studies on the access of transgender individuals to employment in the formal sector have been reviewed for this research and three key themes have emerged from the literature review: i) *Diversity and Inclusion Research*; ii) *Heteronormativity*; and iii) *Social Exclusion and Violence*.

### 3.1. Diversity & Inclusion Research

Research about sexuality as well as inclusion and diversity in the labour market has focused on understanding processes such as: minority employees' management identity (e.g. Bell and Nkomo, 2003; Bowring and Brewis, 2009); employee voice and silence (e.g. Rank, 2009; Trau, Härtel and Härtel, 2013); diversity management policies and practices (e.g. Konrad, Prasad and Pringle, 2009; Bell, 2007; Ozbilgin, 2009), and others. Additionally, most studies have focused on 'visible minorities' in the workplace – gender and race, for example – and have ignored investigating the experiences of LGBTQ workers, or even their exclusion from gainful employment (Priola *et al.*, 2014:488-489).

LGBTQ workers face different levels of discrimination because of their gender identity or sexual orientation, during various phases of employment such as the “*access to employment, refusal of employment, dismissals, or denial of training opportunities and promotions*” (ILO, 2016:42-43). Correspondingly, Drydakis (2009:366) highlights that there are substantial shreds of evidence of differences in salaries between LGBTQ and non-LGBTQ workers.

Transgender individuals, in particular, have received even less attention from scholars around the world. Ozeren (2014:1211) points out that bisexual and transgender people have been “*underrepresented in the mainstream diversity management literature, in comparison with gay or lesbian colleagues, with the exception of a few studies*” and this research gap should be urgently addressed in future research. Moreover, the author highlights that, according to the few existing studies, transgender individuals are more likely to suffer homophobic attacks and discrimination than gays and lesbians (Ibid.).

As described above, only few studies (McCarthy, 2003; Gilden, 2008; Campos, 2011; Priola *et al.*, 2014; Vasconcellos, 2014; Vivek *et al.*, 2016; Fedorko & Berredo; 2017) have been conducted to explore the reasons behind such social exclusion of transgender people and their little presence in the formal labour market. As a result, studies investigating the exclusion, especially the absence of transgender individuals in the formal economy, are very scarce in academia when compared to studies

focused on other minority groups. Baggio (2017:360) affirms that research-related to organisational diversity has mainly focused on the experiences of groups that fit into "*the archetypal male, white, heterosexual, cisgender<sup>10</sup>, able-bodied and western worker*". Furthermore, one of the reasons related to the scarce number of studies on organisational diversity can be explained by the fact that it is very difficult to research sexuality because it is needed that LGBTQ people come out and expose their sexual orientation or gender identity to researchers (Ward and Winstanley, 2005).

As a consequence, the examination on the exclusion of transgender people from gainful employment has been often ignored in academia. Accordingly, Priola *et al.* (2014:488-489) state that one of the reasons behind the complexity of researching about this topic is the fact that most of the organisations have traditionally been guided and based on 'heterogender' norms or 'heteronormativity'.

### **3.2. Heteronormativity**

'Heteronormativity' defines expectations, demands, and constraints through the idea that heterosexuality is something given, the default, instead of being one of many possibilities. Ultimately, it creates social norms – that is culturally enforced and accepted – amongst the population. When prescribed as the standard, heteronormativity is reinforced and naturalised "*through performances and dominant discourses, which 'act as mechanisms of power and control, limiting the ability of gay and lesbian people to construct and talk about their own homosexual identities at work'*" (Priola *et al.*, 2014:488-489). Consequently, the dominant heterosexual discourse reproduces unequal power relations between heterosexuals and non-heterosexual groups that substantially influence the presence and progress of LGBTQ workers in their professional endeavours in the formal economy (Ibid.).

As pointed out by Colgan *et al.* (2008:39), "*compulsory heterosexuality is sustained at the institutional level, as well as in everyday, informal conversations and practices*". The discrimination against LGBTQ workers hence is likely to happen under that context and is worsened in some contexts where there is no legal protection

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<sup>10</sup> Please see Appendix 1. Glossary (p. 64).

and relative lack of organisational equality & diversity policies (Ibid.).

Moreover, there are some studies (e.g. Gusmano, 2008; Reingarde, 2010) addressing that many LGBTQ workers think that exposing their sexuality is irrelevant to their work life and composes an ‘unprofessional’ act, which undermines (in)directly the importance of talking about sexuality and gender identities in the workplace. Although is a private matter one’s sexuality, the main issue is that only heterosexuality is 'normalised' in many organisations – for instance, it is common to see in many countries formal policies privileging the heterosexual family arrangement, workplace interactions, and behaviours that demean homosexuality – leading LGBTQ candidates and workers to social isolation for fear of discrimination (Ibid.).

As an example of isolation and barriers to further professional development, Paisley & Tayar (2016:766) write about how under-researched LGBTQ expatriates are and the challenges this group often faces when assigned to another country. The authors infer that LGBTQ people are increasingly being acknowledged in diversity management practices, but their mobility and freedom to disclose their identity may be limited in many countries due to a number of reasons, inferring that HR Professionals play an important role in addressing and resolving those challenges (Ibid.). The authors conclude that for LGBTQ workers moving to another country may be more troubled than cisgender employees because organisations are not prepared enough to deal with limitations and regulations that LGBTQ workers might face in the new country.

### **3.3. Social Exclusion and Violence**

The social exclusion and violence suffered by trans people are composed by a wide range of intertwined aspects, including: low level of education, lack of access to basic services and resources (food, health, housing, and employment), etc. Such social exclusion results not only in high exposure to social ills but it also compromises their health.

Vivek *et al.* (2016:1) have conducted a study about how trans people around the

world experience extreme social exclusion that leads to increased vulnerability to HIV (other diseases as well), besides limited access to education and employment, and loss of opportunities for economic and social advancement. Even though there is a range of international and regional mechanisms to protect the transgender community, the authors infer that punitive laws, policies and practices targeting trans people, limit access to justice and jeopardize their rights, health and dignity (Ibid.).

Such discriminatory and exclusionary environments lead transgender individuals to face endless barriers to overcome such social vulnerability during their lifetime. For instance, transphobia in the educational system results in significant drop-out rates of transgender individuals, which partially explains why only a few transgender people advance to higher education. Another example is about the workplace environment: studies suggest that transgender professionals face diverse challenges to obtain full integration in the organisation, with peers, especially because of fear of discrimination (Vivek *et al.*, 2016). It is an exclusionary cycle that never ceases, even in the public spheres:

*"Unemployment and low-paying or high risk and unstable jobs feed into the cycle of poverty and homelessness. When homeless trans people seek shelter, they are housed as per their sex at birth and not their experienced gender, and are subject to abuse and humiliation by staff and residents. In these environments, many trans people choose not to take shelter"* (Vivek *et al.*, 2016:2).

Without any support and limited livelihoods options, many transgender individuals are forced towards the informal economy; the majority are mainly sex-workers (EqualTimes, 2016). According to a study conducted by the Association of Transvestites, Transsexuals and Transgender People in Argentina, in 2013, around 95% of transgender people had performed sex work at some time in their lives - of those, the majority of transgender people affirmed that they turned into sex work after being rejected by their families and expelled from their homes (He, 2016). This reality is found to be quite common worldwide, especially in Brazil.

Taking into account all those hardships described above, statistics have also shown that transgender individuals also have a low life expectancy, primarily because of violence. According to the Inter-American Commission on Human Rights (IACHR, 2015), most trans women who are murdered in Latin America are under the age of 35, calling attention to the grave situation of violence and discrimination experienced by the transgender community. Florencia García, president of the Association Campaigning for Transvestite and Transsexual Identity in Argentina, states that the cases of murder/harassment/abuses in Latin America are very violent due to the fact that Latin societies were built under a very patriarchal and sexist structure (He, 2016).

## **4. THEORY**

In order to assess the exclusion and accessibility of transgender individuals from/to the formal labour market in SP, this study subscribed to the Social Exclusion Framework (SEF) created by Jehoel-Gijsbers and Vrooman (2007). Access to or/exclusion from the formal labour market has a myriad of aspects that are strongly connected to the concept of 'social exclusion'. As described before, the exclusion of transgender individuals from the formal labour market is strongly interconnected to other socioeconomic issues (such as poverty, lack of access to basic services, etc.). For this reason, a theoretical framework, which takes into consideration those aspects of social exclusion and accessibility to the formal labour market, is key to gain a better understanding on such exclusion from the formal labour market.

### **4.1. Theoretical Framework**

The SEF (Jehoel-Gijsbers and Vrooman, 2007) is a comprehensive analysis tool (see Table 2), which allows us to assess the accessibility/exclusion of transgender individuals from the formal labour market through a more inclusive analysis. The framework not only includes socio-economic aspects but also cultural and access to governmental provisions. In other words, the framework fulfils the purpose of this study, which is to primarily provide a thorough investigation on how such exclusion from the formal labour market happens in SP and what can be improved, while interconnecting other important aspects of social exclusion.

