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Queer Troublemakers and Intersectional Solidarity in Times of Anti-Queer Backlash

Transgender Discrimination in Puerto Rico: An Analysis From a Queer Perspective of Labor Experiences

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ABSTRACT

The aim of this paper is to show the impact of the gender binary in the workplace, with a special focus on the experiences of the TRANS community in Puerto Rico. This research article, written as a *queertext*, highlights how social perceptions of gender influence job opportunities, recruitment, and selection processes, as well as discrimination in the workplace. Rooted in social constructs, binary gender norms lead to violence and discrimination against those who dare to challenge them. The research for this article was conducted between 2018 and 2022 utilizing a queer methodology that enabled the authors to compile first-hand insights in relation to the working lives of 8 Puerto Ricans of TRANS experience through in-depth interviews and discussions. The findings emphasize the challenges faced by the TRANS community in the job application process, including the need to navigate identity disclosure, dress codes, and social expectations. It also notes the impact of colonization on the construction of the concept of gender in Puerto Rico and the need to continue advocating in favor of TRANS rights. In accordance with the political scope of the queer research, this article declares its commitment to denouncing the abuse of this minority group and vindicating the legitimate rights of this collective, echoing—but not voicing—the claims that the TRANS community has been making for some time.

1 | Introduction

This research paper was framed from a queer perspective, where we facilitated the participants themselves to lead us to a research question. We hypothesized that the TRANS community faced barriers to participating in the labor market, after undertaking a process of *rascar la superficie*,¹ this redirected us to the following research question:

Does the TRANS community in Puerto Rico have the guarantee of nondiscrimination in the work environment?

In fact, we found that the law does not guarantee employment safety nor even ensure the fundamental right to work.

We do not only present this article from a queer perspective, we present a *queertext* (Waite 2019), intending our narrative style to be queer. We present a *queertext* as a means of poetic license that allows us to deliver our research in a uniquely heterogeneous way compared with what is usually presented in academia. Just as gender is diverse, so are the ways of researching and presenting findings, adding an emotional and humanizing layer to the article. Our research team for this investigation is composed of a queer, non-binary Puerto Rican person and a Spanish woman ally. We recognize that researching any type of discrimination is complicated, even more so when the affected parties are people of TRANS experiences who wish to access employment. The aim of this research article is to convey the Puerto Rican TRANS

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community's recent and historical struggles with inequality, echoing the demand for equality from the streets to academia.

From which position do we undertake our research? As trans-feminists, for us this means respecting everyone, not as an object of research, but as a person of knowledge with the agency to decide whether they want to participate or not in the research. We seek to ensure that there is no colonization of knowledge, recognizing the power structures within the study (Haynes 2023). The research categories in this paper emerge as variables communicated to the researchers by the participants, aligning with our analysis the following two categories: the gender binary's construction and its impact within and outside Puerto Rican organizations. It should be noted that TRANS people in Puerto Rico are deprived of their autonomy twice: first by having United States citizenship imposed upon them and leaving them without their own national identity. Second, as people that refuse or challenge their gender assigned at birth, they are stripped of the autonomy to decide their gender identity.

Our desire was to demonstrate that despite Puerto Rico enacting Law No. 22 of 2013 that prohibits employment discrimination based on gender identity, the TRANS community continues to be excluded in recruitment processes, limiting their possibilities of financial autonomy. This research aims to present not only experiences inside Puerto Rican organizations but also experiences in the job market outside of organizations during the recruitment and selection processes.

Marginalized groups whether by gender, class, race, etc., encounter barriers that impede them from accessing existing opportunities (Muller 2013). "I feel that we transgender people are the ones who suffer the most. Even when organizations say they have and practice inclusive policies, I am still on the street prostituting myself. People in Puerto Rico can be very cruel to us" (Torres-Castro 2016, 41); this statement illustrates some of the experiences that are endured by the TRANS community in Puerto Rico. Frequently, the implementation of inclusive policies by organizations is not a game changer nor a one-size-fits-all solution, more important than including policies, it is about adequately putting them into practice. According to *Lu*, the above overlapped with their story:

And even if you work your ass off studying, I worked my ass off to get this job, to keep this job, to be a blogger, to be a sex worker, even if you work your ass off, you still have little or limited options versus the rest of the world. I'd like to think that my choices, my direction in life, the decisions I've made in life, have nothing to do with my identity but we're all just surviving day by day.

(*Lu*, 2019)

In previous research the TRANS community is often grouped with the LGBT community, neglecting their unique needs and experiences (Law et al. 2011; Ozturk and Tatli 2016), whereas we aim to amplify their voice and give agency to the protagonists. To address this gap and to contribute to research in this area, our paper gathers a compendium of knowledge

acquired through in-depth interviews and conversations held with 8 members of the TRANS community of San Juan, Puerto Rico, described in detail in Section 2, Research method. This article serves as a counter-narrative because studies about the TRANS community tend to be pathologizing and overlook other facets of their lives (K. Schilt and Westbrook 2009; Dray et al. 2020; Vaid-Menon 2020). This paper advocates for the protagonists to define and interpret these issues within their contexts, departing from a scientific standpoint (Espinara Ruiz 2006), recovering the subjectivity of individuals as a space for knowledge (Hernández Sampieri, Fernández Collado, and Baptista Lucio 2014). We highlight the context in Puerto Rico, where being a person of a TRANS identity is penalized. The gender binary was imposed by colonization and it continues affecting day-to-day life, not only of the Puerto Rican TRANS community but for everyone who challenges it. Binary ideas continue to be believed and maintained to this day, as one of the participants in this research expresses:

Binary discourses, colonial ones, because everything that is taught to us is designed so that we continue in this colonial state and our minds continue to be colonized... discourses that are immersed in the minds of the people who run these corporations who are also discriminating against LGBT people because I feel that it all originates from there, from this culture of *macharranería*,² from religiousness.

(*Alex*, 2020)

Colonization in Puerto Rico not only left behind a binary discourse and the religion of Christianity but also a binary, gendered language, Spanish. Binarism is reinforced because:

Spanish is structured under the "él" or "ella", in other words, it is absolutely binary.

(*Andru*, 2020)

Moreover, the gender binary discourse continues to be reinforced in the Puerto Rican education system through a binary approach:

The education provided today is solely based on the concepts of men and women.

