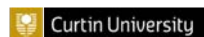




Denied Work

An audit of employment discrimination on the basis of gender identity in Thailand



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Authors' Note

It is an example of how trans community and researchers can work together, collaborating as equal partners in work that can inform advocacy, and potentially impact on public policy and enhance the lives of trans people.

This report adds significantly to our understanding of discrimination against trans people in Thailand. Our field experiment methodology provides confirmation for what trans people have told us for years - that they are often shut out of the job market. But this study represents much more than its findings.

The Curtin and the Asia Pacific Transgender Network team worked together to develop the research proposal and secure funding for this project. While the funds are primarily managed by APTN, both teams worked together to select research assistants, to train them, and to manage the project. We collaborated to write the report. We were partners throughout.

In a world in which trans community members often feel ill-served, even exploited, by those who research their lives, this Job Audit represents a shining example of how things can be.

Catriona Davis-McCabe

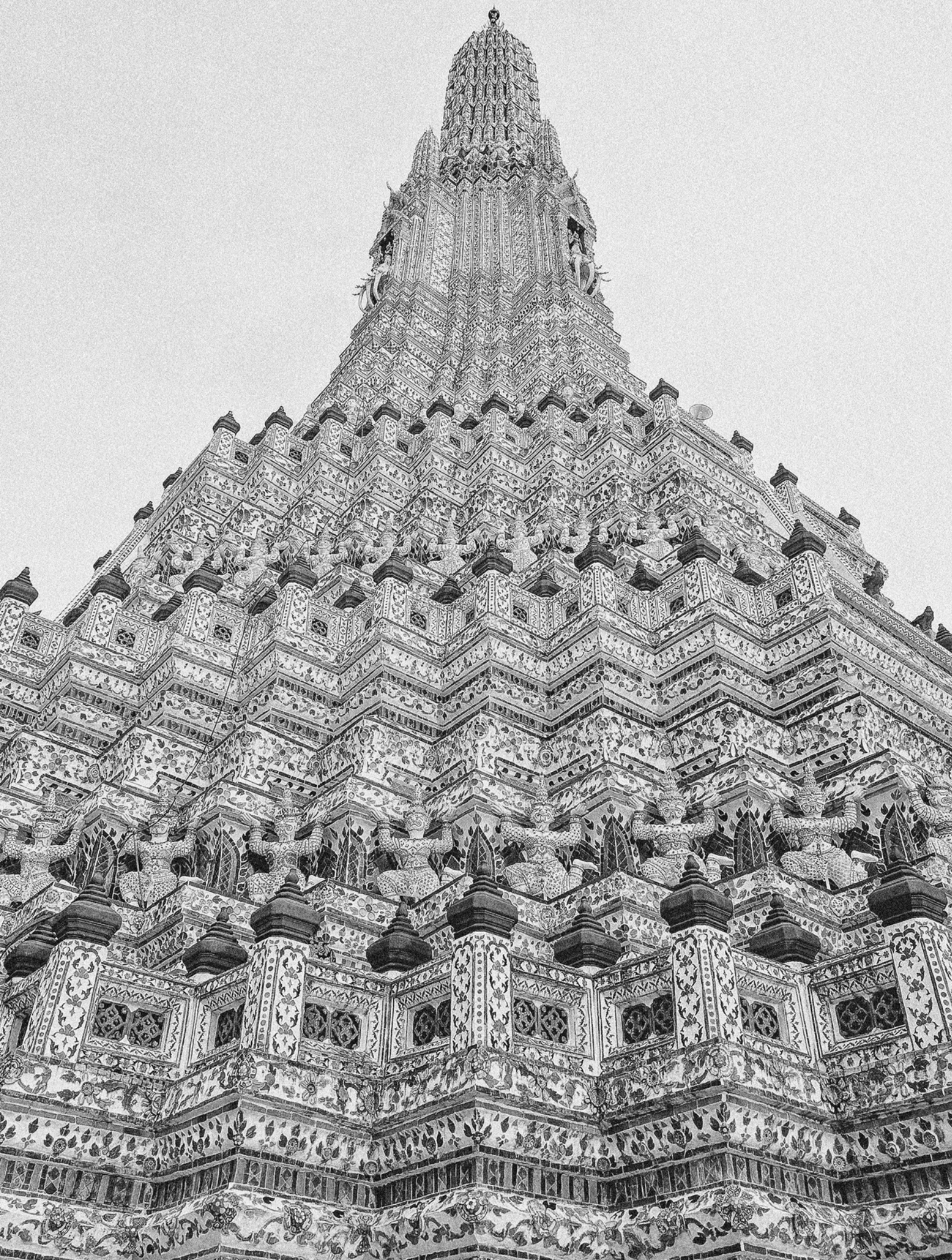
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Acknowledgements

The four individual country reports from Vietnam, Thailand, Malaysia, and Singapore on job employment discrimination provide groundbreaking data for trans rights and advocacy in the region. This study is part of a multi-country project implemented in partnership with UNDP and Curtin University conducted to identify the barriers that trans people experience while seeking employment.

Each country report is different in terms of its culture, community, and findings. However, overall the data shows that trans people in Asia and the Pacific often experience heightened levels of discrimination in the early stages of employment compared to similarly qualified cis people. The country reports provide a detailed and distinct data overview of the country considering the unique identities, cultures, and challenges trans people experience in each country. The country reports should be read in conjunction with the regional report to best understand the nuance of challenges that trans people experience in employment in different countries throughout Asia.

The reports make recommendations for employers in the position of hiring to accept and we urge that the recommendations are accepted and implemented by employers. We also hope that these country reports will be utilised by individuals and organisations in-country to advocate for greater protections of trans people. We hope that the research and information presented in these reports can inform legal, policy, and social reform that promotes equality in hiring and employment.

The data was gathered with trans people leading the process at every step and empowered trans individuals by training them as country leads in the project. APTN would like to thank all of the trans community participants and organisations who contributed to the development of this important publication. A heartfelt thanks to our country research assistants, Peeranee Suparak (Ami), Thailand, Chu Thanh Ha, Vietnam, Dorian Wilde, Malaysia and Singapore who have been pivotal in gathering the data for each of the countries. We also extend our gratitude to Edmund Settle, United Nations Development Programme (UNDP) and Sam Winter and Catriona Davis, Curtin University for their financial and technical support in this project and to the community members and organisations that have provided insights and guidance in the development of the study.

We look forward to this report being utilised to break barriers, foster collaborations and spark greater dialogue surrounding workplace discrimination and policy changes to advance social protections and the livelihood of trans people.

