Transgender Population Demographics, Experiences, and Public Policy

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Outline

1. Who are transgender and non-binary people?
2. What do we know about transgender and non-binary people?
3. What do we know about transgender and non-binary people’s workplace experiences?
4. What is the current public policy situation for transgender and non-binary people in the workplace?
Terms & Concepts

- Sexual Orientation, Gender Identity, and Gender Expression
- Transgender
- Non-binary
- Cisgender
- Transition
  - Social
  - Legal
  - Medical
Gender Diversity in the 2008-09 National Transgender Discrimination Survey
Population Estimates for Youth & Adults Who Identify as Transgender in the U.S.

Using BRFSS data from 2014, Williams Institute researchers estimated how many adults (18+) and youth (13-17) identify as transgender in the United States, all 50 states, and DC.

We estimate that 0.6% of adults (1.4 million) and 0.7% of youth (150,000) identify as transgender.
Population Estimates for Youth & Adults Who Identify as Transgender in the U.S.

- Younger individuals seem more likely to identify as transgender than older individuals
- 150,000 youth of high school age (13-17) identify as transgender
- 206,000 youth of college age (18-24) identify as transgender
Race and Ethnicity of Adults who Identify as Transgender in the U.S.

- Adults who identify as transgender in the U.S. seem to be more racially and ethnically diverse than the U.S. population.
- Consistent finding across some population-based samples (BRFSS, Gallup), but not others (CHIS).
US Transgender Survey Overview

2015 U.S. Trans Survey (USTS)

- Follow up to the 2008-09 National Transgender Discrimination Survey (NTDS). ~6,400 respondents
- Conducted in the summer of 2015 (Aug – Sept)
- 27,715 respondents:
  - Adults 18+
  - 50 states, DC, American Samoa, Guam, Puerto Rico, and U.S. military bases overseas
  - English and Spanish
  - 1/3 identified as non-binary
Geographic Distribution of USTS Respondents and the U.S. Population

Each dot on the maps represents the number of people in a zip code. Every dot corresponds to at least one person, and the size of each dot increases in accordance with the number of people in each zip code.
Key Report Findings

1. Pervasive mistreatment and violence
2. Severe economic hardship and instability
3. Harmful effects on physical and mental health
4. Compounded by other forms of discrimination
5. Increased visibility and growing acceptance
Pervasive Mistreatment & Violence

Because they were transgender ...

46% verbally harassed in past year

9% physically attacked in past year

Sexually assaulted:

10% past year and 47% in lifetime

2015 U.S. TRANSGENDER SURVEY

National Center for TRANSGENDER EQUALITY
Severe Economic Hardship & Instability

3X higher unemployment than U.S. population
15% versus 5%

2X higher poverty than U.S. population
29% versus 14%

12% homeless in the past year

30% homeless in lifetime

2015 U.S. TRANSGENDER SURVEY

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Harmful Effects on Physical & Mental Health

8X serious psychological distress than U.S. population

39% versus 5%

9X attempted suicide in lifetime than U.S. population

40% versus 4.6%
Compounding Impact of Other Forms of Discrimination

Among people of color:
poverty was $3\times$ higher than the U.S. population

People with disabilities
- 24% unemployed
- 45% living in poverty

Undocumented
- 50% experienced homelessness
- 24% physically attacked in the past year
Increasing Visibility & Growing Acceptance

Of those who were out as transgender:

60% had a supportive immediate family

68% had supportive coworkers

56% had supportive classmates
Key Workplace & Related Findings
Experiences at Work

Because they were transgender...

16% of those who were ever employed had ever lost a job.

30% of those who had a job last year were fired, denied promotion, or faced other mistreatment in the workplace.

15% of those who had a job last year were verbally harassed, physically attacked, or sexually assaulted.
Experiences at Work, continued

In the past year…

77% who had a job in the past year took steps to void mistreatment in the workplace, such as delaying transition or leaving a job

27% experienced other forms of mistreatment in the workplace
- Boss/co-workers shared information (16%)
- Negative job review (6%)
- Forced to resign (4%)
- Not allowed to use gender-appropriate restroom (4%)
- Asked to present in the wrong gender to keep job (4%)
- Removed from direct contact with customers/clients (3%)
- Transferred to different position/department (2%)
Experiences with Restrooms

In the past year…

9% were denied access to a restroom

12% were verbally harassed, physically attacked, or sexually assaulted

59% avoided using public restrooms for fear of confrontation

32% limited amount they ate/drank to avoid using restroom

8% reported having a urinary tract infection, kidney infection, or another kidney-related problem as a result of avoiding restrooms
Experiences with Identity Documents

11% had preferred name & gender on **all** IDs

68% had preferred name & gender on **no** IDs

32% who showed ID that didn’t match their presentation were verbally harassed, denied benefits or service, asked to leave, or assaulted

35% of those who did not try to change their legal name did not try because they could not afford it
Evolving Federal Landscape

- **Title VII**
  - 20+ federal court cases support that discrimination against transgender employees is unlawful sex discrimination under Title VII (per EEOC)
  - *Glenn v. Brumby* (11th Cir. 2011)

- **Obama Executive Order (EO 13672, 2014)**

- **ENDA**

- **Equality Act**
The EEOC in *Macy v Dept. of Justice*:

“We conclude that intentional discrimination against a transgender individual because that person is transgender is, by definition, discrimination ‘based on . . . sex’ and such discrimination therefore violates Title VII.”

Mia Macy
Ballistics Expert, former AZ Detective
Job applicant to ATF
State Employment Non-Discrimination Statutes

- Employment non-discrimination law covers sexual orientation and gender identity (20 states + D.C.)
- Employment non-discrimination law covers only sexual orientation, though federal law offers some protections (see note) (2 states)
- No employment non-discrimination law covering sexual orientation or gender identity, though federal law offers some protections (see note) (28 states)
- State has law preventing passage or enforcement of local nondiscrimination laws
State Health Care Laws & Policies
Trans Exclusions and Anti-discrimination

- Transgender exclusions in health insurance service coverage prohibited (19 states + D.C.)
- Law prohibits health insurance discrimination based on sexual orientation and gender identity (12 states + D.C.)
- Law prohibits health insurance discrimination based only on sexual orientation or gender identity but not both (1 state)
- No law providing LGBT inclusive insurance protections (37 states)
“I think the restroom thing and some of the other things that have been brought up, those are all situations that—you know, we put people in space. We could figure this out!”

- Rep. Phil Hare (D-IL)
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