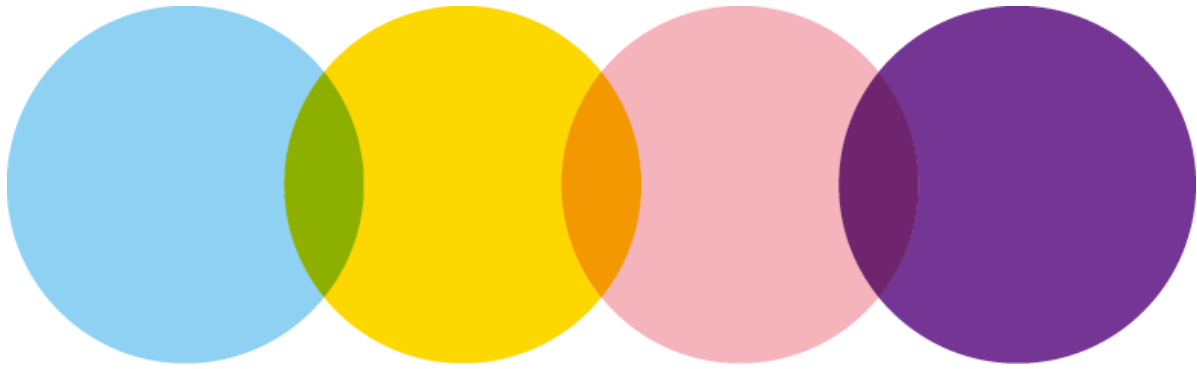


# Trans, intersex, and non-binary people at work in the Netherlands: A national report



Title: **Trans, intersex and non-binary people at work in the Netherlands: A national report**

Authors: **Freya Terpstra, Lis Dekkers, Sophie Schers**

Reviewed by: **Elena Togbi, Alba Elvira**

Graphic design: **Zsolt S. Szabó**

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# Introduction

This report aims at analyzing and detailing the Dutch national research findings of the *Inclusion4All: Trans, Intersex, and Non-Binary People at Work* project. This project is funded by the European Union as part of the Rights, Equality and Citizenship Programme. The project's goal is to ascertain pitfalls and hurdles for trans, intersex, and non-binary people in the European job market, as well as to promote inclusive workplace policy and employment opportunities for trans, intersex, and non-binary people. The project's consortium consists of Háttér Society (Hungary) as project coordinator, supported by the University of Brescia (Italy), the Surt Foundation (Catalonia, Spain), Zagreb Pride (Croatia), and Transgender Netwerk Nederland (the Netherlands). This particular report details the results of the research done by Transgender Netwerk Nederland (TNN).

In this report, we will start with a brief summary of our research findings, followed by a review of the national legal framework against discrimination and prior (inter)national research and publications regarding trans, intersex, and non-binary people's inclusion in the job market. Following this, we will discuss already existing support services for trans, intersex, and non-binary job seekers. After that, we will detail the results of the surveys and interviews and present our analyses of the findings. Finally, to conclude the report, we will summarize notable results and discuss these in greater depth.



# The Netherlands at a glance

- The Dutch law protects widely against discrimination in the workplace, including gender-based discrimination. Though not mentioned explicitly, this implicitly includes discrimination based on gender identity, gender expression, and sex-characteristics.
- Multiple studies, including the European Union Agency for Fundamental Rights 'LGBTI Survey' (FRA, 2020) potentially indicate a culture of relative ease regarding coming-out as transgender or non-binary at work in the Netherlands. However, there is a clear lack of support services for those who do face difficulties with job market discrimination and exclusion.
- From our research findings regarding HR professionals, a general desire to be more inclusive towards gender-diverse workers can be observed. Simultaneously, one can denote a relatively wide-shared attitude of only changing policy when a problem presents itself in an actual case. This appears to add to the far-ranging lack of actual policy regarding the inclusion of transgender, non-binary, intersex workers (e.g. in the form of lack of transition-leave or official documentation of a chosen name that is not yet on one's identification) in that efficiency-based arguments are at times placed above (ethical) inclusivity needs).
- From our research findings regarding transgender, non-binary, and intersex people, one can see particular dissimilarities in the forms of discrimination they are put through. Particularly striking is the observation that trans women respondents were relatively more often discriminated against and harassed by employers/supervisors/management, while trans men often faced such discrimination by colleagues/coworkers. Non-binary respondents were distinctly more often misgendered than binary transgender people, yet most of all felt hindered in their movement within the job market (e.g. feeling trapped in a job), as well as within the hierarchy of their jobs (e.g. not seeking promotions).

# 1. Legal and policy framework

The Dutch Equal Treatment Act<sup>1</sup> prohibits discrimination in the workplace and the labor market. While regarding LGBTQIA+ rights, only sexual orientation is explicitly mentioned among its grounds for non-discrimination. Gender identity, gender expression, and sex characteristics were generally implicitly understood as covered under the ground on 'gender'.

This latter legal understanding of gender was added to the Equal treatment act (AWGB) in November 2019. In the Legislative Memorandum, the members of parliament that initiated this legislative addition referenced a number of international documents to support their argument in favor of their legislative proposal. Among them are the *'Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBT) persons'* and the *'European Parliament resolution of 4 February 2014 on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity' (2013/2183(INI))*. Both mention the EU Gender ReCast Directive.<sup>2</sup>

The AWGB can be used to address discrimination against trans, non-binary, and intersex people in the workplace both in court and at the national Human Rights Council—although the judgments by the latter are only aimed at deciding if a complaint indeed constitutes as (in)direct discrimination or not. Only a small number of complainants take their case to court after a judgment by the Human Rights Council.

Currently, there are no other Dutch legal provisions besides the AWGB that address discrimination against trans, intersex, and non-binary people in the field of labor. However, people can also make a discrimination complaint at a regional or local anti-discrimination office. Local government is legally obliged to provide an anti-discrimination infrastructure for citizens to make complaints. The offices can then mediate with a complainant to address the discrimination at hand and find a non-judicial, out of court, solution. Alternatively, they can support a complainant in a case at the Human Rights Council or when someone wants to report discrimination with the police. There are currently no figures on the effectiveness of the aforementioned mechanisms to address discrimination in the workplace. The Human Rights Council and anti-discrimination offices report yearly on the numbers of complaints, but not if their intervention or handling of the case has remedied the discrimination experienced by complainants. There hasn't been any research yet that aims to investigate if there are differences in solutions available based on gender identity, gender expression, and sex characteristics and those based on sexual orientation.

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<sup>1</sup> Law no. BWBR0006502 from 02-03-1994, *Algemene Wet Gelijke Behandeling* on labor law and social security.

<sup>2</sup> Directive 2006/54/EC of the European Parliament and of the Council of July 5 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

## 2. Previous research on the topic

Some of the findings of previous research on Dutch job market exclusion and discrimination relevant to our study can be summarised as:

- Transgender and non-binary people are much more often unemployed and less often employers themselves in comparison to cisgender people and are more often on benefits—such as disability benefits (Glasner, Vaart, and van Alphen 2017; van Beusekom and Kuyper 2018).
- Transgender people in particular are less likely to be able to find work and generally earn and own substantially less than cisgender people (Kuyper 2017; van Beusekom and Kuyper 2018).
- Transgender and non-binary workers frequently experience workplace discrimination (in both formal and informal forms) from colleagues (Vennix 2010; van Alphen, Uitterlinden, and Hakim 2020).
- Transgender and intersex people are more likely to not disclose that part of themselves to colleagues or supervisors in the Netherlands compared to other EU-member states (Glasner et al. 2017; FRA 2013; FRA 2020).
- Transgender people feel they frequently face discrimination while seeking a job (Vennix 2010; FRA 2020).
- Discrimination against transgender workers and work-seekers may be, in part, ascribed to ‘taste-based’ discrimination (transphobia through emotive reactions such as disgust) and ‘statistical’ discrimination (transphobia due to association with mental or physical illness) on the part of HRM personnel (De Lombaerde, Prince, and Zandvliet 2021).

Existing national research on the topic of job market- and workplace inclusion towards trans, intersex, and non-binary people is relatively scarce. This is in part because most Dutch population studies do not include (or have only recently included) particular questions regarding gender identity or intersex status (van Beusekom and Kuyper 2018). Other Dutch studies that *do* focus on job market- and workplace inclusion often don't specifically mention trans, intersex, and non-binary people, instead focusing on LGB people. Unfortunately, Dutch national research on intersex people's relation to work is lacking as there is not one study that is citable as such here.

### 3. Existing support services

Unfortunately, there are currently almost no existing support services in the Netherlands to our knowledge. The services that are available focus mostly on coaching (for transgender and non-binary work-seekers) and training (for corporate departments such as HR). This will be reflected by our own research results later on in this paper.

