



two spirits

Image retrieved October 31, 2005 from <http://imagyst.com/fine-first-twospirits.html>

Critical Considerations in Career and employment counseling with transgender clients

Robert C. Chope, Ph.D. (rchope@sfsu.edu) & Laura C. Strom, M.S. (lstrom@gmail.com)
ACA National Convention, Honolulu, HI—March 2008

Introduction

There are an estimated 19,000 transgender people in San Francisco (Vega, 2007) and between 750,000 to 3 million nationwide (Rosenberg, 2007). They are often severely under employed or unemployed while also facing pernicious workplace discrimination.

The problem

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.

Workplace Issues

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 Six Circuit Court has decided two discrimination suits in favor of transgender plaintiffs (Ilona, 2007).

Attitudes about work

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. 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).

Employment Application
<input type="checkbox"/> Male
<input type="checkbox"/> Female
<input type="checkbox"/> ???

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). 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 (2004) in San Francisco (TLC). 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.



Two Images from “You Don’t Know Dick”, A documentary about women who have chosen to change their gender to live as men.

Top image retrieved May 6, 2006 from http://www.filmfestival.gr/docfestival/1999/themes_g_uk.html

Lower image retrieved May 6, 2006 from http://www.frameline.org/festivals/archive/21st/programs/you_dont_know_dick.html



Publicity flyer for “Transamerica” (M2F)

Image retrieved March 9, 2008 from <http://www.tgcrossroads.org/images/transamerica.jpg>

Native Americans consider gender to be fluid determined by dreams, vision quests, and messages from Two Spirit or ancestors (Feinberg, 1996).

Name changes, gender markers, social security and birth records

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.

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)



Christine Jorgensen (M2F), Actress

Image retrieved May 6, 2006 from www.karenserenity.com/OldSerenity/

Resources

Currently 230 major companies now protect transgender employees from employment discrimination. Counselors can assist clients in exploring companies that have transgender friendly policies on the website Transgender at Work (www.tgender.net).

Additional resources include:
The National Center for Trans Equality (www.nctequality.org)
Equality California (www.eqca.org)
The Transgender Law Center (www.transgenderlawcenter.org)
The National Center for Lesbian Rights (www.nclrights.org)



Crazy Horse had several winkte (Lakota term for Two Spirit) wives.

Winkte are considered holy.

"Wood nymph". A Two Spirit M2F. Photo taken by Robin M. Ward. Reprinted with permission.



Danny O'Connor becomes Canary Conn, Singer (M2F)

Image retrieved May 6, 2006 from <http://www.karenserenity.com/OldSerenity/Friends3.htm>

reports on three cases, all with different outcomes. When John Nemecek, a Baptist minister, began preparing for sexual reassignment surgery, was taking hormones, 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 (Balsem, 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).

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.

We'wha was perhaps the most famous Two-Spirit or lhamana (Zuni term). As a Zuni Princess Ambassador, We'wha spent six months in Washington, D.C. in 1886, even meeting President Grover Cleveland. No one doubted We'wha was a woman.



We'wha, in Washington D.C. Circa 1886.