The concept of 'social exclusion' is, hence, central to be enunciated and explored at the beginning of this discussion. It is important to note, as Jehoel-Gijsbers and Vrooman (2007:11) point out, that up till now the concept of 'social exclusion' has not been provided with a generally agreed conceptualisation by policy-makers. However, the following definition works well and covers the main ideas behind the term:

*"Social exclusion "refers to the dynamic process of being shut out, fully or partially, from any of the social, economic, political or cultural systems which determine the social integration of a person in society. Social exclusion may, therefore, be seen as the denial (or non-realisation) of the civil and political rights of citizenship" (Walker and Walker, 1997:8).*

Jehoel-Gijsbers and Vrooman (2007:11) address that many studies have given preference to an "indirect" definition of the term, that is, 'social exclusion' is often understood through the indication of factors that influence the risk of being excluded. The authors argue that those studies do not contemplate all the variances of 'social exclusion' because they mainly rely on potential causes or predictors, focusing exclusively/most of the times on individual risk factors (Ibid.). To illustrate how the term 'social exclusion' is often reduced to risk factors, the authors subscribed to the definition given by a United Kingdom government agency:

*"A shorthand term for what can happen when people or areas suffer from a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, high crime environment, bad health and family breakdown" (Jehoel-Gijsbers and Vrooman, 2007:11).*

On top of that, the concept of 'social exclusion' is often used or replaced by the term "poverty". While some authors defend that there is little difference between poverty and social exclusion (Nolan and Whelan, 1996; Bhalla and Lapeyre, 1997; Somerville, 1998), others affirm that the two concepts fundamentally differ from each other (Room, 1995; Berghman, 1995; Abrahamson, 1997). Among the differences brought out by those who believe that the concepts are different from each other, two distinctions are highlighted: i) 'poverty' refers to a static condition (due to a consumption pattern or income situation), and it also relates to the distribution of

economic resources (which can be a reflection of disadvantages on income and consumption); ii) 'social exclusion' refers to a dynamic condition, relating to the processes in which people become socially excluded, referring to relational and socio-cultural aspects, such as social bonds and participation, citizenship, integration, engagement, etc (Jehoel-Gijsbers and Vrooman, 2007:13-14).

Consequently, Jehoel-Gijsbers and Vrooman (2007:16) defend that the concept of 'social exclusion' should entail two intercorrelated processes: i) the condition of being socially excluded (static); ii) the process of being socially excluded (dynamic). Based on those notions, the authors developed a framework with two key dimensions (relational and distributional) to assess to what extent individuals are socially excluded or their accessibility to social integration.

**Table 2.** *Social Exclusion Framework (SEF): Distributional and Relational Dimensions and their sub-divisions respectively*

<b>DISTRIBUTIONAL DIMENSION: Economic &amp; Structural Exclusion</b>		
	<i>Material Deprivation</i>	<i>Social Rights: Inadequate Access to Government Provisions</i>
Level	DEFICIENCIES IN RELATION TO BASIC NEEDS AND MATERIAL GOODS; 'LIFESTYLE DEPRIVATION'; PROBLEMATIC DEBTS	OBSTACLES TO: HEALTH CARE, EDUCATION, HOUSING, LEGAL AID, SOCIAL SERVICES, EMPLOYMENT AGENCIES, SOCIAL SECURITY, COMMERCIAL/PUBLIC SERVICES
<b>RELATIONAL DIMENSION: Socio-cultural exclusion</b>		
	<i>Insufficient Social Integration</i>	<i>Insufficient Cultural Integration</i>
Level	A LACK OF PARTICIPATION IN FORMAL AND INFORMAL SOCIAL NETWORKS; INADEQUATE SOCIAL SUPPORT; SOCIAL ISOLATION	A LACK OF COMPLIANCE WITH CORE NORMS AND VALUES ASSOCIATED WITH ACTIVE SOCIAL CITIZENSHIP

Source: Jehoel-Gijsbers and Vrooman (2007:17)

Within the *Distributional Dimension*, the authors identify two distributional factors: i) material (income and goods), and ii) non-material (social rights). The *Relational Dimension* also comprises two different factors: i) insufficient social integration, which relates to social relations and networks, and ii) insufficient cultural integration, relating to social norms and values. Jehoel-Gijsbers and Vrooman (2007:17) highlight that their approach to the creation of that framework was to combine the idea of poverty and social exclusion as a result of structural factors. Furthermore, the authors argue that "the causes of social exclusion and of being socially excluded may lie at a

collective level, but individual characteristics and behaviour can theoretically be important as well" (Jehoel-Gijsbers and Vrooman, 2007:16).

All in all, Jehoel-Gijsbers and Vrooman (2007:18-19) address that they based their theoretical framework on two key assumptions: i) multidimensional phenomenon that comprises economic-structural and social-cultural aspects of life (e.g. material deprivation, inaccessibility to social rights, lack of social participation or integration); and ii) distinction between the actual state of social exclusion (current status) and risk factors that increase the chance of social exclusion (process of becoming more socially excluded).

## **4.2. Operationalisation**

The operationalisation of the SEF (Jehoel-Gijsbers and Vrooman, 2007) is done through the allocation of characteristics or factors in each dimension (distributional or relational), which provides a panorama to evaluate to what extent (or level) a specific group or individual is excluded or to what extent they have access to social/basic services. Both dimensions have two boxes each (areas of interest): Distributional: *material deprivation* and *social rights*; Relational: *insufficient social integration* and *insufficient cultural integration*.

In the case of this study, it will be analysed the exclusion from the formal labour market through the insertion of themes or aspects (resulted from data analysis of this study) in each dimension. Thus, it will be possible to determine how severe (*low or high*) is the *level of exclusion* in each dimension, exposing which areas need improvements to overcome exclusion. It should be noted that the *level of exclusion* is an estimate due to its subjectivity and the qualitative nature of this study.

To answer the RQs, key themes emerged from data analysis will be allocated in each dimension and boxes respectively; for instance: themes related to education will be allocated in the *social rights* box (distributional dimension) while themes related to social participation and citizenship will be inserted in the *insufficient cultural integration* box. The level will be mainly stipulated according to the results from data collected (secondary sources will be also used to support it), for example: out of 10

people interviewed only 1 person had access to complete/completed primary education = *high level of exclusion*.

The framework therefore suits well this study because it provides a comprehensive analysis tool that covers the themes related to the RQs: exclusion, obstacles, national legislation and areas for improvement. In consequence, it will be possible to answer the RQs while evaluating in which dimension the transgender community is more excluded, and which *areas of interest* there is room for improvement.

## **5. METHODS**

The following sections will present the methods employed for this study. Firstly, the epistemological and ontological positions are introduced, followed by the research design, criteria and ethical considerations, and data. Finally, notes on the limitations of this study will be discussed in the end of this chapter.

### **5.1. Epistemology and Ontology**

The epistemological position of this qualitative research is described as interpretivist, which means that it seeks to understand the "*social world through an examination of the interpretation of that world by its participants*" (Bryman, 2012:380). In regards to the ontological position, it follows the constructivist approach, which "*implies that social properties are outcomes of the interactions between individuals, rather than phenomena 'out there' and separate from those involved in its construction*" (Ibid.).

As pointed out by Hammett *et al.* (2015:139), the social constructivist approach is useful to obtain great knowledge of a particular group through interviews, exploring subjective understandings, experiences, and perceptions. Furthermore, the authors point out that "*these methods are best suited to the development of qualitative data to explore 'how'- and 'why'- type research questions through detailed, multi-layered insights into topics such as identity, social issues and citizenship*" (Ibid.), which suits best the approach used to answer the research questions of this study.

## 5.2. Research Design

The research design chosen was a case study. As pointed out by Zainal (2007:1-2) “*case studies, in their true essence, explore and investigate contemporary real-life phenomenon through detailed contextual analysis*”. Thus, through the examination of the access and exclusion of transgender people to employment in the formal economy in SP, the case study method was considered to be the best approach for this research because it entails a detailed and intensive analysis and is concerned with the complexity and particularities of the case in question (Bryman, 2012:66).

Case studies are meant to closely examine the data within a particular context, which comprises a specific geographical area and a community or number of individuals as the subjects of study (Zainal, 2007:1-2). However, the representative case serves to exemplify a broader category in which it is found (Bryman, 2012:70). Hence, the case of transgender people and their access to/exclusion from employment in the formal economy São Paulo can serve useful and informative to broader contexts and settings where transgender people are socially excluded from the formal labour market.

## 5.3. Criteria and Ethical Considerations

The “*eight criteria of qualitative quality*” presented by Tracy (2010:849) have been applied from data collection to analysis and key findings of this research. According to the author, “*these markers provide a common language of excellence for qualitative research*” (Ibid.). The eight criteria are:

- *Worthy Topic, Resonance and Significant Contribution*: as stated previously, diversity and inclusion of transgender individuals in the formal labour market is under-researched within the Brazilian academia. In addition to that, the majority of transgender individuals are working in the informal sector, mainly as sex-workers (around 90%), meaning that they are being substantially excluded from job opportunities in the formal labour market. The significant contribution from this study therefore relies on providing a an academic analysis that may assist organisations (both private or public) to enhance diversity policies, increase the number of trans

people in the formal economy, and to better integrate trans people into the work environment within the formal labour market.

- *Rich Rigor, Credibility, and Meaningful Coherence*: by subscribing to the triangulation technique, which means the use of more than one method or source of data in the study (Bryman, 2012:390), this research was constructed through the use of different sources of data: interviews, previous studies on this topic, and participatory observations in the field. Additionally, the use of the SEF (Jehoel-Gijsbers and Vrooman, 2007) served as an analytical tool to assess to what extent transgender individuals have been subjected to exclusion from labour opportunities in the formal economy;

- *Ethics and Sincerity*: the purpose of this research and consent forms explaining the rights of respondents (e.g. right to withdraw the interview at any time, to refuse answer any question) were informed to all participants when the purpose of this research was presented. Furthermore, when analysing the data, key findings were compared with similar studies to avoid biases, and to increase credibility of this study.

## **5.4. Data**

This study relied on three key sources of data: i) semi-structured interviews and focus group, ii) participatory observations and fieldwork notes, and iii) desk research for secondary data. The fieldwork occurred in SP, Brazil, from January to February 2018.

### **5.4.1. Sampling for semi-structured interviews and focus group**

In order to find people that were of interest for this study, NGOs and National & International Organisations (both private and public), Private Companies, and the São Paulo City Hall Office - more specifically the São Paulo Municipal Office for Human Rights and Citizenship (SPMOHRC) - were contacted via email and telephone. Due to the confidentiality clause, names of interviewees and organisations will not be disclosed (all names are fake). Three groups of people were interviewed, totalling 16 people (see Table 3): Transgender Individuals, HR Professionals or Recruiters, and Other Stakeholders (Lawyers, Consultants and Public Officers). All of them were older than 18 years and residents in SP.