First of all, there is the *Transwerkt* re-integration service that is part of the *Coach Connect* platform. *Transwerkt* mostly provides one-on-one coaching for transgender people (non-binary people are not explicitly mentioned on the *Coach connect* website) looking to garner support whilst transitioning at work or finding work during or after transitioning. *Transwerkt* is a support service in the private sector.

Second, *Transgender Netwerk Nederland (TNN)* does also offer support services for both trans and non-binary workers/work-seekers (in the form of advocacy and individual advice), as well as organizations and employers (in the form of advice on subjects such as inclusive policies). *TNN* is currently also working on developing a coaching service for trans and non-binary workers. *TNN* is largely a publicly-funded advocacy group for trans and non-binary people in the Netherlands.

Third and final, there is the *CorporateQueer* platform. *CorporateQueer* offers training and coaching for both employers and LGBTQIA+ professionals. Though the platform is mostly focussed on advising organizations, they are of particular note as multiple Dutch HR professionals interviewed as part of the *Inclusion4All* research mentioned having had professionals from *CorporateQueer* over for inclusivity- and diversity training. *CorporateQueer* is a support service in the private sector.





## 4. Inclusion4All research results

The research structure primarily involved two online surveys: 1) one survey to ascertain the needs of trans, intersex and non-binary people within the Dutch job market, as well as their experience with (un)employment and workplace discrimination, and 2) one survey to ascertain the affinity of HR professionals with inclusive policy, their knowledge of- and attitudes towards trans, intersex, and non-binary people's inclusion in the workplace. The online surveys were primarily spread via social media and alliance partners of TNN during the period March-July of 2020. The quantitative research of these surveys was supported by a series of interviews with both HR professionals and trans, intersex, and non-binary people to go into further detail about the above-described research questions. In both the interviews and surveys, people were also asked for their training needs.

This chapter will discuss the findings of the Dutch Inclusion4All surveys and interviews. We will start with the quantitative findings from our HR focused survey, followed by the qualitative findings from our interviews with HR professionals. Following this, we will repeat the same structure for the findings of our trans, intersex, and non-binary focussed research. Finally, we will close with our findings on training needs among both groups.

### 4.1 Knowledge, attitudes and experiences of HR professionals

The main findings of our survey of Dutch HR professionals can be summarized as:

- **A clear lack of trans-, intersex-, and non-binary-specific policy can be observed—as well as a lack of knowledge on essential descriptive terminology and national anti-discrimination legislation.**
- **A discrepancy between nearly half of all respondents believing all is being done to combat workplace discrimination and a clear lack of practical policy.**
- **A relatively large number of discrimination cases may not be officially reported, either due to lack of proper support within the company or to fears of negative consequences.**

#### 4.1.1 Respondents Demographics.

The Dutch HR survey was completed by 45 people, of which 34 currently have work where they influence or implement human resource policies. Our analyses fully focuses on the latter group seeing as their input guarantees relevancy to the current state of HR policies. Hence, the *n* for all survey questions discussed in 4.1 will be 34 unless

specified otherwise. Respondents represented a broad spectrum within the HR field of expertise, from policymakers/advisors and HR generalists to management. Among survey respondents, 7 reported fulfilling a position in senior management while a majority of 24 described their position as human resource management. Among respondents, 14 currently work at either a civil society organization or one within the public domain, such as administrative organizations (SZW, UWV), regional municipalities, or government bodies. The largest group among respondents (16) work at a national privately owned company—most commonly being based in a big city (more than 100.000 inhabitants). The sectors most often represented among survey respondents were wholesale and retail trade with 5 respondents and education (such as the CvtE and Dutch universities) with 6 respondents.

#### **4.1.2 Knowledge & Attitudes.**

To start off, almost all survey responses to attitude-based questions were very positive towards the inclusion of trans, non-binary, and intersex workers. Almost all respondents strongly agreed with the plights of our research, as well as the importance of knowing the correct meaning of descriptive terminology. The only outlier in this regard was that most HR professional respondents were ambivalent about whether it was important for a trans, intersex, or non-binary employee to disclose their identity/status in order to receive the proper support. This will be discussed later on in this paper.

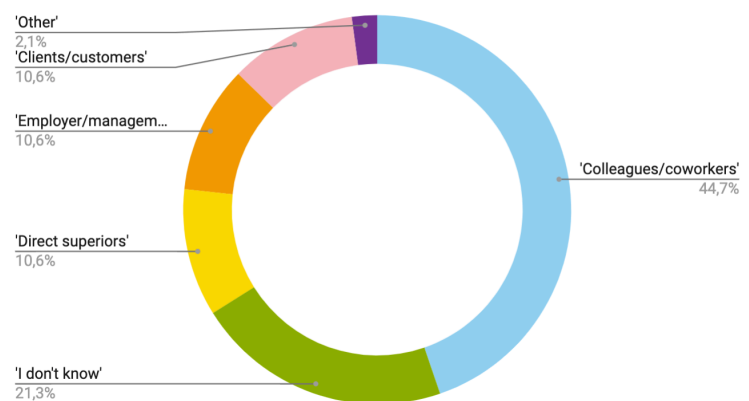
Besides this group, a small number of respondents (3) disapproved of the rise of (in particular) trans, non-binary and intersex rights consistently throughout the survey. Simultaneously, this group showed a lack of knowledge about the fundamental concepts of what those descriptive terms mean. This group of respondents (strongly) disagreed with the statement that LGBTQIA+ people deserve equal working rights, promoted keeping such identities to themselves, said they would be uncomfortable working with them, rejected the importance of creating inclusive workplaces, and left combative feedback.

#### **4.1.3 Policy Experience.**

Among survey respondents, knowledge about the national legal framework regarding anti-discrimination seemed to vary. Respondents were clearly split when asked if national legislation prohibits discrimination on sexual orientation explicitly or implicitly. This divide further grew when the same question was asked regarding gender identity and/or expression (to which 21,9% also responded frankly with 'I don't know'), and yet further when respondents were asked if legislation required employers to take action against the harassment of trans, intersex, or non-binary employees by colleagues (to which 34.4% also responded 'I don't know').

Among respondents, 64,7% reported their company to have enacted diversity, equality, and inclusion policies, while 14,7% were not fully aware. Among these policies, 72,7% of them specifically mentioned gender identity as a protected characteristic (the same amount as those specifically mentioning sexual orientation as such). Only 36,3% of diversity, equality, and inclusion policies specifically mentioned intersex status as a protected characteristic. When asked what the main reasons were for not adopting diversity, equality, and inclusion policies specifically mentioning transgender, non-binary, or intersex people, the most common answer among respondents was that they didn't believe the inclusion of these people required additional measures beyond those required for other workers.

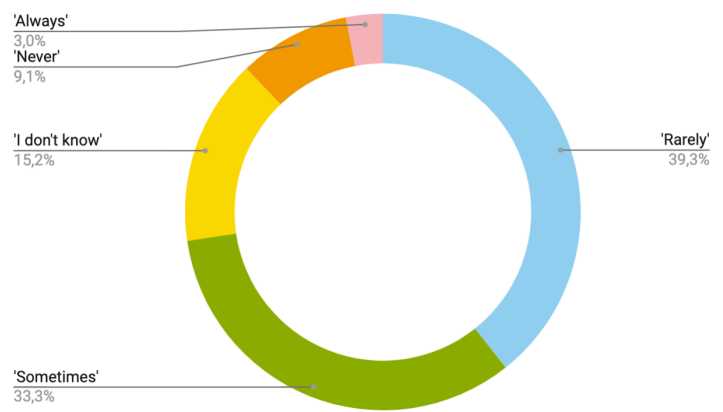
Furthermore, when asked what survey respondents thought might prevent their employers from creating inclusive work environments, the most common answers were *'we lack knowledge and skills on the topic'* and *'I don't think there are any obstacles'* (24,5% for both), followed by *'there are no trans, intersex, or non-binary employees at the company'* (16,3%). The first and last of these answers seem to imply an approach to trans, intersex, and non-binary inclusive policy as being something that is implemented only when the need arises instead of in anticipation of problems.



