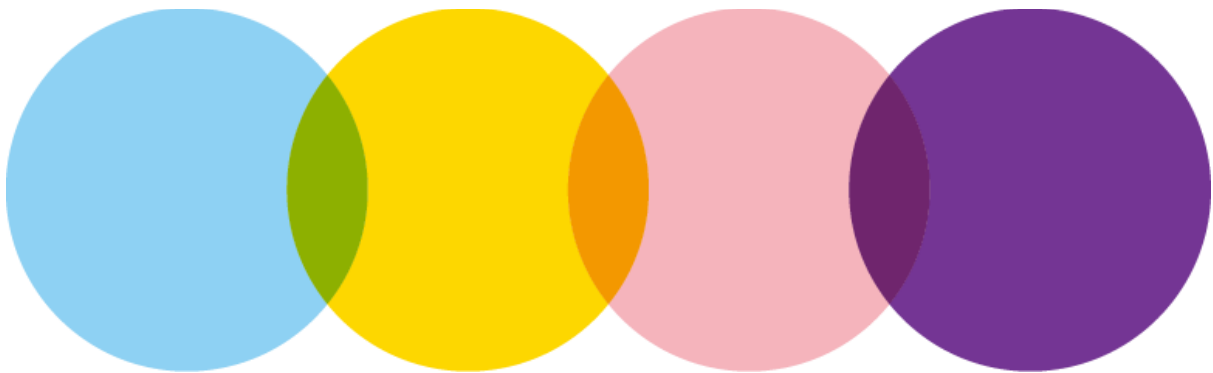


# **Trans, intersex and nonbinary people at work in Catalonia (Spain): A national report**



Title: **Trans, intersex and nonbinary people at work in Spain: A national report**

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# 1. Country at glance: an introduction

This report collects the results of the research done in Catalonia (Spain) by the *Inclusion4all-Trans, Intersex and Non-binary People at Work* project funded by the European Union within the framework of the Rights, Equality and Citizenship Programme. The goal of this project is to promote **inclusive workplaces for trans (T), intersex (I) and non-binary (NB) people**. The project is coordinated by the Háttér Society (Hungary), with the collaboration of an association of four other organizations from across Europe: the Surt Foundation (Spain), the University of Brescia (Italy), Transgender Netwerk Nederland (The Netherlands) and Zagreb Pride (Croatia).

Workplace discrimination based on sexual orientation, gender identity or gender expression is prohibited by law in Catalonia (Spain). Nevertheless, the existing studies show that trans, intersex and non-binary people often experience discrimination harassment and exclusion in the workplace and in recruitment processes.

One of the goals of the *Inclusion4all* project is to collect information on the experiences of trans, intersex and non-binary individuals in the workplace—including during the job search—and to detect their needs and demands in this area. Furthermore, it sought to gain an in-depth look at the experience and knowledge of companies and public organizations regarding the rights and needs of trans, intersex and non-binary individuals in the workplace, as well as their training needs. The research was conducted through an online survey and a series of interviews with trans, intersex and non-binary individuals and with human resources and employment professionals, from both the public and the private sector.

The main results obtained point out that greater efforts are needed to promote equal opportunities for trans, intersex and non-binary people in the labour market. The capacity building and sensitization of human resources professionals on the prevention of discrimination is urgent and should be accompanied with specific actions to empower and raise the awareness of T, I and NB people on their rights and the ways to respond to workplace harassment and exclusion.

This report is divided into several sections. It begins with a brief review of the national and regional legal framework and existing studies and publications on the subject. It then presents a series of services and programs for promoting the employability of trans, intersex and non-binary individuals. After that, it includes the results of the interviews and the survey. Finally, in the chapter on discussion, it summarizes the most notable results and offers specific recommendations for the organization of training activities.



## 2. Legal and policy framework

As of the publication of this report, Spain did not yet have a national law specifically outlining the rights of trans, intersex and/or non-binary individuals. Nevertheless, a draft bill was approved in June of 2021 that seeks to promote the real and effective equality of trans individuals and to guarantee LGTBI rights. For the first time, it also recognizes the right to gender self-determination in Spain. The approval of this law would allow individuals 16 and older to change their gender without the need to present a psychological report or begin hormone treatment. Those aged 14 to 16 years old could also do so with the consent of their parents or legal guardians. Furthermore, it would be the first legislation on the rights of intersex individuals and would prohibit surgical genital mutilation, except in cases where the health of the infant is at risk. One of the main criticisms against this draft bill is that it fails to recognize the circumstances of non-binary individuals.

Over the last decade, different regional laws on the rights of LGBTI individuals have been approved. In Catalonia, the current law is *Act 11/2014, to guarantee the rights of LGBTI people and eradicate homophobia, biphobia and transphobia*<sup>1</sup>. An entire chapter of this law (chapter III) focuses on the labour market, establishing principles and measures to ensure the right to equal opportunity and equal treatment of LGBTI individuals, including the right to freedom from discrimination due to sexual orientation, gender identity or gender expression. One of the measures applied by the department responsible for matters of employment is to apply strategies for the job insertion of transgender individuals (Article 21: Employment measures and actions). Along these lines, in August of 2021 the Government of Catalonia announced that for the first time, the Treball i Formació (Work and Training) subsidy program managed by the Public Employment Service of Catalonia (Servei d'Ocupació de Catalunya - SOC) would include occupation plans promoting the employment of trans\* individuals by local and non-profit organizations. This program includes funding for one-year employment contracts, training in professional and general skills, and guidance to help ensure the full inclusion of all participating individuals. The implementation of this program should be further evaluated.

In late 2020, the Parliament of Catalonia passed *Law 12/2020, of 30 December, on equal treatment and non-discrimination*<sup>2</sup>. This law seeks to guarantee the right to equal treatment and non-discrimination. It works to prevent any sort of discrimination based on motives such as sex or gender, sexual orientation or identity, and any form of LGBTI-phobia or misogyny. The law states that public administrations must establish policies to guarantee equal employment opportunities in both private companies and public

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<sup>1</sup> Act 11/2014 to guarantee the rights of LGBTI people and to eliminate homophobia, biphobia and transphobia, available in [Catalan](#) and [English](#).

<sup>2</sup> Act 19/2020, of 30 December, on equal treatment and non-discrimination, available in [Catalan](#).

service, and to ensure that no sort of discrimination occurs. Finally, it applies positive action, reversion, correction, reparation and palliation in cases of discrimination, inequality or minorization of a structural nature (Article 6: Employment and public service).

### 3. Previous research on the topic

According to Observatory against homophobia's report using data from 2019, the workplace was the fourth-most common setting for cases of LGBTI-phobia after public spaces, housing and nightlife venues. Specifically, it was the setting for 6.9% of all reported cases. This discrimination does not only take place in the workplace, however; it can also be found in the selection and recruitment process. According to the results of a survey by the FRA (2020), one out of every ten Europeans (10%) has experienced discrimination when seeking employment because they are LGBTI, while one out of every five has experienced discrimination in the workplace (21%). In the case of trans and intersex people, the percentage of individuals who suffer discrimination at work is even greater: 35% and 32%, respectively. The trans community is very diverse, and there are factors beyond undergoing a gender transition that affect their employment opportunities: gender, passing<sup>3</sup>, age, community support, origin and administrative status, educational level, socioeconomic position and experience in sex work (Coll-Planas and Missé, 2018).