Joe Wong
Executive Director
Asia Pacific Transgender Network



Denied Work: An Audit of Employment Discrimination on the Basis of Gender Identity in Thailand¹

We conducted a correspondence audit study⁵ in the Thai job market of 2016 and 2017. The study was approved by Curtin University's Human Research Ethics Committee.

Note: Transgender (or simply trans) people identify in a gender other than the one that matches the sex they were assigned (usually at birth). Thailand has a long cultural history with respect to transfeminine people (people who were assigned male at birth and transition to live as women), known in Thai language as kathoey (กะเทย)² or colloquially as "ladyboys".³ There is not similar history for transmasculine people (people assigned female at birth who transition to live as men), and as such most Thai trans men use borrowed English terms of "trans man" or "FTM" (acronym for female-to-male) to describe themselves.⁴ They are distinct from toms (ทอม), who are assigned female at birth and female-identified while expressing a masculine gender presentation. This report will use the Thai language phrase "trans women and kathoey" to describe transfeminine people, the English phrasing of "trans men" to describe transmasculine people, and the broader English phrasing to "trans people" to describe these groups collectively. We use the term cisgender (or simply cis) to describe individuals who identify in the gender that matches the sex they were originally assigned (again usually at or shortly after birth). We use the term "use name" to refer to the name used by a trans person to be consistent with their gender identity, which is different from their legal name.

Pairs of resumes were sent to entry level job postings to examine how signals of gender identity affect the likelihood of receiving a positive response to a job application. The correspondence audit allows for a randomised experimental design, which provides direct evidence of discrimination or equality.

Resumes were piloted, matched for equivalence. Each resume was then assigned a gender identity marker, either trans or cis, at random.

Applicants were marked as trans in two ways. First by way of an explicit sex and gender identification (eg "Sex: Male. Gender: Female").

Second by way of a gender specific legal name matching assigned sex, printed alongside a use name

matching the individual's gender identity. Consistent with common practice in applying for jobs in Thailand, our resumes also carried a photo, with the photo chosen to match gender identity. Applicants were marked as cisgender by way of a simple sex designation, with name and photo to match.

Four job sectors were targeted. Three were for university graduates: in accounting, language and computer science. The fourth was for school leavers. We found discrimination based on gender identity, with trans people significantly less likely to receive a positive response (including being invited to interview) than their cisgender counterparts.

Key Findings

I.

Trans people are discriminated against when seeking employment in Thailand. Alarming, this occurs even before the interview stage. Trans people are significantly less likely than cisgender people to receive a positive response to a job application.

II.

Even with equal experience and qualifications the cis applicants in our study received 24.1% more positive responses to job applications than trans applicants (268 versus 216).

III.

A cis woman was 42.2% more likely to receive a positive response to a job application than a trans woman. A cis man was 5.6% more likely to receive a positive response to a job application than a trans man.

IV.

Raw data underlined the scale of missed opportunities. The job market was challenging for all applicants. The 800 job applications resulted in only 177 invitations to interview for cis applicants. Yet it was even more challenging for trans applicants. With only 133 trans applicants called to interview, it is clear that being trans resulted in 44 lost interview opportunities; despite both applicants being equally qualified and experienced.

V.

Our data does not go beyond the initial application stage. It is expected that further discrimination against trans people occurs where they are fortunate enough to get an interview.

Employment of Trans People in Thailand

Equal access to employment is not a reality for trans people across the world.⁶

Trans people suffer from limited access to education;⁷ inaccurate, limited, or stigmatising legal identity documents;⁸ limited access to healthcare, adequately trained healthcare professionals, and to insurance coverage and time off for medical needs, which can lead to work-related issues such as underperformance and increased need for time off or flexibility;⁹ unstable home life;¹⁰ inconsistent access to housing;¹¹ and trans-antagonistic violence, stigma and discrimination with limited avenues for redress.¹² Collectively, these issues create a situation in which trans people struggle to find and keep gainful employment, and ultimately entering a cycle of oppression and disenfranchisement.

Thai research to date on trans people's access to employment has been limited to self-report data from trans respondents with sample sizes too small for statistical analysis. Starting during education, transgender people in Thailand are pressured by teachers into studies and professions deemed "soft" (for trans women) and discouraged from pursuing high-status fields.¹³ Transgender students are regularly barred from taking their university exams in dress that matches their gender identities, causing students to leave school early or avoid pursuing higher education altogether.¹⁴

A UNDP-USAID joint report indicates that employment discrimination against transgender people begins before employment itself, with

transgender respondents indicating problems in the application and interview processes as well as during employment.¹⁵ A study by the International Labour Organization (ILO) found that:

"in the private sector, transgender job applicants are often given psychological tests not given to other applicants, and transgender and tom applicants are often asked about their sexuality in job interviews and subsequently denied the job" (ILO, 2014)¹⁶

A trans woman respondent in the above study indicated that she had watched as a job application she submitted was torn up in front of her.¹⁷ Trans men respondents also indicated being asked inappropriate questions about their sexuality during interviews and were often relegated to "back room" roles when hired, such as stocking shelves or housekeeping.¹⁸ Many transgender people end up entering informal, unsalaried, or illegal positions, such as manual labour or sex work.¹⁹

Transgender people in Thailand are not legally able to change their identity documents to reflect their self-defined gender, regardless of medical or social transition. Due to this, all transgender applicants for employment must "out" themselves to employers during the application process when providing their name and identity information. This leads to increase exposure to harassment and degrading treatment for applicants.²⁰

All Thai people assigned male at birth are legally required to report for military conscription. Trans women and kathoey are exempt from military service, but still must present themselves for the conscription process in order to receive their exemption letter. Until 2011, dismissal from service for trans women was classified as due to a permanent mental disorder, in line with government adoption of the World Health Organisation's International Classification of Diseases 10 (ICD-10). Military documents are regularly required by potential employers during the hiring process, this classification regularly led to denial of employment.²¹ In 2011, the military re-classified the exemption, and trans women receiving exemptions now receive letters with the less pathologising language of living as a "sex different from the one assigned at birth".²²

In 2015, Thailand adopted a law, the Gender Equality Act 2558, which prohibits discrimination based on gender, and explicitly defines gender to include "persons whose expression differs from the sex by birth".²³ This act allows those experiencing discrimination on the basis of gender a legal redress mechanism, overseen by the Committee on Consideration of Unfair Gender Discrimination. To date, no cases have been publicly settled for transgender people through this Committee.





