



INDIVIDUAL STRUGGLES  
**WIDESPREAD INJUSTICE**

Trans and Gender Non-Conforming Peoples'  
Experiences of Systemic Employment  
Discrimination in New York City

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The New York City Anti-Violence Project empowers lesbian, gay, bisexual, transgender, queer, and HIV-affected communities and allies to end all forms of violence through organizing and education, and supports survivors through counseling and advocacy.

We operate a 24/7 hotline (212-714-1141) that is bilingual in English and Spanish and provides support to LGBTQ and HIV-affected survivors of violence. We also offer free legal services, crisis counseling, and economic empowerment support to our community. This report marks the launch of our TGNC economic justice campaign, which will grow out of the recommendations we make at the end of the report. **If you would like to get involved and learn more, email us at [community@avp.org](mailto:community@avp.org)**

We have also produced a community companion report, *"Speak Up About It:" Community Experiences and Actions to Reduce the Impacts of Anti-TGNC Discrimination in New York City Workplaces*, which includes practical information about the rights New York City upholds for TGNC people, interviews with community members, and actions TGNC New Yorkers can take if they are discriminated against or their rights are violated. You can access the report at [avp.org](http://avp.org).



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# Trans and gender non-conforming (TGNC) New Yorkers face discrimination and violence that negatively impact their abilities to thrive emotionally and socially, and create barriers to maintaining economic stability.

This has been true for a long time, and the City, as well as civil and human rights movements, have only recently begun to take notice of the harms done. In response, the City has attempted to create access to employment, housing, health care, education, and other needed resources to support economically stable and just futures for our TGNC New Yorkers.

The LGBTQ movement, despite including the “T” in many organizations’ names and goals, has often decentered and deprioritized the needs of trans and gender non-conforming people, particularly TGNC people of color. New York State’s Sexual Orientation Non-Discrimination Act (SONDA), passed in 2002 and effective as of January 1, 2003, was a landmark piece of non-discrimination legislation that applied only to “actual or perceived sexual orientation.” Though included in the original proposed legislation, the finalized version of the law excluded protections from discrimination based on “actual or perceived gender identity or presentation.” In an immediate attempt to close this gap, in 2002, the New York City Council passed the Transgender Rights Bill (Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23)). While this law made it illegal to discriminate against people based on TGNC identities, it did not have clear enforcement guidelines.

In the years since, advocates have been fighting to pass a state level bill, the Gender Expression Non-Discrimination Act (GENDA), as it became clear that the language of the New York City law was vague, largely unimplemented, and unenforced. In December 2015, the New York City Commission

on Human Rights released legal guidance that provides bold and explicit examples of violations. The Guidance sends a clear message to employers, landlords, business owners, and the general public about what the City considers enforceable rights of transgender and gender non-conforming people under the City law. Seventy-two percent of survey respondents to the New York City Anti-Violence Project’s TGNC Employment Discrimination Survey, on which this report is based, said they were aware of all or some of the rights granted by the Transgender Rights Bill and enforced by the guidance.

**48%**

of survey respondents did not identify only with a binary gender, indicating they identified as gender non-conforming, non-binary, gender queer, two-spirit, third gender, agender, androgynous, or trans.

**31%**

of respondents use they/them pronouns.

## Awareness of Rights

National press and debates around “bathroom bills” have heightened the awareness of gendered spaces as a battleground for the rights of TGNC people. The right to use the facilities that align with a person’s gender is widely discussed in mainstream media. Perhaps as a result of these public conversations, respondents were most likely to know that they have the right to access a bathroom or single-sex program that aligns with their gender.

Respondents were least likely to know their right not to be subjected to gendered dress codes and their right not to be denied gender affirming health care from employee health benefits.

The most common experience of discrimination was being misgendered, deadnamed, or mistitled.

### The Legal Enforcement Guidance on Discrimination on the Basis of Gender Identity or Expression<sup>1</sup> explicitly confirms the right to:

- Have your pronouns, name, and title respected, regardless of what is on your identification.
- Access gender segregated spaces that align with your gender identity including bathrooms, locker rooms, and programs. You cannot be forced to use single occupancy restrooms or be blocked from joining a program because other participants might be uncomfortable.
- Have your gender expression respected and not be punished because of your presentation. This includes the right to wear makeup or jewelry and to be free from anti-gay or transphobic comments due to the way you present.
- Not have gendered dress codes or uniforms at your job enforced on you.
- Access to health benefits that must include gender affirming care. Health benefits access, including child care, and documentation requirements must be the same for all genders.
- Be able to make a complaint about discrimination at work without retaliation, like being assigned undesirable shifts, demotions, firing, and others.

From 2015 to 2017, with support from then-City Council Speaker Melissa Mark-Viverito, the New York City Anti-Violence Project (AVP) in collaboration with the Audre Lorde Project, GMHC, Make the Road New York, Sylvia Rivera Law Project, the LGBT Community Center, and TransLatina Network held a series of TGNC forums, one in each borough. The forums, which were attended by nearly 600 TGNC New Yorkers, exposed the ways that the city has been failing TGNC New Yorkers. Staff and community members at AVP, facilitated by Lead Organizer LaLa Zannell, decided to focus efforts on delving deeper into the concerns raised about employment discrimination in the forums. *Individual Struggles, Widespread Injustice* looks at the effect the Guidance has had on TGNC New Yorkers’ efforts to find employment and confront discrimination in the workplace.

<sup>1</sup> The bullet pointed text is paraphrased and simplified from the Legal Guidance. For exact legal wording, read the full guidance on the New York City Commission on Human Rights website: <https://www1.nyc.gov/site/cchr/law/legal-guidances-gender-identity-expression.page>



**I have had several co-workers use male pronouns when talking about me, seemingly ‘by accident.’ ...A lot of the time, it’s ‘accidental’ but the reasons that it is accidental are inherently and intentionally transphobic.**

- SURVEY RESPONDENT, ON BEING MISGENDERED

# HOW WE TALK ABOUT DISCRIMINATION AND VIOLENCE

“Discrimination” was not explicitly defined in the survey materials. The first page of the survey framed the work in this way:

*Recognizing employment discrimination as a form of violence that especially impacts the TGNC community, AVP is working on a TGNC Economic Empowerment Campaign to improve access to employment for TGNC New Yorkers. This survey, written by our community members, is anonymous and designed to capture the experiences and barriers to accessing employment and discrimination on the job for the TGNC community in NYC.*

In this report, we relied on our community members and survey respondents to share how discrimination has affected them, as they define it. TGNC-identified folks named for themselves the location and impact of their experiences, and the responses we received very clearly showed themes of inaccessible employment. Under American capitalism, lack of employment blocks access to housing and healthcare and undermines economic security; when being un-or- underemployed is the result of discrimination, that is violence. Striving for economic justice is a prevention strategy against the violence of employment discrimination.

Like most systemic violence, employment discrimination is highly particularized, operating both implicitly and explicitly. Because of the confidential nature of hiring

and human resources processes, many people who are experiencing employment discrimination struggle to connect what happened in their particular situation with broader systemic issues. The experiences documented in this report were both interpersonal and institutional. Some were identified as microaggressions by well-meaning peers, while other discriminatory experiences were embedded throughout institutional policy and practice, as well as within the fabric of an organization’s unspoken culture. Even more insidious is the emphasis on individualized failure, despite countless examples of institutional bias.

While the burden of proof in cases of employment discrimination falls squarely on the shoulders of the individual experiencing the violence to not only name, but also document and report their trauma - it cannot be emphasized enough that the resulting feelings of isolation, anger, depression, etc., are the byproduct of institutional violence. It then becomes the responsibility of agencies such as AVP to hold and name these contradictions, both externally as well as internally. Especially on the heels of the leaked Department of Health and Human Services (DHHS) memo<sup>2</sup> - which if it becomes enshrined in federal law would further enable the root causes of institutionalized discrimination for TGNC-identified people - it is a matter of drawing the line in the sand, and deciding whether or not to follow the path of ally, co-conspirator, or perpetrator.

**economic justice:** the equitable access to resources such as meaningful work, housing, and education to live the lives they choose.