A particularly important issue for understanding discrimination is visibility. Identifying and presenting oneself openly as someone with a non-normative sexual orientation, sexual identity, gender identity, gender expression or sexual characteristics can increase the risk of exclusion. According to a study completed by the UGT<sup>4</sup> trade union, four out of every ten trans individuals state that they conceal their gender identity during job interviews, and two of every three trans individuals are afraid to reveal their identity at work (Abad and Gutiérrez, 2020). Trust in bosses and the organization seems to be one of the most significant factors when it comes to deciding whether or not to express one's identity openly (Capell, 2016).

It is also worth noting the scarcity of studies on the discrimination suffered by intersex and non-binary individuals in the workplace in both Catalonia and Spain. Generally, expressing one's gender identity openly at work generally brings with it negative consequences for non-binary individuals, such as fewer opportunities for promotion (Davidson, 2016). Along the same lines, intersex individuals suffer from discrimination and abuse if it is revealed that they are intersex, or if they are seen as not conforming with gender norms (UN, 2017).

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<sup>3</sup> "Passing" is defined as a person's capacity to be seen as the member of a group or category with a certain identity. In this case, a trans person capable of "passing" would not be identified by others as trans.

<sup>4</sup> UGT is an acronym that stands for *Unión General de Trabajadores* (General Union of Workers).





## 4. Support and services to Trans, Intersex and Nonbinary employees and job seekers

There are several organizations and initiatives in the private sector and public sector aimed at improving the employability and promoting the access of trans, non-binary and/or intersex people to the labour market.

### a) The private sector

**Trans\*Laboral (Catalunya).** An initiative for trans individuals, entities, companies and local administrations in Catalonia involving the employment and labour intermediation of trans individuals. It seeks to promote initiatives and to train and raise awareness among those involved in the full recognition of the rights of trans individuals. For further information, visit: [www.translaboral.cat](http://www.translaboral.cat)

**Stop Sida (Barcelona).** An NGO that has worked with members of the LGTB community with and without HIV since 1986. It offers a job placement service for LGBT individuals that includes labour counselling and personalized employment initiatives. Stop Sida also provides guidance for businesses and maintains a bulletin board with job offers. For further information, visit: [www.stopsida.org](http://www.stopsida.org)

**DIMO - Dispositiu Integral per a la Millora de l'Ocupabilitat (Barcelona).** This project by the Surt Foundation is aimed at cisgender and transgender women who are or have been sex workers. This guidance and job placement program gives women the opportunity to develop their professional skills in order to improve their professional competencies while also gaining empowerment and autonomy. For further information, visit: [www.surt.cat](http://www.surt.cat)

**MdM: Women, an opportunity to forge your future! (Barcelona).** This project by the Metges del Món organization seeks to improve access to training and employment in professional fields beyond sex work for cisgender and transgender women working in prostitution. The project's goal is to help these women improve their employability and to provide them with the tools they need to access the job market.

### b) The public sector

**TransOcupació (Barcelona City Council).** The TransOcupació project was developed by the Barcelona City Council to promote the professional and social insertion of trans individuals. The project's goal is to help reduce the challenges faced by members of this community when seeking employment. With training and guidance, participants design a personalized professional pathway that can be combined with other programs and

services to promote their professional insertion through work with businesses. For further information, visit: [www.barcelonactiva.cat/](http://www.barcelonactiva.cat/)

**TransRassa Ocupació (Terrassa City Council).** This is a job placement service for trans individuals and the LGTBI+ community in general. Its goal is to provide participants with greater access to quality job contracts through direct contact with local companies and personalized professional pathways directly connected to job offers. For further information, visit: <https://terrassaocupacio.cat>

## 5. Inclusion4all research results

- **Indirect or subtle forms of discrimination against trans, intersex and non-binary people seem to be more frequent than direct discrimination.**
- **79% of the HR professionals surveyed believe that the cases of workplace discrimination are rarely reported by the victims.**
- **The difficulties that trans people face in accessing the labour market pushes them to work in informal economy.**
- **Being out in the workplace increases the risk of discrimination. One of every five T, I and NB surveyed had not come out to anyone at work (20%).**
- **The professionals and T, I, NB interviewed agree that the sensitization and capacity-building of managers and employees on the rights and needs of T, I and NB people should be a top priority.**

### 5.1 Methodology

As stated above, the information used for our quantitative and qualitative research was drawn from an online survey and in-depth interviews, respectively. Two questionnaires were designed specifically for the survey: one for trans, intersex and non-binary individuals, and the other for professionals in charge of human resources (HR), team management and corporate social responsibility. The survey was accessed through an online platform and promoted over the social networks and through emails to businesses, public administrations, feminist and LGBTBI organizations and activists.

The questionnaire for trans, intersex and non-binary individuals was divided into four sets of questions: sociodemographic information, experiences, discrimination at work and training. The questionnaire for professionals was divided into five sets of questions: the company/organization, knowledge, attitudes, experience and training.

A total of 140 people participated in the survey: 76 HR professionals and 64 trans, intersex and non-binary individuals. A part of the questionnaires were incomplete, so that we needed to discard it for analysis purposes. Thus, in the end, the analysis of answers is based on the responses of 48 HR professionals and 41 trans, intersex and non-binary individuals.

The in-depth interviews were semi-structured with an initial list of questions, and each interview lasted approximately one hour. In total, eight trans, intersex and non-binary individuals were interviewed, as well as six professionals from the public and private sectors who work in human resources departments, equality policies or employment programs. It should be noted that all the professionals interviewed were women. For a more detailed description of the participants interviewed, see the annex.

Initially, the sample was chosen out of convenience. In other words, potential participants were identified based on their willingness to take part in the interviews and because they fit the necessary profile. The sample was then expanded using the snowball technique, where potential interviewees were chosen from among the acquaintances of the people from the initial sample. Participation in the interviews and the survey was voluntary.

## 5.2 Interview with professionals

In general, the professionals interviewed had a more in-depth knowledge of the circumstances and needs of trans individuals than of intersex and non-binary individuals. As a result, the latter could not be studied in as much detail. While some did state that they had worked with or assisted trans individuals or, to a lesser degree, non-binary individuals, they were unable to mention any work experience with intersex individuals.

The participants agreed that the situation of these groups in the workplace is far from normalized, and they emphasized the particular difficulties faced by trans individuals undergoing transition periods. Although they avoided generalizations, participants identified sectors in which the inclusion of these groups tends to be particularly challenging. They referred especially to male-dominated professions such as police or firefighters, or industrial sectors like metalworking.

The participants agreed that companies and organizations are often not even aware that they have trans, intersex or non-binary employees. At the same time, they acknowledge that many individuals decide not to express their gender identity or sexual characteristics out of fear of rejection. This also hinders companies to be aware of the circumstances and specific needs of individuals in the workplace and to develop policies on this issue.

Some individuals do openly express their identity, either because they want to make it more visible or because they are unable to hide it. When an individual is unable to hide their identity, this can either be due to difficulty changing the name and gender on their documents or because they are incapable of passing as cisgender. Along these lines, interviewees noted that being visibly trans makes particularly challenging to be hired for customer-oriented work or positions with a high level of visibility. Trans women also tend to have greater difficulty finding and maintaining a job than trans men because of sexist prejudice and because they generally have greater difficulty passing as cisgender women.

*"Clearly, women are headed down and men are headed up [on the social ladder]. As men, they get listened to more, they see that the things they say are more well-received, that others take them more into account.*

*With trans women, the opposite happens: they become women and realize that women's opinions are valued less, listened to less."* **Employment professional**

The participating professionals noted that getting hired is not always the greatest challenge; often, overcoming the trial period and keeping the job is. When a company hires a trans individual, this does not mean that this individual is guaranteed an environment free from prejudice and discrimination where they will feel comfortable and successfully fulfil their responsibilities. Too often, trans, intersex and non-binary individuals find themselves in hostile settings where LGBTI-phobic comments, jokes or even harassment by co-workers or management are common. This has a strong impact on the people who suffer from it, and it can often lead them to take time off work or lose their job. The interviewees noted that most cases are not reported out of fear and that even when protocols do exist, they generally are not activated.