**Figure A.** Showing results to the survey question 'Who, in your experience, is usually the perpetrator of discrimination based on gender identity, gender expression, or intersex status at the workplace?'. N=34

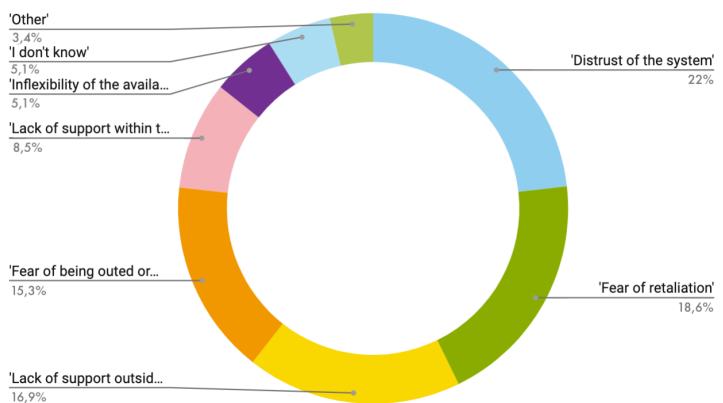
Contrastingly, 46,9% of survey respondents believed their company to be doing everything it currently can to prevent discrimination against trans, intersex, and non-binary workers. This might point to a perceived lack of possible options available to HR professionals and employers. When cases of workplace discrimination *did* occur, respondents pointed to colleagues/coworkers being the most common offender in their experience (44,7% of all cases, as shown in Figure A). This will become interesting when we look at the experiences of trans women in particular with workplace discrimination later on in this paper. Most shockingly, only 3% of HR respondents report that discrimination cases are either 'often' or 'always' reported, while a total of 69,9% of HR respondents say cases of discrimination are only 'sometimes' or 'rarely' reported (as shown in Figure B). Additionally, 15,2% of HR respondents stated not knowing how frequently victims report on discrimination cases based on gender identity, gender expression, or intersex status.

When asked for their perception of the main reasons for not reporting (also shown in Figure C), the most common answers were 'distrust of the system' (22%), 'fear of retaliation' (18,6%), 'lack of support within the company' (16,9%), and 'fear of being outed or marginalized at work' (15,3%). These findings stand in stark contrast with 58,8% of HR respondents believing that their company investigates and sanctions *all* reported cases of discrimination against trans, intersex, and non-binary people. The remaining 41,2% of respondents, however, were unable to give a clear confirmation of this (either because they did not know or because they did not think that their company does investigate and sanction all such cases).



**Figure B.** Showing results to the survey question 'According to your experience, how frequently do victims report such discrimination?'. N=34

When respondents were asked about their company's culture surrounding discrimination, one thing in particular stood out. Though most HR respondents always claimed their companies never tolerate discrimination in any form, jokes made about someone's (perceived or real) gender identity, gender expression, or intersex status were more often tolerated than other forms of workplace discrimination. Among respondents, 23,5% disagreed with the statement that their company does not tolerate such jokes, while 17,6% of respondents neither agreed nor disagreed.



**Figure C.** Showing results to the survey question 'In your opinion, what are the main reasons for not reporting?'. N=34

#### 4.1.4 HR Interviews.

##### *Interviewee Demographics*

Ten people were interviewed to explore trans-, intersex and non-binary inclusion from the HR perspective. To do so, we interviewed them on their experiences as HR employees in the Netherlands. Unfortunately, during one interview we learned that one participant did not have any experience in HR. We have therefore not included this person in our analysis and included nine people in total. An overview of the interviewees

can be seen in Table 1. Four of the participants worked in the private sector, three interviewees worked in the public sector, and the remaining two had worked in both sectors. Five interviewees worked at large organizations that often operated internationally, and four interviewees worked in mid-size organizations, usually with a local focus. Some people had worked in HR for more than two decades, others only had about a year of experience. On average, participants had fourteen years of experience in HR. The interviews were conducted using a semi-structured interview guide, used by all members of the consortium. The audio was transcribed, and we have anonymized the coded data in this report.

Code Name	Sector	Experience in HR	Organization Size
HR 1	Private	25 years	Mid-size
HR 2	Mix of public and private	About 1 year	Mid-size
HR 3	Private	2 years	Large
HR 4	Private	12 years	Mid-size
HR 5	Private	5 years	Mid-size
HR 6	Public	22 years	Large
HR 7	Public	20 years	Large
HR 8	Public	15 years	Large
HR 9	Mix of public and private	25 years	Large

**Table 1.** Details of the HR interviewees

### ***Attitudes and knowledge***

One of the main topics of this research is the awareness and attitudes of HR professionals on transgender, non-binary and intersex topics. There was a large difference in the knowledge of the participants. Two participants were aware of the relevant terms but did not define them themselves. Only one of the interviewees could define all items. The least known term was 'intersex', which only two people could successfully define. The second-least known phrase was 'sexual orientation', with five of nine people knowing its definition. 'Transgender' was most broadly known, since seven out of nine participants were able to

define the term correctly. Interestingly, some participants were aware of all the terms, but could not name them by themselves, even though they had had training:

*"I have already heard all these terms, we've also discussed all of them in a lot of sessions [with a trainer on LGBTQIA+ topics], but I notice that I find it very hard myself that I often think 'oh yeah what did this mean again?'"*[HR 1, own translation]

Although not all people knew all the terms, they mostly held positive attitudes towards transgender, intersex, and non-binary individuals. However, one participant did discuss their positive attitudes towards non-binary individuals, but at the same time misgendered this person:

*There was a girl who said she was non-binary. If I understood correctly, she said that she is a woman, but that she doesn't identify as a woman and neither as a man. And her friend also never talks about her as 'she' or 'her' but uses her name [...]. I thought it was very interesting*[HR 5, own translation]

Although interviewee 5 says that they were interested and understood that this person did not identify as such, the interviewee kept referring to them as a woman. This shows that there is a discrepancy between understanding and behaving sensitively, even when people are aware of the term non-binary and when they have positive attitudes. This occurred multiple times in the interview, where one interviewee discussed that they installed 'transgender bathrooms', while he meant bathrooms that were gender-neutral and therefore accessible for all gender identities. Similarly, two participants discussed their support of non-binary individuals, but complained about the use of gender-neutral pronouns, arguing that they were grammatically incorrect, or even 'unpleasant'.

The aforementioned lack of precise knowledge from HR respondents in the survey was further observed during interviews, where interviewees seemed to have little knowledge about national legislation regarding workplace- and recruitment discrimination based on LGBTQIA+ status. Only one of the interview participants was able to confidently say whether or not discrimination in general, and for transgender, intersex, and non-binary people specifically, was illegal. Most interviewees were only able to say that some LGBTQIA+ identities were protected against discrimination. Considering HR is tasked with the prevention of and provision of support in discrimination cases, this is an important finding.

## **Experience**

Four of the participants had experience with binary transgender people, whereas five people had never met a binary transgender individual in a professional setting. One of these five people had experience with a non-binary person, in addition to someone who had met both binary and non-binary trans people. None of the interviewees had any experience with intersex people that they were aware of. In total, four interviewees had never professionally met someone who was transgender, intersex, or non-binary. Of the five interviewees with experience, four worked in the private sector. Of those with experience, some had met them during training on inclusion, while others had met them because they worked with them, or because they had supported them during their transition:

*She was a colleague who worked for our security. [...] We have assisted her during her entire process and made sure that it was a pleasant transition for her. [...] Unfortunately, her direct colleague was less nice. [...] We have spoken to [her boss] and said that she can do her job and that she can't be harassed or bullied. [HR 3, own translation]*

In this case, the HR professional had experience with an employee who underwent transition and was then disrespected by one of her colleagues. The interviewee decided to stand by their employee and to make a statement against the bullying that she experienced. Other experiences were more limited, in that they met someone who was trans, but did not intensively work with them, or did not support them actively. One of these interviewees said: *"I have met someone once who was a group member, and that group was on these [LGBTQIA+] topics and that was a trans person."* [HR 6, own translation].

Experiences with discrimination of trans, intersex- and non-binary people were also limited. Only one person knew an employee who was discriminated against. Although this suggests that discrimination does not take place often, it is more likely that this is due to a lack of experience with trans, intersex- and non-binary people in general. Furthermore, the low willingness to report discrimination that was found in the HR survey could also explain this low number.

## **The Dutch Landscape**

We asked participants how they viewed the inclusivity of the Dutch landscape towards trans, intersex, and non-binary individuals. Most notably, none of the interviewees saw the Netherlands as an inclusive space for this group. For example, one person said: *"I think that if you look at this group, they have an even tougher time than other [minorities], and I think that [women] already have a tough time."* [HR 1, own translation]. This related to most interviewees, who thought that the Dutch workspace already was not inclusive for

minorities in general. Transgender, intersex- and non-binary people were seen as more vulnerable in this situation. According to one interviewee, the lack of knowledge of HR professionals contributed to this position:

*If people in HR already apparently don't know what it's about in the first place, then I think that [trans, intersex, and non-binary people] are at least less safe than other employees, and even worse, that it is a really tough climate. [HR 2, own translation]*

The (in)ability of HR to sufficiently support trans, intersex, and non-binary workers was also discussed by other interviewees. Some participants mentioned that they did not know what the needs were of trans, non-binary, and intersex workers and that they did not know where to start on topics of Gender and sexual diversity.