<sup>2</sup>“Transgender Could Be Defined Out of Existence Under Trump Administration” (<https://www.nytimes.com/2018/10/21/us/politics/transgender-trump-administration-sex-definition.html>)

# EMPLOYMENT, EDUCATION, & INCOME

Although there is a common assumption that more education will lead to increased rates of employment and higher incomes, among the TGNC people who responded to our survey, we found that despite being more likely to have a bachelor's degree than other New Yorkers, only 45% had full time jobs and 52% of respondents had an income lower than \$30,000 a year.

There was also significant disparity between TGNC people of color and white TGNC respondents, with 43% of people of color holding bachelor's degrees and 41% making less than \$10,000 a year. In contrast, 78% of white respondents held bachelor's degrees or higher and 14% of white people made less than \$10,000 a year.

Recommendations that individuals pursue a higher education in order to improve their life situations fall short as it puts the responsibility on individuals to improve themselves instead of creating equitable access to employment opportunities. If increased levels of education are not producing the expected results, the problem is systemic and related to widespread anti-TGNC discrimination; employment and income are not about individual shortcomings. For TGNC people who experience intimate partner, sexual, and hate violence, the impact on their economic security is profound. For people who are already struggling with underemployment and low incomes, surviving and recovering from violence can be financially devastating. Survivors often go into debt so they can establish safety for themselves and their families, and the physical and emotional effects of surviving violence often makes accessing and maintaining employment even more difficult for already marginalized people.

While the United States government sorts people into the categories of employed, unemployed, and not in the labor force, this report takes a more complex approach to employment status to reflect the broad range of experiences of TGNC people. In the employment questions of the survey, respondents could select multiple answers to each question. Forty-five percent of the total respondents reported that they were full time employed, but some of these people also selected other categories, indicating that they had multiple jobs.

For TGNC people who experience intimate partner, sexual, and hate violence, **the impact on their economic security is profound.**

For people who are already struggling with underemployment and low incomes, surviving and recovering from violence can be financially devastating.

<sup>3</sup>The New York State Department of Labor releases monthly data on unemployment rates; in June 2017, the month that our survey opened to respondents, New York City's unemployment rate was 4.4%. "State Labor Department Releases Preliminary June 2017 Area Unemployment Rates" <https://www.labor.ny.gov/pressreleases/2017/july-25-2017.shtm>



**11%**

of survey respondents were receiving disability benefits.

This is more than double the national average.

**37%**

of TGNC New Yorkers in our survey who held a B.A. or higher had an annual income of less than \$30,000.

In New York City, the rate of poverty for people with a B.A. or higher is only 8%.

**22%**

of TGNC New Yorkers surveyed are unemployed.

This is nearly five times higher than the New York City unemployment rate.

Twenty-two percent of respondents reported that they were unemployed but looking (nearly five times the city unemployment rate)<sup>3</sup> and 21% of respondents were employed part time or in contract work. Eleven percent of respondents were receiving disability benefits, which is more than double the national average (4.7% of the population ages 18-64 received Supplemental Security Income in 2016).

Slightly more than half (52%) of respondents have an annual income of less than \$30,000, with 29% of respondents making less than \$10,000. In 2016, 19.5% of New York City residents lived below the poverty line<sup>4</sup> (\$15,017 annual income for a single person household). Sixty four percent of survey respondents who are people of color made less than \$30,000, and 41% of people of color in the sample made less than \$10,000. Of the white respondents, 38% made less than \$30,000, with 14% making less than \$10,000.

Fifty-nine percent of survey respondents had completed a bachelor's degree or higher, with 23% of survey

respondents currently enrolled as students. Forty-three percent of people of color had completed a bachelor's degree or higher, while 78% of white respondents had done so. In New York City, 36.2% of people over the age of 25 have completed a bachelor's degree or higher.<sup>5</sup>

Thirty-seven percent of survey respondents who have a Bachelor's degree or higher made less than \$30,000. The rate of people in New York City who are in poverty *and* have attained a Bachelor's degree or higher is 8%.

Our survey did not ask about how many people lived in the household with the survey respondent, so it is impossible to precisely compare survey respondents to the poverty line. However, based on the data we have and the assumption that some of the respondents were likely in households that include other adults or children, the rate of poverty among TGNC New Yorkers is most probably significantly higher than the citywide rate of poverty.

<sup>4</sup> NYC Opportunity 2018 Poverty Report [www1.nyc.gov/site/opportunity/poverty-in-nyc/poverty-measure.page](http://www1.nyc.gov/site/opportunity/poverty-in-nyc/poverty-measure.page)

<sup>5</sup> "QuickFacts, New York City." U.S. Census Bureau, American Community Survey (ACS) <https://www.census.gov/quickfacts/fact/table/newyorkcitynewyork/PST120217>

# IDENTIFICATION CARDS & EMPLOYMENT

Obtaining identification that reflects a TGNC person's name and gender can play an important role in reducing the likelihood of employment discrimination and violence. There are many different kinds of identification, some are more difficult to obtain than others, and all require an investment of time and money to complete. Forty-one percent of respondents said that they had changed their name on one or more pieces of identification. Of these, 83% had changed their name on their driver's license/state non-driver ID and 79% had changed their name on their social security card. Only about half of respondents who had changed their name on an ID did so on their NYC ID (51%) or birth certificate (47%). A slightly lower percent of respondents had changed gender markers on identification than had changed names: 40% of respondents changed their gender on one or more forms of ID. The pattern was similar for gender marker changes,

with the state ID being the most likely to be changed. One respondent who had not changed their name had this to say about the impact it has had on their search for employment: "I have had employers tell me that they will not hire me based on false application data. I have had employers refuse to use my name and instead deadname me because it is what is on my ID."

Another respondent shared that, "Changing my gender marker on my passport, license, and social security card changed my life... It also made it safer for me to travel for work."

For respondents who had not been able to change their documents, there were barriers to employment: "My application data says female but my ID says male, this automatically outs me to employers and causes them to treat me differently and misgender me."

**deadname:** the act of using the birthname of a person who no longer uses that name (can also be used as a noun).

**misgender:** intentionally or unintentionally using incorrect pronouns when referring to a person.

## New Gender Markers on Birth Certificate Law

In October 2018, New York City passed a new law that enables TGNC New Yorkers to change their birth certificates reflect who they are.

The law allows a person to amend the gender marker on their New York City-issued birth certificate through self-attestation, removing the requirement for a medical or mental health professional to provide an affidavit.

The law also offers X as a gender marker option for non-binary New Yorkers who do not identify as male or female. NYC joins a growing number of jurisdictions in the world to legally recognize a third or non-binary gender designation.

One notable oversight in the creation of the survey is that we did not include a question about changing name and gender on a United States passport. In 2010 the State Department updated its requirements for gender marker changes on a passport so that a person can obtain a gender marker change on their passport with a certification from a doctor confirming that they have received clinical treatment, which could include talk therapy and not surgery. One respondent wrote in an open comment section, “I changed my passport, which allows me to verify employment eligibility using only documents that list my gender correctly.” In order to

successfully fill out an Employment Eligibility Verification form (also known as an I-9), a person must have ID. If the person has a United States passport, they do not need to show another form of ID. However, without a passport, they must produce two forms of ID, making the barriers higher. Since 2017, there have been reports of TGNC people facing greater challenges when attempting to change their gender marker and/or name on their passports. With the current administration attempting to erase TGNC identities, it may get more difficult for TGNC people to obtain a passport that affirms their name and gender.

## Are you TGNC and in need of support obtaining documents that affirm your name and gender?

Check out our companion to this report, “Speak Up About It”: Community Experiences of and Actions to Reduce the Impact of Anti-Trans and Gender Non-Conforming (TGNC) Discrimination in New York City Workplaces at [avp.org](http://avp.org) for how-to information on getting the documents you need, or call our hotline at 212-714-1141 to be connected to someone who can provide individual support for you.

