



SPEAK UP ABOUT IT!

**COMMUNITY EXPERIENCES, AND ACTIONS
TO REDUCE THE IMPACT, OF ANTI-TGNC
DISCRIMINATION IN NYC WORKPLACES**

CREDITS

Author

Shay (Sharon) Huffman

Contributors

Teal Inzunza

Audacia Ray

Lolan Sevilla

Sylvia Rivera Law Project

Interviewees

Renata Ramos

Egypt Rochelle Dior

Briana Silberberg

Dinick Martinez

Interviewers

Shay Huffman

Sophie-Rose Cadle

Head of Survey Development
& Implementation

LaLa Zannell

Survey Development Team

Shannon Redmond

Jaime Barak

Shay Huffman

Juliette Verrengia

Data Preparation

Allison L. Cabana

Thank you to the National LGBTQ Institute on Intimate Partner Violence, who provided technical assistance for the development and implementation of the survey as well as the analysis and preparation of the data. Special thanks to AVP's Community Action Committee and research group, who came up with the idea for the survey around TGNC employment in NYC because there were no reports about this issue: Joss Green, Mario Ibanez, Nicole Gathany, Kimberly Mckenzie, Noah Kreski, Shabeena Francis, David Szmukler, Michelle Sparks, Donglin Lin, Wendy Berger, Yuri Pinter, Sofiya Brisker, Mollie Gallant, Keosha Bond, Priya Sikerwar, Scott Tankersley.



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

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

This is the community companion report to our *Individual Struggles, Widespread Injustice: Trans and Gender Non-Conforming Peoples' Experiences of Systemic Employment Discrimination in New York City*, which includes detailed statistical information about the challenges facing TGNC people in the job search and in workplaces in New York City. You can access the report at avp.org.

Disclaimer

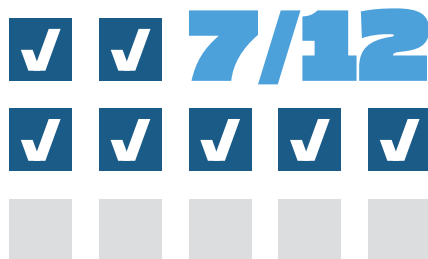
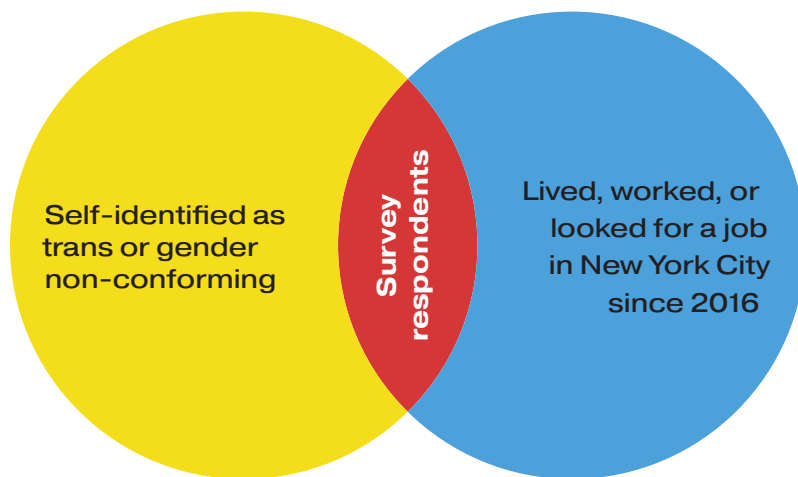
The information in this document is provided for general information only. It does not constitute or imply legal advice. By providing this material, we are not undertaking to provide legal advice for any specific individual or situation or to otherwise act in a legal capacity. You should consult an attorney for guidance and information specific to your individual situation.