(*Sol*, 2020)

We will explore in more detail the influence of colonialism on these concepts related to the binary gender construct and how education is complicit in Section 1.2. However, we wanted to give a glimpse into the Puerto Rican context in a clear and concise manner from the perspectives of the social actors in this study.

1.1 | The Gender Binary Barriers and Their Impact on the Work Environment

The way people identify and express their gender influences their day-to-day experiences in the work environment. The experiences that people have in the workplace are impacted by

whether one is perceived as a man or a woman by colleagues, customers, etc. The continuous gender inequality and gender segregation in the work environment characterizes people's experiences as positive or negative, depending on your perceived gender (Dozier 2017). The concept of gender is a social construct where society categorizes people on the binary man/masculine and woman/feminine spectrum, leaving no room for other expansive ways of being and doing gender. The treatment you receive in your life experiences depends on which category correlates with this binary view of gender to which you are judged to correspond (Goffman 1977; Eagly Wood, and Diekmann 2000). This vulnerability experienced by the TRANS community happens because of their defiance of binary gender stereotypes, which increases discrimination and violence toward them (Watson Benozzo, and Fida 2023; Brumbaugh-Johnson and Hull 2019). Nevertheless, challenging gender norms could be a tool to subvert the gender binary in the workplace (Watson Benozzo, and Fida 2023).

Society penalizes everyone who defies gender stereotypes because this disrupts the moral ideas of the gender binary; one way of penalizing people who do not conform to the binary construct of gender is through the creation of economic barriers (Koenig 2018). For example, the TRANS community confronts a range of labor discrimination or even worse, they are denied the right to work (Badgett et al. 2007; Budge Tebbe, and Howard 2010), just for being themselves. They are not only denied the right to work but they also have significantly fewer opportunities to obtain a job compared to their cisgender counterparts, and these opportunities are even more scarce if they form part of another minority group (Cipriakis Cassells, and Berrill 2020), such as a TRANS Afro-Caribbean person.

The TRANS community faces persistent verbal and physical threats, enduring discrimination and violence across all aspects of their lives due to ongoing victimization and pathologization (Faye 2021). Their very existence challenges societal gender norms, drawing attention, and often condemnation (Connell 2010). It is not just the TRANS community that suffers discrimination; anyone perceived as deviating from the gender binary faces similar discrimination and violence (Anderson 2020). For instance, butch femme individuals, who defy stereotypical gender roles, can encounter discrimination and violence for their nonconformity. Such gender transgression can also be mistakenly interpreted as homosexuality, exposing individuals to homophobia (Dozier 2017). In a society bound by cisheteropatriarchal norms, those who diverge from traditional gender constructs face adversity, including violence. For example, when TRANS kids do not comply with the binary rules surrounding school uniforms, they face violence in school (Butler 2004). Even within familial settings, pressure to conform to gender norms can escalate into abusive behavior (Levitt and Ippolito 2014).

It is important to note that while this article focuses on how the gender binary affects the experiences of the TRANS community in the workplace, it recognizes that the work environment is not the only place where the TRANS community encounters discrimination. An example of how work environments reinforce the gender binary is through dress codes based on gender stereotypes (Levi 2006, 2008). In addition to training the employees and the

Human Resources (HR) department in gender identity concepts as part of good practices for inclusive HR policies, it is also recommended that organizations are clear about their dress codes, focusing more on professional appearance aspects of the clothing than gender (Sawyer Thoroughgood, and Webster 2016; Taylor et al. 2010). However, professionalism is interpreted differently for Black people, that is, dreadlocks are not considered to be professional, so dress codes not only need to be inclusive for TRANS employees but also for BIPOC³ folk. It is important to highlight that clothing is merely a means of gender expression, but it does not determine the gender of a person (Wilchins 2004).

Imposed standards sometimes pressure people to dress differently in order to comply with their employer's requirements (Reddy-Best and Pedersen 2015). As a result of the fear of facing violence in the workplace, many TRANS workers decide to hide their identity or dress differently at work, causing them unnecessary anxiety and stress (Law et al. 2011). However, nondisclosure of their identity is not possible for everyone, such as when people socially transition while working in a way that discloses their transgender identity, thus provoking violent responses from colleagues and/or clients (K. Schilt 2010). Clients that do not accept the transgression of the constructivism of gender are often violent toward the TRANS employees through misgendering, harassment, and mocking (Hadjisolomou 2021).

In other instances, inadvertent disclosure of someone's gender identity can occur when presenting references from pre-transition jobs during a job search (McFadden 2015). Increased discrimination and gender-based violence are observed when others' perceptions clash with an individual's gender identity or expression; the greater the ambiguity, the greater the level of discrimination experienced (K. Schilt 2010; Dray et al. 2020). Genderqueer people (i.e., non-binary and gender fluid) tend to face more stigma and incomprehension of their identity (Alexandra Beaugard et al. 2016). This situation obliges the TRANS community to "do gender," complying with binary norms even when it is not what they desire to do (Jeanes and Janes 2021). Performing a gender is not an autonomous decision because it relies on social constructs (Butler 2004). As a result, passing is a coping mechanism for securing and grasping employment opportunities and to avoid violence (Ozbilgin et al. 2022). Passing is something embodied, where some people want to embody it and others do not; however, there should be the "the right to exist without conforming" (Muhr Sullivan, and Rich 2016, 60). The problem is not being TRANS per se, it is a person's visual appearance that causes the transgression resulting in violence.

The stigmatization of the TRANS community limits their career path, and some TRANS workers believe that the stigma surrounding them generates violence and manipulates their decisions for less skilled labor to avoid the aggression (Budge Tebbe, and Howard 2010). We can see an example of this in Ozbilgin et al.'s study (2022, 13), when a TRANS man employee expresses "I spoke so that my boss wouldn't have a problem because of me; I quit the job." We can see how the anticipation of what could happen led the employee to the decision to quit. The stigmatization is based on the construction of gender, when, according to Wilchins, "gender turns out to be a copy for which there is no original. All gender is drag. All gender is queer" (Wilchins 2004, 134), so what is used to judge and

stigmatize the TRANS community is viewed as a “natural” norm even when it is not, since each one of us lives and does gender as we feel it.