# WORK FIELDS: FORMAL & INFORMAL LABOR

Our survey and the data presented in this report focus on the experiences of TGNC people as they try to find employment and navigate workplaces. These experiences with employment discrimination are crucial to understanding what TGNC New Yorkers experience, but they are only part of a larger picture. Employment programs and on-the-job discrimination reporting processes place emphasis on individual responsibilities for addressing harm and trying to cope with the personal situation a TGNC person is in. They often do not address the poverty and violence that TGNC people experience on and off the job. In order for TGNC New Yorkers to attain economic stability and work in non-discriminatory workplaces, it is imperative to both address the individual violence that people experience, and address the systemic violence and discrimination TGNC people face that prevents economic security.

Survey respondents were most likely to work in, or have applied to work in, the fields of social services, LGBT organizations, and retail. Survey respondents selected multiple fields: 32.2% worked in or applied to work in 2-3 fields listed, 21.2% worked in or applied to work in 4-5 fields listed, and 27% worked in or applied to work in 6-11 fields listed. The high numbers of people working in social services and LGBT organizations might be attributable to the means of distributing the survey, which was largely through networks of staff and community members at LGBT organizations. However, it may also indicate that these employers were less likely to discriminate against TGNC people in the hiring process and during employment.

One respondent, commenting on their challenges with finding work in their chosen field, said, “Instead of being poor and broke and without healthcare I have remained in the social service field burnt out, unable to fulfill my duties with the same passion and drive as I used to, at an LGBT specific organization because I know here I am much less likely to experience discrimination.” Respondents who worked in social services and LGBT organizations were also the most likely to be aware of all their rights – 47% of people in social services and 48% of people in LGBT organizations knew there were a set of TGNC rights and protections.

In addition to their experience in the above work fields, and the pursuit of on-the-books employment, some survey participants also indicated that they worked in unregulated informal economies where they both could express their gender and were also more vulnerable to violence.

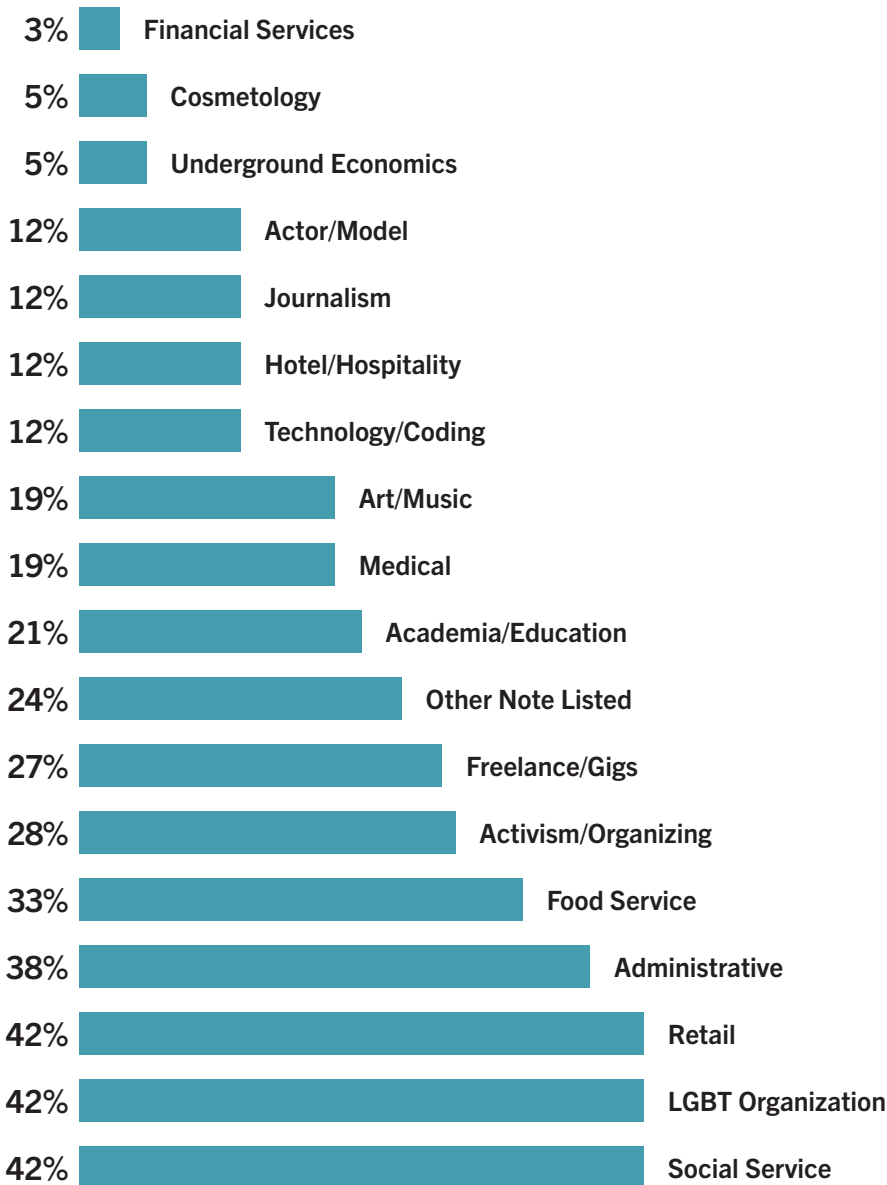


Instead of being poor and broke and without healthcare I have remained in the social service field burnt out, unable to fulfill my duties with the same passion and drive as I used to, at an LGBT specific organization because I know here I am much less likely to experience discrimination.

- SURVEY RESPONDENT

## What field(s) do you work in or have you applied to work in?

Note: people can be in more than one category.



Five percent of respondents to the questions about what fields they worked in or applied to work in since 2016 indicated that underground economies were part of how they make a living. It is also important to be inclusive of the reality that jobs like sex work, domestic labor, selling drugs, and other types of underground economies. This labor is particularly accessible to TGNC people who do not have affirming identification and is part of how TGNC people survive. Though most discussions of employment

set up the expectation that people strive for jobs that are legal and formalized in some way, this is not true for everyone. Attempts to eliminate informal economies through criminalization or over-regulation harm the people who labor under those conditions. Instead of abolishing this type of labor, it is important to examine the underlying conditions of all kinds of labor in order to ensure that TGNC people can access a living that works for them and reduces their vulnerability to violence.

# JOB SEEKING: BARRIERS TO EMPLOYMENT

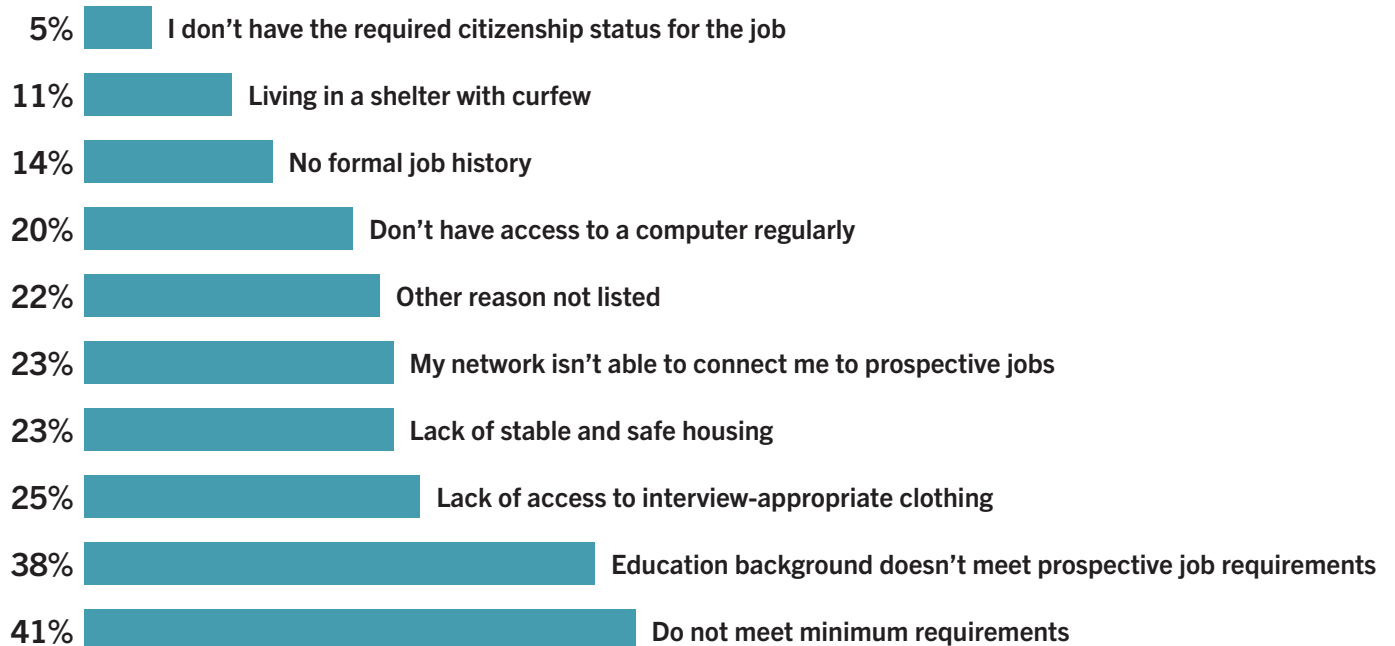
Sixty-nine percent of survey respondents have looked for work since January 2016. The data in this section is based on their answers. Job seekers used several different methods to search for a job, including online through Idealist, Craigslist, LinkedIn; applying in person; and participating in job programs including those offered by the New York City Human Resources Administration (HRA). However, more than half of job seekers (54%) relied on referrals from friends during their job search.