Transgender people in **Thailand** are not legally able to change their identity documents to reflect their self-defined gender, regardless of medical or social transition. Due to this, all transgender applicants for employment must “out” themselves to employers during the application process when providing their name and identity information.

Previous Audit Research

Some of the most convincing field evidence for discrimination against minority groups has come from audit methodology, in which the experiences of members of a minority community are examined in a specific social situation, and are then compared with the experiences of persons in the general population when in that same situation.

There appear to have been only three audit studies examining discrimination against trans people seeking employment. One employed an in-person audit. The other two were correspondence tests. All were small-scale US studies.

The first was a small in-person employment audit conducted in 2008 by an organization called Make the Road NY.²⁴ Twenty-four various retail stores in Manhattan were tested. Cisgender testers received 11 offers of employment, whilst transgender testers received only two, suggesting a massive level of discrimination against trans applicants. While the size and generalizability of this study is limited, results clearly indicate significant discrimination against trans people at the hiring level of employment.

Bardales²⁵ conducted a correspondence test to assess discrimination against trans women. Bardales sent matching resumes - one with a trans marker, and one without - in response to 109 online job adverts within the customer service and food management job sectors in two cities in Texas. All applications were from women (trans or cis). Extrapolating from the figures provided by Bardales, it is apparent that cis applicants received responses 54.1% more often than trans applicants. As in the case of the Make the Road research in New York, this Texas study was of limited scope. It examined discrimination against women only, was confined to two job sectors, and in any case involved a relatively small number of applications. Questions therefore remain about its generalizability. The

researchers made equivalent resumes based on their own ideas, with no validation process.

Most recently, in a report entitled *Qualified and Transgender*, the District of Columbia (DC) Office of Human Rights (OHR) conducted a correspondence test examining trans hiring discrimination across a range of job sectors.²⁶ It is important to note that DC has antidiscrimination policies in place to protect against such discrimination. The applications targeted 50 jobs. There were a total of 200 applications; four for each job, from cis and trans men and women, and other gender non-conforming persons. The authors reported that employers made responses in regard to 21 jobs, and that in ten of these there was clear evidence of discrimination against

trans and gender non-conforming applicants. The worst discrimination appeared to be against trans male applicants reporting previous work-experience at a transgender advocacy organization. In terms of job sector, the restaurant industry appeared the most discriminatory among the job sectors examined. Once again, this study was small; limiting its generalizability. Moreover, the study explicitly ensured that each trans and gender nonconforming applicants were more highly qualified than the corresponding cis applicants. It is impossible to know what the impact of this aspect of the methodology may have been. However, it is likely that it may have enhanced the apparent employability of the trans applicants, thereby masking any discrimination on the basis of their gender identity status.

“The worst discrimination appeared to be against trans male applicants reporting previous work-experience at a transgender advocacy organization.”

Current Audit Research

A research assistant worked on the project over a period of six months. The research assistant lived in Thailand and was familiar with the local job market.

INITIAL DEVELOPMENT OF PAIRS OF EQUIVALENT RESUMES (PILOT STAGE)

As a first step we held an advisory group meeting with members of the trans community in Bangkok, during which we discussed the job market, job applications and ideas for possible gender markers. We then developed resumes based on the feedback from the advisory group.

We developed pairs of resumes for each of the four job sectors (for graduates in accounting (job sector 1), language (sector 2) and computer science (sector 3), as well as for school leavers (sector 4)). We tested whether the resumes in each pair were similarly attractive in their intended job market. We did so by sending them out in response to job advertisements and counting employer responses. We coded responses in terms of three positive response categories ('call us', 'provide more information', and 'come to an interview'), and two types of negative response ('not interested' and no response at all).

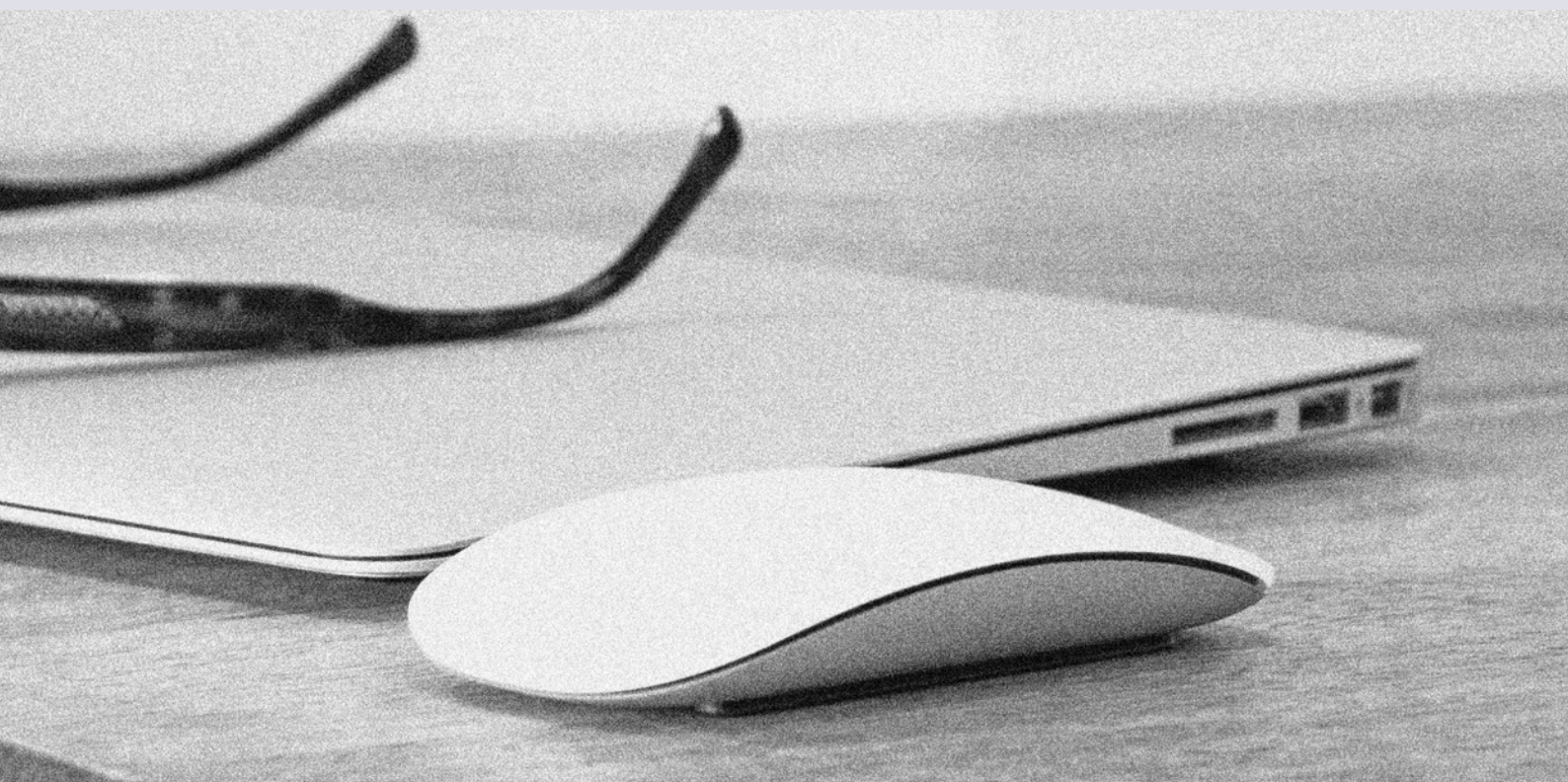
We used McNemar's test²⁷ for detecting a discrepancy in positive responses for the two resumes. This enabled us to assess whether any apparent difference in attractiveness was real or due to chance. Where one resume appeared more attractive than another we discussed possible reasons, made suitable changes, and then restarted the testing process, continuing in this way until we reached statistical equivalence.



