Life in the Margins: Harsh Reality and Challenges for the Transgender and Gender Diverse Workforce in Latin America and the Caribbean

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Introduction

Gender diverse people are discriminated against worldwide, and in some countries, the murder rates are alarming and even on the rise. According to the Transrespect versus Transphobia (TvT) Worldwide Research Project (Berredo et al., 2018), there were 325 cases of reported killings of trans and gender diverse people between October 1, 2016, and September 30, 2017, which was an increase of 30 murders compared to the previous year. Brazil had the highest reported number of killings (171), and Mexico had the second-highest number of murders (56). Since the inception of this project in January 2008 to the time of this report, a

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total of 2609 reported murders against trans and gender diverse people have been reported worldwide. The 2016 findings indicated Central and South America accounted for 78% of the globally reported murders. Over the last 20 years, those who identify as gender minorities (transgender, gender queer, gender diverse) have seen few advancements in Latin America and the Caribbean workplace. Specifically, the lack of progress is most notable in regions where there has been a long history of oppression and aggression toward gender minorities. In Latin America, Colombia and Argentina are leading other countries with protections in place regarding gender identity and allow their citizens to change their gender on governmental documents. Unfortunately, not all Latin American countries have policies in place for individuals to change their gender on governmental documents and some actually condone discrimination laws that protect employers who discriminate based on their employees's gender identity. Given the significant fear of retribution that has become a rampant issue for the gender minority community, it is not uncommon for employees to conceal their gender identity and avoid social transition or gender expression altogether. This inability to be authentic is further perpetuated in the workplace by systemic and societal oppression that negates or ignores a victim's attempt to report discrimination, other types of abuse, lack of access to services, and leads to comprehensive refusal to acknowledge their identities. The Caribbean is far less tolerant via laws and protections for transgender and gender diverse individuals. Much of the Caribbean still criminalizes individuals based on their gender identity and/or expression using antiquated "indecency" laws that were inherited from the British and French during the Colonial era. These laws, in combination with a repressive family dynamic, community, and fear of public reprisal, keep individuals underground or subject them to violent attacks. Globally, murder and hate crimes toward transgender and gender diverse individuals continue to be a source of psychological distress and shape the way gender minorities navigate their social, educational, and workplace environments. The adversity transgender and gender diverse individuals are subjected to creates barriers, further marginalization, and inequality in the workplace.

Overview

Transgender, also known as "trans," is an umbrella term that discusses a person whose gender identity varies from the antiquated gender binary

system and one's sex assigned at birth (Hyde, Bigler, Joel, Tate, & Van Anders, 2019). Gender is on a continuum, and nowhere on that continuum should it be considered pathological. Transgender and gender diverse individuals, also referred to as gender minorities, are often marginalized and invisible, even among their lesbian, gay, and bisexual community members. As a result, they often live in the margins with consistent societal pressure to conform to the heteronormative and cisgender way of life. This conformity leads to shame, invalidation of the trans person's lived experiences, and stigma. Contemporary sexual and gender minority (SGM) research continues to explore the devastating impact of stigma, social exclusion, and systemic oppression on overall mental and physical well-being. Recent health disparities research suggests those who have other intersecting identities (low socioeconomic status (SES), racial/ethnic minorities) are further marginalized and may face significant barriers to accessing health care (Berredo et al., 2018; Dickey, Budge, Katz-Wise, & Garza, 2016).

Some may question why the chapter emphasizes health disparities and healthcare when considering Diversity and Inclusion in the workplace for trans people. According to Berredo et al. (2018), in Latin America and the Caribbean, trans and gender diverse people face tremendous challenges with general inconsistencies for trans-specific healthcare needs, varying legal processes and requirements for name and gender marker changes on official documents, and lack of legislation in some areas to protect against discrimination based on gender identity. Berredo and his colleagues shared that in some Caribbean communities, gender minorities were able to legally change their name but not their gender markers, which increased the potential for anxiety, unfair treatment, and harassment for many (Balzer, LaGata, & Berredo, 2016). It is all too common for trans experiences to be minimized or dismissed, which further exacerbates any underlying mental health concerns that are often better managed after coming out as trans and beginning the social transition and gender-affirming medical procedures (hormones, hormone blockers, and surgeries).