This is significant for TGNC job seekers because friend networks are an important part of safety planning, which is a personal strategy specific to a person's circumstances that can help reduce or minimize the violence they experience. This can help TGNC people reduce the harm of dealing with situations in which discrimination is very likely by finding workplaces that affirm their name and gender identity, learn which companies or departments to avoid, and possible ways to get around discrimination.

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## If you have looked for a job since January 2016, what barriers have you faced when searching?

Note: people can select as many as they like.



## Are you TGNC person who would like support creating a safety plan around markers and names while you are doing a job search?

Check out our “Speak Up About It!” Community Experiences, and Actions to Reduce the Impact, of Anti-TGNC Discrimination in NYC Workplaces for information about safety planning, or call our hotline at 212-714-1141 to be connected to one of our Economic Empowerment Program counselors.

### The Application Process

For jobs in which filling out an application form is required, 57% of respondents had to fill out a form on which they had to choose a gender that didn't match their identity. Thirty-one percent of respondents were asked about how they were assigned at birth, **which is an illegal question in an application and interview process in New York State.**

Respondents faced many different barriers during their job applications. The most frequent barrier being that they didn't meet minimum requirements for jobs (41%) and that they didn't meet educational requirements (38%). One respondent who wrote a barrier they experienced said, “Many of my former employers only know my dead name, and I'm not sure how to reach out to them to ask for references.”

New York City's Human Resources Administration (HRA) has created an Office of Client Advocacy and Access, which seeks to address the needs of the city's LGBTQ communities. Among these services are free, often mandated employment and “back to work” services and training. Nine percent of survey respondents had accessed these services since January 2016. Though some respondents had also participated in other job training services, 85% of respondents had not attended any job training program during the period between January 2016 and when the survey was open in 2017. Among the reasons listed for not attending these programs, many said that they were unaware the programs existed. One respondent who wrote in their answer said, “I already have education and training for my career.”

### The Interview

Seventy-eight percent of survey respondents who said they had looked for work had at least one job interview since January 2016, and their experiences skewed more positive than negative. Respondents were split evenly on whether or not they felt they were treated differently in the interview because of being TGNC, and 26% were not sure whether it was a factor.

White respondents were more likely (52%) to feel that they had experienced discrimination in an interview due to being TGNC. Twenty-eight percent of people of color felt there were moments they were treated differently due to being TGNC. For white TGNC people, the experience of being TGNC may be the first time they have felt discriminated against. For TGNC people of color, whose experiences are at the intersection of multiple identities and experience a variety of biases and discrimination, these encounters may read differently. It may be difficult or impossible to attribute discrimination solely to one identity, and they may be experiencing multiple forms of discrimination in a single interaction. These responses were similar in the next question on the survey, about whether or not respondents had ever experienced anti-TGNC discrimination in the workplace: 52% of white people said yes, while 35% of people of color said yes. Split by gender, transmasculine and men respondents and GNC respondents were equally likely to experience anti-TGNC discrimination in the workplace (46% each). 21% of transfeminine and women respondents were uncertain if they'd experienced anti-TGNC discrimination, and 37% were certain they had.



**I would meet the interviewer and felt most of the time judged by my outward appearance, perceived gender/background and even my name.**

- SURVEY RESPONDENT, ON BARRIERS DURING INTERVIEWS



# DISCRIMINATION IN THE WORKPLACE

Seventy-seven percent of respondents reported that they were employed at some point since January 2016, with individuals reporting that they had as many as twelve jobs during the 18 to 23 month survey period. Many respondents reported having one to three jobs during the study period. The survey asked respondents to identify the bias, discrimination, and violence they experienced on the job in three different areas:

- Pay, promotion, hiring, and firing
- General economic and administrative issues
- Sexual, physical, and verbal violence

At least one person experienced every issue that was listed on the survey. However, there were some issues that came up for at least one third of all respondents. When asked how many times they had been discriminated against in the workplace in general since January 2016, respondents put a number ranging from 0 to 500. Some wrote in things like, “too many to count.”

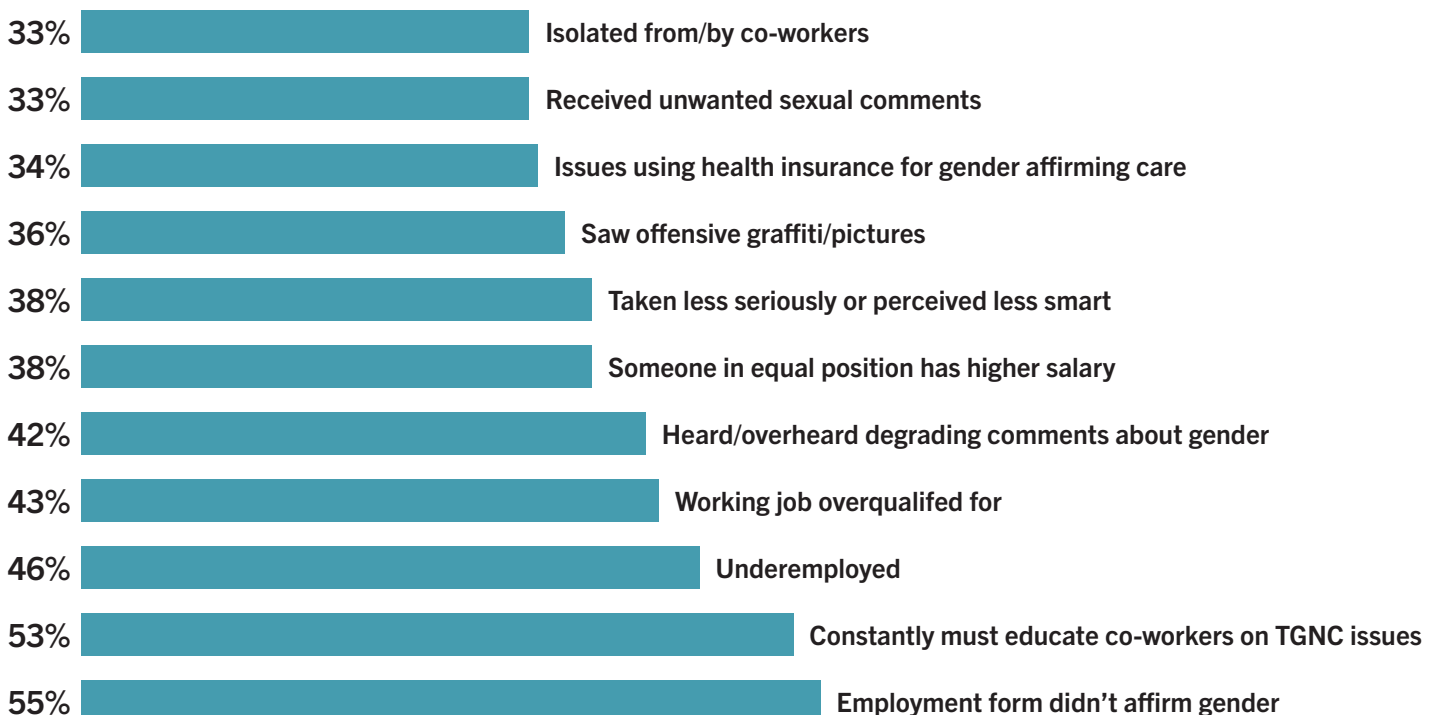


I had coworkers asking about my genitals, sex life, surgeries, and other uncomfortable questions but then no one would sit with me on break.