**Table 3.** *Demographic traits of research subject*

<b>INDIVIDUAL INTERVIEWS</b>				
<b>Groups</b>	<b>Respondent</b>	<b>Age</b>	<b>Education Level</b>	<b>Profession</b>
Transgender People	Amanda	41	University	Receptionist
	Babi	70	High School	Secretary
	Carla	52	High School	Sex-Worker
HR Professionals & Recruiters	HR Aline	32	Master / PHD	HR Manager
	HR Bruna	28	Master / PHD	Project Specialist
	HR Carol	32	Master / PHD	Corporate Manager
	Recruiter Adriana	30	University	Recruiter Sr.
	Recruiter Bia	27	University	Recruiter Jr.
Stakeholders	Lawyer	70	Master / PHD	Retired Chief Judge
	Consultant	34	Master / PHD	Diversity Consultant
	Public Officer	28	Master / PHD	Project Supervisor

*Note:* developed by the author. The respondents' names are fake due to the confidentiality clause.

<b>FOCUS GROUP</b>				
<b>Groups</b>	<b>Respondent</b>	<b>Age</b>	<b>Education Level</b>	<b>Profession</b>
Transgender Individuals	Diana	25	University	Not reported
	Eliana	29	High School	Sex-Worker
	Fabiana	45	Secondary School	Sex-Worker
	Gabriela	30	Primary School	Sex-Worker
	Hilda	36	Technical Certificate	Not reported

*Note:* developed by the author. The respondents' names are fake due to the confidentiality clause.

Taking into account the sensitivity of the topic and the qualitative nature of this research, semi-structured interviews were found to be the best approach to collect data. They allow the interviewer to vary the sequence of questions if necessary as well as to ask further questions in response to what is seen as significant replies (Bryman, 2012:212).

The average duration time for each interview varied from 30 to 60 minutes. All interviews had been audio-recorded upon participant's consent and were subject to ethics review policies, such as: confidentiality, the disclosure of the research's purpose, and participant's freedom to leave or not to answer.

Interviews questions<sup>11</sup> were designed to answer the four research questions of this study, thus, they investigated four key aspects: i) accessibility to/exclusion from employment in the formal labour market; ii) obstacles perceived throughout the employment cycle; iii) how the national legislation posits itself in relation to social integration of transgender individuals; and iv) what can be improved to overcome such exclusion from the formal labour market. It is important to note that questions

<sup>11</sup> Please see Appendix 2: Interview Questionnaires (p. 66).

were formulated to capture their perceptions and experiences when trying to access the formal labour market, however, it also sought to understand what other factors contributed to such exclusion.

#### **5.4.2. Participatory Observation and Fieldwork Notes**

Bryman (2012:12) highlights the importance of participatory observations and fieldwork notes so key themes and concepts can emerge out of data. Taking that into account, two meetings organised by the SPMOHRC were attended to understand the national legislation regarding LGBTQ rights, adoption of a social name on national documents, access to health services, and social benefits. The audience was mainly transgender individuals and public lawyers.

Each meeting lasted approximately 3 hours, in which 2 hours were reserved to public officers and lawyers to speak and explain legal procedures, human rights, access to health services, social benefits, and educational initiatives aimed at LGBTQ people, and the remaining 1 hour was reserved for questions from the audience. Around 40 people attended each meeting. Notes were taken during both meetings.

Overall, both meetings provided a good panorama on how the national legislation is positioned towards LGBTQ people, and different perspectives on professional, personal, socioeconomic and legal issues faced by the transgender community in SP.

#### **5.4.3. Desk Research and Secondary Data**

Desk research and secondary data were paramount for this study, being comprised by national and international studies related to the social exclusion of transgender people, their access to employment in the formal labour market, and diversity in organisations focused on transgender workers nationwide and worldwide.

Due to the limited data collected, other sources of data contributed to the progress of this study in three main aspects: i) provided a global and local overview of the current situation of transgender people, ii) complemented with key pieces of information on personal, professional and legal barriers faced by transgender individuals, and ii) key

results were matched with other studies, allowing this thesis to serve broader contexts and settings, especially in relation to other Brazilian cities.

#### **5.4.4. Data Analysis**

All interviews were audio-recorded upon participant's consent, transcribed and coded into key themes that emerged from interviews. As interviews were conducted in Portuguese language, the transcriptions and quotes used in this study were translated into English by the author.

Due to the limited number of people interviewed, traditional coding was found to be the best approach for data analysis. Traditional coding or Traditional Text Analysis (TTA) "*is a process where data coders place each piece of data into various categories*" (Bright and O'Connor, 2007:2).

Although TTA might have a few limitations, such as biases - sometimes data coders might infer information based on what they think, especially when the idea/information is not clear. This study, nevertheless, processed double checks on the themes and categories that emerged from interviews by analysing data twice and matching key findings with other studies.

TTA is beneficial for several reasons: i) it is available to everyone, including those who do not have access to automated software; ii) TTA is more accurate to interpret data as computerised interpretation of data might miss key aspects depending on how sentences are written; iii) slangs might not be interpreted correctly as they are not included in the formal vocabulary of a software, or even incorrect spelling that might occur while transcribing, will not be coded by a computerised method accordingly (Bright and O'Connor, 2007:2-3).

Once TTA was completed, key findings were gathered and complemented with fieldwork notes (participatory observations). The SEF (Jehoel-Gijsbers and Vrooman, 2007) was then used to analyse the data and to answer the RQs. Parallel to that, other studies were used to complement relevant information to the analysis of this study.

## 5.5. Limitations

One of the limitations of this study is the limited number of people interviewed: in total, 16 people were interviewed. Thus, the limited data collected is not considered valid in terms of representativeness of the city of São Paulo. Taking that into account, this study nevertheless subscribed to other data sources, such studies on the same topic or related, so data could be complemented and key results matched: not only national studies were consulted but also international ones to validate findings. Consequently, this study aimed at framing illustrations that provide understandings and insights that are of value for other contexts, which can be in numerous ways similar and valuable to other cities in Brazil and thereby of broader concern.

Moreover, this research is about perceptions and the subjectivity is intricately embedded to this study. As pointed out by Bryman (2012:408), “*qualitative researcher seeks an understanding of behaviour, values, beliefs, and so on in terms of the context in which the research is conducted*”. Thus, perceptions are of great interest for qualitative studies, and it should be acknowledged that perceptions might vary from region to region, socioeconomic conditions, access to public services, and level of education. Participants therefore might be biased due to the socio-economic context they live in SP. Yet, as described before, this study relied on data comparison to other studies to find similarities and validate key findings.

Finally, rapport and trust had a great influence during data collection, preventing this study to have a larger number of interviews. As stated by Hammett *et al.* (2015:77), “*developing trust is an important process, one that is partial and on-going throughout the fieldwork period*”. Since 2 months were allocated to collect data, creating trust and rapport with people in that amount of time can be very challenging.

## 6. ANALYSIS

The following four-folded analysis shed light on the perspectives of transgender people, HR professionals & recruiters, and other stakeholders in relation to the accessibility/exclusion of trans individuals to the formal labour market in SP. The

four sections below seek to answer the four RQs presented previously and are a result of the combination of data collected and secondary sources.

## **6.1. Exclusion**

Transgender people's access to/exclusion from gainful employment involves a diverse range of aspects that include (but are not limited to): transphobia, prejudice, heteronormativity, social and political structures, and access to services (such as education or health). To answer RQ.1<sup>12</sup>, this study explored three interrelated themes that emerged from the analysis of interviews and secondary data. The themes are: i) *cycle of discrimination and lack of access to basic services*; ii) *sex-work*; and ii) *socio-cultural isolation*.

### **6.1.1. Cycle of discrimination and lack of access to basic services**

The accessibility and exclusion of transgender individuals from employment in the formal labour market is composed by a series of connected intricacies and is related to cultural, socio, political and economic factors. Usually, such exclusion starts from early ages. For instance, if a trans person expresses his/her gender identity in discordance to the sex assigned at birth, that individual is often rejected by his/her family; most of the times, transgender individuals are expelled from their homes, leading to a path of social and economic exclusion in which their mental and physical health needs are totally ignored. Besides being rejected by their families, transgender people also face rejection from the society and social service institutions, fuelling social vulnerability over a lifetime (Vivek *et al.*, 2016:1-3).

Data collected and secondary data suggested that one of the root causes related to their exclusion from the formal labour market is composed by two aspects: lack of access to basic services (e.g. education, health) and the continuous cycle of discrimination from an early age.

*"The transgender population is more marginalised because their exclusion*

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<sup>12</sup> RQ.1. *To what extent do transgender individuals have access to/are excluded from the formal labour market?*

*begins early, at home, at school, when the parents expel them from home. This results in a cycle of barriers and difficulties that catalyse their marginalisation. Combining prejudice and the difficulty of acceptance of society in general, trans people are forced to find their livelihoods in the informal market. Many of them find their livelihood in prostitution" (Lawyer).*

*"There is a very large amount of trans women in prostitution. Trans people, from a very early age, are excluded from social life due to prejudice. To have proper access to education, health, trans people face endless barriers. Therefore, prostitution is practically imposed on these people because they have no other option. In addition to that, a trans individual is a very sexualised figure in Brazilian society" (Public Officer).*

The Lawyer and Public officer drew attention to this central factor: the conditions that one has/is allowed to develop his/her personal and professional aptitudes. That goes in accordance to what Vivek *et al.* (2016:2) defend in their study: such discrimination fuels vulnerability over a lifetime, which results in fewer chances to pursue education, basic services (i.e. health), increasing exponentially the odds of a trans person to be unemployed and experience homelessness and poverty.

*"Trans people who express their gender identity from an early age are often rejected by their families. If not cast out from their homes, they are shunned within households resulting in lack of opportunities for education and with no attempts to ensure attention to their mental and physical health needs. Those who express their gender identities later in life often face rejection by mainstream society and social service institutions, as they go about undoing gender socialization. Hostile environments that fail to understand trans people's needs threaten their safety and are ill-equipped to offer sensitive health and social services" (Vivek et al., 2016:2).*

Moreover, in relation to the lack of access to basic services, proper access to education seems to be problematic to trans individuals, composing a major barrier to opportunities in the formal labour market.