CONTENTS

| | |
|--|-----------|
| Introduction | 4 |
| Employment Protections for TGNC People Under Current NYC Law | 5 |
| Briana's Story | 7 |
| Experiences of Workplace Discrimination | 8 |
| Renata's Story | 7 |
| TGNC Experiences of Discrimination in the Interview Process | 10 |
| TGNC Experiences of Discrimination on the Job | 11 |
| Who to Reach Out to for Help | 12 |
| Safety Planning in the Workplace | 13 |
| How to Legally Change Your Name in New York City | 14 |
| Reporting Discrimination and Getting Help: The New York City Commission on Human Rights | 16 |
| Dinick's Story | 18 |
| The Individual and System Changes We Need | 19 |

INTRODUCTION

This report is the community companion report to our *Individual Struggles, Widespread Injustice: TGNC Experiences of Systemic Employment Discrimination in New York City* report. It shares some data from the trans and gender non-conforming (TGNC) Employment Discrimination survey that the New York City Anti-Violence Project (AVP) conducted in 2017. This community report also includes practical information about the rights New York City upholds for TGNC people, interviews with community members, and actions you can take if you are discriminated against or your rights are violated. The TGNC Employment Discrimination survey that both reports are based on was created and distributed by AVP staff and community members.



sections of the survey needed to be completed by respondents in order for their responses to be included in the final sample.

118 RESPONDENTS
included in the final sample.



112 responses in English, 6 in Spanish

January 2016

New York City implements the Gender Identity/Gender Expressions Legal Enforcement Guidance to clarify enforceable rights based on the 2002 Transgender Rights Law.

The survey focuses on the time frame of January 2016 to the moment of taking the survey, so it is a snapshot of TGNC New Yorkers' experiences in the 18 to 23 months after the Enforcement Guidance is implemented.

June 2017

The survey is distributed online in English and Spanish and begins accepting responses.

November 2017

The survey concludes.

EMPLOYMENT PROTECTIONS FOR TGNC PEOPLE UNDER CURRENT NYC LAW

Under New York City's Human Rights Law, **all** New Yorkers are protected from discrimination by employers in the following areas:

- Hiring, firing, and work assignments
- Salary
- Benefits
- Promotions
- Performance evaluations
- Discipline
- Any decisions that affect the terms and conditions of employment

The law **specifically protects the TGNC community** against the following:

- Sexual harassment
- Unwelcome verbal, written, or physical conduct
- Sexual comments
- Jokes
- Pressure for dates
- Sexual touching
- Sexual gestures
- Sexual graffiti
- Sexual pictures
- Any conduct that interferes with your job performance
- Any conduct that creates an intimidating, hostile, or offensive work environment

DID YOU KNOW?

In 2002, the New York City Council passed the Transgender Rights Bill (Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23)). While this law made it illegal to discriminate against people based on TGNC identities, it did not have clear enforcement guidelines.

Starting in January 2016, the Office of the Mayor implemented a legal guidance from the New York City Commission on Human Rights that provides bold and explicit examples of violations. The Guidance sends a clear message to employers, landlords, business owners, and the general public about what the City considers enforceable rights of transgender and gender non-conforming people under the City law.

72%

of our survey respondents said they were aware of all or some of the rights granted by the Transgender Rights Bill and enforced by the guidance.

The Legal Enforcement Guidance on Discrimination on the Basis of Gender Identity or Expression explicitly confirms the right to:

Have your **pronouns, name, and title respected**, regardless of what is on your identification.

Not have **gendered dress codes or uniforms** at your job enforced on you.

Be able to make a complaint about discrimination at work without retaliation, like being assigned undesirable shifts, demotions, firing, and others.

Have your gender expression respected and **not be punished because of your presentation**. This includes the right to wear makeup or jewelry and to be free from anti-gay or transphobic comments due to the way you present.

Employee health benefits must include gender affirming care. Health benefits access, including child care, and documentation requirements must be the same for all genders.

Access gender segregated spaces that align with your gender identity including bathrooms, locker rooms, and programs. You cannot be forced to use single occupancy restrooms or be blocked from joining a program because other participants might be uncomfortable.