- SURVEY RESPONDENT

## If you have been employed for any period of time since January 2016, what experiences have you had?

Note: people can select as many as they like.



# TGNC WORKPLACE EXPERIENCES

## Stories of Harassment in the Workplace

“...constantly having to educate people in the office, advocate for people to use my pronouns, and correct people when they make offensive comments is exhausting and is a distraction from my ability to do my job.”

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“I was basically forced into being queer Google for the entire staff. I had coworkers asking about my genitals, sex life, surgeries, and other uncomfortable questions but then no one would sit with me on break.”

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“My main problem is related to customers and coworkers misgendering me a lot, and inappropriate customer behavior that management will never do anything about.”

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“I just think overall, my identity status led to being perceived as a liability to the organization and my department. I had to fight administration to acknowledge and recognize that LGBT identities should be celebrated and acknowledged (in the sense of displaying pride flags and offering LGBT trainings etc), which should never be the case in an HIV clinic within a public hospital.”

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“I would like to find a job at a workplace where I will not be frequently misgendered but I’m staying at this job for the excellent health plan, which covers a future surgery. Oddly, due to male privilege, some people at work take me far more seriously than they did pre-transition, so my daily life is a mix of extra privilege mixed with frequent discrimination. Because we are a national organization, I interact frequently with staff in other parts of the country who are unfamiliar with trans issues and who out me to clients and other staff frequently.”



My employer practices ‘performative allyship’ and makes a big deal about how they’re being trans-friendly. For example, they made some single stall bathrooms all gender, but didn’t consult any trans people in making the signs. They held an LGBTQ awareness training led by a cis person. Their speaker for a Pride event is someone who has a history of misgendering and deadnaming trans people. The discrimination I’ve experienced hasn’t been explicit or spoken but I feel that I would have advanced at my organization more quickly if I were cisgender, especially considering that I consistently exceed performance expectations.

- SURVEY RESPONDENT ON HARASSMENT

**65%**

of survey respondents have been out as TGNC to at least one person at their job since January 2016. 81% came out via an in-person disclosure.

**63%**

of respondents who were not out to anyone at work as TGNC wanted to come out but felt barriers stood in their way.

**56%**

of those not out cited fear of discrimination as their main barrier. About half of respondents listed uncertainty of co-worker/supervisor responses, no desire to disclose, anxiety, and isolation.

## Stories of Managing Workplace Experiences

“I didn’t disclose my trans status because I know I’ll be treated differently and will probably not have a chance at promotion.”

“I do not out myself, I do not tell others my pronouns, I do not correct them.”

“I’ve had to call out sick a lot for self care when traumatic experiences happen at work. I spend lot of time and money on self care related to treatment at work, and this is different from most of my cis colleagues.”

“I isolated myself, not attending social functions at the office or sharing much about my life with my coworkers, creating a division between me and the rest of the team. I have been more open about my life since transitioning at work and am waiting to see if things improve for me.”

## Stories of Being Outed At Work

“I was outed by management. My birth name was printed out on the schedule one week.”

“[The] computer system emailed a confirmation of employment with my old name to new colleagues the week I started because my legal name change hadn’t been processed by the computer system yet.”

# RESPONSES TO WORKPLACE DISCRIMINATION

Respondents were asked to describe the most significant employment discrimination experience they had had since January 2016. They then answered follow up questions about how, or whether, they reported the incident and what their employer's responses were. The data and stories that follow are from those respondents who reported experiencing employment discrimination between January 2016 and the time of the survey.

## Discrimination Experiences

"I was overlooked for a promotion though I am more qualified. I am also being paid less than my cisgender co workers but I do feel this has more to do with them being white than gender related it is so intertwined how to know whether it is because of race, gender or both."

"A manager took me aside to verbally assault my identity, ask invasive questions, and insult trans people as a whole."

"Being shamed about my gender presentation, having my pronouns being erased and being told by employers it is too difficult for them and not proper English to use they/them."

"The Human Resources department responded to my request that people stop misgendering me by pointing out that many people don't misgender me, then did absolutely nothing."

## Co-Worker Responses

Fifty-two percent of people told a coworker about the discriminatory incident, and the most frequent response from coworkers was listening to the complaint (86%). For respondents who didn't share their experience of discrimination with a coworker, and wrote in explanations of why, one said, "My coworkers would not be sympathetic," and another said, "They were also a part of the problem."

## Human Resources Responses

Of the respondents who were employed in workplaces that had human resources (HR) departments, 76% did not report a discriminatory incident to HR. Although the number of respondents who reported was very small (13), in a nearly identical pattern to the experience of reporting to a supervisor, 77% of discrimination reported to HR did not end and 77% of respondents felt that HR response was inadequate. Respondents wrote in many reasons for not reporting to HR, some of which include:

- "HR actively transphobic."
- "HR is useless and way less sensitive/competent than my co-workers or supervisors. The last people I would go to with a sensitive issue. So far removed from my actual workplace."
- "HR will tell others without my knowledge or consent and I don't want to deal with that or be outed more."
- "I don't want people to think I am difficult to have around, or a problem, or someone they have to be stressed out about, as a result of my gender."
- "I was too traumatized."
- "My supervisor instructed me not to tell HR."

## Supervisor Responses

Of respondents who had a supervisor, 42% reported incidents of discrimination to the supervisor. However, of the 58% of people who did not report it to their supervisor, 46% of those respondents cited that they did not do so because they had a complaint about their supervisor. When respondents reported to their supervisor, the most often reported follow up (20%) was a meeting or mediation among the involved parties. Twenty-four percent of respondents were retaliated against for reporting an incident.

Reporting incidents did not lead to resolution: 71% of respondents continued to be subjected to discrimination after reporting, and 76% did not feel that their supervisor's response was adequate.

For the respondents who did not report their experiences of discrimination: the top reasons for not reporting were that they did not think anything would change as a result of reporting, they didn't want to draw attention to themselves, and the supervisor was the person they had a complaint against.

### COMMUNITY MEMBER STORY

## RENATA RAMOS

*Interviewed by Shay Huffman on October 22, 2018 at Make the Road in Jackson Heights, Queens.*

Renata is a 57 year old transfeminine Latina who is an immigrant from Uruguay, has some college education, and is a participant in the 2018 cohort of AVP's TGNC Leadership Academy.

#### **On experiencing discrimination in the hiring process:**

"My general experience was of being told nothing was available. I applied at Trader Joe's seven months ago, in March. Nothing. And no call-back. I applied again as a man. No call-back. I applied at the Dollar Store. They wouldn't even help me fill out the application.

Last March was such a stressful time because I had family and friends coming over from Uruguay. I had spent 3-years saving to get their airline tickets. They had stopped work. One even sold their car. The cheapest hotel I could find cost \$1800 to put them up. I couldn't eat. I couldn't sleep. I didn't have the money and I couldn't find a job. I couldn't find acting jobs or catering. I had a high level of depression and anxiety. Fortunately, a friend lent their apartment."

#### **On being discriminated against by customers:**

"I had a catering job. They loved me and treated me well, but when I transitioned 10 months ago they had to let me go because of how their customers would react. They were wonderful. I know it was because of their customers."

#### **On challenges with access to housing for TGNC people:**

"Most of my friends are in shelters, in rooms with men. I have a friend whose silicone is rotting. I see many deformed faces and you just know what happened. I have a friend who has been HIV+ 30-years given from their boyfriend because they can get housing. Isn't that sad? So sad. There are many people who are happy when they are diagnosed HIV+ because it gets them in the shelters. They're called bug chasers."