**TESTING FOR
DISCRIMINATION
(MAIN STUDY STAGE)**

Once the resumes in each pair were deemed statistically equivalent, we assigned to each resume a gender identity marker (either trans or cis) at random. Applicants were marked as either cis or trans in two ways. First by way of an explicit sex and gender identification (eg “ Sex: Male. Gender: Female”). Second by way of a gender specific legal name matching assigned sex, printed alongside a use name matching the individual’s gender identity. Consistent with common practice in applying for jobs in Thailand, our resumes also carried a photo, with the photo chosen to match gender identity. Applicants were marked as cisgender by way of a simple sex designation, with name and photo to match.

Over several months we sent out 1600 applications, two for each of 800 jobs, with 200 jobs in each of the four job sectors in two phases: one phase comparing a cis man and trans man applicant on a set of 100 jobs, and one phase comparing a cis woman and a trans woman on a second set of 100 jobs. The gender identity markers were rotated to mitigate impacts of differences between the two resumes in each set: one resume in the pair was allocated the trans marker or the cis marker for 10 applications, then the markers were switched for 10 applications, and so on. In this way we ensured a degree of balance in the number of times a resume was used by a cis man, cis woman, trans man and trans woman.



Results & Discussion

Table 1 summarises the raw data collected. It displays response data for cis and trans applications (male and female) in terms of three positive response categories ('call us', 'provide more information', 'come to an interview'). The table also provides pooled data, for the three positive response types combined, the two negative responses combined ('not interested' and no response at all), and the four job sectors combined (see final rows).

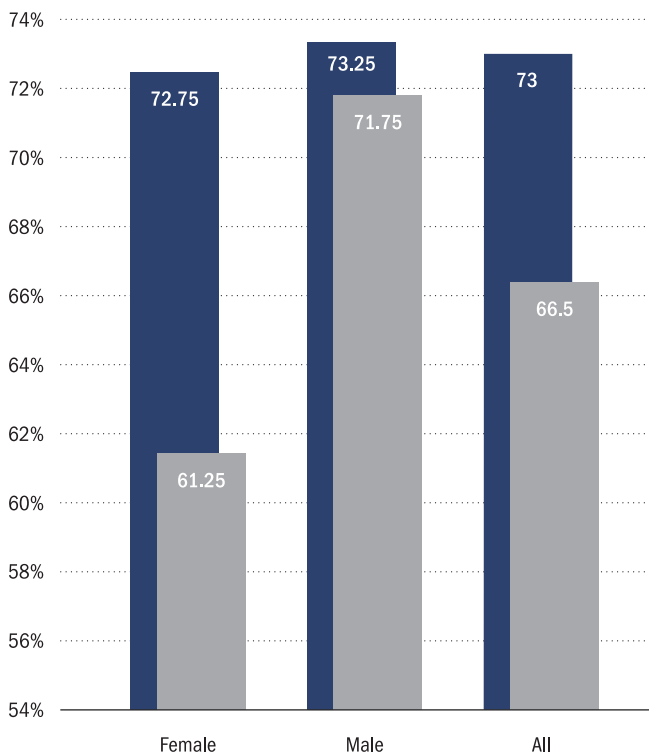
APPENDIX 1C. SUMMARY DATA FOR THAILAND

THAILAND		NATURE OF RESPONSE									
Job Sector	Gender	Negative Responses		Call Us (1)		Tell Us More (2)		Come For Interview (3)		All Positive Responses (1-3)	
		Cis	Trans	Cis	Trans	Cis	Trans	Cis	Trans	Cis	Trans
1. Degree Accounting	Female	68	81	1	1	11	6	20	12	32	19
	Male	89	83	2	0	4	5	5	12	11	17
	All	157	164	3	1	15	11	25	24	43	36
2. Degree Language	Female	64	76	2	1	11	6	23	17	36	24
	Male	76	77	0	4	10	12	14	7	24	23
	All	140	153	2	5	21	18	37	24	60	47
3. Degree Computer Science	Female	57	62	0	0	15	15	28	23	43	38
	Male	52	58	2	3	9	10	37	29	48	42
	All	109	120	2	3	24	25	65	52	91	80
4. High School Science-Maths	Female	56	72	5	0	10	11	29	17	44	28
	Male	70	75	0	3	9	6	21	16	30	25
	All	126	147	5	3	19	17	50	33	74	53
All	Female	245	291	8	2	47	38	100	69	155	109
	Male	287	293	4	10	32	33	77	64	113	107
	All	532	584	12	12	79	71	177	133	268	216

It is clear from our data that trans people in our study were discriminated against when seeking employment. Despite equivalent qualifications and experience, trans applicants were across the four job sectors overall less likely than cis applicants to receive a positive response (either being invited to contact the employer, being asked for more information, or being called to interview) with trans applicants receiving 216 positive responses

compared to 268 for cis applicants to the same jobs.²⁸ On the other hand, trans applicants were more likely to get a negative response (that the employer was not interested, or receive no response at all), with trans applicants receiving 584 negative responses compared to 532 negative responses for cis applicants. See Figures 1 and 2.