Furthermore, the TRANS community continues to experience violence in the work environment because organizations lack inclusive policies due to the social stigma of the TRANS community (Collins et al. 2015; Ozturk and Tatli 2016). Some of the violence that the community faces in the workplace includes but is not limited to: unfair dismissal; denial of promotions; being forced to use a bathroom contrary to their gender identity; receiving verbal and/or physical violence from coworkers, managers, and/or clients, among others (National Center for Transgender Equality, n.d.). Sometimes the TRANS community even encounters discrimination prior to employment, for example, they confront barriers during interviews or tests for the job position (McFadden 2020). Facing discrimination in the recruitment and selection processes curtails their access to employment. Van Borm and Baert (2018) investigated hiring discrimination through an experiment on HR students' perceptions of TRANS candidates, where discrimination stemmed from health-related stigma. Yet TRANS women's traits like autonomy and assertiveness were seen positively; this last finding is supported by gender binary stereotypes.

Moreover, discrimination in recruitment and selection against the TRANS community is subtle and challenging to prove despite protective legislation in the workplace (Ozturk and Tatli 2016). For instance, one participant in Ozturk and Tatli's United Kingdom study encountered discomfort during an interview due to their gender identity and was not contacted for the job afterward. However, proving discrimination based on gender identity remains difficult, leaving TRANS individuals vulnerable. This highlights the hurdles faced by the TRANS community in job searches compared to cisgender peers because they often cannot unequivocally prove that they were rejected because of their gender identity and not on account of their suitability for the job position.

1.2 | The Gender Binary Barriers in the Colony: Puerto Rico

This research was conducted in Puerto Rico, and it is important to contextualize the gender construct in Puerto Rican society. Puerto Rico is an archipelago located in the Caribbean, recognized as an unincorporated territory of the United States of America; however, this political status was imposed by the USA (Stiglitz and Medish 2015), making Puerto Rico a colony. An example of the oppressive colonization status is PROMESA (Puerto Rico Oversight, Management, and Economic Stability Act), where the only role of the Fiscal Control Board imposed by the USA is to take direct control of the island's fiscal affairs over the democratically elected governor and limiting Puerto Rico's economic and social autonomy (BBC Mundo 2017). Since 1493, Puerto Rico has been a colony, first under Spanish rule and now an American colony (Negrón-Muntaner 1997).

Colonization continues to have an impact on the gender construct in Puerto Rico. The oppression of women was introduced by

European colonization (Sued Badillo 2011). The patriarchal system was introduced by Europeans replicating their gender perspective in the colonies (Oyěwùmí 1997), creating division and gender oppression through the colonality of power (Lugones 2007). The gender binary imposed by colonization is responsible for the genocide of every person defying it (Vaid-Menon 2020). TRANS people have always existed; even when colonization endeavored to erase their experiences figuratively and literally by genocide, there is evidence of their existence and resistance (Feinberg 2013; Vaid-Menon 2020).

Puerto Rico's status as a US colony directly influences gender discourses, as federal legislative changes affecting TRANS individuals impact the local community (Rodríguez-Madera 2009). Decisions made in the US are mirrored by the Puerto Rican government, such as drafting bills to mandate hormone therapy for TRANS athletes, reflecting transphobia, and ignoring non-binary experiences (De León Toledo 2022). However, colonization is not the only factor influencing the gender construct, Puerto Rican religious fundamentalists also exert influence. In Puerto Rico, religious groups turn “love for thy neighbor into persecution and censorship” (Rodríguez-Madera 2011, 125). For example, the fundamentalist sector rejects the notion of offering Puerto Rican students an education with a gender perspective (Torres Rivera 2021). In Puerto Rico, the religious sector has a significant impact on legislation, where some laws have been approved by religious moral views without concern for the negative impact these laws can have (Burgos Pérez 2011). The State is complicit in the numerous violations that the TRANS community endures in Puerto Rico (Burgos Pérez 2009).

1.3 | (Re)existence and Advocacy for Rights

Despite the negative impact of State and US colonization on gender constructs in Puerto Rico, the TRANS community actively challenges patriarchal discourses and advocates for human rights. For example, activists successfully sued the Puerto Rican government to gain the right to change gender on birth certificates (Lambda Legal 2018). This legal recognition is crucial for social validation, yet stigmatization during the process perpetuates discrimination against TRANS individuals (Narendran, Reveley, and Almeida 2021). Although legislation which protects the TRANS community in Puerto Rico can be considered a step forward, the TRANS experience is pathologized by the process of legally changing their gender. One way of proving one's gender is by medical evaluation to certify the gender as which you would like to be recognized (Metro 2018). Also, the change must be on the gender binary, every gender experience outside the female/male binary cannot be legally recognized, ignoring its existence.

Transfeminism in Puerto Rico plays a crucial role in advocating for rights diverging from traditional binary gender norms (Ferri and Warhol 2021). This movement challenges the narrow view of “woman” perpetuated by cispatriarchal precedents, promoting inclusivity and complexity in gender identity. Activism led to the enactment of Law No. 22 of 2013, which prohibits workplace discrimination based on gender identity and sexual

orientation (Santini and Sickles 2014). Some discriminatory workplace behaviors prohibited by the law include, but are not limited to: refusal to employ, fire or deny a promotion, denying the use of bathroom or other gender-segregated facilities, verbal and/or physical abuse, requiring a person to dress in accordance with a specific gender identity, etc. (AyudaLegal Puerto Rico 2019; Estado Libre Asociado de Puerto Rico 2013, 2019).

The goal of this legislation is to end discrimination based on real or perceived gender identity and/or sexual orientation. The law stipulates that the Puerto Rican Department for Employment and Human Resources (DTRH) act as an impartial mediator in disputes between organizations and TRANS workers. However, Law No. 22 is not applicable to faith-based organizations, granting a legal exception for religious fundamentalists to lawfully discriminate against gender-diverse people and homosexuals. This is an example of how the TQIABLG+⁴ community can become more vulnerable to violence despite the State ratifying a law to protect them.