COMMUNITY MEMBER STORY

# EGYPT ROCHELLE DIOR

*Interviewed by Sophie-Rose Cadle on October 24, 2018 at the Anti-Violence Project in Manhattan.*

Egypt is a 36 year old Black TGNC person who does not have a pronoun preference, and was born in Brooklyn, the first-generation child of a Nigerian father and Tanzanian mother. Egypt is a participant in the 2018 cohort of AVP's TGNC Leadership Academy.

## **On fighting discrimination in the workplace:**

"I was incarcerated since April 2014 all the way till December [2017]. I came home December 6th of last year, so as soon as I came home I got a job at H&M as a sales advisor. I was having trouble at H&M because I have boyish features. Sometimes my body sticks out in the clothes I wear. It was an issue sometimes with the bathrooms. Sometimes people would say, what's this person doing in the bathroom. Managers sometimes poking fun, trying to push buttons, laughing, but I had to take it cause I'm on parole.

At that time I was going by she/her. There was snickering behind my back. Being sarcastic with the facial expressions. Saying 'excuse me sir, I mean ma'am.' I used to speak up about it. I didn't write it up. I should have because it would have helped me when I went to the 1102 hearing. 1102, that's the union. 1102 usually covers retail stores. It would have helped me make a stronger fight. I didn't write people up. It would have helped me. [Lack of] documentation... that's what kicked me in the butt when I went to the hearing."

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## Other Approaches

Only 32% of respondents chose to directly confront the person(s) in their workplaces who discriminated against them. After this conversation, 52% of respondents said the discriminatory incidents continued at the same rate, and 28% said that the discrimination got worse.

Only four percent of respondents filed a claim with an outside agency (such as New York City's Human Resources Administration or the New York City Commission on Human Rights), although in

recent years the City has made an effort to increase reporting through public education efforts. Thirteen percent of respondents consulted a lawyer about the discrimination they experienced. Of these, about two-thirds had their cases taken on, while the remaining third were informed that there wasn't enough evidence.

Ten percent of respondents worked in a job, such as sex work, in which they did not have legal protections or recourse.

## COMMUNITY MEMBER STORY

**BRIANA SILBERBERG**

*Interviewed by Sophie-Rose Cadle on October 24, 2018 at the Anti-Violence Project in Manhattan.*

Briana is 26-year old white trans-feminine community activist who has worked in sales. She is a participant in the 2018 cohort of AVP's TGNC Leadership Academy.

**On barriers to opportunities:**

"I have had situations occur where it was made clear to me in the workplace that the accommodations that my employers were legally required to provide were seen as a burden that I was causing them to have. I feel like that led to me losing opportunities to be able to build networks and connect with potential opportunities. I get the sense that applications of mine were turned away or not ever looked at because of basic demographic information.

I think that a lot of the resources that have been available to me in educational institutions that were ostensibly for the LGBT population were heavily catered toward providing resources for LGB populations and that as a trans woman, accommodating my experiences was not prioritized appropriately or, really, not at all. It was especially hurtful because most of all, it prevented me from materially improving my life. But also because of feeling like I was surrounded by rhetoric about how wonderful everyone was as an advocate or ally when their actions did not demonstrate that."

**On being treated differently in the workplace:**

"I had someone who tried to bully me at a job when I was out to them, and I was out to management, but not out to everyone else in the office. They were a cis gay male, and the overall attitude was 'you're creating a ruckus.' A lot of the attitude I got from others was, 'this is just how this person is.' They delivered for the company, so they were really valuable to this company. I got the sense that it was like, 'if you keep making a mess, it will be a mess for you.' I felt very much like I was being shut up by their actions.

I have had positions where I was made to feel like my asking for accommodations that were legally required was stuff that put me in the situation of being laid off for being a troublesome person. It felt like there were points being added against me. It was like being trans eventually started counting as me not doing my job. Their attitude was of annoyance at me for bringing up transphobic bullying in the workplace."

**On reporting discrimination:**

"I told this peer I was being bullied for being trans. They tried really hard to not follow up, and made excuses for the person doing the bullying. After that, I felt intimidated into not continuing to pursue it. The bullying didn't stop. Eventually there was a round of layoffs, and it felt like that situation played a part in my layoff."

## New York City Anti-Violence Project's

# ECONOMIC EMPOWERMENT PROGRAM

**The New York City Anti-Violence Project's Economic Empowerment Program (EEP) was officially founded in November 2015 and has continued to grow in the years since. AVP's EEP is located in the Client Services department and supports clients with free and confidential individual financial and workforce development services.**

This program was created and developed with the understanding that there is an economic cost to experiencing violence and that increasing economic stability reduces vulnerability to violence and feelings of shame and isolation. EEP's purpose is to directly address financial safety, health, and wellness with individual survivors of violence, to support their overall well-being. AVP's Economic Empowerment Specialist works in conjunction with the hotline and the client's counselors to support their goals and healing. EEP recognizes that without economic empowerment support it can be more difficult to heal from trauma in counseling because clients are often missing their basic needs for survival.

Since 2015, the Economic Empowerment Program has seen over 100 clients. Out of those clients 19% identified as TGNC. According to AVP's internal data, within AVP's Client Services department, the percentage

of TGNC clients that were seen in 2017 was 16%. While the percentages of trans women who accessed both counseling services and EEP services was relatively the same (11%), the number of clients who identified as trans masculine was more than double in the Economic Empowerment Program (6%), as opposed to those who were seen in our client services department (2.6%). Additionally, AVP's Client Services sees on average about 46% of its clientele that identify as people of color contrasted by the 60% that EEP sees. These statistics indicate that, similar to the results of the survey, both TGNC individuals and people of color have an increased need for economic empowerment services. This increased need stems from many of the issues that have been discussed from the survey such as lack of access to safe and affirming employment, higher experiences of violence, and systematic oppression.

**EEP's purpose is to directly address financial safety, health, and wellness with individual survivors of violence, to support their overall well-being.**

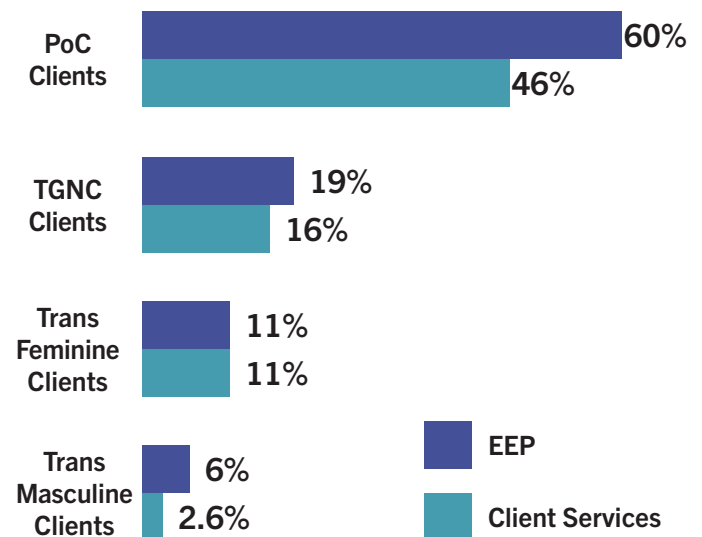


There are many job readiness and workforce development programs in New York City that fail to recognize the impact of institutional oppression and employment discrimination, and thus, place many rules and unrealistic expectations on the clients that they serve. AVP’s Economic Empowerment Program is focused on supporting the individual in the context of what they have experienced, what they are currently experiencing, and where they want to go. EEP works within a trauma informed framework and understands that often the violence people experience is deeply and directly tied to loss of income, jobs, housing, and sense of financial stability.

Many of the survivors EEP has worked with who have experienced intimate partner violence (IPV) and sexual violence (SV) have gone into large amounts of debt, often credit card debt, as a result of trying to survive after what they have experienced. Debt, more than most of the issues EEP works with, is one that brings feelings of deep shame. Because of our unique understanding of trauma, EEP understands that feelings of shame often occur when individuals have experienced violence, and those feelings are often compounded by feelings of shame around debt and money. Many clients report to EEP that these are topics they don’t have other people to talk to about and often do not want to speak to counselors outside of EEP about.