ON REPORTING DISCRIMINATION

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

BRIANA'S STORY

*Interviewed by Sophia-Rose Cadle.
October 24, 2018.
Anti-Violence Project, Manhattan.*

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

On being treated differently in the workplace:

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

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

On barriers to opportunities:

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

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

EXPERIENCES OF WORKPLACE DISCRIMINATION

Despite the City's law protecting gender expression and identity, and the desire from TGNC survey respondents, almost all respondents indicated problems with being out. Respondents expressed feeling socially isolated from co-workers, using bathrooms that feel unsafe, and feeling unsafe or uncomfortable with correcting people who misgender them. The issues arise at the application process. For jobs that required filling out an application form, nearly 60% of survey respondents indicated they had to fill out a form on which they had to choose a gender that did not match their identity.

Access to employment is critical to TGNC people's ability to secure housing and obtain health care, and having some economic stability also reduces vulnerability to violence. Finding ways to have sustainable income and survive as out TGNC people can be extremely difficult and taxing. More often than not, the response to being authentic and living freely is cruel judgment and bias based on stereotypes. Prolonged levels of stress associated with coping in these hostile work environments is significantly burdensome to TGNC people's physical and mental health, and may add to existing feelings of isolation, fear, and anxiety. This is particularly true for people of color who are already marginalized and stigmatized on the basis of race and/or ethnicity. The additional disenfranchisement that comes with these overlapping identities significantly compounds the life-long, cumulative effects of barriers to access and opportunity on quality of life.

The survey findings amplify the following:

- Heteronormative and ciscentric views and attitudes towards the TGNC community continue to promote a culture of exclusion that hinders access and opportunity in the workplace.
- The community's experiences with these barriers cross age ranges, gender identities, levels of education, and job experience - from application process through employment.
- Experiences range from misgendering and denial of access to gender appropriate bathrooms, to threats and physical attacks.
- These indignities create physical, emotional, and mental stressors.
- Although legally entitled to do so, community members are often reluctant to pursue legal action against perpetrators (both institutional and individual) based on past experiences of reports being disregarded, as well as emotional exhaustion and fear of retribution.

ON UNEMPLOYMENT & MENTAL HEALTH

“I didn’t have the money and I couldn’t find a job. I couldn’t find acting jobs or catering. I had a high level of depression and anxiety. Fortunately, a friend lent their apartment.”

RENATA’S STORY

Interviewed by Shay Huffman.

October 22, 2018.

Make the Road, Jackson Heights, Queens.

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

On experiencing discrimination in the hiring process:

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

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



On challenges with access to housing for TGNC people:

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

TGNC EXPERIENCES OF DISCRIMINATION IN THE INTERVIEW PROCESS

The quotes in the following sections about experiences of interview and on-the-job discrimination come directly from community members' responses in the TGNC Employment Discrimination Survey.

“Twice during interviews the interviewer explicitly mentioned my self-expression (i.e., wearing clothes, shoes, and hairstyle they considered masculine.”

“Positions were given to “female” outwardly appearing counterparts in my field while I stayed unemployed for a year.”

“People won’t consider me for a job and police my outfits based on gender expression.”

“[I was] forced [to do a] name change to accept [a] job and get [an] email account and employee name badge with my affirmed name.”

“I was constantly called into interviews because I have 10+ years of experience in my field, Ivy League undergrad, and a grad degree. I have a male name - Jay on my resume. Then when I arrived at the interview masculine presenting but visibly female-bodied, people would be shocked, very uncomfortable, curt, and the entire tone of our relationship would change. I went on 3-4 interviews where they were 2nd or 3rd round – was told that they were excited about my candidacy over the phone, etc. – then didn’t get the position.”

“I have spent a full year job hunting, and while I have been called in for several interviews, I never hear back. I was looked at for my gender non-conforming clothing and seen as unprofessional and not acceptable.”

“At multiple interviews, the companies degraded my clothing and hair because I was more masculine and androgynous than they preferred. I got offered a lesser job than I applied for because they did not want me representing them at meetings. I often didn’t get called back after interviews.”

