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Article 13

## Critical Considerations in Career and Employment Counseling with Transgender Clients

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### Introduction

There are an estimated 19,000 transgender people in San Francisco (Vega, 2007) and between 750,000 to 3 million nationwide (Rosenberg, 2007). While their work experience is reflected in many different job titles, they are often severely under employed or unemployed while also facing pernicious workplace discrimination. These factors lead to an intersection between employment choices, workplace atmosphere and mental health. Career and employment counselors especially need to be educated about the demands that transgender people experience with their workplace choices and some of the clinical issues transgender clients may face when making career and employment decisions.

The purpose of this overview is to provide information to career and employment counselors about the emotionally demanding experiences that transgender clients face in entering and gaining tenure in the work world. These include but are not limited to deciding upon a compatible educational or career path, applying for, securing and adjusting to a position, making decisions about whether, when, and how to transition in the workplace, and addressing isolation, discrimination and potential harassment thereafter. Pointing

to some of these issues should assist counselors in developing a shared world view with their clients that will lead to successful outcomes. This work will give a career and employment focus to material previously published by the American Counseling Association regarding the counseling of transgender clients (Carroll, Gilroy, & Ryan, 2002).

### **The Problem**

Niles and Harris-Bowlsbey (2002) remind us that counselors must be aware of contextual issues in the career and employment counseling process and this becomes especially significant when working with a disenfranchised or marginalized clientele.

Transgender employees have rarely been championed in the workplace. Instead, transgender people have been described as the "canaries for the other sexual minorities" by Doan (2001, p. 1) referencing the aged practice by coal miners of transporting a canary into a mine shaft to determine whether or not the air was safe to breathe. They certainly elicit feelings of condemnation and this has sometimes been used as a warning to the larger gay, lesbian and bisexual community. Transgender people have been less willing to "come out" in part because they often risk high levels of discrimination and physical harm.

Only nine states plus Washington, D.C. have antidiscrimination laws that protect transgender people, although three other states have legislation pending. Recently the United States House of Representatives enacted a hate crimes prevention bill that included gender identity (Rosenberg, 2007).

Nevertheless, there are recent examples of transgender people being left out of important legislation like the Employment Non-Discrimination Act (ENDA). House Speaker Nancy Pelosi and Congressman Barney Frank, while expressing personal support for transgender people, moved to strip gender identity from the ENDA legislation under the guise that it would not be passed if transgender people were covered (Lochhead, 2007). Both thought that including transgender people in the legislation would result in its failure.

The employment problems of transgender people are legion, often articulated in the popular press. One contemporary news story concerned Steve Stanton, a fourteen year veteran of the Largo, Florida city manager's office who planned to transition to life as a woman. When the community heard of this transformation, they energetically objected and a local minister, citing the Bible, proclaimed that Jesus would want Stanton fired. Stanton lost his job, but now, as Susan Stanton, is lobbying for tougher antidiscrimination laws (Rosenberg, 2007).

### **Prevalence**

The term transgender is popularly used to describe people who identify themselves with the opposite sex or at least do not conform to the gender roles of their own biological sex (Lochhead, 2007). In the counseling literature, according to Carroll, Gilroy, and Ryan (2002), transgender is a broad term used to refer to people with non traditional gender identities including pre and post operative transsexuals, transvestites and intersex persons.

It is very difficult to accurately estimate the prevalence of transgender individuals. According to The Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR) approximately one in 30,000 men and one in 100,000 women seek sexual reassignment surgery (SRS; APA, 2000). These estimates are taken from data in smaller European countries that have access to total population statistics and referrals (p.579).

Other sources suggest much higher numbers. According to Doan (2001) in the Netherlands, where transgender status is less highly stigmatized than in other countries, the prevalence is approximately one per 11,900 men and one per 30,400 women. Moreover, in Singapore the ratios are even higher, with one per 9,000 men and one per 27,000 women. There are no accurate estimates of the remainder of the transgender population who do not opt to have SRS, but may choose to live either full time or part time in a gender role different from their apparent sex at birth.

### **Workplace Issues**

The remainder of this contribution will be used to inform counseling professionals about the workplace and human resources issues that transgender clients experience. These issues should be taken under consideration as part of the counseling process. It is important to note that Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment because of sex. Until recently, federal courts have not afforded workplace discrimination protection that included gender identity, so transgender employees did not have equal protection under the Act. However, recently the Sixth Circuit Court has decided two discrimination suits in favor of transgender plaintiffs (Ilona, 2007). Clients who believe that they have been discriminated against may wish to pursue remedies through the federal court system.