EEP is also structured with the principle of anti-oppression and we honor the decisions of clients without judgement. At many meetings with other providers there are often comments about how if clients only stopped buying coffee and nice clothes or getting their nails done, then they would have lots of money and not need their services. For many TGNC individuals, many of these “frivolous” purchases are often for survival. At EEP we have worked with many trans women in the NYC shelter system who need to get their nails done in order to feel safer within that system. Instead of shaming these clients for their survival needs, EEP works with clients to find places to get their nails done that are cost effective so that they can both feel safer in those spaces and also save money.

Just as many communities who have experienced oppression, EEP believe that the people that we work with have been surviving on their own without us and will continue to do so once they leave us. EEP works to breakdown the gatekeeping that is done in the financial field and provide information to clients in a way that makes sense. The approach to this work is individualized and focuses on the goals that clients have laid out for themselves. A “one size fits all” program doesn’t actually serve all. The individual work EEP does with clients is always survivor driven because much of the power and control has often been taken from our clients. More programs like EEP must be created and funded to support TGNC people in navigating these complicated systems and in support of their financial stability and success.



### Breakdown of Clients for the Economic Empowerment Program vs. Client Services

Data in this section is collected from the New York City Anti-Violence Project’s internal data collection, not from the TGNC employment discrimination survey.

# New York City Anti-Violence Project's TGNC LEADERSHIP ACADEMY

**The TGNC Leadership Academy (the Academy) was launched in July 2017 through the New York City Anti-Violence Project's Community Organizing and Public Advocacy (COPA) Department. The brainchild of Lead Organizer, LaLa Zannell, the Academy became one of the first intensive, TGNC-specific programs at AVP, developed in direct response to the articulated needs of community members.**

Whether arriving at AVP as a client or volunteer, many TGNC-identified people shared experiences of economic insecurity, job instability, and little-to-no access to employment-related services. These testimonials (in conjunction with a series of borough-wide forums, as well as the resulting data from this community-driven Employment Discrimination Survey), served as the anchor for COPA's organizing and advocacy campaign direction.

Initially conceived as a six-month immersive leadership development project, the Academy blends bi-weekly workshops with eight-week internships to put theory into practice, also plugging participants into AVP's existing organizing work through our Community Action Committees. These sessions were endcapped by weekend-long opening and closing retreats, culminating with a community graduation celebration. Based on extensive feedback and evaluation, the second year of The Academy narrowed programmatic focus to two tracks: Community Organizing and Policy - offering multiple pathways for participants to engage in solutions-focused advocacy. The program curriculum itself is a mixture of political education promoting critical analysis and tangible skill-building; utilizing a variety of highly interactive modules in the popular education tradition.

Workshops ranged from a variety of topics including TGNC Movement & History, Economic Justice 101,

the nuts and bolts of Community Organizing, Civic Engagement 101, Conflict Resolution, Radical Self & Community Care, Triggers & Boundaries in the Workplace, and Campaign Development. In between each workshop there are monthly one-on-one meetings for participants to meet with the Facilitation Team for deeper dive conversations regarding leadership development goals during their time in the Academy. Recognizing the time commitment required of participants in a six-month program, AVP found it crucial that The Academy be stipended for both the workshop and internship pieces, along with providing monthly metro cards to alleviate the burden of commuting costs.

Also key to the Academy is it being the first cross-programmatic partnership between COPA and the Economic Empowerment Program. From the application process to curriculum development to staffing the facilitation team, the Academy has been a truly collaborative endeavor in order to ensure the TGNC-centered program balances both anti-oppressive and trauma-informed frameworks. Even our community partners serving as internship sites - like Make the Road New York, the Sylvia Rivera Law Project, Destination Tomorrow, Gay Men's Health Crisis, Just Leadership USA, and Jews for Racial and Economic Justice - serve to deepen relationships vital to social justice movement-building.

## **Community relationships and skill development are key to shifting TGNC community members toward economic security.**

One of the successes to highlight from our pilot cohort has been the offering of either permanent full-time or extended consultant positions post-internship for over half of the graduating participants. Out of the 13 applicants selected, eight participants made it all the way through to graduation, and of those eight, six people were offered on-going employment. While the Academy itself is not a job placement program, the networking opportunities provided through our community partners have created jobs for participants, underscoring that community relationships and skill development are key to shifting TGNC community members toward economic security.

Through extensive evaluation of the first Academy cohort, the COPA team observed that the huge and complex impact of various accessibility issues along the

spectrum of mental health issues, learning (dis)abilities, substance use, housing instability, and proximity to social services intersect made it challenging to meet the needs of everybody in the room. While the curriculum attempts to be adaptive to the needs and access points for participants, the team found it imperative to acknowledge the sharp growing edge of the Academy's facilitator team to manage so many differing needs (that sometimes wound up contradicting one another).

Even still in its infancy, a byproduct of these first and second cohorts is the foundation on which to build replicable models of the TGNC Leadership Academy for other organizations and agencies that would meet the particularized needs of the TGNC communities they serve while also building an expansive and talented group of TGNC leaders.

# RECOMMENDATIONS

**The job search and workplace discriminations TGNC New Yorkers have continued to face since the implementation of the New York City Commission on Human Rights' Legal Enforcement Guidance on Discrimination on the Basis of Gender Identity or Expression implemented in January 2016, indicates that protections for individuals are not enough to support TGNC people in having access to economic stability. Education and job opportunities alone cannot close the gap, because discrimination runs deeper than lack of opportunity.**

This report has detailed a variety of complications in the economic lives of TGNC New Yorkers. People of all education levels report difficulties either attaining employment, or attaining employment that meets their needs and skills. TGNC people face discrimination at work, varying forms of economic instability (e.g., homelessness, lack of proper clothing), frustration at the systems established for reporting discrimination, and more. New York City and State must commit to not only employing TGNC people but also supporting them in their places of work, which includes mechanisms for reporting discrimination. A variety of policy and programmatic strategies can be employed to bring this principle into reality.

## **Strategies that focus on identity documentation:**

- Both paper forms and digital employee databases must have options for trans and gender non-conforming people who have not taken legal steps to change their name or gender marker so that their name and pronouns will be respected and upheld.

## **Strategies that focus on other economic justice concerns intersecting employment:**

- Public benefits, including rental assistance, should be de-coupled from “back to work” requirements, given the difficult that TGNC people face in finding work, and/or successfully engaging with workforce programs. Additionally, the income cap on rental assistance programs should be raised to support upward stability. This could be accomplished by using City Tax levy to fund a City-focused cash assistance program, and rental assistance.

## **Strategies that focus on reporting discrimination, increasing knowledge of the law, and employment history:**

- The New York City Council should pass a bill to extend the amount of time people have to file an employment discrimination complaint with the City Commission on Human Rights (CCHR) from one to three years.<sup>6</sup>
- The city should fund creation of a toolkit and training for liaisons and aspiring allies to connect with a TGNC person's former employers, explain the name change, and request a reference.

<sup>6</sup>The statute of limitations has already been extended to three years for gender-based harassment claims, which includes harassment based on gender identity and gender expression, but should be extended for all kinds of discrimination claims, as there are often multiple issues in each situation.