Trans people are at greater risk for discrimination, violence, death, and suicide than their cisgender, heterosexual, and gay counterparts. Unfortunately, for trans people, violence and murder are harsh realities one must accept in a world that is dangerous and unpredictable. This is especially true among Latin American and Caribbean communities, where 2350 of the 2982 murders of trans and gender diverse people around the world

have occurred since the Transrespect versus Transphobia (TvT) Transgender Murder Monitoring (TMM) began in 2008 (Berredo et al., 2018). The impact of the heinous acts committed toward the trans community is pervasive and negatively affects all areas of functioning in and outside the workplace.

Understanding Gender Minorities

Gender is a social construct (Cartwright, Hussey, Roche, Dunne, & Murphy, 2017; Rosenblum & Travis, 2008). We are socialized to be male or female, and all the assumptions and ascribed roles one is expected to embrace are reinforced by parents, teachers, peers, and the media. When someone identifies outside the binary, they are often subjected to bullying, teasing, or worse. The concepts of sex and gender have been defined as core social factors that dictate an individual's overall health and wellbeing. Over the last 20 years, Latin America and the Caribbean have seen few advancements in policies and laws that aim to protect the advancement of individuals who identify as transgender, a complex term used to describe one who varies from the "norm" of their gender expression.

When discussing the concept of gender, there are four terms that are important to differentiate: sex, gender, transgender, and cisgender. Sex is an assigned label (male or female) that is determined at birth, typically by a medical provider, based on an individual's external genitalia (VandenBos, 2015). When discussing gender, one is discussing an individual's sex (i.e., male or female) through normative conceptions, attitudes, and activities socially deemed appropriate (West & Zimmerman, 1998). Gender has traditionally been conceptualized as a normative and binary construct, assuming that every individual will and can fit into a neat box of what it means to identify as a male or female. Under this construct, there are sets of unspoken (and spoken) rules that govern how an individual can dress, act, think, and portray themselves in the public eye. It is with this definition that we realize gender, a social construct, holds a destructible power to dictate how an individual is treated by their peers and the world around them. Transgender is a term used to categorize a group of individuals whose sex assigned at birth is not aligned with their gender identity, and, oppositely defined, cisgender refers to people whose birth is congruent or aligned with their gender identity (Reisner et al., 2014). While the definition of what it means to be transgender broadly

describes people who transcend society's conventional boundaries of gender, it is important to understand that these terms can maintain different cultural interpretations (Feldman & Bockting, 2003).

Harsh Realities and Legal Challenges

Over the last 7 years, Latin America has seen an influx of legislation involving sexual and gender minority rights. Spearheading this movement are countries like Argentina and Colombia, who are becoming some of the most progressive when it comes to the identification processes as well as healthcare benefits afforded to their trans residents (Ramirez, 2018). Recently, the idea of reparations has been infiltrating different federal governments concerning past treatment of trans individuals. In 2018, Uruguay enacted the law for the integration of trans person. The law sets aside a fund that is payable to a trans person who experienced discrimination, persecution, and prosecution at the hands of the previous military dictatorship that ruled from 1973 to 1985. The province of Santa Fe in Argentina updated their provincial code soon after to include gender diverse people who were incarcerated by the previous dictatorship as eligible to receive reparations (Santi & Cooke, 2018).

Stigma and Minority Stress

While the progress seems like a big step in the right direction, this does not change the stigma and ascribed stereotypes toward the trans community by their cisgender counterparts. Often, trans people face overt discrimination and abuse with the rates of transphobic attacks only increasing. Unfortunately, 78% of trans people murdered since 2008 were concentrated in Latin America. Understanding the statistics shows us that the prevalence of machismo culture and the strengthened patriarchy have a strong presence in these countries (Habib, 2018).

Minority Stress

Trans and gender diverse people still have general stressors they face day to day in a number of different areas that everyone faces. Hendricks and Testa (2012) implied that the prevalence of this stress is oftentimes exacerbated by alarmingly high rates of discrimination, rejection, and violence. They concluded that in addition to the various forms of harm they are

faced with, trans individuals also experience higher rates of mental health disorders. Intersecting identities leave trans people vulnerable to discrimination and prejudice related to their other marginalized.