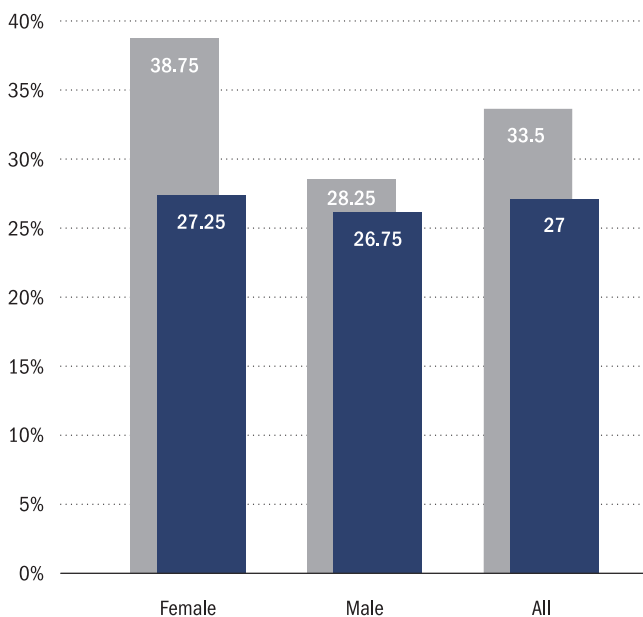
Figure 1. | ■ Cis ■ Trans
Thailand – Percentage of applications receiving a negative response (employer not interested) or no response at all. All job sectors.



Overall the cis applicants received 24.1% more positive responses than the trans applicants (268 versus 216, respectively). The discrimination experienced by trans women appeared to be particularly severe. Cis women received 42.2% more positive responses than trans women (155 versus 109, respectively). The corresponding figure for men was 5.6% (113 responses for cis men versus 107 responses for trans men).

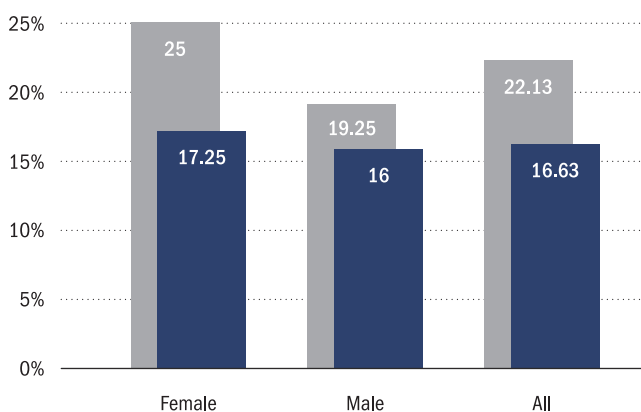
The trend towards discrimination against trans applicants can be most readily seen in the case of requests to attend interview. See Figure 3. Cis applicants, though no more qualified and experienced than the trans applicants, nevertheless overall received 33.1% more requests to attend interview (177 versus 133, respectively). This difference indicates that even when an employer may be willing to consider a trans applicant, the type of response is qualitatively different than for a cis person with the

Figure 2. | ■ Cis ■ Trans
Thailand – Percentage of applications receiving a positive response (request to call, or for more information, or an invitation to attend an interview). All job sectors.



same qualifications. Again, the discrimination faced by trans women appeared particularly severe. Cis women received 44.9% more invitations to interview than trans women (100 versus 69, respectively). The corresponding figure for men was 20.3% (77 for cis men versus 64 for trans men).

Figure 3. | ■ Cis ■ Trans
Thailand – Percentage of applications resulting in an invitation to attend an interview. All job sectors.



Discrimination was evident, to varying extents, in all four employment sectors examined. Figures 4a to 4d provide, for each of the four job sectors, percentages corresponding to those in Figure 3. It is evident that discrimination was consistent and strong in three of the four sectors. The situation faced by

language graduates appeared particularly severe, with cis applicants overall getting called to interview 54.2% more frequently than trans applicants (37 versus 24, respectively). Similarly, cis applicants were 51.5% more likely to get interviews in the school leaver sector than trans applicants (50 versus 33, respectively). In the computer science sector cis applicants were 25% more likely to get called to interview (65 versus 52). The job sector for accounting graduates offered the only comparatively bright spot in this generally dark picture, with cis applicants getting only 4.2% more invitations to interview than trans applicants (25 versus 24, respectively).

In two of the job sectors, school leaver and accounting sectors, the discrimination faced by trans women seemed particularly severe, as compared with trans men. Cis women in the school leaver sector were 70.6% (29 versus 17, respectively) more likely to be called to interview than equivalently qualified and experienced trans women.

Figure 4a. | Cis Trans
Thailand – Job Sector 1, Accounting: Percentage of applications resulting in an invitation to attend an interview.

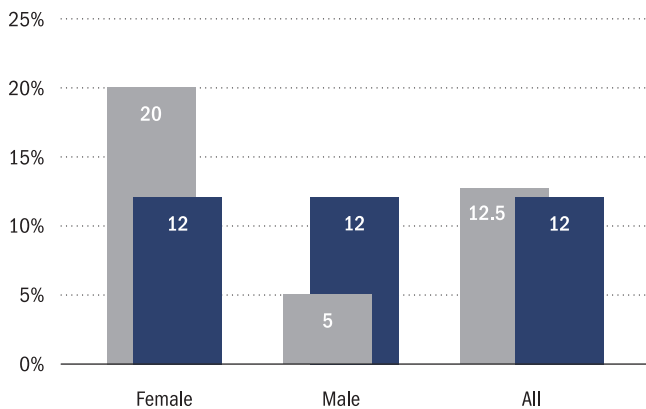


Figure 4b. | Cis Trans
Thailand – Job Sector 2, Language: Percentage of applications resulting in an invitation to attend an interview.