# RECOMMENDATIONS

## Strategies that utilize government connections to employers and workforce institutions:

- Introduce and pass an equal opportunity bill that mandates 1% of all City agency employees are TGNC and mandates TGNC-inclusive language in the Minority and Woman-Owned Business Enterprise (MWBE) Program, so that TGNC-owned businesses and contractors can be prioritized in City contracts.
- The City and State have many relationships with employers, not only through contracting, but also through employer convenings (e.g., New York City’s industry partnerships cultivated with the Office of Workforce Development), and government-funded workforce programs. The City should use these relationships to require hiring of TGNC people as employees.
- CUNY, SUNY, and other institutions that receive City and State funding (e.g., Community-Based Organizations with continuing and adult education programs) should provide free employment certifications to TGNC people, including High School Equivalency (formerly known as GED) programs. When contracting for organizations to provide skills training, certifications, and HSE completion, there should be preference for City funding to go to TGNC-led organizations and organizations with demonstrated competence in working with TGNC people.
- City- and State-funded workforce programs (e.g. “back to work” programs) should require all employers hiring participants of such programs to undergo employer “screens,” to determine the extent to which employers are welcoming of TGNC people. Workforce programs should keep institutional memory of which employers pass such screens, as well as TGNC employees’ histories with such employers.
- City and State funding should support an employment program for TGNC people, following on successes of models nationwide. Jobs should be available for multiple education and skill levels, across industries. Price per participant for this program should be comparable with the highest quality publicly-funded employment programs.
- A cadre of TGNC people should be employed by the City and State to train employers who maintain government connections (via means explained above) and workforce program staff on respectful treatment of TGNC people. The City and State should also employ TGNC people to train employees of hospitals, schools, and other institutions. This training initiative should utilize a “train the trainer” model to build trainers’ skills, ensure consistency of training, and offer more opportunities for TGNC employment.
- All City and State employment initiatives for TGNC people should also be made available to those who are undocumented.
- The City should maintain a centralized, online directory of TGNC employment opportunities that is publicized through a city-wide ad campaign.
- Through counsel with TGNC-led organizations, city agencies should implement Know Your Rights education and outreach around workplace and job search discrimination, targeting workplaces, TGNC New Yorkers, and City Council Members.

## Appendix A

# NOTES ON SCOPE AND METHODOLOGY

The TGNC Employment Discrimination survey that this report is based on was created and distributed by AVP staff and community members. Respondents qualified for the survey by self-identifying as trans or gender non-conforming and having lived, worked, or looked for a job in New York City since January 2016. The survey had 143 questions spread across 12 sections. Most questions were multiple choice and allowed for participants to select multiple answers, though there were also opportunities throughout the survey for respondents to write in narrative responses to questions.

Due to some questions being about specific employment experiences, not everyone was eligible to answer all 143 questions (for example, a person who said they were not employed would not be asked about their work environment). The survey was distributed online, in English and Spanish, and accepted responses between June and November of 2017. The survey focuses on the time frame of January 2016 to the moment of taking the survey, so it is a snapshot of TGNC New Yorkers' experiences in the 18 to 23 months after the Gender Identity/Gender Expressions Legal Enforcement Guidance was implemented. Respondents who completed seven out of the twelve sections were considered as having completed "enough" of the survey to be included in the final sample. There were 118 respondents included in the final sample, with 112 responses in English and six responses in Spanish.

Analysis of the survey results was participatory, guided by Allison L. Cabana. In Spring 2018, a group of AVP staff and community members gathered to discuss the preliminary data and make decisions for continued analysis. The data analysis is descriptive of respondent's experience and does not identify causes. Comments shared from write-in sections on the survey are not shared with demographic information; all quoted respondents are referred to with the gender-neutral pronouns they/them/theirs.

## Appendix B

# DEMOGRAPHICS

### Race

53% of survey respondents identified as people of color and 46% of respondents identified as white (only). People of color selected one or more of the following: Black or African American, Latinx/@, Native American or Alaska Native, Native Hawaiian or Pacific Islander, Asian or Asian American, or Middle Eastern or North African. Self-selected categories are reflected on page 33 (please note, people may select more than one category and the totals equal to more than 100%).

### Sexual Orientation

Respondents selected one or more sexual orientations from a list of nine options. The most significant finding was that 42% percent of the respondents identify as queer. 20% identify as heterosexual, 16% identify as gay, 16% identify as pansexual, 12% as bisexual, 9% as lesbian, 7% as asexual, and 3% as same-gender loving. The 8% of respondents who selected “not listed above” wrote in the orientations: 50, cryptosexual, open, transsexual, transsexual women.

### Gender Identity, Sexual Orientation, and Spanish Speakers

The New York City Anti-Violence Project operates a 24/7 crisis hotline that is bilingual in Spanish and English (212-714-1141). Hotline staff and volunteers ask callers about their gender identity and sexual orientation, and Spanish speakers often conflate gender identity and sexual orientation, sometimes using the same words to answer both questions.

### Age

Survey respondents were able to select age groupings ranging from under 18 to over 65. Roughly 75% of the respondents were between 18 and 40 years old.

### Citizenship Status

87% of the respondents were United States citizens by birth. 6% were naturalized U.S. citizens, 5% were permanent residents, and 3% were undocumented. AVP staff and community members who recruited survey participants prioritized outreach to immigrants and undocumented TGNC people. However, we suspect that the political climate of 2017 discouraged people from disclosing their citizenship status and/or taking the survey.

*\*For the purposes of this study, we refer to people in this category as gender non-conforming (GNC); though we recognize that description isn't one size fits all, we use this shortened phrase for ease of reading.*

# DEMOGRAPHICS, CONT.

## Pronouns & Gender Identity

42% of respondents use she/her/hers pronouns, 31% use they/them/theirs, 30% use he/him/his, 10% selected no preference/just respectful, 9% prefer their name instead of a pronoun, and 1% use ze/hir/hirs.

Respondents selected from a list of ten gender identities (see chart) and were able to select more than one; respondents also had the option to select “gender not listed above,” and write in their own gender descriptor. From these eleven categories, the survey analysis team created three gender groupings so we could make meaningful analysis with them, to describe experiences as they relate to gender identity. We recognize both that these groupings are imperfect and also that they are necessary for data analysis. We also coded the “other” write-ins into at least one of the below groups.

The three groups are:

- Transfeminine + Woman (32%): includes respondents who selected only woman OR selected transfeminine (and may also have selected other genders)
- Transmasculine + Man (35%): includes respondents who selected only man OR selected transmasculine (and may also have selected other genders)
- Gender non-conforming (GNC)\* (48%): inclusive of non-binary, gender non-conforming, gender queer, two-spirit, third gender, agender, androgynous, trans, and may also have selected or written other genders

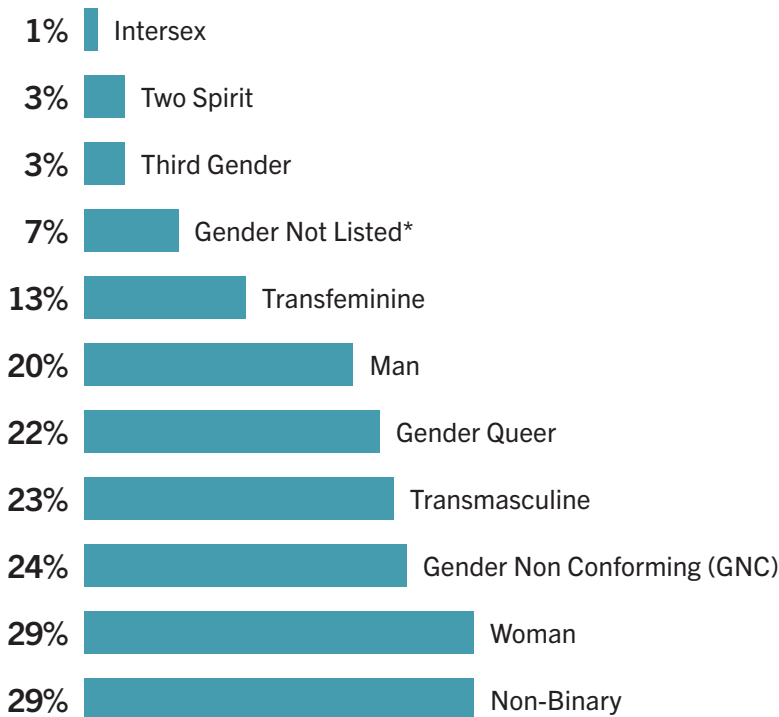
One percent of our survey respondents identified as intersex and may also have selected other genders. Intersex people make up about 1.7% of the total population. In our study, the number of intersex respondents was lower than this number, and not statistically significant enough to show how intersex people experience employment discrimination in New York City. As a result, this report includes intersex as a category in the full list of identities but it was not statistically possible to analyze intersex experiences.



## What is/are your gender identity/ies?

Note: people can be in more than one category.

*\*Gender not listed includes agender, androgynous, MTF, trans, trans man and transgender female*



## What is/are your racial or ethnic identity/ies?

Note: people can be in more than one category.

*\*One person chose other and did not provide any additional information to be categorized.*