*"...We're under the impression that we find out about many fewer cases than actually happen. It's because people feel afraid, because of lots of reasons."* **HR professional**

They also noted that this discrimination is primarily indirect. This indirect discrimination is often difficult to identify in the hiring process since it is justified using other arguments.

*"...They won't say 'I don't want to hire this person because they're trans.' They usually don't tell us; they just say 'I found someone else who fits the position better.'"* **Employment professional**

Interviewees placed particular emphasis on the need to eradicate such forms of discrimination in order to guarantee positive workplaces that allow them to fully develop the professional potential of all employees, no matter their sexual orientation, gender identity or sexual characteristics.

*"We need to normalize it. At City Hall, what we want is for people to give the best of themselves at work. If they run into a conflict like this, of course it's going to have an impact on their work, and that's the last thing we want. A happy workforce means a happy organization that does things right."* **HR professional**

According to the interviewees, having undergone transition processes has helped many trans people to acquire or strengthen several extremely valuable skills that contribute to their professional development, such as resilience, adaptability or flexibility. They also note the importance of strengthening their communicative abilities in order to be able to express themselves with greater ease and clarity and to demonstrate their professional value and overcome prejudice.

The interviewees also noted that most companies do not have specific policies aimed at promoting the rights of trans, intersex or non-binary individuals because of the great deal of ignorance that exists. Even companies that are making progress with policies aimed at promoting equality and combatting discrimination because of gender or sexual orientation rarely include the matter of gender identity or sexual characteristics.

In fact, the companies that do take these issues into account or that have positive inclusion experiences do not always make it visible. To make up for this, the participants suggest making examples of best practice and success stories more visible both within companies and to the general public.

Although most companies are not aware of the rights and the needs of the LGBTBI community, interviewees were aware of some companies and organizations that are highly committed to their inclusion and who actively look for LGBTBI employees. They also noted that companies with a workforce that is more diverse in terms of sexual orientation also tend to be more open to including people with a non-normative gender identity.

One of the challenges HR professionals face when it comes to promoting the inclusion of trans, intersex and non-binary individuals involves registering the name and gender that individuals identify with when these are not reflected on their official documents. Generally, computer systems are designed to include legal information and do not always admit changes to employees' data. Another challenge is that cases of discrimination are rarely reported. To address this, some suggest using mailboxes where anonymous complaints can be submitted and the active promotion of existing means of filing complaints in order to ensure that the entire company workforce is familiar with existing protocols.

Interviewees emphasized the need for companies and organizations to guide trans individuals who are undergoing transition processes, as these lead to significant physical and psychological changes. They suggest designating a reference person with whom the individual undergoing the transition can share their needs and requirements as they arise. Furthermore, transition processes can require the modification of the workspace or even transfers, as long as the person in question is willing, and will not lose benefits as a result. Finally, there are additional issues like dressing rooms, restrooms and uniforms, which must be inclusive and not reflect gender binarism.

The interviewees noted that training and awareness-raising are essential priorities. Training should not be aimed exclusively at management or HR professionals; rather, it should be aimed at the entire workforce and should be adapted to fit different ranks. They suggest offering a basic introduction to gender, explaining what it means to be trans, intersex or non-binary, and describing the circumstances and needs of these groups. They emphasized the need to work on practical questions rooted in the workplace: the use of the pronoun the individual identifies with, the benefits of a diverse staff, how to guarantee confidentiality and data protection, how to support individuals undergoing transition processes, etc. More than strictly theoretical training activities, the interviewees suggested using practical group exercises and promoting debate and reflection on the inclusion of these individuals in the workplace.

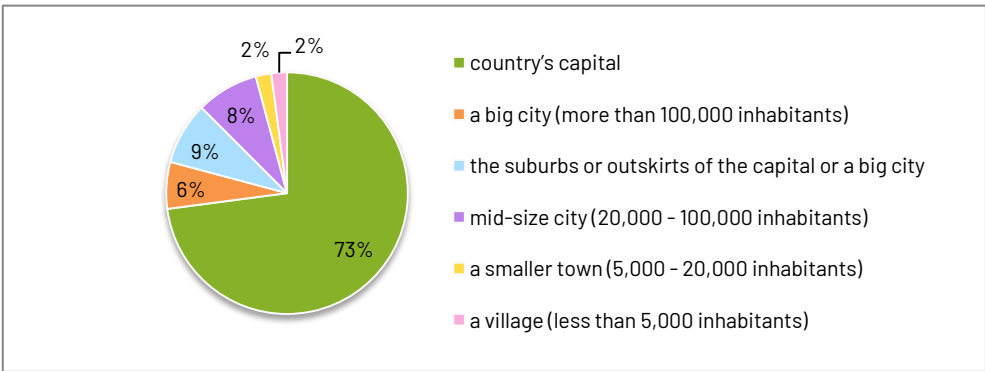
# 5.3 Results of the survey of professionals

## Sociodemographic data

Among all respondents, 48 professionals fully completed the survey in Catalan. 40% of them hold management positions, while 35% work in human resources, 4% work in corporate social responsibility, and the remaining 21% hold roles in other areas, such as team coordination and supervision, career guidance or LGTBI equality and diversity. As for their level of responsibility, 40% are in top-level management, 29% have an middle management role, and 27% hold a technical position.

The participants worked for a wide range of organizations: 35% worked for private domestic companies, 27% worked for civil society organizations, 15% worked for multinational corporations, 13% worked for public companies, and 10% worked for public administrations. Three out of every four of these organizations were headquartered in Barcelona (73%), while the rest were headquartered in different-sized towns or on the outskirts of large cities.

**Figure 1.** Location of the company/organization (N=48)



The participants also worked for companies from a range of sectors. The most frequently represented were public administrations, defence, and compulsory social security (21%); healthcare and social services (19%); and art, recreation or entertainment (10%). 40% of the organizations or companies had 50-249 employees; another 40% had 250 employees or more, and the remaining 20% had fewer than 50 employees.

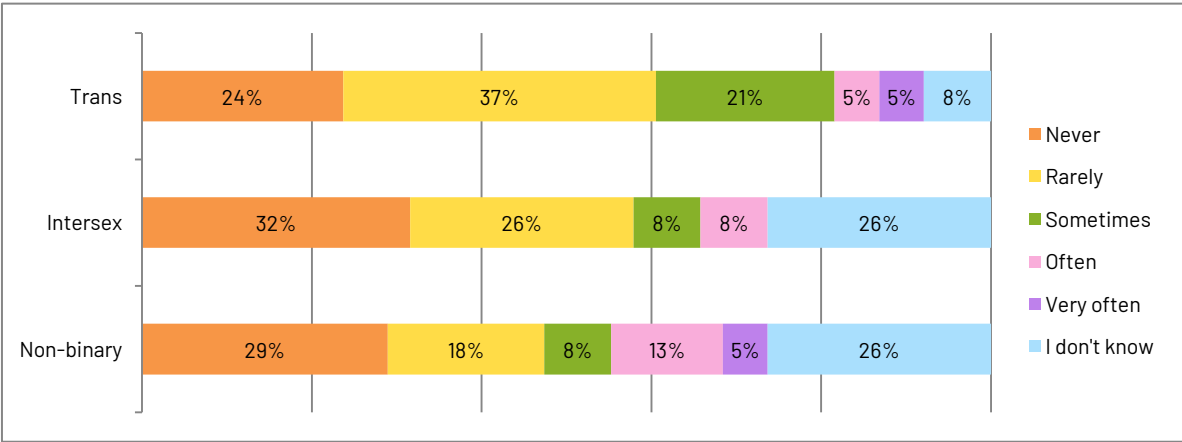
## Attitudes and experience

One of the questions analysed was participants' experience working with trans, intersex and non-binary individuals. It is worth noting that one out of every four participants (26%) did not know if they had ever worked with intersex and/or non-binary individuals, while only 8% did not know if they had ever worked with trans individuals. Only a handful of participants stated that they had often or very often worked with T, I or NB