“I was turned down during the hiring process due to me being trans and discriminated against my strong features. I wasn’t given the opportunity to get a job. Due to me being trans most jobs won’t hire me.”

“My old CEO was a gay man and gave me several promotions with large salary increases. After he left, a conservative straight man was hired as CEO. He was uncomfortable with my presentation (female-bodied, masculine presenting, wearing suits). I was fired less than a year after he took over.”

“I was not offered a promotion for a job that I was more qualified for, and management tried to dissuade me from actively trying to make our workplace more LGBT-friendly.”

“I was told I am not welcome at my job.”

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

TGNC EXPERIENCES OF DISCRIMINATION ON THE JOB

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

“I have been spoken to about my appearance and how I dress on multiple occasions, even though everything was consistent with the organization’s dress code. I hear transphobic comments all the time, but they aren’t necessarily directed at me.”

“Most significant discrimination experience since January 2016 was retaliation for reporting harassment by a manager.”

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

“My supervisor did not take my side, and took the side of those abusing me, in my case, ‘security guards,’ and fired me based on their report.”

“Two cis-female supervisors avoided training me as requested by management, giving opportunities for advancement to a far less qualified cisgender co-worker. Although they never explicitly expressed transphobic sentiment, their demeanor with me differed from how I saw them acting with cisgender co-workers, ranging from general unpleasantness and occasional hostility to forced politeness. I was also reprimanded for ‘inappropriate’ attempts to take initiative/be helpful without any good explanation of why this was inappropriate.”

WHO TO REACH OUT TO FOR HELP

The next few sections of this report share some information about legally changing your name, doing safety planning, and reporting discrimination. You can choose to do these things on your own, but you can also reach out for support to the following organizations:



New York City Anti-Violence Project

24/7 English/Spanish Hotline at (212) 741-1141. Access to FREE counseling, legal services, advocacy, and other support services. Find out more at avp.org.



Sylvia Rivera Law Project

Works to guarantee that all people are free to self-determine gender identity and expression, regardless of income or race, and without facing harassment, discrimination or violence. Learn more at srp.org/resources.



New York Legal Assistance Group

Provides free civil legal services to New Yorkers who cannot afford a private attorney. Learn more at nylag.org.



New York City Bar Association

An organization of over 24000 lawyers dedicated to improving the administration of justice and promoting the study of law. Learn more at nycbar.org

SAFETY PLANNING IN THE WORKPLACE

Contributed by Teal Inzunza, Manager of Economic Empowerment Program (EEP) and Client Advocacy Programs at the New York City Anti-Violence Project. Want help making a safety plan specific to your needs and situation? Call the AVP hotline at 212-714-1141 to get support and to be referred to EEP.

Here are some things to consider as you craft a safety plan:

- Who are your allies at work? Who can you lean on for support?
- Be in tune with your needs. Think about the difference between what you want to happen and what you need.
- Let the harasser know their behavior is unwelcome.

Setting Workplace Boundaries

- It is often inevitable that coworkers or bosses will cross your boundaries, especially while they are getting to know you, or vice versa. What is important to remember is that you have the tools to address them! You've got this.
- You may have different boundaries than your boss, your coworkers, or the folks around you. It is important to be in tune with your needs and also be supportive of the needs of those around you.
- It can be difficult to let others know what your boundaries are, it's okay to start small. It might be helpful to find someone you trust to support you.
- Boundaries may be physical, emotional, verbal or situational.
- Don't forget to breathe!