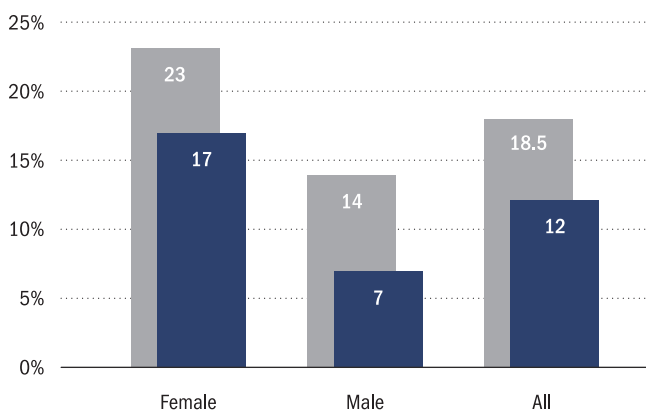
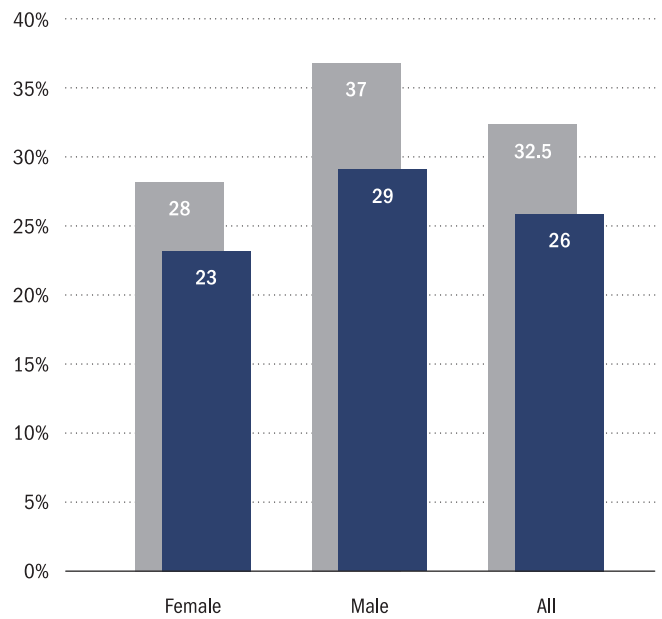


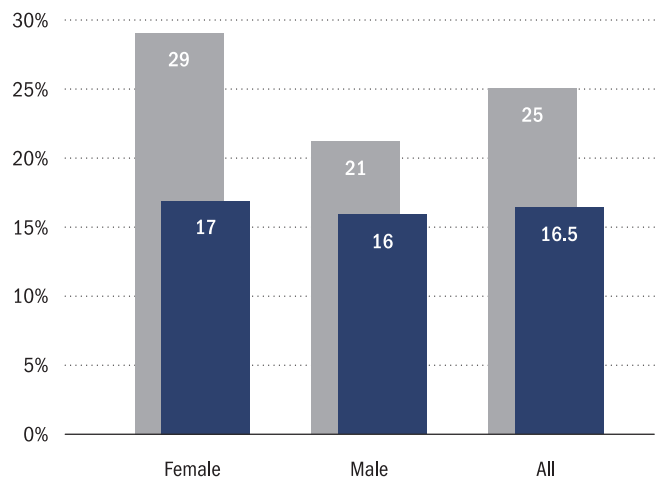
Figure 4c. | Cis Trans
Thailand – Job Sector 3, Computer Science: Percentage of applications resulting in an invitation to attend an interview.



The corresponding figure for men was 31.3% (21 positive responses for cis men versus 16 responses for trans men). Among accounting graduates, cis women were 66.7% more likely to be called to interview than trans women (20 versus 12, respectively). By contrast, in a finding that went against the general pattern in Thailand (and the three other countries we researched in) cis men were called to interview 58.3% less often than trans applicants (5 versus 12 respectively).

The remaining job sectors showed a somewhat different pattern. In the language job sector, it was cis men who appeared, at least in regard to invitations to interview,

Figure 4d. | Cis Trans
Thailand – Job Sector 4, High School – Maths/Science: Percentage of applications resulting in an invitation to attend an interview.

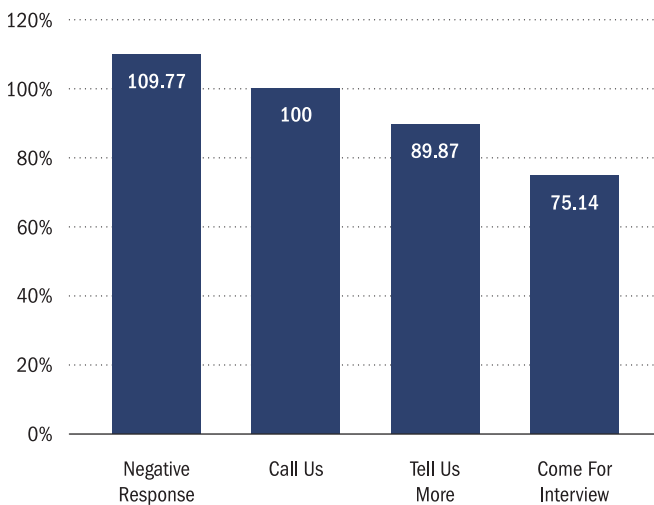


to experience the greatest discrimination. They were 100% more likely than trans men to receive an interview invitation (14 versus 7, respectively); the discrepancy for women was only 35.3% (23 invitations for cis women, against 17 for trans women). However, it should be noted however that, when all positive responses were taken into account (i.e. not just invitations to interview) it was once again trans women who were experiencing the greatest discrimination (with cis women getting 50% more positive responses than trans women (36 versus 24), and cis men getting 4.3% more (24 versus 23).

For the final job sector (computer science) the levels of discrimination against trans men and women appeared rather similar. Cis women were called to interview 21.7% more often than trans women (28 invitations versus 23), and cis men were called 27.6% more often than trans men (37 versus 29).

Figure 5.

Thailand – Likelihood of a trans applicant getting a specific type of response, relative to the likelihood for a cis applicant. Negative responses comprise 'not interested' and no response at all.



Finally, as a way of standing back and looking at the entire data (see Table 1), it is possible to calculate the relative likelihood of a trans applicant getting specific types of response, as compared with the likelihood for cis applicants. Figure 5 shows the results of this calculation.²⁹ We see how discrimination against trans applicants is evident across the full spectrum of possible responses. At one end of the spectrum, trans applicants were disproportionately likely, as compared with cis applicants, to have their applications ignored by employers. At the other end of the spectrum of responses, they were, as we have seen, less likely to be called to interview. The more apparently negative response, the

more likely it was that a trans applicant rather than a cis applicant would encounter it. The more apparently positive the response from an employer, the less likely it was, relative to a cis person, that a trans person would encounter it.