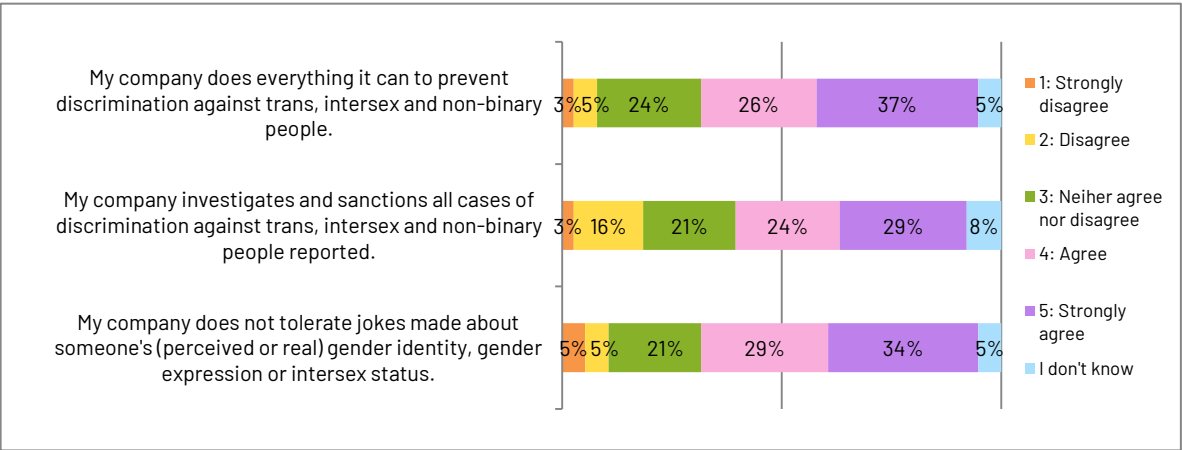
individuals (T=10%, I=8% and NB=18%, respectively). More participants had at least once worked with trans individuals than had worked with intersex or non-binary individuals.

**Figure 2.** How often have you had employees that you knew were... (N=38)



A significant proportion of participants do not believe that the companies and organizations where they work are strongly committed to combatting discrimination against trans, intersex or non-binary individuals and apply a clear anti-discrimination policy. Only 63% of participants stated that their company did everything it could to prevent discrimination against these groups (26% agree, 37% strongly agree); only 53% stated that all cases of discrimination against trans, intersex or non-binary individuals were investigated and that sanctions were imposed (24% agree, 29% strongly agree); and 63% stated that their company did not tolerate jokes about someone's gender identity, gender expression or intersex status (29% agree, 34% strongly agree).

**Figure 3.** Thinking about the company/organisation you currently work at, to what extent do you agree or disagree with the following statements(t)? (N=38)

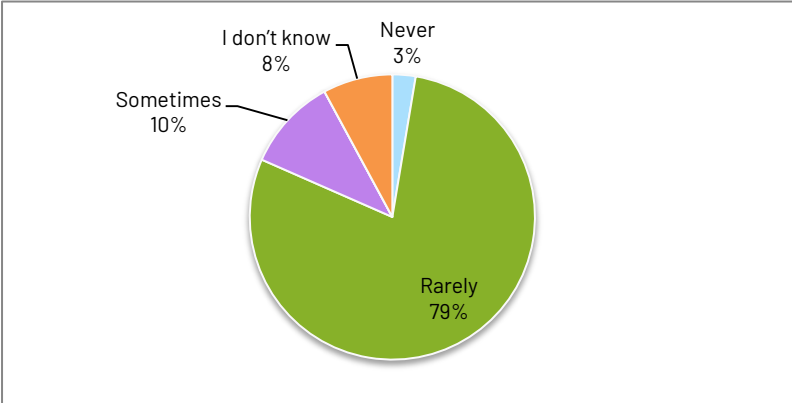


According to participants, the forms of violence that trans, intersex and non-binary individuals suffer from most frequently in the workplace are misgendering (26% often,

21% very often), psychological harassment (24% often, 18% very often) and verbal harassment (18% often, 13% very often). Meanwhile, the forms of abuse they see as less frequent are physical assault (8% often, 5% very often) and the revelation of confidential data (13% often, 8% very often). The forms of abuse they see in an intermediate position are physical harassment (11% often, 16% very often) and sexual harassment (11% often, 11% very often). They also noted that the individuals who applied discrimination due to gender identity, gender expression or intersexuality were colleagues (30%), immediate superiors (19%), management (17%) and clients (17%).

79% of participants believed that victims rarely reported their cases. 10% said that they did sometimes, and 3% believed that they never did. Furthermore, more than one third (38%) were unaware of the most common channels used to report these cases. Of the participants who felt that complaints were made, less than half (44%) believed they were generally made directly to the company; 21% believed the complaints were presented before the competent courts or legal authorities, while 15% believed they depended on mediation processes and alternative means of conflict resolution. Participants also noted the main reasons victims did not report their circumstances: the fear of being labelled or marginalized at work (22%), the fear of professional retaliation (21%), and mistrust of the system (authorities, politicians, legal processes, etc.)(19%).

**Figure 4.** How frequently do victims report such discrimination?(N=38)

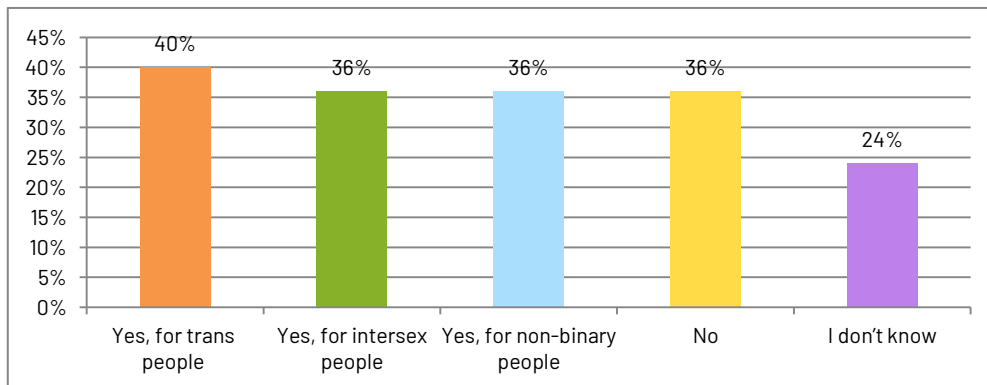


Two out of every three participants (66%) stated that their company or organization had internal policies for promoting diversity, equality and inclusion. 26% stated that they did not, while 8% did not know. All or nearly all of these policies specifically mention and protect sexual orientation and gender identity (96% and 100%, respectively), while intersexuality is included in a little more than half (60%).

If we look at the circumstances in greater detail, a little more than one third of participants (36%) noted that these policies did not include any specific actions aimed at promoting the inclusion of T, I or NB individuals, while one quarter (24%) did not

know. Meanwhile, 40% stated that trans people were included, while 36% stated that intersex and non-binary individuals were included.