*"In my opinion, the biggest barrier is prejudice and the lack of opportunities for us to have professional qualifications. What I want to say, in a few words, is that we need to have access to education so we can get a job" (Gabriela).*

*"I tried several times to advance my education, but it took me months to get admitted to a public school. I asked the social service officer to write me recommendation letter and send it to the public school. That was how I got admitted... because of a letter written by a third person saying that I had the right to advance my education at a public school. Even the schools' director recognised, off the record, that my admission was delayed due to prejudice from the staff responsible for admissions" (Fabiana).*

The data collected (out of 8 trans individuals interviewed, 2 had accomplished to have a university degree) and secondary data further shows that trans people face obstacles to advance their education and are more likely to have serious health issues, exposing the discriminatory institutional structures against the trans community.

*"Transgender children and young adults face abuses in school settings ranging from sexual assault, to bullying, to being forced to attend a single-sex school or wear a uniform based on the gender marker assigned at birth... They are as much as 50 times more likely to acquire HIV than the population as a whole, in part because stigma and discrimination create barriers to accessing health services" (Goshal and Knight, 2016)<sup>13</sup>.*

All the 8 transgender respondents have mentioned that they suffered discrimination in different spectrums of their lives, especially when trying to access basic services (such as education or health). Thus, through the use of the SEF<sup>14</sup> (Jehoel-Gijsbers and Vrooman, 2007), it is possible to infer that the 'cycle of discrimination' swings within the two dimensions (relational and distributional), featuring a *high degree of exclusion*. In regards to the 'lack of access to basic services', it also shows a *high level of exclusion* when allocated in the social rights box (inadequate access to government provisions - distributional dimension).

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<sup>13</sup> For more information, please see: <https://www.hrw.org/world-report/2016/rights-in-transition>

<sup>14</sup> Please see Table 2 (p. 25).

On the whole, data collected and secondary data suggest that this endless circle of discrimination and barriers to basic services walk hand in hand, being almost impossible to infer which comes first (lack of access to basic services or discrimination). In the end, it shows that this cycle of vulnerability begins from an early age, constituting a vicious cycle of marginalisation.

### **6.1.2. Sex-work**

In order to assess the accessibility/exclusion of transgender individuals to employment in the formal economy, the prostitution sector also seems to be (in)directly connected to the reasons that transgender individuals are outside the formal economy. According to ANTRA (2017), more than 90% of transgender people in Brazil are sex workers.

As addressed by the Lawyer and Public Officer previously, there is a close connection between not having access to basic services (i.e. education and health) and being a sex-worker. It shows that due to the exclusionary and discriminatory institutional structures, transgender individuals find themselves with limited livelihoods options. In consequence, many find in prostitution the only way to survive.

On the one hand, some would argue that the prostitution sector only reproduces inequality and exclusion, increasing exponentially the odds to be exposed to higher degrees of violence and social ills, such as drug addiction/trafficking, and so forth.

*"The circle of prostitution is evil. Trans sex workers get all sorts of demands from clients... many clients ask them to use drugs with them in order to "enhance" pleasure. Many girls accept doing that because of their vulnerable situation. When the girl realises what she is doing, she is addicted... and then she will be in the drug world, dealing with drug traffickers on a daily basis. And then finally, she will find herself in a position that the main reason about working as a prostitute is to sustain her drug addiction" (Babi).*

On the other hand, others would argue that the main problem is not prostitution itself, but why so many transgender individuals undertake sex-work.

*"I believe it is important to emphasize that there should be alternatives to prostitution. It is necessary to be cautious when talking about this topic, because I do not intend to make a moral discourse or even say that prostitution should be criminalised... What I am questioning here is why these people have no alternatives other than being sex-worker. I believe that prostitution must be one of the options, not the only one" (Consultant).*

Likewise the Consultant's opinion, it is important to note that this study is not making judgmental insinuations to sex-work. This research is not interested in judging/examining whether sex-work is socially bad or not, but it is mainly focused on investigating the reasons behind there is a high percentage of transgender individuals excluded from the formal labour market, taking into consideration that most of the transgender individuals are sex-workers.

Altogether, the set of motives that lead one to be a sex-worker vary and is determined by a diverse range of circumstances. The lack of access to basic services and the continuous cycle of discrimination seem to make prostitution the only way out for the transgender community, shedding some light on the diverse and complex set of reasons behind their access to or exclusion from employment in the formal sector. Still, lack of access to basic services, discrimination and sex-work unfold many facets of the problem. One of them is the socio-cultural isolation, that is, the gap between the mainstream society and the transgender community.

### **6.1.3. Socio-cultural isolation**

Subscribing to the SEF (Jehoel-Gijsbers and Vrooman, 2007), the theme 'socio-cultural isolation' swings within the Relational Dimension, which refers to socio-cultural exclusion. The lack or inexistent social/cultural support (from the society in general) towards the transgender community exponentially contribute to their isolation, thereby excluding them from job opportunities within the formal labour market. Correspondingly, Vasconcellos (2014:8) points out that Brazilian transgender people have their right to have a decent work taken away due to discrimination and prejudice.

The lack of knowledge about gender identities, diversity, or about the trans population, leads to a series of misconceptions and prejudices about trans people. The transgender community is often characterised as a deviant, dangerous, or 'second-class' group of people when compared to the rest of the society.

*"When people talk about trans people, people link them directly to the underworld of crime. This is a social construction that must be deconstructed"* (Babi).

*"Once I went out to buy some groceries at this fancy supermarket. When I was about to leave the supermarket, the security guards stopped me to check my purse because they thought I had stolen the groceries"* (Diana).

Consequently, the statements above address important aspects that corroborate to the fact that there is a widespread lack of knowledge and misconceptions about the transgender community, which characterizes a *high degree of exclusion* according to the SEF (Jehoel-Gijsbers and Vrooman, 2007). Not only there is a lack of empathy towards the trans community, but there is also a concerning lack of understanding of themes related to gender identity and sexual orientation.

*"Education is paramount to fight prejudice in our society. Our population urgently needs to have greater knowledge about topics related to gender identity, sexuality and sexual orientation"* (Lawyer).

The discrimination is so intrinsically penetrated into the Brazilian society that even the government, which is declared to be a secular state, is manipulated according to the interests of those who are in power, that is, in politics. To illustrate that, in 2011, there was a proposal sent to the federal government to distribute an anti-discrimination kit in public schools but the project was denied right away after members of Congress associated to Evangelical/Christian organisations showed their disapproval about the 'sexual content' of those anti-discrimination kits (Barnes, 2014).

Furthermore, it becomes relevant for this study to assess on what grounds such discrimination and lack of knowledge reinforce/catalyse such exclusion from

employment in the formal economy. Taking that into account, understanding experiences and obstacles faced by transgender individuals are key to assess such exclusion from the formal labour market.

## **6.2. Obstacles**

In order to evaluate what obstacles trans people face throughout the employment cycle (selection, admission, or dismissal), two key themes seemed to be the most appropriate to answer RQ.2<sup>15</sup>: i) *heteronormativity and transphobia*; ii) *level of education*. The following sections will shed light on those three aspects, combining their perception and secondary data.

### **6.2.1 Heteronormativity and Transphobia**

All the 16 respondents have addressed the themes 'heteronormativity' and 'transphobia' in relation to the obstacles faced by trans people. Heteronormativity, as described before, is a set of rules widespread within the Brazilian society and in many other countries; in consequence, social norms were and are created according to heterosexual perspectives. Heterosexuality, instead of being one of many possibilities, is seen as the 'natural' course for life and sexuality by the mainstream society.

*"One of the greatest barriers to overcome the marginalisation of trans people in society is heteronormativity. The society is prepared to receive cisgender people, those who conform to the heteronormative standards. Those that do not fall into this group are totally excluded, especially from the formal labour market" (Public Officer).*

*"We have to get out of this binary system, which is based on heteronormativity. We can be a woman, or a man, or non-binary. We have to question why transgender people should fit into this gender binary scheme. I believe that heteronormativity makes trans people invisible to companies, to the society in general" (Carla).*

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<sup>15</sup> RQ. 2. *What are the obstacles perceived throughout the employment cycle when transgender individuals look for/obtain a job in the formal sector?*

*"In the informal sector, I have always been able to find work because I have never had to explain myself ... I worked as a cosmetic saleswoman, singer, actress, etc... Regarding the formal market, whenever I applied for jobs, I was always denied and the most recurring excuse I received was always related to my age. However, I'm sure it was transphobia" (Amanda).*

The testimonials above reveal that everyone or everything that does not conform to the heteronormative scheme is subjected to be excluded, to be seen as abnormal, strange. Heteronormativity goes beyond sexuality, it imposes a set of rules that include: appearance, how you talk, how you dress, or even how you behave. Heteronormativity and those misconceptions can foster intolerance or even lead to violent emotional/physical attacks, besides marginalisation and exclusion.

It is in that complex arrange of social dynamics that transphobia reveals itself, explicitly or not. It is important to note, however, how difficult and complicated it is collect evidence to confirm cases of transphobia, and prove it. Trans respondents have nonetheless shared countless work-related experiences in which they suffered transphobia.

*"We do thousands of job interviews. When we introduce ourselves and people realise that we are trans people, we are dismissed. Even when we have all the qualifications and meet the requirements, we will be dismissed eventually" (Hilda).*

*"After applying for this receptionist vacancy, I went to the company to deliver my résumé. I was told by the receptionist to hand in my résumé directly to the person responsible for the position. Upon arriving in her office, the woman responsible for the selection process realised that I am a trans woman. I said hi and when I was about to give my résumé to her, she told me that her assistant forgot to take the job ad out as the position had been filled already. I thanked her and left. I did not believe her and decided to call the day after to confirm if they were still looking for a receptionist ... Yes, they were still looking for a receptionist" (Amanda).*

*"After getting so many rejections from the selective processes, I put in my head that I was being denied because of my Northeastern accent. Everything was just so unfair and hard to believe that I decided to believe that the rejection was because of my accent. However, I knew deep down that the real reason was that I am a trans woman" (Carla).*

Those testimonials expose how heteronormativity and transphobia are strongly interrelated, and how they result in malicious attitudes, fostering the exclusion of transgender individuals from the formal labour market. On top of that, those discriminatory practices are so widespread in the society that they end up discouraging transgender people to apply for jobs in the formal sector.