Lost Opportunities

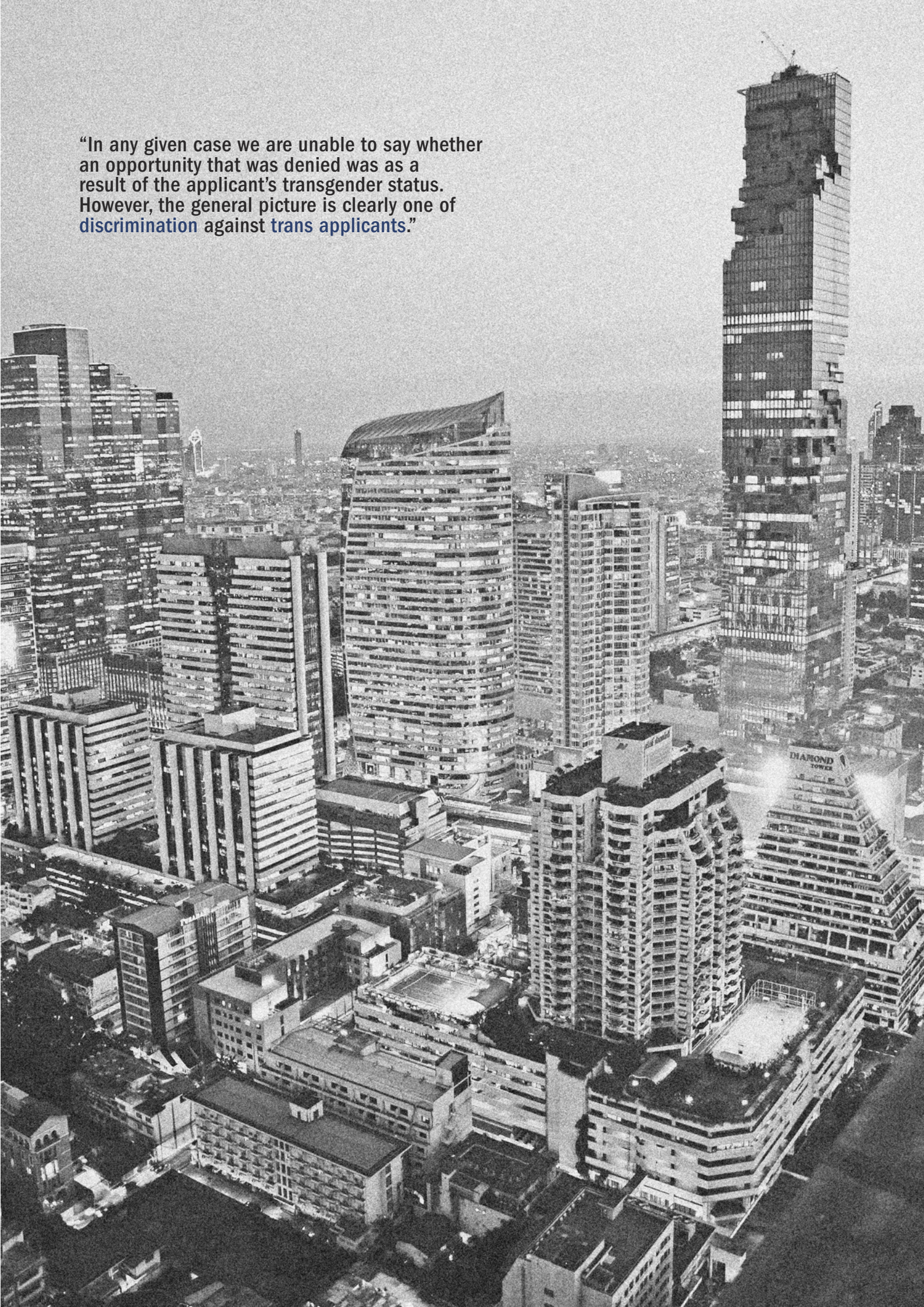
Overall, the results indicate when a gender identity marker is added to two equivalent resumes, the resume with the trans marker is considerably less likely to receive a positive response than the one with a cis marker. This shows direct evidence of discrimination based on gender identity; it also highlights the actual lost opportunities experienced by trans people when seeking employment in Thailand.

When we explore the raw data (Table 1), we can see how many opportunities opened up for cis applicants, but not for equally qualified and experienced trans applicants. The cis applicants received 24.1% more positive responses than the trans applicants. From the employer responses, this reflects 52 actual lost opportunities for the trans applicants. Of these 52 lost opportunities, 46 impacted on trans women.

If we look more specifically at invitations to interview (the most positive of responses observed in this study) we see that 177 cis applicants were invited to interview, as compared with only 133 trans applicants. This represents 44 missed interview opportunities (31 of them experienced by trans women).

It is worth remembering again that, before the gender identity markers were added, these resumes had been carefully piloted to be equivalently attractive in the job market. The jobs targeted by our applications were real jobs, and, as far as the employers were concerned, these were real applicants. Those 44 missed interview opportunities therefore represented 44 cases in which those involved in recruitment had decided to deny opportunities to applicants they believed to be trans. In any given case we are unable to say whether an opportunity that was denied was as a result of the applicant's transgender status. However, the general picture is clearly one of discrimination against trans applicants.

“In any given case we are unable to say whether an opportunity that was denied was as a result of the applicant’s transgender status. However, the general picture is clearly one of discrimination against trans applicants.”



Concluding Notes

Overall, both trans men and trans women in Thailand appeared to encounter discrimination in the job market. However, in two of job sectors (three if one focuses on all positive responses rather than simply invitations to interview), trans women appeared to encounter greater challenges in getting an interview.

Some job sectors were more discriminatory than others. Accounting and language were the worst overall (both in terms of invitations to interview, as well as positive responses more generally). Seen in terms of invitations to interview, the language and computer science job sectors were particularly discriminatory for trans women (as compared with trans men). Seen in the same light, accounting appeared particularly discriminatory for trans men. However, when viewed in terms of positive responses more generally (not just invitations to interview) it was once again trans women who seemed to face the greatest discrimination. The discriminatory environments presented by certain job sectors, and the differentially

greater discrimination that may be faced by trans women, deserve further scrutiny.

This study examined job discrimination at the first stage of a search for a job – submitting a job application. We are not able to draw conclusions on what the experiences are for those trans applicants who are fortunate enough to gain an interview. The Make the Road research²³ reviewed earlier suggests that, when trans people come face to face with potential employers, they face discrimination afresh.

Finally, a word of caution. Across much of the world an increasing amount of recruitment is being done through agencies hired by

companies for the purpose, and through recruitment software (some of it making use of Artificial Intelligence). Consequently, the relatively poor response rates evident for trans people in this study may reflect prejudice and discrimination in the agencies hired to recruit employees, or the programming of software being used in recruitment. In effect, a company which advertises a job and appears at first glance to be discriminating against trans applicants may not actually be directly responsible for the discrimination at all. Indeed, it may not even be aware that discrimination is being perpetrated.

Comments from the Research Assistant: We also collected qualitative data from the research assistant about their experience during the data collecting phase.