**Figure 5.** Do these policies mention specific actions for the inclusion of trans, intersex and/or nonbinary people? (N=25)

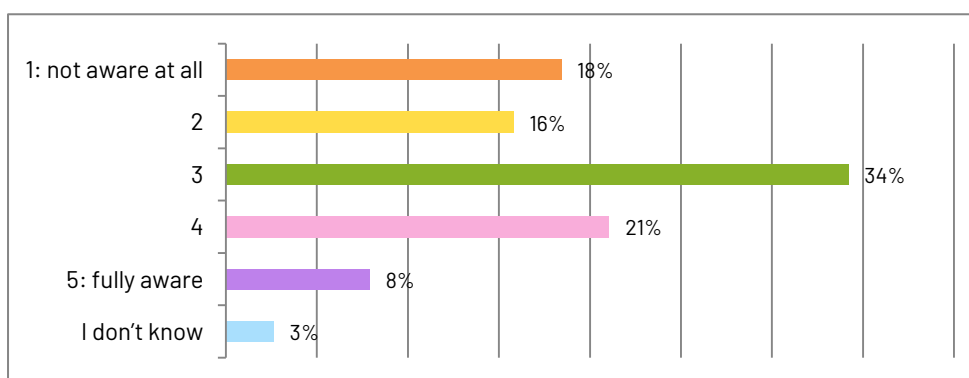


The results of the survey also revealed the organizations' main reasons for adopting these policies: the desire to create a work environment that encourages each individual's personal development (84%); the desire to attract talented individuals, notwithstanding their gender identity, gender expression or sexual characteristics (84%); and the desire to prevent discrimination (80%). Reasons for not having such a policy included the absence of a need (40%), and the perception that the workplace is already inclusive (40%).

In general, it seems companies and organizations tend to apply generalist initiatives that are a reaction to the circumstances. One example of this is that most companies and organizations have protocols for responding to harassment and discrimination (79%), while none have protocols for gender transitions in the workplace. Some other measures that are more commonly implemented are the existence of a channel for anonymously reporting cases of discrimination and harassment (57%) and allowing employees to use the name they identify with, even if it is different from the name on their official documents (50%). Furthermore, 43% of participants stated that their organizations or businesses offer training specifically related to trans, intersex and non-binary diversity for all employees, while 25% said such training activities were available to management.

Beyond the development of internal policies, a key question is to what degree staff members are aware of these policies. It is important to note that little more than a quarter of participants (29%) stated that the staff at their company or organization was fully (8%) or partially (21%) aware of the applicable measures.

**Figure 6.** To what extent are the employees at your company aware of these measures?  
(N=38)



### Training needs

The immense majority of participants indicated that they have basic knowledge of LGBTBI terminology. Nevertheless, it was also clear that they were less familiar with the idea of intersexuality and non-binary identity than they were with the idea of trans people, gender identity or sexual orientation. Another important fact is that only 60% of participants were aware that current laws in Catalonia specifically prohibit discrimination based on gender identity or expression. 70% were aware that current laws require companies to adopt measures against the harassment of trans, intersex or non-binary individuals by their co-workers.

One third of participants (32%) had never participated in training activities focused on the promotion of the inclusion of T, I and/or NB individuals in the workplace, although most (84%) expressed interest in participating in a training activity on this issue. According to participants, such activities should include the following: strategies and tools for adopting an inclusive perspective in everyday activities (84%), terminology and inclusive language (81%), best practice implemented by other companies (78%), and strategies and tools for preventing and responding to cases of discrimination and harassment (76%). Finally, participants felt that the best format for this training is hybrid—combining in-person and online training—(43%) and that such courses should last from one day (22%) to two days (30%).

## 5.4 Interviews with trans, intersex and non-binary individuals

At the time of the interview, most of the interviewees had a job with a job contract (6), although one worked freelance (1) and another was unemployed (1). These individuals worked in a wide range of sectors: culture, beauty industry, accommodation and food service activities, education, social action and pharmaceutical industry. Five had university degrees, two had only completed secondary school, and one hold a baccalaureate/vocational training degree.

## Access to employment

The interviewees had diverse professional backgrounds, and some had spent long periods working in the informal economy. One of them, a trans woman, explained that the difficulty of finding a job had driven her to become a sex worker in order to survive.

*"...I found myself unemployed, without a business, with two young daughters, and unable to find any sort of a job. So, there I was, lost in the desert: I had to resort to prostitution."*

### **Trans woman**

Trans individuals expressed greater difficulty finding employment in comparison to cisgender people due to their gender identity. They noted regretfully that their identity as trans was often given more importance than their professional experience or skills, and this often excluded them from selection processes. Often, this exclusion was veiled and, therefore, difficult to prove.

*"No one has ever asked me in a job interview if I was a woman or a man, or how they should address me. The discrimination wasn't that direct (...) I've experienced plenty of indirect discrimination that was visible in interviews."* **T2-Trans woman**

In addition to being trans, many of these individuals also faced other obstacles that made it harder for them to access employment: their gender, age, educational level, functional diversity, administrative status or the size of the municipality where they live. Living in a large city generally makes it easier to maintain anonymity, which leads to more opportunities for employment. On the other hand, trans people with a disability are at greater risk of being excluded from the labour market.

*"Besides my age and the fact that I'm trans, I have a disability: I have back problems."*

### **Trans woman**

For trans people, the identity documents are one of the biggest challenges when it comes to finding employment. Although the process of changing one's name and gender has become easier in recent years, it is still one of the greatest obstacles in the selection and recruitment process. Not having updated their documentation means that they are forced to reveal their identity from the very beginning, which can increase the risk of facing discrimination.

In the interviews, the double or triple discrimination faced by migrant trans individuals became especially patent, particularly for individuals with an irregular administrative status. The lack of documentation not only shaped their professional trajectory and left them unprotected; it also generated a great deal of instability that made undergoing a gender transition much more complicated.

*“I always said ‘I’ll start once I get my papers’—but those papers never came. I got older and older and the years passed, and I fell into a depression because there was no solution in sight.”* **Trans man**

## **Discrimination in the workplace**

The trans people interviewed described cases of discrimination in both the private and public sectors. This discrimination appears to be particularly pronounced towards visible trans women. One such individual noted that she was probably fired because of her gender identity, although she had no way to prove it. Others noted that they were misgendered<sup>5</sup>. Meanwhile, trans men noted that due to ageism, the fact that they generally seem younger than their actual age means that their authority in the workplace is often not recognized, and that this can make it harder for them to ascend to certain positions.

Trans people often choose to hide their gender identity in the workplace or when seeking employment, generally out of fear of being fired or rejected. Still, those that can hide their identity suffer constantly from the fear that their true identities may be revealed, and passing requires a great deal of effort.

Many trans individuals note the beginning of a gender transition as one of the moments when this fear is the most pronounced, to the point where they often have to postpone the process. Some wait for greater job security before beginning the transition to avoid being fired, and others decide to quit their jobs when beginning the transition. Individuals who begin the transition while working generally hide the fact that they are undergoing the process, not using the name and gender they identify with at work even if they have already come out in other areas of their lives.

*“Even though I started the transition in 2014, I didn’t tell them. I didn’t dare to; I was afraid I’d lose my job.”* **Trans woman**

Non-binary individuals state that they generally have to stand up for their identity since their reality is often ignored and everything is conceived from a binary perspective. Their identity does not fit with activities or spaces segregated by gender, like restrooms or uniforms. They also noted that far too often, they are misgendered.