*"It is rare to receive applications from trans people, especially if they do not know anyone from the company. Usually, it is because they are afraid of suffering transphobia. There are a lot of qualified people, but there is no channel of security and mutual support between companies and trans professionals... Many trans are afraid of all the embarrassment that may happen, and for the fact that they are often analysed not for their professional qualifications but by their gender identity" (HR Aline).*

One of the most used words by respondents during the interviews was 'embarrassment' (Amanda; Babi; Carla). The word was used to describe a number of events experienced by transgender people throughout their lives, however, it was especially used when they described their experiences looking for employment in the formal labour market.

*"When I worked as a restaurant cashier, I went through various situations of embarrassment. Many clients wanted to make their point... Instead of using female pronoun to call me, they made sure to always call me by the male pronoun<sup>16</sup>" (Diana).*

*"I do not feel comfortable to apply for jobs in the formal market, and I think many of trans friends think the same. It's because of the embarrassment that*

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<sup>16</sup> In Portuguese, there are two pronouns: the masculine and feminine, there is no neutral one.

*we, trans people, go through most of the times. We are afraid to be treated badly, or disrespected. In the end, I really think that we have to create the courage to overcome these moments of embarrassment because society needs to accept that we exist and deserve respect" (Eliana).*

Another aspect related to the exclusion caused by heteronormativity and transphobia is one's appearance. Baggio (2017:6) pointed out that the level of 'passability' - that is "the degree to which others take a transgender person as cisgender" - is key for one to enter or remain in the formal labour market.

*"In practice, the higher a transgender person's passability, the less likely they are to suffer transphobia: if one's gender expression<sup>17</sup> allows them to be seen by others as cisgender, they will not be subject to the prejudice and discrimination aimed at transgender people, increasing their chances of entering and remaining in the formal labour market. Two aspects affect passability: one's name and one's appearance.... Ivan's narrative: I feel privileged because my genetics adhered very well to my [gender] transition. So people, unfortunately – I know many people respect me because I pass, not because they understand" (Baggio, 2017:6).*

In a heteronormative society, there are pointless rules on how one's physical appearance should be, on how one should dress according to the gender assigned at birth. If one's appearance (including her/his outfit) does not conform to those 'rules', that person is likely to suffer discrimination. Correspondingly, trans people interviewed for this study drew attention to the fact that their appearance plays a major role in their professional careers; most of the times, the discrimination is undertaken in a very subtle manner, nothing too explicit.

*"The discrimination that we suffer during the selective processes is very veiled, very subtle, but we know that we were dismissed from the selection process because of our appearance" (Eliana).*

*"In my opinion, most HRs are not ready. They always talk about diversity, but*

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<sup>17</sup> Please see Appendix 1. Glossary (p. 64).

*they don't say that 'diversity' is OK until a certain point. A man with feminine mannerisms, a transvestite, or anyone else that does not meet the acceptable standards of appearance/acting, will be excluded" (Amanda).*

As stated before, the discrimination tends to be veiled, however, discrimination can also be hidden behind a company's policy based on values considered to represent the "traditional" family. When asked if they have interviewed trans candidates, the recruiters shared the following testimonials:

*"Yes, I've already interviewed. The candidate applied for the position using his social name, and when he arrived for the interview we realised that he was a transgender person. The company which hired us to find the candidate was "traditional", with conservative guidelines and the candidate was dismissed from the moment he entered the room" (Recruiter Aline);*

*"Yes. Once, I've interviewed and hired a transvestite. I interviewed him for this store manager position. The whole selection process went smoothly and I hired that person like any other candidate. The agreement we had was that inside the store he would dress like a man, but he could act the way he wanted (as a man or a woman). He was the best manager I had; he was really good with sales" (Recruiter Bruna).*

The statements above raises two key points for the discussion on obstacles faced by trans candidates: i) how transphobia is so widespread in different spheres that discriminatory practices are often unnoticed (intentionally or not); ii) how cisgender gays and lesbians are relatively more accepted than trans candidates.

Obviously, whether you are trans or not, companies will analyse the candidate's appearance, although this is not publicly commented on most of the times. Also, it is common knowledge that there are dressing rules in the labour market. However, the case of trans candidates reveals that the judgement, most of the times, is not exclusively about their outfit, but it is mainly related to their physical appearance that may (or not) fall into the hetero-cisgender set of rules; thereby they are mainly judged because their gender identification does not conform with the sex assigned at birth.

For example: a person who was born with a penis decides to dress up with clothes considered 'feminine', does that make that person less qualified professionally? It is paramount, hence, to acknowledge transphobic actions and question whether a company/people should continue perpetuating discriminatory practices by simply saying that's 'how the business world works/is', or 'that's how the society is'.

Regarding the second topic on how cisgender gay men and lesbians are relatively more accepted in the formal labour market nowadays, it corroborates what Ozeren (2014:1211) pointed out: trans people are more likely to suffer discrimination than gay men and lesbians. Such discrimination against trans people subsequently unfolds the idea that "diversity" is accepted only at certain limits. Ultimately, it means that one can be gay or lesbian openly, even have stereotypical mannerisms, but they and their appearance should conform to the hetero-cisgender arrangement.

All things considered, subscribing to the SEF (Jehoel-Gijsbers and Vrooman, 2007), the themes 'heteronormativity' and 'transphobia' are inserted within the Relational Dimension (*social-cultural exclusion*), more specifically, in the insufficient social integration box. Both themes thus feature a *high degree of exclusion* as they relate to two factors present in the Relational Dimension: *inadequate social support* and *social isolation*.

### **6.2.2. Level of education**

Another theme that emerged when analysing the obstacles perceived throughout the employment cycle for transgender people is the level of education, which is included within the *social rights'* box in the Distributional Dimension of the SEF (Jehoel-Gijsbers and Vrooman, 2007). Taking into account that there are significant school drop-out rates among trans students, with only a few advancing to higher education (Vivek *et al.*, 2016:2), and the fact that education is an important aspect evaluated by companies, many would argue that trans people do not get jobs because they are not educated enough.

*"Very often when I talk with managers and ask them why there are no trans people employed, many say that most of them do not have the necessary level of education" (Consultant).*

However, education should be seen as part of the problem, not the main problem that causes such exclusion from the formal labour market. Only 51% of the Brazilian adult population (66.3 million people) have concluded secondary school, and less than 20 million people (that is 15,3% of the adult population) have a university degree (IBGE, 2018)<sup>18</sup>. Hence, if education were to be the most important factor to obtain a job within the formal sector, a great part of the Brazilian population would struggle to get a job.

*"The level of education explains one part of the issue and not the whole. There are many who have advanced degrees, and yet they find barriers to finding jobs. And we know that in the Brazilian economy there are job positions requesting different qualifications. That means that it is not only those who have a high level of education can get jobs. There are plenty of places that require only high school, or even primary school. So, there are jobs for professionals with diverse educational backgrounds" (Consultant).*

It can be thus inferred that the main problem resides beyond the level of education. Although education can play a major role when looking for jobs, transphobia seems to be central when trying to understand why so many trans people are working within the informal sector.

### **6.3. National Legislation**

The following two sections seek to answer RQ.3<sup>19</sup> taking into consideration the current legal structure in relation to the transgender community in Brazil. Two central themes have emerged from the analysis of data: i) *the urgent need to facilitate legal*

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<sup>18</sup> For more information, please see: <https://agenciadenoticias.ibge.gov.br/agencia-noticias/2013-agencia-de-noticias/releases/18992-pnad-continua-2016-51-da-populacao-com-25-anos-ou-mais-do-brasil-possuam- apenas-o-ensino-fundamental-completo.html>

<sup>19</sup> RQ.3. *To what extent does the national legislation assist and protects the transgender community in relation to their access to/exclusion from employment and integration within the formal sector?*

*procedures related to identification documents; and ii) the creation of a law that criminalises transphobia.*

### **6.3.1. National documents**

All respondents addressed the issue regarding her/his name on official documents while describing the embarrassment suffered either because their social name was not respected by others or for the fact that the civil name's "gender" does not correspond to their physical appearance - e.g. a having on documents a male name, but the person physically looks a woman. Secondary data suggest one's name is strongly interconnected to discrimination and the chances of getting a job.

*"One's name is a crucial aspect regarding passability and discrimination in admission processes. A transgender person has a lower passability if their documents show a name other than their social name, which makes their transgender status immediately recognizable by others" (Baggio, 2017:365).*

Likewise, Vivek *et al.* (2016:1-3) consider that one of the fundamental elements for trans social inclusion is the "*acknowledgment of their gender identity*". For the authors, it is paramount the recognition of their gender identity in order to have a guarantee of legal entitlements that others (cisgender people) take for granted. The authors claim that by receiving legal coverage and the guarantee of gender recognition in official government-issued documents that are mandatory to open bank accounts, apply for educational institutions, enter the labour market, and so forth, provides access to a number of activities that are often denied to this group of people. Ultimately, the authors infer that when their gender recognition is denied, trans people face severe impediments in accessing appropriate care and health information (Ibid.).

*"One of the big problems is knowledge about the trans community. Officials in general do not know about issues related to the trans community, for example, they do not respect the social name in the documents, the gender identity of the person, etc" (Public Officer).*

In Brazil, the government allows one to add a 'social name' to your documents,

through the law decree 8.717. Many argue that this law decree is a quick fix because having two names on your documents are not helpful at all, and in some cases, can lead to discrimination as people will realise that document refers to a transgender person. Although it is possible to change your civil name, the legal procedure used to be very time-consuming and bureaucratic: it could take up to 2-3 years, and the person who wishes to change the civil name had to provide a series of documents to the government, including psychological therapy, psychiatric and other medical reports, personal photos showing that you are a transgender person, and so forth.