2 | Research Method

The paper's writing style, inspired by Stacey Waite's approach to *queertexts* (2019), emphasizes the transgression of imposed norms, self-contradiction, acceptance that not everything should have a coherent order or use words that only exist in our languages. We do not seek to generalize or to conclude, we acknowledge that "transgender individuals do not form a unified, homogeneous population, that speaks with one voice" (Alexandra Beauregard et al. 2016, 11). The queer methodology used includes a mix of data collection techniques beyond textual analysis and interviews, which may or may not be contradictory (Halberstam 1998). In this study apart from the interviews, the researchers attended two conferences, "Queer Injection" and "La realidad en la comunidad TRANS y NB"⁵ (The realities of the TRANS and NB community) held online about TRANS lives in Puerto Rico, led by and for them. The aim of this study is to represent not only experiences inside Puerto Rican organizations but also experiences in the job market of the TRANS community. To give internal coherence to our research (Howard-Grenville et al. 2021), we believe the best way to collect those experiences was hearing them firsthand, which is why we chose this specific methodology.

To acquire genuine knowledge, there must be a shift between how we can help others through research and recognition that knowledge which acts as a catalyst for change is also beneficial to researchers. The use of queer and feminist methodologies is about challenging and identifying homophobia, resisting and challenging the status quo, and exposing and eliminating institutions of oppression (Glasby 2019). Our methodology starts from situated knowledge that can be explained as the relationship that the research subject has with the issues of the field of study (Selister-Gomes Quatrin-Casarin, and Duarte 2019). A knowledge where the researcher is not only a research subject, but also a political subject; they cannot separate their person and experiences from the research origin (Haraway 1988). This is because "the emotional and the personal cannot be separated from the conceptual" (Gregorio Gil 2014, 299). This knowledge

seeks to highlight social reality and endeavors to create change (Selister-Gomes Quatrin-Casarin, and Duarte 2019). We desire that our research echoes the fight for TRANS rights both in/ outside the workplace and their right to exist and thrive.

2.1 | Methodological Tools and Ethics

This research, conducted between 2018 and 2022, had the purpose of collecting the stories and experiences of Puerto Rican TRANS people in their attempts to enter the labor market, their work experiences, and the intersections with other aspects of their lives. The knowledge gathered led us to how the gender binary construct affected their experiences. The investigation utilized sources that allowed the researchers to collect and examine the diverse narrative discourses, reflections, knowledge, and claims of the TRANS community. Much of this rich source of information has been historically overlooked by academics.

The in-depth, semi-structured interviews were used as a process of immersion into the lives of the 8 participants aged between 23 and 52 and consisted of retrospective and reflective conversations about past and present work experiences. They were conducted both in-person and online (the global COVID-19 pandemic did not allow for all interviews to be conducted in-person). In face-to-face interviews, only the participants' voice was digitally recorded, while virtual interviews include the participants' image, in both cases with their express consent. To ensure our compliance with the ethical guidelines of this study, an informed consent form was signed by each person. They gave their consent for the findings of the study to be published in an academic article, and we encouraged them to contact us if they had any queries or if at any time they wished to be withdrawn from the research. Their digitally recorded voices were manually transcribed because as Puerto Rico was previously a colony of Spain and is now a colony of the United States, Puerto Ricans speak Spanglish and digital transcription tools do not recognize Spanglish.

Subsequently, the transcripts were analyzed following an open coding format that was discussed by the researchers to find patterns in their discourses and define the two main categories of the analysis: the gender binary's construction and its impact within and outside Puerto Rican organizations observed in the way they apply for a job and their experiences in work interviews. This article includes their expressions verbatim,⁶ as well as specific phrases from the interviews. Attending conferences related to the Puerto Rican TRANS experience also broadened our understanding of their work experiences. The analysis was based on a careful and detailed reading of the transcripts of the interviews, which allowed us to dive into the construction of the discourses of the interviewees and to establish a contrast between the words of the participants and the coding. For the gender binary, the selected codes were "colonization," "state," "religion," "education," "culture," and "poverty," while the codes used for the impact on organizations were "Puerto Rico" (for context), "coping," "passing," "inclusive language," and "*cuidados*" (care).

The analysis required us to pay close attention to the uniqueness of each person, of each testimony, of each life story. As we read,

we manually selected and assigned codes, which generated a dialog and debate among the researchers as we were conditioned by our own perceptions and ideas. This fact has been described by Harding, Ford, and Lee 2017 [cited in M. B. Ozturk, et al. (2020)], concerning the difficulty of transforming complex and textured accounts of participants into systematically itemized categories.

To ensure that the findings and our interpretation of the situation in Puerto Rico were accurate, we invited one of the research participants to revise our findings related to the Puerto Rican TRANS community's experiences in the workplace. The findings we present here, drawn from their experiences, are supported by both our research and the perspective of one of the research participants. We compensated⁷ the participant for reviewing our findings, as we believe it would be contradictory to discuss workplace equality while accepting unpaid labor. We also compensated the study participants financially as a courtesy for sharing their knowledge, believing this was a fair approach. We informed them about the compensation only at the end of each interview.

The inclusion criteria for the interviewees were as follows: they had to reside in Puerto Rico, be over 18 years of age, identify themselves as TRANS, form part of the active labor force, and have at least one experience in the formal job market during or after social transition. The snowballing technique was fundamental to the identification and selection of participants, as this population tends to hide their gender identity because it can lead to discrimination. Sometimes it was necessary to negotiate with gatekeepers/key informants to connect with the subjects (Hernández Sampieri, Fernández Collado, and Baptista Lucio 2014) or to ask friends and acquaintances to get involved in the search for participants (Browne 2005).

The names of the participants that appear below in Table 1 have been changed to guarantee the participants' anonymity. These

identities were the ones that they had at the time of the interviews; however, they could have subsequently changed since the research was conducted as identities are not fixed.

The interviews allowed us to construct life stories as a methodological tool to re-appropriate, re-produce, and re-inform stories that have been invisibilized and ignored by heteropatriarchy, eurocentrism, and phallogentrism (Beorlegui 2019). Life stories represent a vindication of often untold and/or unheard stories and is a "critical method as a genre of interrogation" (Petö and Waaldijk 2011, 80), that transmits and reproduces the events through the social actors themselves. Nevertheless, generalized knowledge is not created since information is collected from more than one life story (Arjona Garrido and Checa Olmos 1998).

In the research process, a power relationship between the researcher and the social actor is reproduced from a position of privilege, so it is important not to view people as sources of information extraction, but to value that participants are sharing their life experiences (Pearce 2013). Throughout the research process, the researchers were thankful for the knowledge that was shared and aware of their privilege.