Recognize Workplace Triggers

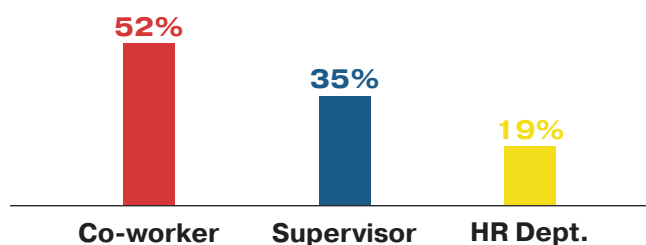
- Triggers may be inevitable but with practice they can be managed.
- Try to take a break if you can, check in with your boss to see if that's okay. Maybe take a walk.
- It might be helpful to find a place in the office that feels soothing or comforting and to sit in that place for a while.
- Listening to something soothing can be helpful.
- Practice taking a deep breath.
- While this situation may remind you of a traumatic situation in your past, it may be helpful to remember that you are not in that situation at this moment and that you have the tools to get through this.

“Setting boundaries takes courage, practice and support.”

-Dana Gionta

Where TGNC People Report Workplace Discrimination

In our survey, we asked about TGNC people's experiences of anti-TGNC workplace discrimination and reporting discrimination. The results are shown in the chart to the right. Though co-workers don't always have power within the organization to end the discrimination, they can be an important source of support and can help you to figure out what to do or how to manage the situation.



HOW TO LEGALLY CHANGE YOUR NAME IN NEW YORK CITY

Thank you to the Sylvia Rivera Law Project for giving the New York City Anti-Violence Project permission to adapt this resource from their materials¹. Learn more about their work at srlp.org.

You can file your name change application in a New York City civil court in any of the five boroughs. The following instructions are for Manhattan, and the details of the procedure may vary slightly in other boroughs, but you can also file in a different borough from where you live. In all boroughs, you will have to fill out forms, pay a fee, and talk to a judge in court.

1. Have your original birth certificate or a certified copy.

If you do not have your original birth certificate, you can order a certified copy from onlinevitalus.com, vitalchek.com, or the vital records website of the state in which you were born. Certified copies usually cost around \$20.

2. Complete an application.

Download the application here: https://www.nycourts.gov/COURTS/nyc/civil/int_adultnamechange.shtml.

- If you answer yes to questions 5-9, include an explanation. For example, if you have ever been convicted of a crime, tell what you were convicted for, when it happened, where it happened, and what happened in your case. **You do not have to report any subway violations.**
- If you have criminal convictions, you will need to submit a certificate of disposition for each conviction or a recent rap sheet. You can get a copy of your certificate(s) of disposition from the court where you were convicted. If you receive public benefits, the certificate is free. If you do not receive public benefits, you must pay \$10 for each disposition. For free help with getting copies of your rap sheet, contact Legal Action Center at 212-243-1313.
- **Important:** If you submit a rap sheet, look over it closely because sometimes there are mistakes on it. If the rap sheet shows there is a warrant open for your arrest, you must take care of that before you file your rap sheet in court. You can call AVP's 24 hour English/Spanish hotline at 212-714-1141 to get referred for legal support if you need it.

New York Civil Court Locations

- Manhattan: 111 Centre St.
- Bronx: 851 Grand Concourse
- Brooklyn: 141 Livingston St.
- Queens: 89-17 Sutphin Blvd.
- Staten Island: 927 Castleton Ave.

¹ Retrieved from "Sylvia Rivera Law Project" Website at: <https://SRLP.org>: 'Steps to Legally Change Your Name in New York City' (2018).

3. Bring the application to civil court in the borough of your choice.

In Manhattan the address is 111 Centre Street. When you get to court must go through security first. After security, look for the line marked “Name Change.” In Manhattan name changes are handled in room 118 on the ground floor near the exit. Tell the clerk you are filing for a name change and give the clerk your papers. If you were born in New York, the clerk will keep your original birth certificate. If you were not born in New York, the clerk will make a photocopy of your birth certificate and give you back the original. The clerk will ask you for the \$65 fee.