*"The process of name rectification is a very long process, it is a judiciary action in court, in which several documents must be handed in. Photos, psychiatric report, medical reports, to prove not only that you are trans but also that you are not wanting to defraud public and private institutions"* (Public Officer).

Additionally, you need to have some financial resources and level of instruction to start the process in order to get the judiciary authorization. In this sense, many respondents from the interview have addressed the importance to have a law that respects, above all, the self-gender identification which includes to right to change one's name.

*"I did two years of therapy in order to rectify my civil name. Before that, I went through various situations of embarrassment because the majority of the population does not know the difference between social name and civil name. Hence the importance of gender identity law that makes it possible for you to change your civil name once and for all is super important for us"* (Amanda);

*"One thing that would help to solve the problem is a gender identity law that gives people the freedom to change their names without too much bureaucracy. The addition of the social name in your documents does not delete the civil name on the document, and often, when these people seek a service in public/private institutions, instead of respecting the social name, people call them by their civil name, causing a high level of embarrassment to the trans person"* (Consultant).

Only in February 2018, the Brazilian Supreme Court (in Portuguese, Supremo Tribunal Federal - STF) ruled that transgender people could update their name and gender in the civil registry without undergoing sex-reassignment surgery<sup>20</sup> (SRS) or judiciary authorization (STF, 2018). After the decision, transgender people, who are older than 18 years, can update their documents by simply going to notary offices and requesting the update, without having to provide public officers all those documents and wait for their case to be analysed and judged. Nevertheless, the legal procedures regarding the rectification of the civil names on national documents are still in their early stages, being a privilege for those who, most of the times, have financial conditions and a higher level of education to understand how the legal apparatus work.

Altogether, the STF's decision was an important step for the trans community in relation to their social, economic and political integration. Like Vivek *et al.* (2016:1-2) state, the legal recognition will not only secure their rights but it will also empower trans people at a personal and professional level, by changing the way they are perceived by their families and society in general. The authors argue that “*this is an essential requirement for trans people to attain full personhood and citizenship. Such recognition results in a fuller civic participation of and by trans people*” (Ibid.). Hence, subscribing to the SEF (Jehoel-Gijsbers and Vrooman, 2007), the current situation about rectifying national documents show a *high level of exclusion* as transgender people still face barriers to have adequate access to government provisions (*social rights* box - distributional dimension).

### **6.3.2. Law against transphobia**

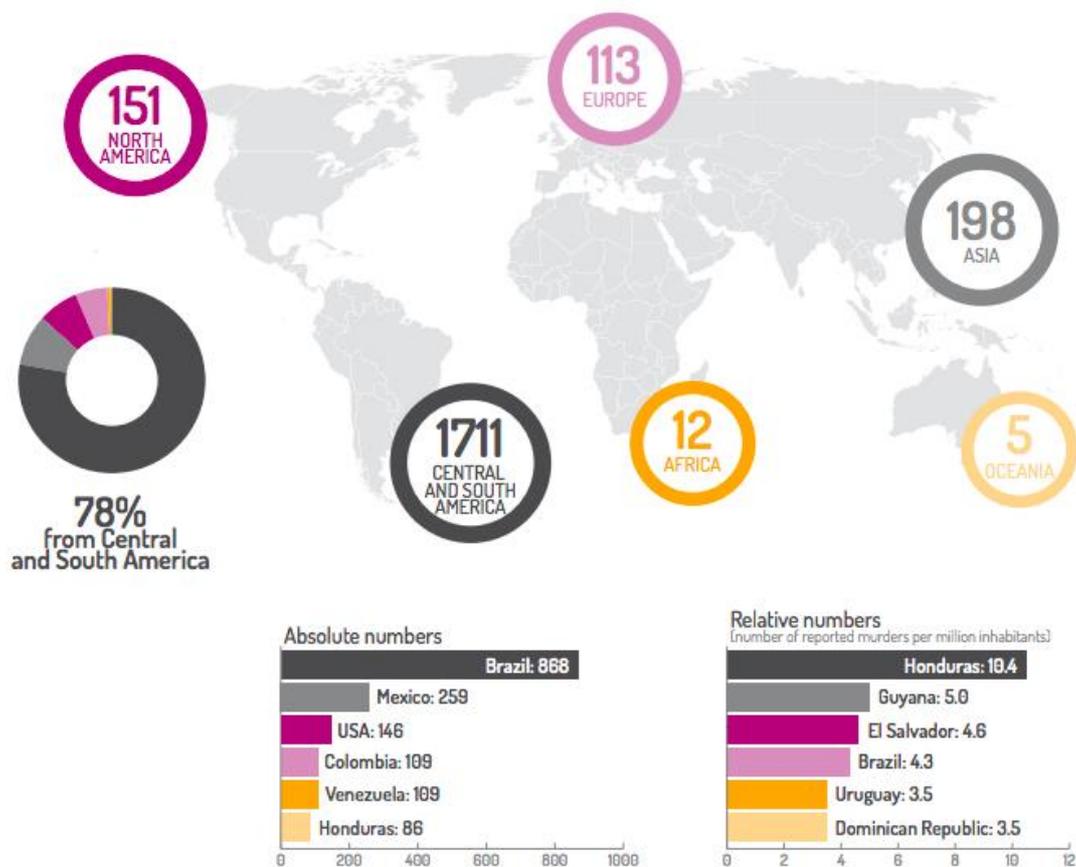
Transgender people in all parts of the world suffer systematically attacks against their lives, being victims of a diverse range of violence, hate crimes, and abuse, such as extortion, physical and sexual assaults. Crimes are often unreported and the authorities from different parts of the world, that is, the governments, give little attention to the underlying causes, such as transphobia, racism, xenophobia, and anti-sex worker hatred (Fedorko and Berredo, 2017:4).

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<sup>20</sup> Please see Appendix 1. Glossary (p. 64).

In Brazil, the situation of violence against trans people is very alarming (see Figure 1) and there is no federal law against transphobia. It is the country that has the highest number of murders of trans individuals not only regionally, but also globally. According to the TMM Annual Report (Balzer *et al.*, 2016:16), this awful panorama is composed by a diverse range of aspects related to specific socioeconomic, historical and political contexts in Brazil. Such reasons include: violence resulted from historical facts (colonialism, slavery, dictatorship, urban violence increased by local gangs, AIDS hysteria), state inefficiency to prevent and deal with socioeconomic inequalities, recent violent developments due to drug wars and political processes, and finally due to life-threatening situations that the majority of trans people face when working as sex-workers (Ibid.).

**Figure 1.** Absolute number of reported killings of trans people from January 2008 to June 2016



Source: TMM Annual Report 2016, TvT Publication, TGEU

In Brazil, many shocking and horrifying cases have been brought to the public eyes, such as the case of Dandara dos Santos. Dandara, 42 years old, was a trans woman who was tortured, beaten, shot and bashed with a big stone on the head by five men in February 2017. The case occurred in Fortaleza, in the north-eastern state of Ceará, and gained national and international<sup>21</sup> attention due to a video shared online, recording her brutal assassination<sup>22</sup>.

On a parallel note, the study “On the economic, social and cultural rights of the transgender population of Latin America and the Caribbean” (REDLACTRANS, 2014) conducted by the REDLACTRANS Organisation – a network composed of transgender people from Latin America – reinforces that the lack of recognition systematically contributes to keeping transgender persons invisible to the public and private institutions. Consequently, the report draws attention to the violence that transgender people experience in their daily lives and are not reported accordingly because they are often ‘invisible’ in all public statistics: “*the lack of recognition of the identity of transgender gender people makes it very difficult to define precisely the scope of human rights violations suffered by this population, as it is invisible in all statistics*” (REDLACTRANS, 2014:24).

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<sup>21</sup> For more information, please see: <https://www.nytimes.com/2017/03/08/world/americas/brazil-transgender-killing-video.html>; [https://www.washingtonpost.com/news/worldviews/wp/2017/03/23/a-horrific-murder-has-awakened-brazils-transgender-community/?utm\\_term=.c9f267ad297b](https://www.washingtonpost.com/news/worldviews/wp/2017/03/23/a-horrific-murder-has-awakened-brazils-transgender-community/?utm_term=.c9f267ad297b); <http://www.dailymail.co.uk/news/article-4289352/Transsexual-woman-dragged-home-beaten-death.html>; <https://www.thesun.co.uk/news/3038472/transsexual-dandara-dos-santos-brazil-murder-on-video-family-spea-k/>; [https://news.vice.com/en\\_us/article/j5dzvk/video-of-trans-womans-torture-goes-viral-as-brazil-struggles-with-the-highest-rate-of-trans-related-murders-in-the-world](https://news.vice.com/en_us/article/j5dzvk/video-of-trans-womans-torture-goes-viral-as-brazil-struggles-with-the-highest-rate-of-trans-related-murders-in-the-world)

<sup>22</sup> "The monitoring in Brazil brought attention to the case of Alex, an eight-year-old trans girl, who was beaten to death on 18 February 2014 in Rio de Janeiro by her father who wanted to teach her to behave like a man after she expressed an interest in belly-dancing, wearing female-clothing, and washing dishes. Alex was a primary school student. It also brought attention to the fact that among the nine murdered trans children between 8 and 14 years, there was a 13-year-old trans girl selling sex whose female name was not reported. The young trans girl was stabbed to death on 18 March 2015 in Araraquara, Brazil. She was found lying in the street with 15 knife wounds all over her body, including her head and face, as well as with a broken finger and fractured skull. A 14-year-old trans girl named Erica was shot to death with eleven bullets on 25 December 2010 in Maceio, Brazil. Erica engaged in commercial sex, too. 14-year-old Vanessa had received death threats and fled to her grandmother's house in Angelica, Brazil, where she was found strangled on 10 March 2014. These stories about trans and gender-diverse children are only some of the horrible stories that have been reported. But many of these stories go unreported and, thus, uncaptured by the Trans Murder Monitoring project. Again, these stories are only the tip of the iceberg, reported from a country with the best reporting statistics, while for many places such profound documentation is lacking" (TMM, 2016:21).

Such situation increases exponentially the exposure of transgender individuals to a higher degree of violence and abuse, revealing the urgent need to criminalise transphobia.