The question of whether one can study the challenges faced by the TRANS community without being of TRANS experience prompted us to approach our research with extreme caution, recognizing the difficulty of separating emotions from rigorous analysis (García Dauder and Ruiz Trejo 2021). While such questions are common in research, it is crucial to consider our impact and strive to write from the perspective of the social actors involved (Agyeman 2008). Loue and Molina (2015) outline three ethical pillars for researchers: respecting participants, ensuring research benefits without harm, and aiming for justice for the community studied—all of which guided our investigation. Researching sensitive issues with vulnerable communities is

TABLE 1 | Details of the participants interviewed.

Name	Details	Interview place and date
<i>Karl</i>	25-year-old male with the pronoun he, key informant because he disseminated the research to other potential participants. Works in a TRANS lead organization that offers services for the TRANS community	Puerto Rico, in person, summer 2019
<i>Lu</i>	23-year-old TRANS woman with the pronoun she, volunteer in an NGO advocating the rights of the TRANS community	Puerto Rico, in person, summer 2019
<i>Uris</i>	52-year-old TRANS woman with the pronoun she. Works in a government agency	Puerto Rico, in person, summer 2019
<i>Alex</i>	25-year-old non-binary person, with pronouns he/they, works in a queer digital content production company and is a volunteer in an NGO	Zoom video call, summer 2020
<i>Lucca</i>	26-year-old non-binary masc person, with the pronoun they, volunteer of different organizations that advocate for TRANS rights. Unemployed at the moment of the interview	Zoom video call, summer 2020
<i>Poe</i>	28-year-old non-binary masc person with the pronoun they. Performer of profession and passion	Zoom video call, summer 2020
<i>Andru</i>	28-year-old TRANS woman with pronoun she. Works as a drag queen	Zoom video call, summer 2020
<i>Sol</i>	23-year-old femme non-binary person with the pronoun they. Volunteer teacher of vogue classes	Google Meet video call, summer 2020

Source: Elaborated by the authors.

possible using an ethical methodology (Ketefian 2015). The TRANS community already experiences inequity in Puerto Rican society, so we were conscientious to avoid inflicting further oppression upon the participants during the research process. An additional way to achieve justice for these communities is politicizing our research (Agyeman 2008) and acknowledging the role of emotions in knowledge creation which can contribute to social transformation (García Dauder and Ruiz Trejo 2021). Feminist methodologies have been central to our analysis because they “have transformed primary academic fields, shifting attention to previously undervalued or overlooked research topics, as well as changing priorities and approaches to those that had previously been studied” (Cuklanz and Rodríguez 2020, 201).

3 | Findings

This section presents the research findings related to the experience of the TRANS community in Puerto Rico when they are actively looking for employment as well as their experiences while being interviewed and their work experience. The findings are divided into two sections: first, what the study participants do before applying for a job, which can be described as resistance techniques to be able to obtain an interview and second, their (generally negative) experiences during the interview process and their workplace experiences.

3.1 | The TRANS Way of Applying for a Job

Through the interviews undertaken by the authors of this study, the participants shared their knowledge and techniques to be able to attain a job interview. The first step is to create and send a curriculum vitae (CV) to the organization that has a vacancy. The CV creation process generates uncertainties for the TRANS community, for example, which name to use and whether to use inclusive language. As previously mentioned in the introduction, colonization imposed the use of Spanish in Puerto Rico. Consequently, instead of using binary pronouns “él” or “ella,” some TRANS candidates decide to use gender-neutral pronouns such as “elle or ellx” (equivalent of “they” in English), in other instances they tend to use genderless pronouns. These deliberations serve as barriers to employment for TRANS individuals seeking interviews, which do not affect their cisgender counterparts. *Lucca*, who was unemployed at the time of being interviewed for this research, described what it is like to be a TRANS person looking for a job interview:

I feel much more scared to go to job interviews because I usually make my résumé very inclusive, and I explicitly do it like that because I don't want to expose myself to a job interview where there will be discomfort. I let it be known from the beginning (their TRANS experience), so if you are going to reject me, then reject me from the beginning and don't make a big deal out of me in a job interview. So, it is much more disadvantageous because you must be looking for a way to get a job interview. You have to say certain things or hide, evaluate if you are going with your

deadname, evaluate if you are going to go as people perceive you or as you really are.

(*Lucca*, 2020)

This narrative not only presents the uncertainties regarding identity disclosure but also how this can be viewed as a self-care technique. This approach aims to prevent interview violence by using inclusive language in their CV to indirectly disclose their identity. If the organization is transphobic, they are unlikely to secure an interview.

Another technique utilized by the study participants is to hide their TRANS identity to get a job because they know that they will endure discrimination if they disclose their real gender identity. The following statement illustrates this situation:

I never told them I was a trans man... I was terrified to introduce myself by my name.

(*Alex*, 2020)

This is an indication of how to obtain and/or keep a job, their TRANS identity must remain hidden. Moreover, TRANS people know that when the organization discovers their TRANS identity, they will potentially suffer from gender-based discrimination. This showcases the power of the self-fulfilling prophecy: anticipating something negative is going to happen, but it may not occur. These accounts highlight TRANS individuals' awareness that gender identity stigma can hinder employment opportunities, getting hired and/or maintaining a job. In addition, their chosen name versus their name recognized by the State creates an uncomfortable situation and is a recurring issue that exists both inside and outside work experiences.

Following the same example of nondisclosure of their gender identity, *Andru* describes her self-care technique, using her chosen name instead of her legal name on her CV:

I told my grandmother I'm going to give my name and if they offer me the job later, I'll tell them the truth.

(*Andru*, 2020)

In order to increase her chances of getting a job interview, she chose nondisclosure of her identity, instead using her chosen name to identify herself as a woman. In this way, *Andru* was able to engage in passing, thus bypassing barriers and interviewer discrimination to attain an interview without disclosing her gender identity. Likewise, by using her chosen name considered by society as feminine rather than her legal name (considered by society as masculine), she avoids facing discrimination based on the ambiguity between her legal name, her gender identity, and her gender expression. *Andru* also emphasizes that:

You disclose when you feel comfortable.