- If you can afford the fee, go to the second floor and pay the cashier. The cashier only accepts cash, money orders, and certified checks. Personal checks and credit cards are not accepted. If you are paying in cash, you must have the exact amount (\$65). The cashier will not be able to make change.
- If you cannot afford the \$65 fee tell the court clerk you want to file as a poor person. The clerk will give you a form to fill out. The form will ask your income and rent as well as other expenses. Complete the form and give it back to the clerk. You will have to wait a few days to find out if the form gets approved. If the form gets approved, you will be given an Index Number and a court date. **Note:** If the form gets approved, you may be eligible for free certified copies of your name change, but there is no guarantee of that.
- If the form does not get approved, the clerk will either ask you to come in with more information or tell you have to pay the \$65 fee. If you do not hear from the clerk after a week, call the clerk at 646-386-5609 or go to their office in person to check on it. **When the cashier gives you a receipt with your Index Number on it, you must keep the receipt.**

4. After the cashier gives you your Index Number, go back to the clerk downstairs to turn in your papers.

The clerk will assign you a date for a name change hearing. If you know you cannot make it on that date, let the clerk know and ask for a later date. Your name change hearing will probably be scheduled for around 1-2 weeks after the date you file your papers. **Please note:** These guidelines cover Manhattan only. The procedure may be different in other boroughs.

- **Important to know:** name change hearings are held in open court with many other people there, and the judge will ask you why you want to change your name. They usually move along quickly, but expect to have to say out loud in front of strangers that you are changing your name for gender affirmation related reasons. It is totally fine to bring a friend or other support person(s) with you.
- If you are currently incarcerated or on parole for a violent felony offense, you will need to give notice of the hearing date to the DA and the court in which you were convicted.

REPORTING DISCRIMINATION & GETTING HELP: THE NEW YORK CITY COMMISSION ON HUMAN RIGHTS (CCHR)

The New York City Commission on Human Rights (CCHR) is responsible for enforcing the New York City Human Rights Law. This includes using the Transgender Rights Law to fight for trans, gender non-conforming, and non-binary New Yorkers in the workplace. CCHR is dedicated to empowering and protecting the TGNC community, fighting for justice, often with monetary damages. Staff attorneys listen to survivors and keep their safety and interest in mind at all times before proceeding with any enforcement actions. The Commission provides services in over 30 languages.

To Report On-the-Job Discrimination

You have one-year to report workplace discrimination to NYC Commission on Human Rights.

1. Dial 311 and ask for “Human Rights.”

You may also contact the New York City Human Rights Commission (CCHR) directly at 718-722-3131. You will be connected to an intake person who will take your contact information. Within 48 hours you will receive a call-back from CCHR. You will be asked to describe what happened.

- If the situation described is covered by the NYC Human Rights Law, an appointment will be made for you to discuss your situation with a staff attorney or investigator from the Commission's Legal Enforcement Bureau (LEB). This discussion may take place either in-person, or over the phone.

2. Bring as much evidence and information as you have to document your situation.

For example, notes, pictures, gifts or objects meant to intimate you that people have left in your workspace. The attorney or investigator will gather information, and review your documents.

- If what you report is covered by the NYC Human Rights law, they will draft a complaint to be sent to the person or employer you are filing a complaint about, who CCHR refers to as the “Respondent.” You will be given an opportunity to review the complaint. If you agree with it, you will sign it, and it will be sent to the “Respondent.”

3. The Respondent will have 30 days to reply to CCHR.

If the Respondent is found to be in violation of the New York City Discrimination law, they may have to pay a fine between \$150,000 and \$250,000 per incident.

At any point during this legal process, the Commission may try to negotiate an agreement between you and the Respondent by enlisting the help of a “mediator.” There is no cost to you for a mediator. The mediator does not take sides or decide who is right or wrong.

If at any point during the process you feel you are not receiving timely updates, or wish to escalate your complaint, call CCHR and ask to speak with the person who did your initial intake.

MEET CHANEL J. LOPEZ

Advocate & activist for the transgender and gender non-conforming community for the past 14 years.