*"A law that criminalises transphobia is fundamental for advancing the integration of trans people into Brazilian society"* (Lawyer);

*"Criminalisation of transphobia is critical and we are still crawling at a federal level in that topic"* (Public Officer).

The current Brazilian outlook therefore reveals the urgent need to put into action an effective public policy to put an end on widespread cycle of murders and violence against trans people. For this reason, a law regarding the criminalisation of transphobia would help to break, at least to a certain point, the cycle of violence against trans individuals.

#### **6.4. Improvement**

Through the use of the SEF (Jehoel-Gijsbers and Vrooman, 2007), it was possible to find room for improvement in both distributional and relational dimensions. The following sections thus will answer the RQ.4<sup>23</sup>, addressing the emerged themes derived from data collected and secondary studies: which are: i) *Education: combating transphobia*; ii) *Relations in/with Organisations*; iii) *Sensibilisation Initiatives*.

It is important to note that those three key themes are strongly interconnected and alternate, at different levels, between both distributional and relational dimensions. For instance: the inadequate access to government provisions (which is included in the distributional dimension) refers (in)directly to the fact that many trans individuals encounter countless barriers to access those basic services (accommodation, health or education) due to transphobia. In the same sense, Relations in/with Organisations and Sensibilisation Initiatives are more correlated to the relational dimension as they refer

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<sup>23</sup> RQ.4. *What can be improved to facilitate the access of transgender individuals to the formal labour market?*

to insufficient social and cultural integration to the mainstream society; yet such gruesome situation is deeply connected to the fact that transgender individuals often do not have access to basic services (distributional dimension).

#### **6.4.1. Education: combating transphobia**

Combating transphobia is key not only to facilitate the entrance of transgender individuals into the formal labour market but also for their full integration to the work environment.

*"Transphobia affects social cohesion and stability with regard to not only trans and gender-diverse people's communities, but also within the larger societies in which those communities are embedded" (Balzer et al., 2016:4).*

There are several ways to combat transphobia, however educating employees and key stakeholders involved in the employment cycle can bring numerous benefits for everyone. This can be done at a public level (teaching gender identities, sexuality at schools) or at a private level within companies.

As pointed out by Baggio (2017), there is a widespread lack of knowledge on transgender identities within the Brazilian society due to various reasons, including: the dominant heteronormative discourse, ignorance, prejudice, and so forth. It becomes paramount hence to educate people about transgenerity. And this mainly concerns whoever are involved in the employment cycle, that is: selection, admission, integration or dismissal.

*"The ignorance regarding transgenerity not only permeates the relations transgender people keep with others in their work environment, but also with the organisation itself. Besides, the average Brazilian company still underperforms regarding diversity issues. The result is that transphobia creates and maintains difficulties for transgender people in entering and remaining in the formal labour market" (Baggio, 2017:368).*

Some would argue that discrimination and lack of knowledge about the transgender

community only happen in the so-called conservatives companies or fields of work. However, prejudice is everywhere, no matter which field or profession.

*"Currently I work in an artistic company and people think that because it is the artistic 'world', there is no prejudice. This is a fallacy, prejudice is inherent to the profession, it is in everything and everywhere. The prejudices I suffer here are veiled. For example, after working here for more than four years, I've never been invited by my co-workers to go to a bar to have some drinks after work (happy hour), for a dinner, you know... get-togethers that usually happen with your co-workers" (Amanda).*

To combat such situation, all respondents of this study have addressed the importance of educating and giving in-company training about diversity to employees.

*"You need to understand the level of knowledge that the organisation's teams have about diversity. This way, we will be able to apply educational processes and effectively deconstruct heteronormativity. Therefore, there is no formula that will work for every company. For being an education and cultural process, it takes time. However, as I said, it is important to understand heteronormativity and what people usually assume so we can deconstruct it" (HR Aline).*

The HR Aline professional highlights the importance of understanding the level of knowledge the employees have about diversity. By assessing that, it will be possible to apply effective diversity training and assure attainment of diversity policies. Consequently, the level of integration between trans and cisgender employees will substantially increase.

#### **6.4.2. Relations *with/in* organisations<sup>24</sup>**

To enter the formal labour market, the relations *with* organisations (e.g. government laws, national/international organisations) are paramount to absorb and integrate the

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<sup>24</sup> By "relations", it should be understood the professional or social relationships that one has with work (which includes friendship with peers, for instance), not intimate relationships.

transgender workforce. When asked what can be improved to facilitate the access of transgender individuals into the formal labour market, policies aiming diversity or even taxes benefits for having a diverse workforce were a few examples cited by respondents:

*"I just got this job in the formal labour market, because the owner of the company I work with has reserved 10% of the jobs for trans people"* (Amanda).

*"Perhaps there should be a fiscal incentive for organisations to have a more diverse workforce"* (Consultant).

Correspondingly, respondents and other studies addressed the importance of relations *in* organisations. Baggio's study (2017) indicated that even companies that consider themselves open to diversity, transphobia is still present because the diversity policies are not attained by employees.

*"The company I worked for used to say they have open arms for diversity, however, I suffered a lot of prejudice during my gender transition period because my co-workers did not accept it"* (Diana).

*"Usually, I'm all by myself, because every time everyone thinks it's just a joke. And the people who don't think it's a joke don't have the courage to speak up, because they also don't want to create any discomfort. And... then I don't say anything either, nobody is saying anything, everybody's laughing as if nothing had happened, and then people come talk to me in private: Hey, I don't think that was cool. But nobody stands up for me at the time these things happen. And neither do I"* (Baggio, 2017:367).

Both testimonials above reveal that relations *in* organisations are important in the discussion of what can be improved for the integration of transgender individuals into the formal labour market. Like many respondents brought this up, Baggio (2017) inferred that the HR departments play a fundamental role to prevent or resolve discriminatory practices.

*"For Nicholas, this lack of support increases their hopelessness in improving their environment and contributes to their feeling of non-belongingness. When third parties or Human Resources professionals are supportive, however, transgenders' perceptions of their environment is usually the opposite" (Baggio, 2017:367).*

*"The HR Department is important, but the whole corporation must be aware of the integration and inclusive of trans people. The work must be shared, it should not only rely on HR Department. It is necessary that educational processes, such as inclusive management and diversity, are disseminated within every team in the organisation" (HR Aline).*

In sum, positive relations *in/with* organisations are vital when thinking about what can be improved for the access of transgender individuals. It is important to note that, as mentioned previously, sections of this study are profoundly interconnected and one may impact/rely on the other one. For instance, 'Relations in/with organisations' and 'Education: combating transphobia' sections are interrelated because education about transgender identities and respect to differences are meaningful components that can positively impact the way cisgender people treat transgender people.

#### **6.4.3. Sensibilisation Initiatives**

Sensibilisation initiatives refer to actions/campaigns that are meant to raise awareness, empathy towards transgender individuals. Those initiatives can range from very simple in-company training to teach employees about gender identities, diversity, heteronormativity or a more complex set of actions that also include training other (in)direct stakeholders, such as receptionist, drivers, etc.

*"Simple actions can make big difference to avoid situations of embarrassment. For example, when a trans candidate is called for an interview, the company can request the personal ID number and when the trans candidate arrives at the reception, instead of asking for the ID document, the person only confirms the document number. This way, an embarrassing situation can be avoided if the social name is not yet in the document or the person does not feel*

*comfortable with the civil name" (HR Aline).*

Out of 5 HR professionals and Recruiters interviewed for this study, only 1 have heard or conducted a sensibilisation initiative in the workplace. Although the number of interviews is not representative, it suggests that sensibilisation actions are relatively scarce in companies in SP, revealing the need to foster more initiatives like that. As stated by Amanda, *"more than a diversity policy, it is necessary that companies take actions that aim at the well-being of everybody"*.

## **9. CONCLUDING REMARKS**

This study explored and analysed the perceptions of transgender people, HR professionals (or recruiters), and other stakeholders (such as public officers, lawyers, and consultants specialised in Diversity in Organisations) on the exclusion and obstacles faced by the transgender community when trying to access the formal labour market in SP, Brazil. It also investigated to what extent the national legislation assists and protects the transgender community in relation to their employability and integration within the formal sector. Finally, it examined which improvements can be done to facilitate the access of transgender people to the formal labour market.

The findings of this study suggest that the exclusion of transgender individuals are strongly interconnected to the lack of access to basic services (such as education or health), which is worsened by a continuous cycle of discrimination that trans people suffer from different groups of people and institutions (both public and private). Correspondingly, sex-work is another key aspect when analysing the reasons behind such exclusion, as many trans people are working as sex-workers. Moreover, social-cultural isolation was found to be a critical aspect when evaluating the exclusion of transgender individuals from the formal labour market; a society that is mainly ruled by heteronormative norms only fosters such marginalisation.

In regards to the obstacles to formal employment, this study showed that level of education is only part of the problem, not the main problem itself when analysing the absence of trans individuals in the formal labour market. In relation to the national legislation, it was addressed the importance of making less bureaucratic and more

accessible legal procedures to rectify the civil name on national documents, and the creation of a law that criminalises transphobia, taking into account the high level of violence suffered by the trans community in Brazil. Moreover, this study addressed that education to combat transphobia in both private and public spheres and sensibilisation initiatives are paramount to absorb and fully integrate the trans workforce.

This thesis hence intended to foment more research and knowledge - among different stakeholders - on how to overcome the exclusion of transgender individuals from the formal labour market. This research also aimed at providing a report that will hopefully help organisations to obtain a better understanding on the exclusion of transgender individuals from employment and to implement/change policies to secure them dignity and fairness during all employment phases in the formal economy.

Furthermore, in order to have a more complete picture and deeper understanding on the case of the exclusion of transgender individuals in São Paulo or elsewhere, this study firstly suggests for future research to increase the number of groups of people and institutions interviewed in order to have a statistically representative case of the city examined. In this sense, it would be interesting to make a comparison between cases from different cities/countries (with similar socioeconomic conditions).