### **Attitudes About Work**

The view of the client regarding the culture of work must be taken into consideration first and foremost in career and employment counseling. Work can be a fearful place. Cecilia Chung, deputy director of the Transgender Law Center in San Francisco, says that transgender people are discriminated against and judged by everyone. Moreover, they have to overcome simply being themselves (Vega, 2007). This discrimination can lead to feelings of low self esteem, depression, self medication with alcohol and other substances, and the inability to properly perform in the workplace (Denny & Green, 1996).

The work world is a place where everyone owns attitudes about earning potential, achievement, independence and vocational competence. Workers also bring family attitudes about money, savings, comparative assets and salaries of others, along with occupational prestige. These evaluative attitudes and criteria are especially cumbersome to transgender employees knowing that their capacity to be employed at the level to which they expected will probably be undermined. In a world where employees move up the

employment ladder by tooting their own horn, transgender employees may want them to refrain from drawing attention to themselves. It is useful for counselors to explore the nature of the emotional support that was afforded by family members to transgender clients. These should include questions about tangible assistance that the family provided, if there was a work transition. There might also be an exploration regarding how emotional support may not have been given if the client had been forced to leave work that was lucrative and made the client's family proud.

### **Employment Applications**

Most employment applications ask for a check as to whether a person is male or female. While a transgender person may frankly feel that this poses no personal problem, it could also be an awkward experience when the applicant is clearly of the opposite gender of what is being checked on the employment application. This experience could give an employer the wherewithal to later terminate an employee for lying or falsifying information on an application. The applicant can, of course, face discrimination in the personnel office.

### **Facilities**

Counselors should be aware that employers are required to provide reasonable access to restroom facilities. With transgender employees, human resources managers often address the corporate bathroom issues with the "Principle of Least Astonishment" suggesting that a person who presents as a woman will be less astonishing using the woman's bathroom. If a concern evolves, the employer must provide alternative solutions (Beth, 2005). Further, in *Cruzan vs. Davis* the federal appeals court in Minnesota ruled in 2002 that an employer is within its rights to instruct a transgender employee to use the bathroom matching their presentation.

There are few unisex bathroom facilities in most organizations, although that may be changing. It is a truism that

options made available to one group, often enhances or benefits others. The creation of unisex bathrooms not only benefits transgender people but also parents who wish to assist their youngsters and adult partners who wish to help each other. A man, for example, can assist a disabled woman partner more easily in a unisex bathroom.

### **Medical Insurance**

Transgender people have difficulty obtaining comprehensive health care according to the Transgender Law Center (TLC; 2004) in San Francisco. Transgender people often have their applications for health insurance denied upon disclosing their transgender status especially when applying for individual insurance plans. Denial can also occur with group health coverage, but the TLC suggests that depending upon the reasons for a denial, there may be opportunities for legal action and suggestions for appeals can be given by the TLC. Many health plans routinely exclude transgender related care. And the health care system with a binary designation, according to the TLC, makes it problematic for transgender patients to schedule some routine appointments and examinations like gynecological appointments or prostate examinations. Some transgender people do not transition completely for financial reasons, or because their health insurance provider does not cover sexual reassignment surgery.

### **Name Changes, Gender Markers, Social Security and Birth Records**

Matching names with gender is the primary area where transgender people have a difficult time keeping their professional and private lives at a distance. For example, the TLC points out that changing the gender marker on any health records will generally elicit a response from the insurance carrier and might threaten certain benefits. Counselors should also be aware that transgender clients often do not consider ID issues (Herman, 2006). Name change orders can be had for social security cards, drivers' licenses and birth

certificates but gender changes cannot be made without proof of surgery. Furthermore, the Department of Homeland Security may examine gender mismatches with the Social Security Number Verification system.

### **Diversity Within Transgender Culture, Differences Between Trans Men and Trans Women**

Most cultures tend to affirm some gender stereotypes regarding the roles that men and women play relative to work, educational experiences and family responsibilities. Views on relationship status are also influenced by the culture and the family. The attitudes that partners have toward each other will often be influenced by the stereotypes that have been inculcated by the family and culture.

Career counselors should be aware of any of the client's differential expectations regarding appropriateness of jobs for each gender. They should also be aware of what the family and culture has to say about particular jobs for different genders. Counselors should also be knowledgeable of how transgender partners are able to accommodate to each other's careers.