Another of the questions that stood out the most during the interviews was that the circumstances of intersex individuals are often ignored. The medical discourse has often maintained a great deal of silence and stigma regarding the bodies of such

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<sup>5</sup> When someone, particularly a trans/non-binary person, is addressed or referred to using a name or gender they do not identify with.

individuals, and this invisibility often extends to all areas of the lives of intersex individuals, including education and employment. As these individuals noted, this taboo regarding intersex individuals is a form of symbolic violence.

*“We seem to be the last letter to come out. The ignorance we’re trying to break through comes with a lot of violence. In the end, that’s what this stigma generates: more forms of violence. Violence that’s more symbolic, more varied.”* **Intersex woman**

In other words, although the intersex women interviewed stated that they had not been directly excluded from the labour market because of they are perceived as cisgender females, they did note that they had suffered from subtle, more hidden forms of discrimination that had impacted their welfare. Stigma forces intersex individuals to experience their reality in silence, and to conceal any sort of deviation from preconceived notions of what men or women are like. They express anxiety and fear of their intersex identity coming to light and the negative consequences that might result in the professional sphere.

*“Then, there’s the fear of losing my job; that if someone doesn’t call me, it’s probably because I’m intersex.”* **Intersex woman**

To avoid discrimination, most trans, intersex and non-binary interviewees have chosen to seek employment at organizations and associations that are committed to the rights of LGBTBI individuals. These sensitized and diverse settings have allowed these individuals professional and personal recognition, and have recognized their identity and experience as a source of added professional value.

*“I’ve tried to find settings where my intersex experience not only isn’t a bad thing—it’s an advantage.”* **Intersex woman**

Both trans and intersex individuals have stated that being able to come out and comfortably make their identity public in the workplace has empowered them and given them a great deal of relief. Still, they are aware that coming out always has its risks, and they generally look for a healthy balance between visibility and privacy.

### **What do companies and organizations do**

Interviewees agreed that most companies and organizations are insufficiently prepared to work with trans, intersex or non-binary individuals, and most do not have active policies for the promotion of diversity. Although some interviewees have had positive experiences in non-allied settings without any sort of specific policy, they still noted the importance of the generalization of tools like protocols or plans that promote inclusion at all sorts of companies and organizations.

Another problem identified is the failure to act in cases of discrimination, either because they are not identified or because they are not given the importance they deserve. This reinforces the mistrust people feel when experiencing and reporting incidents in organizations.

*“They listened to me, supported me, and told me not to pay that person any mind. Still, no measures were taken on a team level.”* **Non-binary individual**

Faced with this reality, the interviewees emphasized the need for companies to diversify their language, perspectives and experiences beyond gender binarism. Trans individuals also noted the need for people from human resources to respond to the needs of those undergoing a transition, such as time for doctor’s appointments or medical leave for body modifications.

Meanwhile, some noted that there are a growing number of individuals who are aware of and committed to the needs of these groups in the professional world. Nevertheless, employers and managers do not always see this as a priority and do not always develop an active company policy.

*“Right now, there are plenty of people that are fighting for the acceptance of diversity in companies and who are dedicated, who use effective strategies and all the information that is currently available. They’re eager to work hard and to promote diversity in their workplace. Still, their employers and managers aren’t as committed.”* **Trans woman**

Interviewees noted that to improve the circumstances of these groups in the workplace, they need greater visibility, information and training. They also note the importance of sharing positive, personal experiences to increase the visibility of these groups and provide positive role models. All too often, they add, intersex individuals are not represented when developing LGBTI policies.

Furthermore, to combat ignorance and prejudice, interviewees suggested promoting a feminist, depathologising approach to the reality of non-binary, non-standard identities and bodies. In other words, companies and their staff should be made aware of sexual and gender diversity, and of the tools for including these individuals in the workplace from a perspective that takes into account the structural character of discrimination.

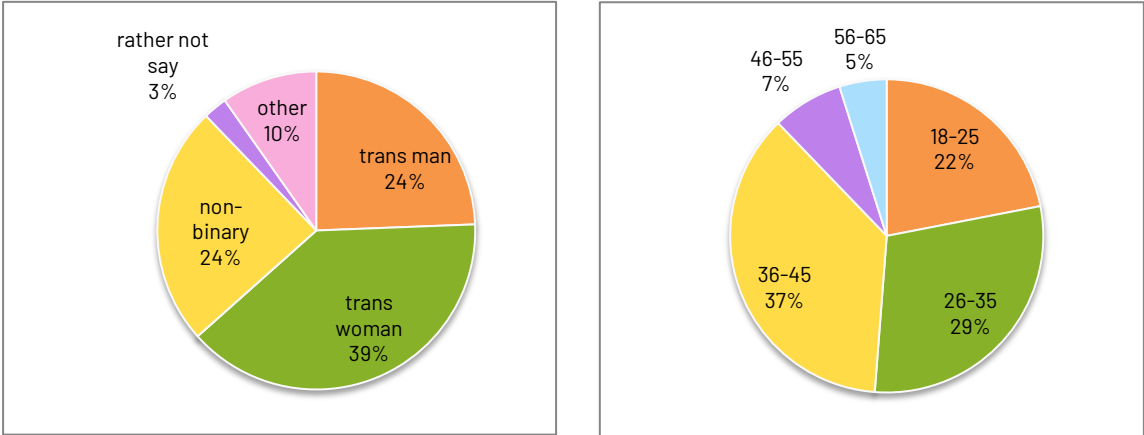


# 5.5 Results of the survey of trans, intersex and non-binary individuals

## Sociodemographic data

Among all respondents, 41 trans, intersex and non-binary individuals fully completed the survey in Catalan. 39% of them were trans women, 24% were trans men, 24% were non-binary individuals, 10% identified as "other", and 2% chose not to identify themselves. Of the non-binary individuals, 80% were assigned female at birth and 20% were assigned male. It is important to note the scarce representation of intersex individuals. The immense majority of participants were aged 18 to 45: 22% were 18-25, 29% were 26-35, 37% were 36-45, 7% were 46-55, and 5% were 56-65.

**Figures 7 and 8.** Gender identity and age of the respondents (N=41)



22% of participants were not born in Catalonia (Spain). These individuals come from France, the United States, Honduras, Ecuador, Brazil, Venezuela or other parts of Spain such as Galicia. Approximately half of these individuals (55%) had been living in Catalonia for 3-10 years, while the other half (45%) had been there for more than 10 years.

Half of participants currently live in Barcelona (49%). 17% live in other large cities (more than 100,000 inhabitants), 12% live in the outskirts of Barcelona or other large cities, 7% live in medium-sized cities (20,000-100,000 inhabitants), 5% live in small cities (5,000-20,000 inhabitants), and 10% live in small towns (fewer than 5,000 inhabitants). Regarding education, 7% have only completed primary school, 12% have only completed secondary school, 24% hold a baccalaureate or vocational training degree, 34% hold a bachelor's degree, and the remaining 22% hold a master's degree. In other words, more than half have a university education.