Chanel Jessica Lopez is the Transgender Communities Liaison for the NYC Commission on Human Rights (CCHR), making her the only openly trans woman of color working for the city government. Chanel's responsibilities include facilitating workshops, trainings, and educational sessions in all five boroughs around the NYC Human Rights law, as well as formulating best practices for TGNC safety and self-care in and around the workplace. She is a good person to know at CCHR if you have a discrimination complaint to file with the commission.



Chanel's Tips For Reporting Discrimination to CCHR

- Always document. Keep a journal and log of any incidents of discrimination or harassment. Record date, time, location, persons involved, witnesses, and details.
- Keep any pictures, notes, or objects left for you, or given to you that you believe were discriminatory or harassing.
- Review your employer's anti-discrimination policy. Keep a copy. That written copy might support your position.
- Let your employer know that you feel you are being discriminated against.
- Ask that a written report be made every time you file a report of discrimination or harassment. Get a copy, including outcomes.

How Else Does the CCHR Work on Behalf of the TGNC Community Against Workplace Discrimination?

- CCHR may opt to send "testers" (CCHR employees) to document evidence of the discrimination reported in your complaint(s).
- CCHR may also initiate its own investigation for the purpose of determining discrimination. When discrimination is found, CCHR may assess financial penalties and/or demand a change in the workplace practices.

A MESSAGE TO THE LGBT COMMUNITY

“There are some people who like sex work. That’s fine. That’s their life. For those who want to do other work, community needs to help educate them and prepare them for interviews and employment... Let’s get them ready to talk to employers.”

DINICK’S STORY

*Interviewed by Sophia-Rose Cadle.
October 24, 2018.
Anti-Violence Project, Manhattan.*

Dinick Martinez is a gender non-conforming community activist who is an immigrant from Honduras. She has worked as a home health aide, and is currently attending classes full-time to earn her GED. She plans to attend college, and shared that she is in her late 30’s.

On discrimination in the workplace:

“I have tried to hide my sexuality. Having to fake a norm was really hard for me. It was hard for me to hide it. In the end, they found out anyway. People have to see there is not only black and white, and binary. There’s a lot in between. Sometimes the person doing the hiring is afraid you will take their job so they don’t hire you. They prefer to make excuses. It’s about discrimination, and competition. We live in a world where there’s competition. I want to do better. I want a lot more. A lot of times you apply, they don’t call you back.”

A message to employers:

“When you hire [a trans person] it looks negative to the political extremists. But when you hire [a trans person], it’s a benefit because they will not live on government support. You are helping them to take care of themselves, and to take care of those around them.

“Employers are also helping themselves because opening doors and welcoming more people will make people say, ‘hey, this place doesn’t discriminate. Let’s go there.’ People need to understand that everybody in this world is different. Welcoming more people brings awareness and visibility to the business.”

On discrimination within the LGBT community:

“I have to say, there is discrimination from the LGB community too, and within the trans community. Right now, I’m suffering discrimination in my own community, the trans community, because I’m different. Outsiders cannot tell, but it’s there. You have to be an insider to tell. From the outside it’s nice and sweet. But inside it’s not. It makes me really mad when people from my community, the trans community, purposely call me ‘he’.”

THE INDIVIDUAL & SYSTEM CHANGE WE NEED

Un- and-underemployment, discriminatory hire processes, and harassment in the workplace can feel very isolating. Although there are systems established to help marginalized people negate some of the effects of discrimination, those systems don't always deliver to the full extent TGNC communities need them to. Even more insidious is the emphasis on individualized failure, despite countless examples of institutional bias.

If you experience anti-TGNC employment discrimination, it's important to know that as personal as it feels, discrimination is systemic violence. To address it, our communities need to pursue individual solutions like getting support to strategize around job searches and, when folks chose to, filing discrimination complaints. But the TGNC community needs to organize and be in movement so that together, we can pursue economic justice as a prevention strategy for the violence of employment discrimination.

This report marks the launch of our TGNC economic justice campaign, which will grow out of the recommendations we make in our companion report, *Individual Struggles, Widespread Injustice*. If you would like to get involved and learn more, email us at community@avp.org.