(*Andru*, 2020)

Furthermore, to apply for a job, you must meet the minimum job requirements, a significant difficulty for the TRANS community when it is difficult to stay in education programs without enduring gender-based discrimination. *Karl* commented how not

changing his legal name had major repercussions on his college career. He had to abandon the bachelor's degree he was undertaking due to the university's refusal to make reasonable administrative accommodations for his name. Consequently, he was exposed to constant deadnaming and misgendering by professors and university staff, resulting in an emotional burden so great that he was left with no other option but to abandon his studies. To complete this vicious circle, not finishing his university studies has negatively impacted his working life as it limits the jobs he can apply for and hinders the possibility of accessing an interview process for well-paid employment opportunities.

People of TRANS experience feel compelled to apply for and/or remain in low-paying jobs with few professional growth opportunities because the community lacks the economic and educational means to overcome the barriers that cause employment inequality. Additionally, gender-neutral dress codes common in low-paid jobs create an inclusive and comfortable work environment for TRANS workers, exemplified by this narrative:

Working at (organization anonymized) helped me because we all wore the same uniform, so I wasn't weird.

(Karl, 2019)

Contrary to *Karl's* experience, we can see how gender binary constructs influence the dress codes and limit the workspaces that can be occupied by a TRANS employee:

I think of this place that sells pasta in which I would not work because for being a person with a vagina they are going to impose and force me to wear make-up and a skirt.

(Alex, 2020)

This reaffirms that jobs with an inclusive uniform policy facilitate the integration of TRANS people (Sawyer Thoroughgood, and Webster 2016; Taylor et al. 2010). On the contrary, workplaces that appear to support the gender binary are not considered by TRANS workers as safe places to work, limiting their job opportunities compared with their cisgender counterparts.

Moreover, TRANS people can be limited in the type of role they can play in an organization because of gender segregation in workplaces. *Poe* recalled how in one job, the manager segregated the job assignments by gender. The reason *Poe* applied for the job in the first place was to get a position in the kitchen because they had previous experience. However, they were informed that only men were wanted in the kitchen, even though *Poe* identified as a TRANS NB masc person at that moment. They were forced to accept the position offered to them in the drive-thru dealing with clients, as it was either that or not having a job. The assigned gender that the manager gave *Poe* was incorrect, based on gender binarism. The manager's decision was challenged by *Poe*; however, the manager only based the decision on his binary idea of gender.

The reason the manager told me is that, as the general manager of the store, he only accepts men in the kitchen area because they have to lift heavy items.

And I was like, "okay? I didn't know I needed to have two nuts to lift a box" ... it puts you in a very uncomfortable position, a very unhealthy place. Then you also find yourself working in an environment where they don't respect who you are as a person. You are exposed to being in an environment that is basically abusive to you.

(Poe, 2020)

This type of decision not only subjects the TRANS employee to dissatisfaction in their workplace but it also affects their mental health. They are in a position where their real identity is invalidated by gender segregation in the workplace. The only means of escaping from this oppressive situation is to resign, leaving the employee with financial uncertainty.

3.2 | Attending a Job Interview Is as Close as You Get to a Job: TRANS Experiences

After concluding the job application process, some candidates are called for interviews. However, for TRANS people, interview experiences are usually charged with violence, sometimes attending the interview is the closest a TRANS person gets to a job. The participants believe that many interviewers have narrow views of gender, reflecting the binary concept of gender in society and lack education with a gender perspective. Potentially, some of the people involved in the interview process on behalf of organizations are interacting with a TRANS person for the first time in their life. The following excerpt illustrates this occurrence:

They don't have the knowledge, let alone the tact to deal with situations like these (interviewing a TRANS person), because many of them don't even know what people like me are like, until they actually come across us and it's like they don't have systems in place to deal with it... management, as I said, is neither trained, nor prepared, nor capable, nor none of the above to deal with queer people in the workspace.

(Sol, 2020)

This highlights that organizations do not effectively implement inclusive policies on account of the HR department lacking both inclusive ways of doing an interview and education in relation to gender. When the interviewer lacks the tools to carry out an inclusive interview, they needlessly subject TRANS interviewees to uncomfortable situations including inappropriate comments, looks and other nonverbal communication that judge and question the gender identity of the interviewee. *Lucca's* narrative about their experience in a phone interview exemplifies this phenomenon:

I recently had a job interview for (organization anonymized), they called me and as soon as they heard my voice, they didn't associate my name with my persona. The person goes on to say, "But I'm calling this person", to which I replied "Yeah, yeah, it's me". So, I had

to lower my voice and try not to talk too much. So that I'll be able to have the job interview.

(Lucca, 2020)

The interviewer clearly had a misconception about the pitch of Lucca's voice, expecting them to sound a certain way. These circumstances oblige the interviewee to behave contrary to their beliefs and gender identity to continue the interview process. Consequently, this creates an uncomfortable situation for the TRANS person and illustrates how violent a job interview can be, where the interviewee's gender identity is both questioned and invalidated. The pitch of their voice is not the only aspect judged in the interview process, how someone expresses their gender identity through clothing is also evaluated. When a gender expression defies the gender binary of masculine/feminine, it provokes violence toward the TRANS person.

If I go to an interview with a button-down shirt and a skirt, people see me and go "do you have a skirt on?" and I go "yes I have a skirt on."

(Sol, 2020)

This is a further example of how the interviewer's binary mindset about the perceived notion of gender must be expressed, resulting in the interviewer making uncomfortable comments toward the TRANS interviewee. It was mentioned in the conference "The realities of the TRANS and NB community" that the pressure of complying with the gender binary is so great, some people of TRANS experience decide to change their gender expression to conform to their gender role imposed by society.

Interviews can be even more uncomfortable when you are going through the process of gender-affirming care. Some of the study participants recounted that the experience of a job interview was more uncomfortable when they started taking hormones. As previously mentioned, hiding their gender identity was a coping mechanism to obtain a job, but when you are in the middle of gender-affirming care through hormone therapy, it is nigh on impossible to utilize that mechanism. The following narrative illustrates this point:

I was starting to take hormones, but I still wasn't starting to transition socially and since I still looked very masculine, I didn't tell them I was trans and I gave them my name as it appears on federal documents, but I didn't get that job ... But how can you prove that there are people who discriminate on the basis of gender? There's no way to give evidence on that. Unless you can claim that they called you slurs, yet that's not easy. The way most people talk about discrimination, the way to prove it is to bring evidence.