Some participants were able to talk about the different obstacles that trans, intersex, and non-binary people in the workspace could face. The barriers named by most participants were biases and prejudices towards non-normative gender identities. Five participants discussed that they saw this as an important blockade, which would also influence the likelihood that someone was hired. The second most named barrier was the lack of knowledge within HR departments and the existence of misinformation. This is an interesting finding, considering that most HR professionals that participated in this research also lacked important knowledge on this topic.

### ***Inclusive Policies***

Based on the interviews, few organizations offered trans, intersex, and non-binary inclusive policies to their employees. However, two professionals were currently discussing the possibility of new policies regarding transition-leave and gender-inclusive restrooms within their organization. Because of this lack of policy, employees that transitioned were dependent on how willing their manager was to support them. HR professionals seemed to most often be comfortable with adapting to situations and employees' needs as they would arise in the future, instead of preparing for possible situations. A similar observation arises regarding trans, intersex, and non-binary inclusive recruitment policy. Out of all HR professionals interviewed, none had a recruitment policy in place that mentions trans, intersex, or non-binary people specifically, only 'minorities' broadly. One participant said: *"It [our recruitment policy] is inclusive in a broad sense, but that is not enough. [...] I think that there is barely any attention to [transgender, intersex- and non-binary inclusion]."* [HR 7, own translation]. Privacy policy differed from these other topics, as almost all of those interviewed were confident in the strictness of their policy and the safety it would bring transgender, intersex, and non-binary employees. Most HR professionals interviewed followed and improved on national guidelines on privacy.



## 4.2 Trans, intersex, and non-binary workers' experiences

The main findings of our survey of Dutch trans, intersex, and non-binary people can be summarized as:

- **More than a quarter of respondents are unaware of equality/anti-discrimination/diversity policy. Among such existing policies, policies allowing differing names on official employment documents are most known.**
- **A clear difference in employer-employee power relations can be observed between trans men and trans women respondents (in which trans women draw the short straw). Similarly, trans men respondents less frequently faced discrimination and harassment at work or while applying for a job.**
- **Non-binary respondents disproportionately face discrimination in the form of misnaming/misgendering by both co-workers and employers.**

### 4.2.1 Respondents Demographics.

The Dutch trans, intersex, and non-binary survey was completed by 152 people. Striving for accuracy in our analyses, we only took into account these completed responses. Hence, the *n* for all survey questions discussed in 4.2 will be 152 unless specified otherwise. Respondents' gender identities varied broadly among respondents: 51 were non-binary, 41 were trans men, 44 were trans women, and 3 people were intersex. Finally, 13 people did not specify because of not being sure of their identity, not identifying with the range of options given, or not wanting to pick a label. Respondents could also choose simply 'woman' and 'man' as gender identity categories, which respectively 30% of trans women and 70% of trans men did.

The very low number of intersex respondents is surprising seeing as the surveys and overall research are specifically aimed at intersex people. As such, though this is an undesirable decision to make, it must be concluded that the number of Dutch intersex respondents is too low to reasonably attempt an analysis of intersex experiences in this national report (though perhaps in later international analyses). We will discuss this in further detail in the later parts of this paper and give recommendations to remedy this issue.

Regarding age, the largest group represented among respondents is the 18-25 age group (with 57 respondents). Almost half of all respondents reside within either Amsterdam or another big city (81 respondents total). Education-wise, the largest group among respondents finished post-secondary education (e.g. Dutch 'HBO' or 'MBO') (with 76 respondents). Nearly a quarter (38 respondents total) completed some form of university degree. Most survey respondents (129) currently have work, yet more than a third of all respondents (55) have experienced prolonged unemployment of at least three months in

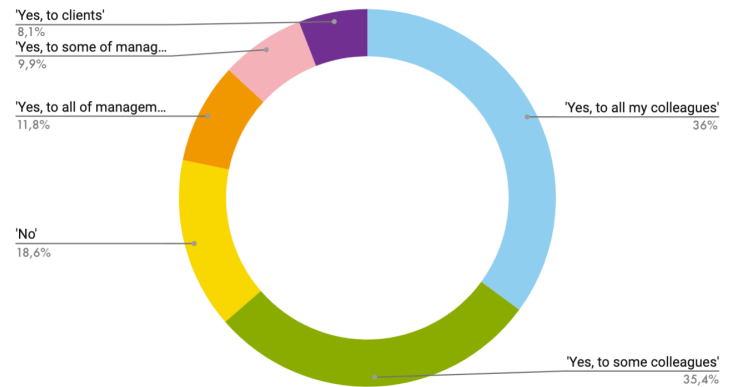
the past. Among those respondents who are currently employed, a strikingly high number is active in healthcare/social work (34 respondents total) or work in retail (23 respondents).

#### 4.2.2 Points of Interest.

Interestingly, as shown in *Figure D*, Dutch respondents to our survey were slightly more likely to be broadly 'out' at work than those participating in the 2019 EU-broad LGBTI Survey by the FRA (2020). A reason for this discrepancy between surveys could be our lower number of respondents in combination with the fact that most trans, intersex, and non-binary respondents were reached via TNN, which offers advice on an individual and organizational level as previously mentioned and advocates for inclusive workplaces through multiple projects. Particularly this latter fact likely plays a part in our respondents being more likely to be 'out' at work than the general trans and non-binary demographic. For example, trans and non-binary people who are in contact with TNN might be more involved with advocating for inclusive workplaces or might feel strengthened by TNN's support or presence as a civil rights organization to come out at work.

However, only 4% of respondents say they've ever received organizational support tailored to their needs in finding a job. This is no surprise seeing the absence of support services in this field for trans, intersex, and non-binary people in the Netherlands. Of the respondents who *have* had such support, a third of them received it from TNN. The others received support from the UWV [Dutch Employee Insurance Agency] or private coaches (likely Transwerkt).

Among respondents, 34,9% know their current company to have some form of diversity/equality/anti-discrimination policy (roughly only half compared to HR respondents' answers), while 28,3% don't know. This potentially shows a rather large discrepancy between enacted diversity, equality, and inclusion policies, and TINB workers' awareness of these policies—potentially pointing to a need for such knowledge to be better disseminated. In existing policies, intersex people are least often included (only 32% of those who answered 'yes' to the previous question) in comparison to trans (52,8%) and non-binary people (39,2%). Policies most often adopted were differing-name policies on official documents, inclusive harassment and discrimination protocols, and gender-neutral bathrooms or locker rooms.



**Figure D.** Showing results to the survey question 'Are/were you 'out' at work?'. N=152

### 4.2.3. Regarding discrimination.

Level of education seems to have some effect on the frequency of discrimination respondents face, with a higher education seemingly giving a slight increase in safety as also reported in the UvH/TNN publication (Glasner et al. 2017:3). However, this increase is only slight.

In comparing trans men with trans women, the first thing of note is that trans men have relatively less experience with workplace- and recruitment-based discrimination across the board. Trans men respondents are less likely to have ever stayed in a position they'd prefer to leave (26,8% as opposed to 40,9% for trans women), are notably less often dissuaded from seeking promotion because of their gender identity (17,1% as opposed to 36,4% for trans women) and are less likely to face recruitment-based discrimination that they can perceive (24,4% as opposed to 40,9% for trans women). One could argue that these results could intersect with patriarchal hierarchies and the perception of men within the workplace (in that men are able to move more favorably and freely throughout work-related hierarchical structures in general). This argument could be strengthened by earlier research observations that wage and quality of life at work might increase post-transition for trans men (Glasner et al. 2017; De Lombaerde et al. 2021:13). It must be noted, however, that these observations in no way mean to imply trans men don't face workplace discrimination on a worryingly frequent basis, as well as that it is noteworthy that surveyed trans men and trans women's experiences with sexual harassment at work were much more closely aligned (22% of trans men as opposed to 27,3% of trans women).

The largest discrepancy in this regard is that of employer-employee relations. Almost no trans men respondents say they were ever forced by their employer to: *i*) resign, *ii*) transfer, *iii*) present as a different gender, *iv*) or abstain from contact with clients. This stands in stark contrast with the experiences of trans women respondents, who experience all of these forms of discrimination in large numbers (respectively 11,4%, 13,6%, 15,9%, and 20,5% of trans women). Among respondents, trans women were also discriminated and harassed more: *i*) physically (4,9% of trans men vs. 20,5% of trans women), *ii*) psychologically (29,3% of trans men vs. 38,6% of trans women), as well as *iii*) physically assaulted (0% of trans men vs. 11,4% of trans women). There is no difference in experienced verbal harassment between trans men and women respondents. These observations, in conjunction with those from Figure A (regarding HR respondents' experiences with discrimination cases), favors an analysis that discrimination wrought by colleagues/coworkers is more often reported than when wrought by employers or direct supervisors—seeing as HR respondents pointed towards colleagues/coworkers being by far the biggest offenders, which doesn't match up with the experiences of trans, intersex, and non-binary respondents.