71% of participants were employed at the time of the survey. Of the unemployed participants, 82% were looking for a job while 18% had given up on seeking employment. Most participants worked in the private sector. More specifically, 24%

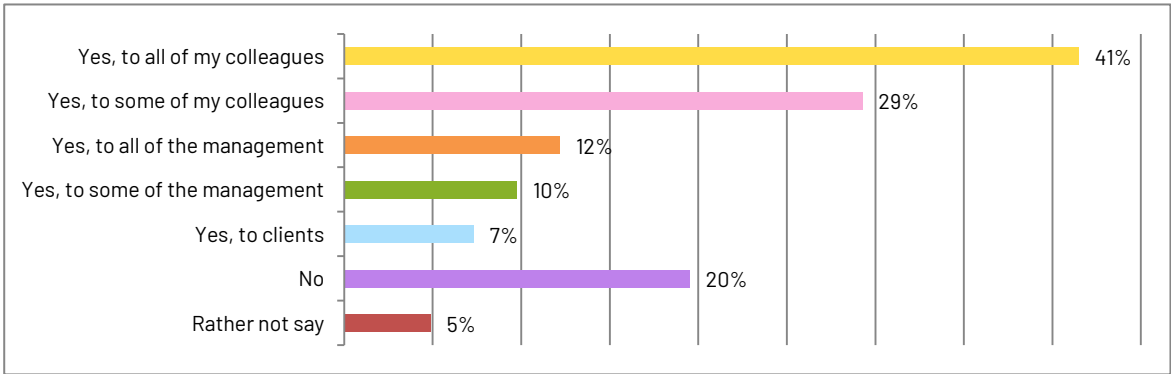
worked at a private domestic company, 24% worked in the public administration, 20% worked at a civil society organization, 15% worked for a multinational corporation, 5% had work but no job contract, and 2% worked at a public company. These participants worked in a whole range of sectors, particularly education (20%), accommodation and food service activities (17%); healthcare and social services (12%); and art, recreation or entertainment (10%).

80% of participants have found themselves unemployed and seeking a job for more than three months, and most have found themselves in these circumstances in the last five years. 37% of participants were actively looking for companies that applied policies for the inclusion of trans, intersex and non-binary individuals while seeking employment.

**Experiences at work**

One of the questions addressed in the survey was the level of visibility in the workplace. One of every five participants had not come out to anyone at work (20%). Those who had generally tended to do so to co-workers rather than to managers, and very rarely did so with customers. 40% had come out to all colleagues, while 29% had only come out to some co-colleagues. 12% had come out to all managers, while 10% had only come out to some managers. Only 7% had come out to clients. Only 7% had come out to clients.

**Figure 9.** Are/were you “out” at work? (N=41)



Half of participants (50%) stated that their company/organization had some sort of internal policy for promoting equality, non-discrimination or diversity, while one out of five (20%) said that it did not; the rest did not know (29%). These policies mostly included trans individuals (48%), while some included non-binary individuals (38%) and intersex individuals (33%). 29% of participants stated that their company’s policies included none of these groups, while 24% did not know.

As for the specific measures applied in company policies, the most frequent were allowing staff to use the name they identified with, even if it did not match the name on

official documents (34%), and protocols against harassment and discrimination (29%). Another significant fact is that 27% of participants stated that they were unaware of the policies of the business or organization where they worked.

Three out of every four participants (76%) stated that they had not received any sort of guidance adapted to their needs as trans, intersex or non-binary individuals when seeking employment. The individuals who did receive this guidance got it first from non-LGBTI organizations (57%) and/or employment agencies or services (57%) or, to a lesser degree, from LGTBI+ organizations (43%).

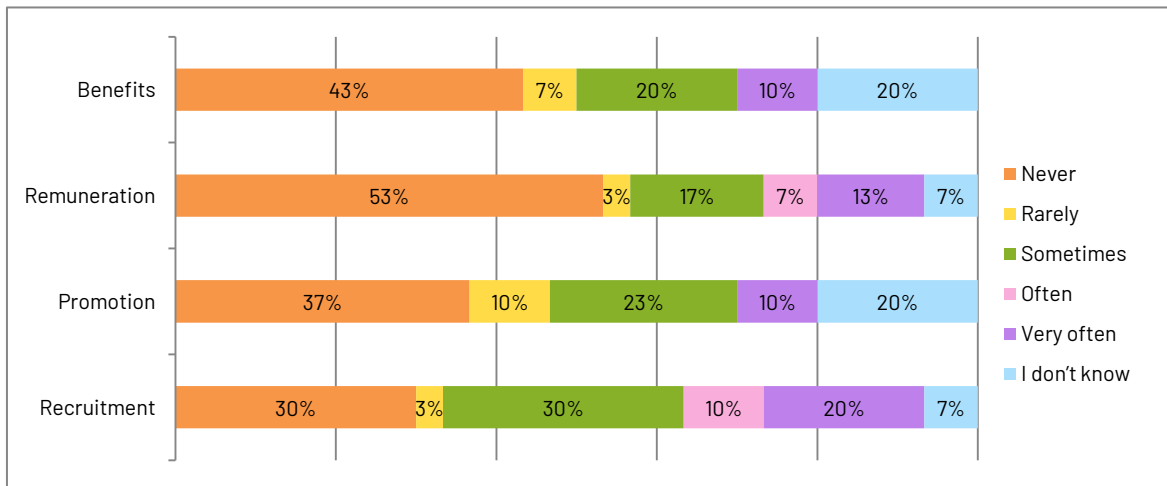
### **Discrimination at work**

The trans, intersex or non-binary individuals who participated in the survey referred to cases of discrimination they had experienced at some point in their professional career. 53% had hid the fact that they had undergone a gender transition (27% rarely, 10% sometimes, 3% often and 13% very often). At some point, 67% had felt it necessary to hide the fact that they were T, I or NB from their co-workers (27% rarely, 20% sometimes, 20% often); and 43% had delayed their gender transition to avoid losing their job (7% rarely, 13% sometimes, 23% often).

Nearly half of participants (43%) stated that their company or its management had not treated them respectfully, using the pronouns or name they identified with (13% rarely, 17% sometimes, 3% often and 10% very often), while 51% said their co-workers had done the same (17% rarely, 17% sometimes, 7% often and 10% very often). Another issue that emerged was the disclosure of confidential information: half of participants stated that their confidential information had been revealed by co-workers (10% rarely, 17% sometimes, 10% often and 10% very often), while one third stated that the company or its management had revealed their confidential information (3% rarely, 17% sometimes, 7% often and 10% very often).

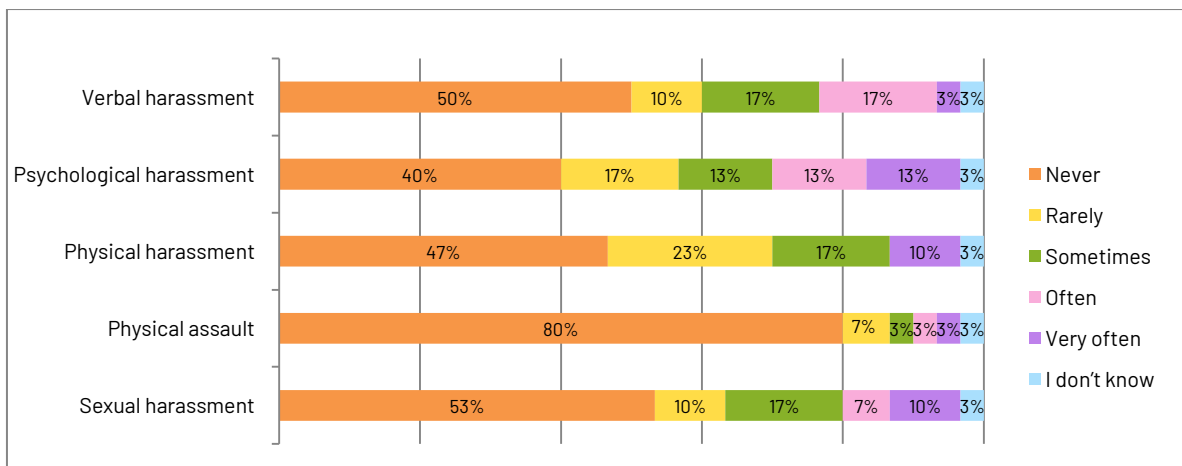
Trans, intersex or non-binary individuals often experience discrimination in different aspects of employment. They most frequently suffer from professional discrimination in recruitment, promotion, benefits and remuneration. More than half (63%) have stated that they have suffered from discrimination in the recruitment and hiring process.