(Lu, 2019)

Also, submitting a workplace discrimination case to the DTRH is a right guaranteed by law; however, it can be charged with violence. The DTRH is supposed to be the State representatives that hold organizations accountable when they perform acts of discrimination, but they do not have the tools nor the sensitivity

to carry out their job as they should. When Karl was wrongfully dismissed from his job, he decided not to pursue a case because of the negative experiences his TRANS friends faced during this process:

They went to file the complaint, but in the process, there was constant deadnaming and misgendering. I didn't want to have to go through that whole process. Also, proving that it was a discriminatory situation was complicated.

(Karl, 2019)

Not only was Karl wrongfully dismissed from his job, suffering the economic and social consequences of this situation, their rights were also violated by both the organization during the act of wrongful dismissal as well as the State for not guaranteeing their right to be protected in the workplace under the law.

Moreover, receiving violence in the interview process discourages potential TRANS employees from applying for a job. The TRANS applicants anticipate violent job interview encounters, so they assess the degree of violence they could receive in certain organizations. Some potential applicants cease applying for jobs to avoid this violence, thus creating a barrier for the TRANS community to access employment.

Why am I going to spend my energy applying for this job? I've already been through this over and over again and I don't want to expose myself to the same thing repeatedly. It's understandable, because you go through it over and over and over and over... until you find another way to generate income.

(Poe, 2020)

One of the ways that some TRANS people generate income is through sex work. According to the conference "The realities of the TRANS and NB community," some TRANS people decide to be sex workers because they have control over the selection of clients, the services they offer and working hours. However, others resort to sex work out of financial necessity, believing it is the only feasible way to generate income due to barriers to employment that are difficult to overcome. Regardless of the rationale of working in the sex industry, TRANS people recognize the risks involved in sex work, where being killed is one of the risks of the job.

4 | Discussion

It is noteworthy that the TRANS community worldwide encounters both unique and ubiquitous barriers to employment and discrimination not only when applying and interviewing for a job but also in their work life. We wanted to understand TRANS experiences inside/outside the workplace and how the gender construct affects this within the Puerto Rican context. It is proven that the TRANS community lacks opportunities to obtain a job (Ciprikis Cassells, and Berrill 2020), by attending a job interview where they feel violated; this limits their ability to perform well in an interview and obtain employment. The

findings of this research support McFadden's (2020) argument that the TRANS community starts receiving violence from the organization during the recruitment and selection process. However, the violence received through job interviews is extremely subtle and onerous to prove (Ozturk and Tatli 2016). As one of the participants mentioned, it is challenging to prove that they have suffered discrimination based on their gender identity and gender expression because of the lack of evidence to present in relation to the discrimination. How do you substantiate allegations of violent looks and comments?

In addition, the findings of this research demonstrate that although Puerto Rico has enacted legislation that prohibits discriminatory recruitment and selection practices (See Ayuda-Legal Puerto Rico 2019; Estado Libre Asociado de Puerto Rico 2013, 2019), there is evidence that discrimination of TRANS people continues to happen with zero accountability from organizations. Most participants in this research attribute the lack of accountability of organizations and inadequate enforcement of pertinent legislation protecting TRANS people to the absence of a de facto separation of church and state. Religion, introduced by colonization, is still latent in Puerto Rican culture. This frustration of a lack of a truly separate church and state can be illustrated through the following narrative:

They swear and vow that there is separation of church and state and the constitution begins with “in God we trust”.⁸ Even on the money they put “in God we trust”, so there is no real separation of church and state.

(Alex, 2020)

On the other hand, the church is also blamed for the continuous abuse of the TRANS community by the state, since the laws continue to be tied to the moralistic views of the church. We mentioned in Section 1.3 of this article how religious sectors were excluded from Law No. 22 of 2013, giving free rein to religious organizations to discriminate against TRANS people.

Since everything here is based on the laws of religion, you therefore oppress a massive number of people.

(Sol, 2020)

Evidently, Church and State should be separated in order for the State to do its job, in order for the state to do their job by monitoring the legal compliance of organizations; but society should also demand that organizations not discriminate against anyone based on their gender identity and/or gender expression. At the very least, organizations should implement more inclusive human resource policies and practices. We are not examining the inclusion of TRANS people at work or inclusive policies from a point of view that is for the benefit of organizations from a capitalist perspective of productivity, there are many studies that already speak of these benefits (some of them are mentioned in “Lesbian, gay, bisexual, and transgender careers and human resource development: A systematic literature review.” by McFadden (2015)). Instead, we discuss inclusion because it is the humanly and emotionally bare minimum thing to do. Furthermore, the abandonment and neglect shown in this study of the TRANS community by the State is unequivocal (also see Padilla and Rodríguez-Madera 2021).

4.1 | I Definitely Did Not Get the Job or Was Not Fairly Judged Because of My Gender Expression (Sol)—Defiance of the Gender Binary in the Work Environment in Puerto Rico

The TRANS community blames binary gender stereotypes in society and the stigma around the community for the community's inability to obtain employment. These stereotypes are the result of socio-structural and historical factors. The statement forming part of the title of this section was taken from one of the study participant's stories, shifting the focus from gender identity to gender expression. This is important, because it reveals the way that performing gender is attached to the social construction of that performance and how it fits in with others' perspectives (Dray et al. 2020). The incongruence of the assigned gender by others versus the real gender of oneself, judged only by clothes and appearance, produces violent scenarios for TRANS people. The TRANS community has the freedom to express their gender stripped from them by societal expectations based on the constructed gender binary, denying their autonomy and self-determination of gender (Butler 2004). People should have the right to express their identity however they wish without being penalized in/outside the workplace.

The gender binary imposed by colonization (Vaid-Menon 2020) is still latent in the experiences of TRANS people in the workplace. We can see how organizations' dress codes continue to be guided by a binary concept of gender and job seekers are expected to comply with the organizations' binary ideas (Levi 2006, 2008). Noncompliance with these predetermined ideas generates discomfort in job interviews for the TRANS community and lowers their chances of getting hired. Alternatively, to obtain a job, they must comply with the binary norms even if they do not want to (Jeanes and Janes 2021), but they do so anyway in the knowledge that compliance will increase their chances of employment. Even with gender being queer by its nature (Wilchins 2004), interviewers in the work environment appear to have a clear idea of how a woman or a man must present themselves and do not allow for other expansive ways of doing gender. Consequently, the TRANS community is penalized and violated for being themselves in the workplace.