To better understand the challenges that trans people are subjected to on a daily basis, it would be helpful to understand the role of minority stress plays in perpetuating and exacerbating symptoms. Hendricks and Testa reflected on Meyer's (1995) work on incorporating LGB identities with the minority stress model. He discussed three processes by which the LGB individual was susceptible to minority stress. The first being external and environmental processes that are objective, as they are observable and can be verified. Hendricks and Testa note that for trans people, this is the most easily observed aspect of the minority stress model, as laws and social structures are largely observable. Second, the trans person has anticipation and expects an external stressful event or action will occur. This means that the person must maintain a level of hypervigilance in order to remain "prepared" for defense. Lastly, Meyer (1995) discusses the internalization of external negative viewpoints toward LGB individuals. This step is the most internal process and can lead to a degraded self-worth and ultimately a damaged ability to cope with external stress. Meyer (2003) highlighted that while minority stress can increase psychological issues including substance abuse, mood disorders, suicidal ideation, and attempts; there is also resilience that can build in the face of adversity that creates a stronger sense of community. Testa et al. (2012) findings showed that the more a trans or gender diverse person was exposed to discrimination or transphobic assaults, the more likely they are to exhibit mood disorders or suicidal behavior than their LGB counterparts.

Impact of Stigma in Workplace

Workplace issues are common for gender minorities. Coming out in the workplace could be deadly with six of the ten countries who perpetrate the most transphobic murders in the world residing in Latin America: Brazil, Mexico, Colombia, Venezuela, Honduras, and Guatemala. Continued progression in the rights of trans people in the workplace is coming in the form of grassroots movements who challenge local and federal systems to continue to advance their protections of trans and gender diverse people. One scenario might involve a Latinx, trans woman from a low SES background and a White, trans woman from an affluent background. The Latinx woman, given her intersecting identities and the role of minority

stress, she would have more potential factors impacted by discrimination, internalized transphobia, etc., than the White, trans woman. When coupled with the access to healthcare and gender-affirming procedures, the White woman would have fewer potential barriers as well. Although both trans experiences may be influenced by stigma, trans women of color are disproportionately impacted by violence. The stigma associated with one's trans identity may create problems with trust in the office, lead to avoidance of the trans person coming out for fear of retaliation or violence, and ultimately would impact job performance and comportment issues.

The Grassroots Movement

The gender binary system creates a cisgender bias that affects how governmental systems, workplaces, and social norms are formed. According to the *Guidelines for Psychological Practice with Transgender and Gender Nonconforming People* published by the American Psychological Association, cisgender is defined as an adjective used to describe a person whose gender identity and gender expression align with sex assigned at birth. Using this definition, cisgender privilege pertains to all of the ways that institutional systems, rules, and assumptions favor non-trans people. Many aspects of our daily lives are gendered—from restrooms, to the clothes we wear, to paperwork and forms that we are asked to complete (APA, 2015). These gendered aspects of daily life have become a standard and unspoken part, yet their ramifications inside and outside of the workplace can have deadly impacts for trans and non-binary individuals.

Specifically looking at Latin America and the Caribbean, they are inundated with gendered language, products, services, and attitudes which lead to a multitude of various psychological and physical effects, as well as creates an unsafe breeding ground of "otherness" that challenges the safety of the trans and gender diverse population. Often this otherness serves as a way to band communities together, thus enacting the creation of grassroots action coalitions. Historically, however, the grassroots movements in Latin America were forced to take on more responsibilities due to not only fighting lawmakers to advocate for safer and more inclusive laws, but also working to create monumental change on the social level, due to the discriminatory influence of the Catholic Church. Even with some progress, setbacks to human rights have been noted in many Latin American countries (Lavers, 2017). While the Church had a foothold in legislature, they also had the cultural ear of laypeople who brought these

viewpoints into work with them on a daily basis. Blitzer (2017) discussed how the Catholic Church was beginning to lose its footing regarding trans rights as displayed by the public dispute between the former president and current vice-president of Argentina, Cristina Kirchner, and leaders of the Catholic Church regarding the treatment of LGBT people in her country.