**Figure 10.** How often have you experienced discrimination in any of the following areas due to being trans/intersex/nonbinary? (N=30)



The most frequent forms of discrimination are psychological harassment (13% often, 13% very often), verbal harassment (17% often, 3% very often), sexual harassment (7% often, 10% very often), physical harassment (10% very often) and, finally, physical assault (3% often, 3% very often). Along these lines, it is worth noting that one out of every four T, I and/or NB individuals (26%) have often or very often suffered from psychological harassment in the workplace.

**Figure 11.** How often have you experienced any of the following at work because you are trans/intersex/non-binary? (N=30)



In the cases of discrimination mentioned, the harassment was generally committed by staff members (30%), immediate superiors (23%), clients (23%) and management (15%). In these cases, most victims responded by doing nothing (63%). Only one out of every ten victims (13%) presented an official complaint to their company. Half (50%) of participants stated that the last case of harassment they had experienced took place in the last 5 years, while nearly a third (29%) noted it had taken place in the last 12 months.

Finally, according to the results of the survey, the three most important challenges faced by trans, intersex and non-binary individuals seeking employment in Catalonia are discrimination (87%), the lack of awareness regarding their circumstances (87%) and a lack of support (87%).

### **Training needs**

54% of participants had taken part in training to improve their skills while looking for employment. Meanwhile, the percentage of individuals who had undergone training on discrimination in the workplace and how to avoid was 82%. 71% of participants were interested in undergoing this type of training. According to participants, the main topics these training activities should include are the rights of trans, intersex and non-binary individuals at work (88%); strategies and tools for detecting and addressing discrimination (88%); and strategies and tools to respond to discrimination and reporting channels. (88%). Finally, participants felt that the best format for this type of training was hybrid—combining in-person and online training (50%)—and that such courses should last from one day (29%) to two days (54%).

## 6. Discussion

### **The experience of trans, intersex and non-binary individuals at work<sup>6</sup>**

The results of the research show that most trans, intersex and non-binary individuals suffer from direct or indirect discrimination in the workplace. In general, subtler forms of discrimination are more common than direct discrimination. Discrimination is particularly common in recruitment and hiring processes, which means that trans, intersex and non-binary individuals face important barriers when accessing the job market. Gender, passing, level of education, administrative status, functional diversity and age are some factors that can limit these opportunities even more. Along these lines, being visibly trans significantly increases the risk of suffering from discrimination.

In professional settings, trans, intersex and non-binary individuals can find themselves in hostile environments and can suffer mistreatment, such as misgendering or the disclosure of confidential information to others. Furthermore, psychological, verbal or sexual harassment are, in this order, the most common forms of harassment in this area.

Both trans, intersex or non-binary individuals and professionals state that the most frequent perpetrators of harassment or discrimination are co-workers, followed by direct superiors. Most victims do not report their circumstances and prefer to do nothing, while a small minority use internal procedures to issue complaints (when they exist). Some of the reasons victims do not report their cases are the fear of being labelled or marginalized at work, the fear of professional retaliation, or distrust of the system.

Too often, experiences of discrimination and the threat or fear of it prevent trans, intersex or non-binary individuals from freely living their identity in the workplace. This explains why many of these individuals need to hide their gender identity or sexual characteristics to avoid losing their jobs or being barred from new employment. The individuals who do choose to come out generally only do so to co-workers, and very occasionally to management or clients. Some trans individuals even feel the need to postpone gender transitions. In fact, these individuals see the workplace as one of the settings where it is hardest to come out, even when they have already done so in other settings.

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<sup>6</sup> Special attention should be given to the lack of participation of intersex people in the survey. There are probably several reasons for this deficiency. For example, the fact that intersex people do not usually perceive themselves as being excluded from the labour market. On the other hand, intersex is not a gender identity and in the survey intersex was presented as an alternative to trans and non-binary identity.

## **The role of companies and organizations in inclusion**

In general, companies and organizations seem to be less familiar with the reality of intersex and non-binary individuals than they are with the reality of trans individuals. This ignorance is one of the main challenges companies face when applying active policies to ensure inclusive workplaces with sexual and gender diversity. Although some companies and organizations have internal policies for promoting diversity and equality, these policies do not always include gender identity, and mentions of intersexuality are even rarer. The dominant trend is for companies to apply generalist measures that are a reaction to the circumstances, such as protocols for responding to harassment and discrimination. Meanwhile, they lack more preventive, proactive measures such as protocols for facilitating gender transitions in the workplace.

Having specific protocols does not mean that they will be applied effectively and used to prevent or address cases. The main challenges to the effective application of these policies are that many employees are not even aware of them (even if the employees themselves are trans, intersex or non-binary), and that when discrimination does occur, formal complaints are rarely made.

## **Recommendations for training activities**

- To improve the inclusion of trans, intersex and non-binary individuals, it is suggested to promote awareness and training among managers and employees at all levels. Besides promoting a theoretical approach to sexual and gender diversity, it is important to work on practical cases and to encourage debate and reflection in order to review and improve current practice.
- Participating professionals expressed interest in addressing the following: strategies and tools for promoting an inclusive perspective in everyday practice, terminology and inclusive language, best practice applied by other companies, and strategies and tools for preventing and responding to cases of discrimination and harassment.
- Furthermore, another idea that emerged was to increase the visibility of positive trans, intersex and non-binary role models in the workplace, as well as inclusion and diversity good practices implemented in companies and organizations.
- Participating trans, intersex and non-binary individuals expressed greater interest in matters involving professional discrimination. More specifically, they stated that training activities should include matters like the rights of trans, intersex and non-binary individuals at work, strategies and tools for detecting and addressing

discrimination, and strategies and tools to respond to discrimination and reporting channels.



## 7. Legal framework

[Act 11/2014, to guarantee the rights of LGBTI people and eradicate homophobia, biphobia and transphobia.](#)

[Law 12/2020, of 30 December, on equal treatment and non-discrimination.](#)

## 8. References

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## 9. Annex: List of participants interviewed

**Table 1: Trans, intersex and non-binary people interviewed**

Participant	Age	Gender identity/ sexual characteristics	Level of education	Occupational status	Country of birth
P1	40	Non-binary individual	Baccalaureate/vocational training	Paid worker	France
P2	36	Intersex woman	Higher education (bachelor's degree)	Paid worker	Spain
P3	36	Trans man	Higher education (master's degree)	Paid worker	Spain
P4	37	Non-binary individual	Higher education (bachelor's degree)	Freelance worker	Spain
P5	56	Trans woman	Higher education (bachelor's degree)	Paid worker	Spain
P6	45	Trans woman	Secondary education	Unemployed	Spain
P7	58	Trans man	Higher education (bachelor's degree)	Paid worker	Colombia
P8	40	Intersex woman	Secondary education	Paid worker	Spain

**Table 2: Professionals interviewed**

Participant	Gender	Business or organization	Professional title	Sector
R1	Woman	La Renovada	Co-founder	Private (Association)
R2	Woman	Barcelona City Council	Head of the Department of Equality within Human Resource Management and Organizational Development	Public (municipal)
R3	Woman	Barcelona Activa	Representatives from the TransOcupació program.	Public (company)
R4	Woman	PIMEC - Micro, small and medium-sized enterprises of Catalonia	Head of Policies on Equality	Private (business association)
R5	Woman	IKEA	Human Resources Department	Private (multinational company)
R6	Woman	Promoció Econòmica Sabadell	Department of employment and intermediation	Public (company)