Separately from the construction of the gender binary, another barrier to employment exposed by investigations into the experiences of the TRANS community in the work environment is the lack of inclusive policies in organizations (Collins et al. 2015; Ozturk and Tatli 2016), which is also supported by this research in the Puerto Rican context. Moreover, the minimal commitment organizations have with the TRANS community was uncovered, hence organizations fail to comply with laws that prohibit discrimination toward the community. All the life stories of TRANS workers in this investigation share the commonality of facing discriminatory behaviors in the workplace and interview processes. The need for a more inclusive HR department is evident, organizations should therefore provide gender-inclusive training as well as devise and enforce policies that contemplate the needs of the TRANS community.

The lack of inclusive policies and gender-inclusive trained professionals results in a constant invalidation of a person's

TRANS identity, leaving people vulnerable to discrimination and job inequality. The responsibility for creating a more equitable environment for the TRANS community lies with both the State by monitoring that organizations fully comply with the law, as well as with the eradication of the social stigma and transphobic attitudes of people who end up within organizations where they replicate these behaviors in the workplace. Below in Table 2, we summarize the level of discrimination faced by the Puerto Rican TRANS community and contribute participants' suggestions to allow them to enter the job market and create a more inclusive workplace for the community. Although each type of discrimination experienced by the research participants is linked to a recommendation to improve the current situation, we reiterate that both their experiences and recommendations are interconnected:

When asked for their recommendations to improve their employment and work-life situation, the participants pinpointed the foundation of the gender discourse in Puerto Rico and the creation of a more inclusive alternative to the contemporary binary gender reality, emphasizing the importance of education with a gender perspective. Furthermore, they understand the role that the State plays in the violation of TRANS rights, demanding their autonomy and self-agency, where self-recognition of gender is legally sufficient and incontrovertible. Participants also affirmed that discrimination occurs because there is scarce accountability and due process from the State toward Puerto Rican organizations. Finally, there is a re-claiming of their voices and struggles, where solutions should be proposed and implemented by and for the community. Rather than simply reforming the existing cisheteropatriarchal system, which is evidently unlivable, the Puerto Rican TRANS community invites us to replace the whole system:

It's straight up changing the book, it's changing the system, it sounds huge but it's straight up replacing the whole system.

(Sol, 2020)

5 | (Un)conclusion

To (un)conclude, it is necessary to specify that even with legislation prohibiting gender-based discrimination, society and organizations continuously infringe upon TRANS lives, both in and outside the workplace.

Reconsidering the queer methodology espoused by Waite (2019), we do not conclude this article, rather we open the door to further study and echo within academia the claims of the TRANS community in the street. The work experiences of these individuals reaffirm our commitment to denouncing and defending the rights of the Puerto Rican TRANS community, which continues to suffer workplace discrimination.

Throughout the article, we also discuss the barriers to employment that still exist in the recruitment and selection processes, where the TRANS community's right to access employment is restricted. However, we want to highlight that the TRANS community exercises coping strategies to overcome these barriers, for instance, using their chosen name instead of their legal name during the recruitment and selection processes.

5.1 | Useful Contributions

This research not only demonstrates the lack of awareness and understanding of diverse identities in the workplace but also

TABLE 2 | Types of discrimination in/outside of the Puerto Rican workplace and participants' recommendations.

Discrimination types	Recommendations
The level of ambiguity between what the TRANS candidate/worker expresses versus the social expectation of the gender read, creates a violent scenario, including stares, looks, and/or comments	“Education is key” (Uris, 2019)
Forced to engage in passing to hide or mask their TRANS experience against their wishes	There is a need for gender deconstruction through education, as not all the transgender community fits into the binarism (Queer Injection Conference, 2020)
Lots of misinformation about and stigmatization of the TRANS identity	
Fear and anxiety in the anticipation of what would happen if their TRANS experience were uncovered	“There is a very specific point which is the express (legal) recognition and that basically means that I introduce myself, I say, ‘I am Alex’ and I don’t need any document to back up that I am Alex to have legal standing as Alex. I think that, if that were the case, it would eliminate a lot of barriers” (Alex, 2020)
Denied access to employment	“There has to be a mechanism of accountability, such as investigations to ensure that there is indeed access to and protection of the right to education and work” (Lucca, 2020)
Labor exclusion, including positions of leadership, such as management and political positions	“That no decision-making about us can be done without us” (Lu, 2020)

Source: Elaborated by the authors.

exposes the lack of or minimal interest of organizations in complying with anti-discrimination legislation based on gender identity. This is why it is imperative that the State pressures organizations to adopt more inclusive recruitment and selection policies and more inclusive workplaces. Inclusive policies alone are not enough, it is necessary to actively and adequately implement them to ensure the inclusion of the TRANS community in the workplace as citizens of equal rights.

5.2 | Ongoing and Future Academic Contributions

This article contributes to the range of work that has already been undertaken regarding the TRANS community in Puerto Rico, but from a non-pathologizing perspective and focused on their particular labor experiences. It presents how the TRANS community suffers employment disadvantages from the first contact with organizations, for example in job interviews. We emphasize that although this study does not intend to generalize, a TRANS life violated is one too many. In the future, we hope to be able to investigate other experiences of intersectional oppression, for example, the work lives of neuro-divergent TRANS people. Finally, we would like to propose a conundrum: does the research regarding the TRANS community reflect the reality of their lives and advocacy? Is it committed to the denunciation and vindication of the rights that correspond to every discriminated group?

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Conflicts of Interest

The authors declare no conflicts of interest.

Data Availability Statement

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available due to privacy or ethical restrictions.

Endnotes

- ¹ This is a metaphoric way in Spanish of saying that we unveiled what the underlying problems were.
- ² *macharranería* is an adjective used for any person or act that is *machista*, in other words, a misogynistic behavior or act.
- ³ Acronym for Black, Indigenous, and People of Color.
- ⁴ We have decided to shift the letters in the LGBTQIA+ acronym to position the TRANS, Queer, and Intersex communities to the front of the discussion.
- ⁵ Abbreviation for Non-Binary.
- ⁶ The interviews were in Spanglish; we have translated them to English.
- ⁷ The researchers of this study did not receive any compensation to carry out this research, all the money redistributed to the participants came from the researchers' pockets.
- ⁸ The exact phrase mentioned in the Puerto Rico Constitution is: "in God Almighty, we trust."

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