	"My employer/boss forced me to transfer to a different position/department at my job"	My employer/boss removed me from direct contact with clients/customers/patients'	My employer/boss did not let me present my-self according to my gender identity'
Man	4,9%	0%	2,4%
Woman	13,6%	20,5%	15,9%
Non-binary	5,9%	5,9%	29,4%

**Table 2.** Percentages showing the frequency of certain employer-based forms of workplace discrimination among trans men, trans women, and non-binary respondents.

There are also clear and interesting differences in experience with discrimination to be observed between non-binary and binary trans respondents. Non-binary respondents were vastly more likely to have ever stayed at a job they preferred to leave (60,8%), yet were less dissuaded from seeking promotion, similar to trans men (19,6%). Most strikingly of all, 88,2% of non-binary respondents have found it necessary to hide their gender identity from colleagues at work, a number far greater than that of trans respondents. Though almost none of the non-binary respondents were forced to resign, transfer, or taken away from contact with clients, a large number of them were disallowed to present as their gender (29,4% of respondents). Similarly, they were far more often misgendered or misnamed by employers (60,4%, of which 29,4% 'very often'), as well as by colleagues (62,7%, of which 23,5% 'very often'). The percentage of non-binary respondents who faced recruitment-based discrimination or verbal harassment was similar to that of trans women, while simultaneously being less likely to face psychological or sexual harassment.

Finally, regarding perpetrators, an interesting divide can be observed. In the cases of discrimination against trans women, employers or direct superiors were more often the perpetrator (40%) than with trans men and non-binary respondents (respectively 30,2% and 24,3%). In the case of trans men and non-binary respondents, it was most often coworkers (respectively 34,9% and 34,3%). This distinct difference in frequency of discrimination might further strengthen hypotheses and observations of patriarchal hierarchies being involved in trans women's discrimination cases, as well as that discrimination cases by employers or direct superiors might more often go unreported (and thus not reach HR personnel).

#### 4.2.4. Trans, Intersex, and Non-Binary Interviews.

##### *Interviewee Demographics*

To gather the experiences of transgender, intersex, and non-binary individuals, eleven people were interviewed. The interviews were semi-structured, following an interview

guide. An overview of the participants can be found in Table 3. Of the eleven participants, four identified as transgender men, three as transgender women, and four as non-binary, or closely related to non-binary. One person had an intersex status, and identified as non-binary. Unfortunately, as with the survey, there were too few participants with an intersex status. This means that we could not sufficiently discuss the struggles and needs of intersex people. All the participants were adults. The youngest participant was 23 years old and the oldest was 54, making the average age 44 years old. P11 was not asked about his age or education level, because the interview guide for HR professionals was used due to a communication error. However, his identity and answer fit better with this aspect of the research. We have therefore included his answers here. The remaining ten participants varied in their education level, with the biggest group having a vocational education level, three interviewees having a higher education level, and three a degree in-between higher and vocational training. Eight of the participants were currently employed, whereas three were unemployed. Some of the unemployed participants had been unemployed for an extended period, most notably P5 who had been unemployed for 25 years.

Number	Gender Identity	Intersex Status	Age	Education Level	Employment Status
P1	Non-binary	No	23	HBO; in between vocational and higher education	Employed
P2	Trans man	No	28	WO; higher education	Employed
P3	Trans woman	No	44	PhD; higher education	Employed
P4	Trans woman	No	44	MBO; vocational training	Employed
P5	Trans man	No	47	MBO; vocational training	Unemployed (for 25 years)
P6	In between non-binary and gender fluid	No	49	WO; higher education	Unemployed
P7	Trans man	No	49	MBO; vocational training	Employed
P8	Non-binary	Yes	51	HBO; in between vocational and higher education	Employed
P9	Trans woman	No	53	MBO; vocational training	Unemployed (for 7 years)

Number	Gender Identity	Intersex Status	Age	Education Level	Employment Status
P10	Non-binary	No	54	HBO; in between vocational and higher education	Employed
P11	Trans man	No	Not asked <sup>1</sup>	Not Asked	Employed

**Table 3.** Details of the trans, intersex, and non-binary interviewees

### **Knowledge of Discrimination Services**

One of the aims of this research is to find out how well-informed trans, intersex, and non-binary people are on discrimination. Therefore, we have asked participants about what they considered to be discrimination, what legal protections they thought existed, and what services could aid them when they experienced discrimination. We have found that Dutch participants were mostly aware of these topics. Ten of the eleven participants could explain what discrimination was. Most participants (ten out of eleven) understood that violence and name-calling could be understood as discrimination. Furthermore, all but one interviewee who were asked about intimidation being part of discrimination agreed with this statement and thought that everyone could discriminate against someone

On the topic of legal protections, results varied. Most participants (six out of eleven) did not think that the government protected them sufficiently from discrimination. Though they recognized that there were some protections, these were not seen as sufficient. As P3 said: *“Officially, there is protection. But in practice, you have to stand up for yourself. And that is still very hard to do.”* [own translation]. Four participants even said that they did not think that they were protected at all, compared to one participant who thought that the government did protect them. Furthermore, not all people could tell whether or not transgender, intersex, and non-binary people specifically were protected by anti-discrimination legislation. Although six participants were sure that they were protected, four interviewees thought that they were not, and one person did not know. In contrast, most participants (nine out of ten) were aware of the existence of anti-discrimination services. Only one person had only recently discovered that these services existed and that they could support people who had experienced discrimination.

### **Discrimination Experiences**

<sup>3</sup> As discussed in the text, one participant was interviewed using the interview guide for HR professionals. However, we have chosen to include this interviewee in the lived experiences part, since the HR guide was used by mistake, and the answers fit best with the lived experiences.

Only one of the eleven interviewees had never experienced discrimination in the workspace. The other participants had all experienced discrimination themselves based on their gender identity, -expression, or sex characteristics. Herein discrimination differed from negative remarks based on someone's gender identity to being fired because of the start of transitioning. For example, P9 talked about how she was no longer allowed to work at her job because she was going to transition.

*That was in the time when I discovered that I have been struggling for years with the fact that I do not feel at home in my body. And I told my boss, and the result was 'well sorry but you can't stay like this', because well they thought that it was just weird. [P9, own translation]*

P9 was therefore fired and discriminated against, based on her trans identity. Another interviewee talked about how she was given a promotion, on the condition that she would stop her transition, and go back to presenting as masculine:

*I was given the chance of being promoted to a leadership position. But the requirement was that I would look like a typical male. [...] That caused me a lot of tears. But the thing is, I was working part-time for minimum wage. And I had the opportunity to switch to a full-time wage, no questions asked. And at that point I realized, [...] maybe I had to choose. So I went back into the closet with my gender expression, and I started wearing short hair again. But I knew that I wasn't what I presented myself to be. [P4, own translation]*

P4 was therefore discriminated against for her gender expression, which affected her strongly. The aforementioned long period of unemployment of two of the participants might also be related to discrimination on their trans identity. For example, P9 discussed that they were not hired for a position, because her new employer thought that her voice differed too much from her appearance.

Out of the ten participants that had experienced discrimination in the past, four had not reported these incidents, while six had reported (some of) these situations. Of the people that did report a situation, some of them had discussed it in the organization itself, and others had used an anti-discrimination service. However, this rarely led to meaningful change, wherein some people even quit their job because of the situation. Of the participants that had not reported discrimination, one said that they did not know what their options were. Another person thought that they should handle the situation themselves.