### **Appearance in the Workplace**

One's appearance or changing appearance will most assuredly elicit reactions in the workplace and some of these can be hostile, harassing or career jeopardizing. Rosenberg (2007) reports on three cases, all with different outcomes. When John Nemecek, a Baptist minister, began preparing for sexual reassignment surgery, taking hormones and using the name Julie, her employer of 15 years barred her from dressing as a woman or wearing earrings. Her workload and pay were cut prompting her to file a discrimination suit against her employer which was later settled through mediation.

On the other hand, Karen Kopriva kept her job as a high school teacher in Illinois after she shaved her beard and transitioned

from Ken. And when Prudential Financial vice president Mark Stumpp came to work as Margaret in 2002, her colleagues adjusted to her change with humor, partially alleviating their discomfort before getting back to work. Counselors should help to prepare their clients for differential reactions in the workplace and while some may be accommodating, many will be discriminatory.

### **Religious and Spiritual Values**

Faith based establishments, schools and institutions may claim that transgenderism violates Christian principles. According to Rosenberg (2007) the Old Testament book Deuteronomy 22:5 is cited as proclaiming, "The woman shall not wear that which pertaineth unto a man, neither shall a man put on a woman's garment: for all that do so are an abomination unto the Lord thy God." But Julie Nemecek said that she brought her faith into her transgender experience believing that expressing the feminine side of herself allowed her to develop a greater allegiance with her God (Rosenberg, 2007).

Some transgender clients have experienced the transgender experience as a spiritual journey. This is consistent with the Native American term, "Two Spirit" which is an overarching term adopted in 1990 by Native people to cover those who may be gay, lesbian, transvestite, transgender or hermaphrodite among other terms (Balsam, Huang, Fieland, Simoni, & Walters, 2004). Native Americans consider gender to be fluid, determined by dreams, vision quests, and messages from Two Spirit or ancestors (Feinberg, 1996). Terms for Two Spirit exist in over 155 tribes (Roscoe, 2005).

### **Transgender Friendly Companies**

Carroll, Gilroy, and Ryan (2002) advise counselors that when working with transgendered clients that they have adequate knowledge of local, regional and national support networks for the transgender community. Information on these networks can be found on organizational websites exemplified by the following: The

National Center for Transgender Equality ([www.nctequality.org](http://www.nctequality.org)), Equality California ([www.eqca.org](http://www.eqca.org)), The Transgender Law Center ([www.transgenderlawcenter.org](http://www.transgenderlawcenter.org)) and The National Center for Lesbian Rights ([www.nclrights.org](http://www.nclrights.org)).

Career and employment counselors should add to this information by increasing their awareness of transgender friendly companies. Currently 230 major companies now protect transgender employees from employment discrimination. Gender identity and expression have been added to their non discrimination policies according to the Gender Public Advocacy Coalition (2007). There were only three companies in 2000 which did so with Lucent being the first in 1997. The Coalition reports further that 149 colleges and universities have added the gender-based protections to their non-discrimination policies to prevent unequal treatment and harassment of those who do not fit traditional gender expectations. There was a 14% increase of institutions of higher education with expanded non-discrimination policies in 2007.

Counselors can assist clients in exploring companies that have transgender friendly policies on the website Transgender at Work ([www.tgender.net](http://www.tgender.net)).

### **New Counseling Strategies**

A relevant framework for career and employment counselors to use in working with transgender clients is the narrative (Chope & Consoli, 2007; Howard, 1991). Narratives allow clients to share their past histories, current circumstances and potential future goals. Practitioners should understand that there is a shared and somewhat intuitive experience that takes place between a client and counselor with regard to storytelling. The information and different sections herein should serve as a template for counselors working with transgender clients. In narrative counseling counselors can, with the use of this template, help their clients deconstruct their stories of oppression, externalize the societal prejudice and discrimination, and subsequently reconstruct a new story that serves as a compelling

model for life and work. It is extremely important for counselors to remember that context is all important in the stories of the transgender person.

### Conclusion

Through earlier although scant counseling literature, counselors have been alerted to the myriad clinical issues that haunt many transgender clients including loss of confidence and self esteem, depression, anxiety, self medication and suicidal ideation. While career and employment counselors need to be informed of these clinical issues, they must also be made aware of the emotionally demanding workplace issues that transgender clients face, some of which have been enumerated in this brief presentation.

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