Secondly, apply mixed methods (quantitative and qualitative) in order to find correlations and patterns on how economic limitations or educational levels throughout the past years prevent their chances to enter the formal labour market. As shown previously, transgender individuals in the labour economy are under-researched and there is an urgent need to map out this group, so reliable statistics and numbers can provide a better panorama for other studies.

Lastly, this thesis strongly recommends that more trans students engage in research regarding their current situation in the contemporary society. This study firmly advocates on converting the roles, that is, instead of only being the study's subject, a trans person is also the one who is actually doing the research her/himself. In this sense, studies will probably contain important details and different perspectives that a cisgender researcher might have missed in his/her analysis.

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# APPENDIX

## 1. Glossary

The following definitions have been extracted from the UNAIDS Terminology Guidelines<sup>25</sup> (UNAIDS, 2015), GLAAD Media Reference Guide<sup>26</sup> (GLAAD, 2016), and from the report "The vicious circle of violence: trans and gender-diverse people, migration, and sex work"<sup>27</sup> written by Fedorko & Berredo (2017), published by TGEU - Transgender Europe. There might be minor differences in meanings amongst different institutions; however, this research found the following to be the more comprehensive and updated terms.

**Cisgender:** A term used by some to describe people who are not transgender. "Cis-" is a Latin prefix meaning "on the same side as," and is therefore an antonym of "trans-." A more widely understood way to describe people who are not transgender is simply to say non-transgender people.

**Gender Identity:** Gender identity refers to a person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth. It includes both the personal sense of the body—which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means—as well as other expressions of gender, including dress, speech and mannerisms.

**Gender Expression:** External manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, behaviour, voice, and/or body characteristics. Society identifies these cues as masculine and feminine, although what is considered masculine or feminine changes over time and varies by culture. Typically, transgender people seek to align their gender expression with their gender identity, rather than the sex they were assigned at birth.

**Queer:** An adjective used by some people, particularly younger people, whose sexual orientation is not exclusively heterosexual (e.g. queer person, queer woman). Typically, for those who identify as queer, the terms lesbian, gay, and bisexual are perceived to be too limiting and/or fraught with cultural connotations they feel don't apply to them. Some people may use queer, or more commonly genderqueer, to

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<sup>25</sup> UNAIDS is the Joint United Nations Programme on HIV and AIDS, which aims at leading a "global effort to end AIDS as a public health threat by 2030 as part of the Sustainable Development Goals" (UNAIDS, 2017). For more information, please see: [http://www.unaids.org/sites/default/files/media\\_asset/2015\\_terminology\\_guidelines\\_en.pdf](http://www.unaids.org/sites/default/files/media_asset/2015_terminology_guidelines_en.pdf)

<sup>26</sup> For more information, please see: <http://www.glaad.org/sites/default/files/GLAAD-Media-Reference-Guide-Tenth-Edition.pdf>

<sup>27</sup> For more information, please see: <http://transrespect.org/wp-content/uploads/2018/01/TvT-PS-Vo116-2017.pdf>

describe their gender identity and/or gender expression (see non-binary and/or genderqueer below). Once considered a pejorative term, queer has been reclaimed by some LGBT people to describe themselves; however, it is not a universally accepted term even within the LGBT community. When Q is seen at the end of LGBT, it typically means queer and, less often, questioning.

**Intersex:** An intersex person is an individual with both male and female biological attributes (primary and secondary sexual characteristics).

**Sex Reassignment Surgery (SRS):** Also called Gender Confirmation Surgery (GCS). Refers to doctor-supervised surgical interventions, and is only one small part of transition (see transition above). Avoid the phrase "sex change operation." Do not refer to someone as being "pre-op" or "post-op." Not all transgender people choose to, or can afford to, undergo medical surgeries.

**Transphobia:** encompasses a spectrum of violence, discrimination, and negative attitudes towards trans and gender-diverse people or people who transgress or do not conform to social expectations and norms having to do with gender. This includes institutionalised forms of discrimination, criminalisation, pathologization, and stigmatisation that manifest in various ways, ranging from physical violence, hate speech, insults, and hostile media coverage to more diffuse forms of oppression and social exclusion.

**Transgender / Trans / Gender-diverse (adj.)<sup>28</sup>:** Umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth. People under these umbrella terms may describe themselves using one or more of a wide variety of terms - including individuals who have received gender reassignment surgery, individuals who have received gender-related medical interventions other than surgery (e.g. hormone therapy) and individuals who identify as having no gender, multiple genders or alternative genders. They may express this difference through language, clothing, accessories, cosmetics, or body modifications. Transgender/Trans people and gender-diverse people include, among many others, transsexual and transgender people, trans men and trans women, cross-dressers, agender, multi gender, genderqueer, and gender non-binary people, as well as intersex people who relate to or identify as any of the above. Also included are those who self identify or relate to the terms "trans people" or "gender-diverse people" in international contexts, such as people who see themselves as a part of local, indigenous, or sub cultural groups – e.g. *Leitis* in Tonga, transvestite or *travesti* (Brazilian Portuguese) in some Latin American countries, – and those people in non-binary gender systems who were raised in a different gender than male or female. Use the descriptive term preferred by the person. Many transgender people are prescribed hormones by their doctors to bring their bodies into alignment with their gender identity. Some undergo surgery as well. But not all transgender people can or will take those steps, and a transgender identity is not dependent upon physical appearance or medical procedures.

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<sup>28</sup> This study opted to classify these three terms as interchangeable.

## 2. Interview Questionnaires

### **Group: Transgender People**

**Name / Age**

**Education**

Primary School / Secondary School / High School / Technical Certificate / University / Master or PHD

**Ethnicity/Race:**

White / Black / Yellow / Brown / Indigenous – These are the five categories stipulated by the Brazilian Institute of Geography and Statistics (IBGE).

**Profession**

**Is it within the formal or informal sector?**

The concept of formal or informal sector will be explained and highlighted on the forms/interviews.

1. Have you ever heard about the law 8.717, regarding the possibility to have your social name (if existent) on all your documents?
  - 1.1 If yes: do you mind sharing if you've requested it and tell me how was the process? How long did it take? Was it very bureaucratic? Did you feel comfortable while requesting it to public officers?
  - 1.2 If not: Do you think having a social name on your documents would be a good thing for you? Why?
2. Regarding your experience while looking for jobs and doing interviews, how is it?
3. Have you ever been employed within the formal sector?
  - 3.1 If so, could you please provide more details and share your experience on how you got the job?
4. Do you think working for the formal sector is better than working in the informal? Why?
5. Have you ever felt that being a trans person made things more difficult in terms of finding a job within the formal sector? Why?
6. Have you ever felt discriminated once the interviewer found out that you are a trans person?

7. Do you think it makes a difference for trans people when companies advertise their job positions stating that trans people are welcome to apply?
8. What do you think compose the biggest barrier/issue for trans people in securing a job within the formal sector?
9. Regarding your working experience or participating in selection processes, do you feel that HR professionals treat trans people and cisgender candidates equally?
10. Do you think trans people should receive a special treatment? If so, could you please explain your reasons?
11. If you have been employed within the formal sector, what do you think your company or the companies you had worked before should improve in relation to the recruitment process for trans people?
12. If you have been employed within the formal sector, did/do you feel integrated into work environment? If not, could you please explain why?
13. Do you think the HR professionals and managers/peers know about LGBT rights and how to treat LGBT people respectfully and in a professional manner?
14. Is there any good practice/advice for companies that you would suggest when employing/recruiting trans people?

### **Group: HR Professionals and Recruiters**

**Name / Age**

**Education**

Primary School / Secondary School / High School / Technical Certificate / University / Master or PHD

**Ethnicity/Race:**

White / Black / Yellow / Brown / Indigenous – These are the five categories stipulated by the Brazilian Institute of Geography and Statistics (IBGE).

**Profession**

**Is it within the formal or informal sector?**

The concept of formal or informal sector will be explained and highlighted on the forms/interviews.

1. Have you ever heard about the law 8.717, regarding the possibility to have your social name (if existent) on all your documents?

2. If an employee requests to change her/his civil name to his social name in your company, does the HR Department in your company know how to proceed? Would it be an easy procedure?
3. Do you think a trans woman has the same working rights as a cisgender employee, i.e. maternity leave?
4. Do you feel that the company that you work for or organisations in general are equipped with sufficient knowledge about LGBT rights at work?
5. Have you ever received in-company training on LGBT rights at work?
6. Have you ever interviewed a trans person? If so, could you please tell me how was your experience?
7. Based on you current and previous professional experiences, have you received/has your company received many applications from trans people?
  - 7.1 If so, would you say that most of the times they were qualified for the job?
8. Do you know if there are trans people hired in your current company?
9. Do you feel that managers and peers should be warned beforehand that a trans person will be part of the team?
10. Do you know if a trans woman is accountable to have maternity leave?
11. In your opinion, what should companies and organisations do to incentivize trans people to apply for jobs within the formal sector?
- 12.

### **Group: Other Stakeholders**

**Name / Age**

**Education**

Primary School / Secondary School / High School / Technical Certificate / University / Master or PHD

**Ethnicity/Race:**

White / Black / Yellow / Brown / Indigenous – These are the five categories stipulated by the Brazilian Institute of Geography and Statistics (IBGE).

**Profession**

**Is it within the formal or informal sector?**

The concept of formal or informal sector will be explained and highlighted on the forms/interviews.

1. According to ANTRA (Travesties and Transsexuals Association), around 90% of trans people work within the informal sector, mostly as sex-workers. In your opinion, why there is such a high number of trans people being sex-workers and working in the informal sector?
2. Based on your professional experience (legal), what constitutes the biggest barrier for trans people to have their rights secured and fair chances to secure a job within the formal sector?
3. In your opinion, which amendments in the law you could assist trans people in terms of integrating them?
4. Do you think that the recent law regarding the social name helped trans people to secure their rights? Could you please explain in more details your answer?
5. How is the procedure to request a change from the civil name to the social name on all your national documents?
  - 5.1. Is there any financial cost involved?
  - 5.2. Usually, how long does it take to get your social name on all your documents?