Overview of Current Laws in Latin America and the Caribbean

Latin America, comprised of many countries, has discrepant laws surrounding trans individuals. For example, in Argentina, the process to change one's gender marker is the least invasive or time-consuming when compared to the rest of the world. In fact, Argentinians do not require a psychological diagnosis or gender-affirming medical or surgical treatment in order to be eligible to change their gender marker on government-issued identification. Instead, they file a "Change of Marker" form which reflects the gender identity of the individual in a short span of days. Additionally, doctors are required by law to provide hormone therapy and gender-affirming procedures free of cost (Blitzer, 2017). Contrastingly, in countries like El Salvador, trans individuals are often targets of transphobic violence perpetrated by local police and gangs. When looking at the Caribbean, "buggery laws," which were created to target individuals who "engage in unnatural sexual acts against the will of God and man," allow the courts to force trans and gender minority individuals to admit themselves into local psychiatric hospitals where they are often time subjected to inhumane treatment strategies. Just recently, in July 2019, the constitutionality of these buggery laws has been and continues to be challenged. Similarly, other countries that make up the Caribbean islands utilize discriminatory laws to deny citizenship and overall legal rights (HRW, 2019).

Case Example and Implications

An example of violence perpetrated by law enforcement is vividly illustrated through the story of Camila Diaz, who was a trans woman deported from the United States in 2017. Her deportation ultimately resulted in her murder by local police that took place in San Salvador as a result of her gender minority status. While hate crimes were introduced into the El Salvadoran penal code in 2015, there has never been a conviction pertaining to a hate crime in El Salvador's history, speaking to

the immense discrimination at work within the country (Ramirez, 2018). These crimes and the murder of hundreds of trans people each year lead to secondary posttraumatic stress disorder and other anxiety and mood disorders. As trans people watch the news and follow the stories online and on social media, some begin to avoid going outside their homes for fear of being raped, beaten, and/or murdered. As a result, trans people struggle academically more than their cisgender peers, and they are more likely to quit school or a job when they feel unsafe and unsupported. Violence against transgender people, often perpetuated by stigma and transbigotry, is far-reaching and negatively impacts work performance and overall physical and mental health. When one's very existence is challenged daily, the impact is pervasive. Camila is only one story depicting the marginalized and deadly experience of thousands of trans people who have been murdered worldwide.

Summary

Although the concepts of gender identity and gender expression are arguably becoming more fluid across the world, the potential of being faced with discrimination is a crucial and valid concern of sexual and gender minorities within the workplace (Bowen & Blackmon, 2003). The discrimination individuals face in the workplace environment not only leads to the lack of access to work, which in turn impacts economic stability, but also leads to the individual fleeing their country in Latin America in attempt to regain their loss of social support and community over their disclosed gender identity, but also from the severe forms of violence they face as a result (Cerezo, Morales, Quintero, & Rothman, 2014). In fact, one study found that a staggering 67% of individuals who identify as transgender reported experiencing verbal abuse, while others reported experiencing social mistreatment including being followed, stalked, mugged, threatened, beaten, sexually harassed, and even murdered (Lombardi, Wilchins, Priesing, & Malouf, 2001). While LGBT rights have expanded unevenly across Latin America and the Caribbean, Colombia and Argentina are leading the continent with protecting an individual's right to change their gender on government identification documents and laws that protect their citizens' overall well-being, despite their gender identity. In contrast, many of the other countries such as Chile, Ecuador, Mexico, Peru, Uruguay, and Venezuela do not pose the

same abilities and protections for their citizens, instead tend to support laws that instill discrimination within the workplace (Evens et al., 2019).

Alongside hiring, job security, and discrimination issues, Latin American and Caribbean trans individuals experience remarkably high rates of marginalization, pervasive social stigma, and a disproportionate amount of health problems, including HIV and an array of mental health diagnoses (Baral et al., 2013). In addition to being more exposed to different illnesses, Berkins (2008) found that trans individuals are also less likely to seek out medical care due to the high level of discrimination they face within healthcare settings. In conjunction with the plethora of negative outcomes associated with discrimination and victimization, research has suggested that trans individuals are susceptible to higher rates of suicide attempts, especially when paired with an HIV-positive health status and reported history of police violence. With trans individuals being targeted by others due to their gender identity, this raises a very important realization for the need of more inclusive reform.

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