“I have noticed that trans women were referred to by their feminine nicknames more often than trans men being referred to by their masculine nicknames when they received the call backs. There have been a few incidents where the employers asked what gender the trans applicant is. Nonetheless, after learning that they are trans, all the employers still continue to include the applicant in the application process, either inviting for an interview or asking for more information. Trans masculine applicants’ gender identities were either disregarded or overlooked, especially after the gender change when men are applying for jobs that are stereotypically for women.”



Recommendations

The findings in this study indicate that the job market for trans applicants is not equivalent to that for cis applicants in Thailand. There are several steps of note that the trans communities, groups, networks and allies may take to prepare trans applicants for existing obstacles.

Firstly, the Gender Equality Act B.E. 2015 protects LGBT from discrimination basis on gender in all aspects. This act is the law on gender equality enacted by the King with the advice and consent of the National Legislative Assembly. Allies in gender-based discrimination contexts may be valuable partners in preparing concerted responses to employment discrimination issues and their legislation and adjudication.

Secondly, it is vital to prepare trans job applicants for the types of

discrimination they may face entering the job market, with specific attention paid to trans women and to the more difficult job sectors. Finally, there is a clear need for education and sensitivity trainings for businesses, especially those with international ties and existing non-discrimination policies or practises.

Recommendations for Breaking Down Existing Barriers Include:

1

Developing a lobbying strategy with government, based on evidence of discrimination in hiring, using these findings. Specifically, it may be useful to engage state governments, specific state legislators and policymakers, lawyers involved in employment litigation, and others involved in the drafting of legislation;

2

Promoting best workplace standards and employers;

3

Building awareness, capacity and knowledge in fields that will help trans applicant secure a job, such as, resume-writing classes, community discussions on discrimination and discriminatory employers, and community-sponsored classes to improve one's qualifications may be of use;

4

Creating more social and media awareness on job employment challenges faced by trans people;

5

Developing a curriculum amongst trans activist and advocates for this sensitisation and work with allies (such as corporate sectors, organisations, chambers of commerce, and university preparatory programs) to provide it to employers, both to build and improve relationships and trust between the trans community and the corporate sector and to decrease incidents of implicit and explicit bias in hiring within these companies.

Endnotes

- ¹ Acknowledgements to community members who took part in consultations in the early stages of the study, and to Dr Robert Kane and Dr Jun Chih, Curtin University, Western Australia, for help with data management.
- ² UNDP, USAID (2014), *Being LGBT in Asia: Thailand Country Report*, Bangkok.
- ³ While the term “ladyboy” is considered pejorative in much of the world, it is actively used by trans people in Thailand to describe themselves and does not carry negative connotations in this context.
- ⁴ Suriyasarn, B (2015). *PRIDE at Work: A study on discrimination at work on the basis of sexual orientation and gender identity in Thailand*. (Geneva: ILO, 2015).
- ⁵ Tilcsik, A. (2011). Pride and Prejudice: Employment Discrimination against Openly Gay Men in the United States. *American Journal of Sociology*, 117(2), 586-626.
- ⁶ Human Rights Watch (2016). *World Report 2016*. (USA: HRW, 2016).
- ⁷ Human Rights Watch (2016). *World Report 2016*. (USA: HRW, 2016).; United Nations Educational, Scientific and Cultural Organization (2016). *Out in the Open: Education sector responses to violence based on sexual orientation and gender identity/expression* (Paris: UNESCO, 2016).
- ⁸ International Lesbian, Gay, Bisexual, Trans and Intersex Association: Chiam, Z., Duffy, S. and González Gil, M., *Trans Legal Mapping Report 2016: Recognition before the law* (Geneva: ILGA, November 2016).
- ⁹ Movement advancement project (2013). *A broken bargain for transgender workers* (accessed 10 April 2017). Available from: <http://www.lgbtmap.org/policy-and-issue-analysis/transgender-workers>
- ¹⁰ Grossman AH, D’Augelli AR, Howell TJ, Hubbard S (2005). Parents’ reactions to transgender youths’ gender nonconforming expression and identity. *J Gay Lesbian Soc Serv*. 2005;18(1):3-16.
- ¹¹ Mills, E (2015). *‘Leave No One Behind’: Gender, Sexuality and the Sustainable Development Goals*. (England: Institute of Development Studies, 2015).
- ¹² Carsten Balzer / Carla LaGata and Lukas Berredo (2016). TvT Publication Series Vol. 14, Transgender Europe (TGEU). (accessed 10 April 2017). Available from: <http://transrespect.org/wp-content/uploads/2016/11/TvT-PS-Vol14-2016.pdf>; TGEU Transrespect versus Transphobia Worldwide [TvT] project ‘Legal and Social Mapping’ (accessed 10 April 2017). Available from: http://transrespect.org/wp-content/uploads/2015/08/web_tvt_mapping_1_EN1.pdf
- ¹³ Suriyasarn, B (2015). *PRIDE at Work: A study on discrimination at work on the basis of sexual orientation and gender identity in Thailand*. (Geneva: ILO, 2015).
- ¹⁴ Ibid.
- ¹⁵ UNDP, USAID (2014), *Being LGBT in Asia: Thailand Country Report*, Bangkok.
- ¹⁶ International Labour Organization [ILO] (2014) *Gender Identity and Sexual Orientation in Thailand: Promoting Rights, Diversity, and Equality in the World of Work (PRIDE) Project*. Thailand. Bangkok

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Suriyasarn, B (2015). *PRIDE at Work: A study on discrimination at work on the basis of sexual orientation and gender identity in Thailand*. (Geneva: ILO, 2015).

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ Gender Equality Act B.E. 2558 (2015)

²⁴ Make the Road New York. (2010). *Transgender need not apply: A report on gender identity job discrimination*. Brooklyn, NY, pgs 11-12

²⁵ Bardales, N. (2013). *Finding a Job in "a Beard and a Dress": Evaluating the Effectiveness of Transgender Anti-Discrimination Laws.*, University of California, San Diego., San Diego.

²⁶ Rainey, T, & Imse, E. (2015). *Qualified and transgender: A report on results of resume testing for employment discrimination based on gender identity*. Washington DC: DC Office of Human Rights

²⁷ Ferguson, G.A. (1981). *Statistical analysis in psychology and education (5th Ed.)*. Singapore: McGraw-Hill

²⁸ None of our applications (cis or trans) resulted in an employer calling back to offer a job.

²⁹ To calculate the relative likelihood, the number of responses for trans applicants was divided by the number of responses for cis applicants. The result was multiplied by 100 to enable us to express the relative likelihood as a percentage.

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