Eight of the ten interviewees expected to experience discrimination at the workplace again. As P1 said: *“I would not say that I’m afraid of [being discriminated against], but I do think that it will happen again.”* Some participants even mentioned that they were already preparing themselves for a new discrimination situation. For example, P6 searched for a job specifically in an inclusive organization, to prevent further discrimination. Furthermore, five of the ten interviewees knew other trans, intersex, or non-binary people who had been discriminated against, or had witnessed this discrimination themselves. One participant talked about a friend who was denied a promotion, because: *“her employer did not want her to be the face of the brand because she looked ‘too trans’”* [P1, own translation]. Even more, nine out of eleven participants said that the Netherlands was not a safe space for transgender, intersex, and non-binary employees. Although there were some workplaces where they felt supported, most spaces were seen as unsupportive, and even unsafe. As P7 said, this was partly due to a lack of knowledge and understanding:

*It is still strange for people. [...] You have to constantly explain what non-binary is, what trans man and trans woman is. People make remarks on whether or not you’ve succeeded well in your transition, and they don’t understand that that hurts trans people. They don’t understand [what being trans is], and still live in a binary society [P7 own translation]*

### **Obstacles**

The interview participants discussed several obstacles that they experienced in the workplace. Most notably, eight of the eleven participants said they felt a clear lack of knowledge and understanding from colleagues and superiors. This led to issues, for example when determining whether it is safe to come out at work. P11 explained that this decision was influenced by the following fears, due to the lack of understanding at workplaces:

*That you don’t know how they will respond [to coming-out as trans]. You don’t know ‘am I safe here? Won’t I directly lose my job? Will I directly have to use unemployment benefits again for so many months while I can’t actually afford anything? Those kind of things.*  
[P11, own translation]

Second of all, six of the eleven interviewees said that they struggled with the gender binary at work. This binary existed in many different forms, including issues with gendered clothing requirements, lack of gender-inclusive restrooms and facilities, and a lack of inclusive language. As P1 said: *“Since I am non-binary, [I struggle with] the entire gender*



*segregation in all aspects of work, from just the bathrooms to the forms, the forms of address, and the entire communication...”.*

Other notable obstacles were a lack of support by managers, insufficient support and follow-up when participants had reported discrimination, and a lack of policy for transitioning at work. Although transitioning did not create problems for some participants, others quit their job before transitioning because they were afraid of the consequences this could have for their careers. One person was even told that she would be fired if she transitioned, which made her postpone her transition indefinitely:

*I was told, ‘when you start your transition, your letter of resignation will be on your desk’. So of course that was a reason to..., I have been working for this employer for almost 4 years, to say ‘okay well I do not think I should [my transition] now’. [P4, own translation]*

### **Ideas for Change**

To combat these issues, and to create a more inclusive workspace for transgender, intersex, and non-binary people, the participants made some suggestions. Most people missed explicit and clear anti-discrimination policy, that included clear guidelines on where people could report discrimination, what consequences this would have, and how they would be supported in this process. Furthermore, to change the issues that came up during participants’ transition, transition policy was seen as a useful addition to provide clarity and security for employees. Lastly, training and other practices that would increase knowledge on trans, intersex, and non-binary topics were seen as needed.

## **4.3 Training needs**

The main findings regarding training of both HR professionals and trans, intersex, and non-binary people’s needs can be summarized as:

- **HR respondents and interviewees are largely unaware of the Dutch legal framework on discrimination against trans, intersex, and non-binary people, yet many are also not very interested in training specifically towards this end. Instead, they were primarily interested in practical tools and strategies to improve inclusivity, as well as training focussed on inclusive language and terminology.**
- **The Netherlands lacks a wide range of support services for trans, intersex, and non-binary workers and work-seekers—something which is reflected in our findings. Trans, intersex, and non-binary respondents are largely interested in training to learn how to protect themselves against workplace discrimination and less interested in general soft skill training.**

- A group among respondents, as well as interviewees, were vocal about them believing inclusivity training to be a hard sell to directive boards without efficiency-based arguments.

#### 4.3.1 HR Survey Respondents' Training Needs.

Although 78,1% of HR survey respondents said that they would be interested in participating in a training that focused on promoting workplace inclusion of trans, intersex, and non-binary individuals, only 25% of the professionals had ever participated in such training.

When respondents were asked to elaborate on the training topics they were most interested in via a set of eight examples catered to HR (by rating them from 'not at all important' to 'very important'), it became clear that only training about the Dutch legal framework against discrimination received feedback as being unimportant. All other training topic examples were widely rated as important topics, with particular interest being shown in: i) *'strategies and methods to integrate an inclusive approach in everyday practices'* (rated as very important by 70,4% of respondents), and ii) *'practical tools for preventing and responding to cases of discrimination and harassment'* (rated very important by 63% of respondents). Responses to the training topic *'introduction to gender'* were particularly very mixed. Part of the reason for this could be that the title might be conflated with gender diversity more broadly or women's inclusion in the workplace (which is already broadly being approached by respondents' companies).

Of particular note is also that respondents of the survey, in particular, noted that they do not believe many of the proposed training topics will prove to be an easy sell to board directives and the like. These respondents either implied that efficiency-based arguments are prioritized over (ethical) inclusivity needs or that training implementation will be useless without the understanding and support of such directors.

#### 4.3.2. HR Interview Participants' Training Needs.

The aforementioned interview participants were also asked about their needs in training. All nine interviewees said they firmly believe more training to be necessary. As one interviewee said: *"I think that everyone will benefit from [training], and not just in the company that I currently work in. I think that there are more companies that can use training in tolerance."* [HR 4, own translation]. Despite this belief, none of the participants had followed corporate training regarding the inclusion of trans, intersex, and/or non-binary people specifically. If respondents had had training in the past, it most often discussed the marginalization or inclusion of women, people of color, or migrant workers. However, two out of nine professionals interviewed mentioned that their companies have recently started developing mandatory basic training and e-learning on topics such as bias that mentions trans, intersex, and non-binary identities as blind spots.

## Topics

We asked interviewees to rank different topics of the training according to how important they considered them. In general, none of the topics were deemed unimportant by the participants. There were some differences in the importance that was ascribed to the topics; *'terminology and inclusive language'* was deemed the most important, as all participants rated it as an important aspect. As one interviewee said, knowing the proper terminology could prevent unintended discrimination and an unsafe environment:

*However stupid it may sound, if you know the basics, you're so much more aware of the things you say and the things you could've said better. Once again, there is no ill will in my company, but I'm certain that we have unknowingly offended people by saying something the wrong way. And it would be great if we could take that away, at least the basics. [HR 5, own translation]*

The second most important topic was *'strategies and methods to integrate an inclusive approach in everyday practices'*, which was only deemed neutral by one participant. Other important topics included the Dutch situation of discrimination of transgender, intersex, and non-binary individuals, and the examples of inclusive policy. An introduction to gender was seen as least important, where one interviewee saw it as not important at all, and two other participants were neutral on the topic. The results of the interviews corresponded with the results of the survey. Similar to the survey results, only three HR professionals deemed a training regarding the national framework of laws and guidelines to be important, regardless of the fact that only one interviewee was able to articulate whether trans, intersex, and non-binary people were even explicitly included in such legislature in the Netherlands. This might point towards a disinterest for, or disconnect with, national legislature, with more of a focus on the organization's policy and treatment of trans, intersex, and non-binary employees. Several participants themselves argued that they should not focus on the laws, but that changing the mindset of employees should have the most attention. One participant discussed that the legal situation should not be the main focus: *"We can go and explain the legal framework [...] but fat chance that they don't even know what it's about, that will be painful."* [HR 2, own translation]. Another person even mentioned that they were against focussing on the legal system since only focusing on convincing people of the importance of inclusion would not be successful:

*I just think that it shouldn't be a kind of legal session wherein you try to convince by stating someone's rights. I think that it is good to know that there are rights. [...] But don't try to convince them, let them convince themselves. [HR 1, own translation]*

Another interviewee explained their position against the discussion of laws as “*why laws? It shouldn't even be about legal frameworks to just hire someone?*” [HR 8, own translation]. This shows that interviewees wanted to focus on bias, instead of on the legal foundation.

Some participants also wanted to give attention to things that went wrong in the organization. This could be combined with the strategies to integrate inclusion policy, and the practical tools and best practices aspect:

*I would like to see best-practices and worst-practices. [...] Bad examples also show... You can touch people with them, you can really make them empathize. Best-practices are just 'look at us shiny, happy people', but there are enough examples where things have gone horribly wrong, and that makes people think.* [HR 4, own translation].

HR 4 argued that focusing on examples of bad policy would motivate people more to change, instead of just applauding themselves for good policy. Another interviewee agreed with this, saying “*the curse of HR policy is that you will always only act after the fact. [...] As long as nothing is going wrong, an organization won't feel the need to change.*” [HR 2, own translation]. They, therefore, agreed that showing issues could motivate organizations to improve their policies.

### **Target**

Five of the nine interviewees agreed that the main focus of the training should be on HR employees. Most of these participants were adamant in the notion that HR professionals knew too little about these groups of people and how to include them properly. Four participants said that also other parts of the organization, such as the business aspect, would benefit from sensitivity training. Only one interviewee particularly mentioned that they believe HR professionals and departments should *not* be the primary target for such training, instead levying business departments as a required precursor.

### **Conditions**

Some participants also named conditions that they thought needed to be fulfilled in order to have a successful training. One of these was the support of employers and management for the contents of the training. As one participant said: “*I think that [training] can be very interesting and that it surely will help, but then there has to be support from the organization itself! If you only follow a course but you can't implement it in your organization, then that's a shame of course.*” [HR 9, own translation]. In other words, the training would not bring any benefits if the organization did not support the implementation of it in practice.

A second condition was a good argument to convince the board of directors of the need for and use of the training. Contrary to the importance that many interviewees ascribed to the training, they did not consider them to be an easy sell to the management of their organizations.

*I think that you really have to 'sell' the training within some organizations. [...] I notice that within HR in the last 5 to 10 years we really have to prove what we want to deliver. And then it is usually important to explain in financial terms what the gain is of a happy employee or someone who is at the right place. [...] You have to make it clear in numbers to convince an organization. Because often it is like 'yeah but that costs money and time and we already are very busy, etc., etc.'* [HR 2, own translation].

HR employees would have to prove how the training could financially benefit the organization as a whole, for them to be allowed to use it. This aligns with the results from the survey. The participants implied that efficiency-based arguments are prioritized over (ethical) inclusion needs. Some interviewees gave examples of what they considered to be arguments that could convince direction of the use of the training. One interviewee said that: *"In the end, I think that [...] we can do our work better if we have the same diversity [as our city]. [...] We believe that we can do our job better if we ourselves are diverse as well."* [HR 6, own translation]. The argument of the benefit of diversity was discussed by more participants.

#### **4.3.3. Trans, Intersex, and Non-binary Respondents' Training Needs.**

Mirroring the previously mentioned lack of Dutch support services specifically for (or inclusive to) trans, intersex, and non-binary workers, only 15,1% of respondents report having ever participated in training to develop their job-seeking abilities. Of those, almost all of them were standardized CV-development or interview skill training, while only a single respondent reported following training specifically tailored to their needs. Similarly, only 10,5% reported having participated in training regarding workplace discrimination, of which only one respondent participated in training specifically on LGBTQIA+ workplace discrimination. Among respondents, 43,4% would be interested in such training, however.

When those respondents were asked to elaborate on the training topics they were most interested in via a set of eleven examples catered towards the target group, almost none of them were rated as being unimportant as a training topic. Instead, respondents showed a broad desire for more in-depth training focused on their needs (particularly with dealing with discrimination). The training topics rated generally as most important were: *i) 'strategies to react to workplace discrimination, reporting channels and mechanisms'* (rated

important by 94,7% of respondents interested in training), *ii) 'strategies to recognize and tackle workplace discrimination'* (rated important by 91,5% of respondents interested in training), and *iii) 'my rights at work and protection for trans, intersex, and non-binary persons'* (rated important by 88,2% of respondents interested in training). This resonated with the previous observation regarding the lack of support services that are catered specifically to our target group, particularly showing that respondents seem to primarily desire to be well-equipped to protect themselves against workplace discrimination. This is supported by observing the lowest-rated training topics: *i) 'existing resources for job searching'* (rated important by 64,9% of respondents interested in training), and *ii) 'advice on enhancing the ability to find a job'* (rated important by 66% of respondents interested in training). Respondents noted that such training (though not catered specifically to our target group) was already commercially available in droves, as well as being offered by the UWV.

Another point of note is that trans, intersex, and non-binary respondents were notably more interested in in-person training (36,2%) or a combination of in-person training and e-learning (33%) than HR professionals—who mostly preferred an e-learning format. Preference of training length varies widely, however, though almost all HR professionals preferred a half-a-day length.

#### **4.3.4. Trans, Intersex, and Non-binary Interview Participants' Training Needs.**

Out of the eleven participants, six had ever had training on topics on inclusion and diversity in the workplace. Only three participants had participated in training on discrimination in general. None of the participants had had training that discussed discrimination based on gender identity, gender expression, and sex characteristics. These findings correspond with our results from the survey.

In contrast to the low participation in training, eight of the ten interviewees that were asked about their training needs said that they were interested in following training on discrimination that trans, non-binary and intersex people face. One person (P7) said that they would not be interested in following this training, though they would like to participate in this training as a trainer. One participant (P10) said that they did not like the format of training and that they would rather read on these topics since they learned more from that.

#### **Topics**

Interviewees discussed several topics that they would like their training to focus on. Some interviewees brought up topics themselves, others were asked to rate examples of topics. Of the people that were interested in the training, only one participant (P5) did not mention a specific topic that they were interested in. The topic that most people wanted to be included was how to recognize and deal with workplace discrimination. Five participants

said that they would like to know more about what discrimination practically consisted of, how they should tackle this if they experienced it, and what support systems were available, both inside and outside of companies. As P6 said, he needed practical tools to address and know what to do when he noticed discrimination:

*Because at a certain point you don't even know anymore what's normal and what isn't. [When I addressed a colleague who made discriminatory remarks,] I told my superior and I was basically told that I was some kind of social justice warrior. Even though I thought, hold on, my sense of safety has just been hurt. At a certain point, you don't know what is normal and what isn't, that's why I would like to follow this course. [P6, own translation].*

In other words, because of the backlash that reporting discriminatory events at work could cause, P6 would like more tools to know how to prepare for this and to have a reminder of what exactly constitutes discrimination. Knowing what tools there are, and what support is available could help people to address discrimination.

The second most requested topic was related to the rights and legal protections of transgender, intersex, and non-binary individuals, both in general and on discrimination specifically. Four participants said that they wished to know more about the regulations that the government had created in favor of queer people. Furthermore, most did not know what options were available to them and how they could make use of them. P2 said that he was very interested in: *"The legal aspects just about sex registration for example, but also, to what extent are transgender persons, non-binary persons protected by the law. What exactly are the regulations?"* [P2, own translation]. Learning more about the protections and regulations that are in place was something multiple participants were interested in. These findings correspond with the results from the survey, wherein respondents also gave most importance to practical tools on how to deal with discrimination, and to learning about the rights and protections that were in place for discrimination on gender identity, -expression, and sex characteristics.

Less popular topics were the state of the Dutch labor market for transgender, intersex, and non-binary people. Two participants said that they wanted to learn more about this topic. Another less popular topic was the existing tools and learning soft-skills to increase the likelihood of finding a job, and information about inclusive employers and policies. These topics were requested by two interviewees.

Some participants brought up topics themselves that they wanted to learn about. Two interviewees mentioned that they wanted to learn how to create more compassion in colleagues. Furthermore, participant 3 said that they wanted to learn about experiences

with discrimination that other people have had based on gender identity, -expression, or sex characteristics. *“I would like to learn how others experience these things and how they deal with it, how in general you can increase resilience, yeah to make sure that there is also more compassion in general.”* [P3, own translation]. Sharing experiences, and learning how to help others be more compassionate were seen as valuable aspects of training by two participants. Similar to this, two other participants said that they wanted to learn about general situations in which other trans, intersex, and non-binary people could experience issues.

*I would be interested in a kind of course about everyday situations that you can run into at the workplace if you are trans, non-binary, or intersex, or if you have a colleague who is trans, non-binary, or intersex. A kind of ‘stress and success’ test like ‘how can you deal with this?’, because you can run into issues in every situation. I might be a non-binary person, but I can’t answer everything.* [P1, own translation].

Discussing these experiences and possible scenarios might help other trans, intersex, and non-binary people to be better prepared for these situations themselves.

Related to the discussions of possible scenarios, one participant wanted to learn about how they could convince others of the existence of more identities beyond the cisgender binary. As P8 said, changing people’s worldviews on gender was a difficult task, and they needed more tools to best do this:

*I would like to learn how best to convince people that there is more, since a lot of people are bound to the idea of cis-man, cis-woman. Yeah, I think that I can learn a lot about that, how to explain that in a convincing way.* [P8, own translation].



## 5. Discussion

One issue that we would like to raise at the start of the concluding part of this paper is that intersex workers' needs have not been adequately gauged as a part of this research. It has become clear that solely as an individual part of wider-ranging LGBTQIA+ research—particularly when grouped as a research target with transgender and non-binary people—relatively little can truly be analyzed about their experiences. This is in part because, according to the very low number of intersex respondents, reaching intersex people clearly requires a different strategy. Based on discussions we have had with intersex organizations, it has become clear that intersex people face vastly different hurdles regarding discrimination, and often do not recognize themselves in example-cases of workplace discrimination experienced by transgender and non-binary people. Additionally, intersex respondents might not have recognized themselves in the structure of the survey. This could in part explain why intersex people were less likely to respond than anticipated. To group these different demographics together as a research topic undercuts the fact that intersex people require research specifically focused on their experiences. However, it must also be noted that there are no national research projects yet that have ever aimed to do this in the Netherlands. As such, we would highly advise looking into doing this on a larger scale, such as within the European Union, as we believe it is of great importance in gauging intersex peoples' needs.

In the effort of finding an adequate amount of survey respondents overall, we also faced difficulties. Multiple forms of extended promotion via social media and ads on digital search engines had to be implemented to reach amounts of respondents close to our intended targets. We hypothesize this was due to multiple complicating factors. For example, it seems people were less willing to participate in our survey during a stay-at-home period of work regarding the COVID pandemic. Our trans, intersex, and non-binary survey promotion was also complicated by several online trans- and non-binary rights activists without an academic background who attempted to launch a survey very similar to ours during our survey period. Though this was a short-lived effort, it may have taken away from our survey's traction on social media platforms critical to our outreach at a time important to our gathering of survey respondents. HR professionals were particularly difficult to reach overall and have at times said to us throughout the research period that they were bombarded with HR surveys during the stay-at-home periods in particular.

To continue to a discussion of our research findings (particularly regarding discrimination experiences of trans, intersex, and non-binary people), it would be dishonest to say the results were largely unexpected. As shown before in this paper, there has been prior national research into this (such as the research by the UvH & TNN (Glasner et al. 2017)).

However, what truly stood out as novel in our results—something we would attribute to the great length and detail of our transgender, intersex, and non-binary survey—are two things;

**The non-binary worker's experience.** Most previous national research focused on the experiences of binary transgender workers. The broad inclusion of non-binary workers' experience showed that they were *considerably* more likely to stay in a job they preferred to leave and purposefully didn't seek a promotion at their work (this could in part be because of fear that other workplaces might not be as kind to them in respecting their identity). But most poignantly, that non-binary workers were vastly more often (in comparison to binary transgender workers) not rightly recognized in their identity by both colleagues and employers at work, as well as much more often misgendered on a consistent basis.

**The perpetrator takes on many forms.** A clear discrepancy between *who* discriminates dependent in part on the victim's gender identity could be observed in our dataset. Particularly the fact that trans women respondents were much more likely to be discriminated against or sexually harassed by their supervisors/managers/employers, while trans men respondents primarily experienced discrimination and verbal harassment from direct colleagues. This might point towards misogynist, patriarchal structures at work affecting transgender women (particularly when they first come out at work). This was previously found in other research, including regarding a shift in salary post-transition (Glasner et al. 2017; De Lombaerde et al. 2021:13), but had not yet been found in regards to discrimination cases. Additionally, as discussed throughout this paper, we also hypothesize that discrimination wrought by colleagues/coworkers is also more often reported than discrimination wrought by employers or direct supervisors—seeing as HR respondents pointed towards colleagues/coworkers being by far the biggest offenders, which doesn't fully match up with the experiences of trans, intersex, and non-binary respondents.

There is a stark contrast to be seen between the plethora of discrimination cases and the lack of tangible HR policy regarding gender-diverse and transitioning employees. Moreover, a discrepancy surfaced during the interviews particularly between HR respondents believing that their company is doing everything it *currently* can (with an emphasis on 'currently') to combat workplace discrimination of transgender, intersex, and non-binary employees, and a lack of tangible policy. Additionally, HR respondents and interviewees oftentimes lacked knowledge across the board of trans, intersex, and non-binary people (e.g. essential definitions) and the discrimination of these groups (e.g. about discrimination cases or the national legal framework). We found that among interviewees and respondents, there appeared to be disinterest for, or disconnect with, national legislature,

with more of a focus on the organization's policy and treatment of its employees. Interviewees in particular told us in detail that they would rather focus on bias itself than legal foundations.

This is not something that is fully new to TNN as a Dutch transgender and non-binary rights advocacy group. However, it is particularly strange to see such a distinct lack of policy specifically mentioning trans, intersex, and non-binary people as there was no discrepancy found between HR professionals' expectations of how often workplace discrimination occurs and how often transgender and non-binary employees actually experience it. After all, the estimation of discrimination frequency and the actual frequency of discrimination are troublingly high. On average, HR professionals suspected discrimination to occur at roughly the rate represented by respondents' lived experiences. HR respondents even suspected verbal and psychological harassment to happen more than it actually did (even though it does happen relatively frequently among transgender and non-binary).

Most notably, none of the interviewees saw the Netherlands as a safe or inclusive place for trans, intersex, or non-binary workers, which begs the question of why no widespread move towards more concrete policy is being made to combat these suspicions and a culture of *'we'll act when we see it'* was still relatively widely echoed among interviewees. Such a culture might unintentionally do harm to transgender, non-binary, and intersex people. After all, if policy is generally only developed and implemented once a transgender, non-binary or intersex person is hired (or if someone comes out at work), the task of informing HR or colleagues might unwittingly fall on them. Furthermore, without concrete recruitment policy mentioning transgender, non-binary, and intersex people, the question remains how many of them actually reach that point and do not fall to 'statistical' or 'taste-based' recruitment discrimination (De Lombaerde et al., 2021). Furthermore, the idea that the safety and inclusion of trans, intersex, and non-binary workers does not require additional measures beyond those required for other workers (which was echoed in the HR survey as the most common answer for not adopting inclusivity policy specifically mentioned these groups) is in clear contradiction with the beliefs of HR professionals discussed prior about the frequency of discrimination and the inclusivity of the Dutch landscape.

Adding to this, one could wonder if it is a partial lack of insight into gender-diverse employees' lived experience that is behind this reasoning and lack of meeting their needs. Previous research pointed towards dualistic reasoning for recruitment discrimination of gender-diverse people: that of 'taste-based' discrimination (e.g. transphobia through emotive reaction such as disgust or association with being aberrant) and 'statistical discrimination' (e.g. transphobia due to association with mental or physical illness) running parallel to each other within recruitment (De Lombaerde et al., 2021). Both of these forms

of discrimination, though perhaps primarily the statistical, warrant attempts to draw HR professionals' conceptualization of transgender and non-binary peoples' lived experience and needs closer towards their actual lived experience and needs—which might reduce said recruitment discrimination.

What has also become clear about developing training for HR professionals is that strategies for motivating companies to adopt these should be an additional priority. Interviewees in particular told us clearly that the culture of acting only when a problem arises is intertwined with efficiency-based thinking within corporations and other organizations. A helpful tool in motivating such organizations could be the many examples and statistics we have added to with this research to show that there is indeed a problem, even if it might be an invisible one to some. However, it must still be noted that the broad prioritization of efficiency-based arguments above ethical inclusivity needs of employees is still a troubling phenomenon for trans, intersex, and non-binary workers.

Finally, throughout the survey, multiple respondents (both trans, intersex, and non-binary, as well as HR) suggested the inclusion of role-playing into future training initiatives (both for gender-diverse employees to properly deal with discrimination 'on the spot' and for HR professionals to better understand gender-diverse employees' experiences). We believe this could be a powerful tool in attempting to remove previously observed hindrances in workplace inclusion for transgender and non-binary employees, as well as show HR professionals and management the dire need for increased inclusivity and policy that would achieve that. As such, this is something that will play an essential role in the next step of this research: that of creating HR training and toolkits for each country included in the research consortium. Hopefully, through this strategy, we can further engage HR teams in the plight of facilitating a safer and more inclusive work environment (and job market consequently) through the creation of more tangible policy, such as paid transition leave, more inclusive and safe documentation policy, and more proactive anti-discrimination policy.

## 6. Recommendations

1. We suggest developing training for HR personnel specifically focused on role-play cases to involve professionals more actively in the lived experience of gender diverse people and employees. We believe this might be a good avenue to further promote knowledge of the struggles of gender-diverse employees and insight into their needs.
2. We suggest developing training for trans, intersex, and non-binary jobseekers and workers focused on informing them on their rights and preparing them through practical casuistic training for potential discrimination in the future.
3. We recommend the widespread creation of institutional policies and language surrounding how to address transphobic behaviors in the workplace (e.g. disrespectful language, misgendering, and disruptive behavior). Such policy should be shared with all staff and HR and employers should be prepared to enforce these policies.
4. There is a distinct need for research, both in the national and international context, specifically focussing on the needs and experiences of intersex people in the job market.
5. More general research is also needed, both in the national and international context, to further gauge the scope and depth of discrimination and discriminatory practices trans, intersex, and non-binary people face in the job market.

# APPENDIX

## Relevant legislation

Law no. BWBR0006502 from 02-03-1994, *Algemene Wet Gelijke Behandeling* on labor law and social security.

Directive 2006/54/EC of the European Parliament and of the Council of July 5 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

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