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**Gender Barrier: A Qualitative Approach to  
Gender Issues Present in Social and Work  
Environments**

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Bachelor Thesis for Obtaining the Degree

Bachelor of Science

International Management

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Vienna, 08.05.2023

## **Affidavit**

I hereby affirm that this bachelor's thesis represents my own written work and that I have used no sources and aids other than those indicated. All passages quoted from publications or paraphrased from these sources are properly cited and attributed.

The thesis was not submitted in the same or in a substantially similar version, not even partially, to another examination board and was not published elsewhere.

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## **Abstract**

The following study is conducted in order to measure the perception and inclusion of gender diverse people within the structure of the Austrian workplace. Investigating its body, legislations, and legal policies. Furthermore, how gender diverse individuals' experiences are with respect to these policies, specifically within workplace. For long gender has been defined based on heteronormative norms that define "gender" as a function of sex concluding in the existence of only two binary genders of male and female forming the sexuality between these two opposing forces (Klysing et al., 2022). This heteronormative ideology rejects the non-normative or non-binary representation of gender. Hence any identity or expression of gender out of the context of heteronormative ideology is known to cause "gender trouble" due to its performative nature (Butler, 2006). Gender minorities are transgender people of either binary or non-binary gender identities plus intersex individuals. A deeper investigation will be conducted through a qualitative approach to gain perspectives of the lives of this minority group within Austria and how the society perceives them with respect to the inclusive laws and regulations set by the Austrian government. The results range from finding government trustworthy and helpful to completely the opposite by the majority.

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## 1. Introduction

Globally humans have many differences such as in race, language, religion, ethnicity, culture, and gender. The concept of diversity embraces and represents these differences. Research has proven that within a workforce, diversity results in more creativity, maximizing inclusion and minimizing resistance, boosting competition, and creating a change and providing opportunities that fostering positive human potential (Plaut & Sanchez-Burks, 2008). This study aims to expand on the position of gender diversity within Austria.

Gender diverse individuals typically resemble a small number in comparison to the population. The European Commission against Racisms & Intolerance (ECRI) reports that in Austria there are several hundreds of thousands of people in the LGBTQIA+, people of Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and more, population while the Global Population Review reports that less than 1% of the global population consists of trans and non-binary individuals (World Population Review 2022; ECRI 2015). In Austria however, there is little data on trans and non-binary individuals. Unfortunately, this data is even more patchy for intersex individuals. Hence there is a need for more research to better understand this topic.

Throughout this study, the aim is to focus on understanding the lives of these individuals and real-life issues that they deal with. This is to gain a better perspective in order to overcome the ambiguity facing these individuals within the society they live in. In the case of Austria, people who are trans and/or non-binary are recognized as a third gender, although, there are trans people of binary who are men and women. Individuals can officially change their names, documents, and gender marker in some documents for gender recognition. This research identifies 11 topics relevant to the lives of trans & non-binary and the issues existing within these 11 topics. The information gathered during the literature review allowed the researcher to create a questionnaire to further understand the experiences of trans, non-binary, and one intersex, individuals

within Austria. This is a qualitative study with expert interviews, the results are then analyzed through a semiotic analysis. This mode of analysis views language and other modes of communication as a social practice, representing a complex form of objects and entities in terms of social, historical, psychological, and contextual influences. Hence language and other modes of signifiers are, therefore, all tools perceived as semiotic resources (Kress & Van Leeuwen, 1997; Felicia, 2021).

## 2. Terms and Definitions

Terminology is complex and often perceived differently by individuals. Hence the terminology and definitions here are gathered through different sources and definitions and the understanding of each term highly depends on the individual's usage or understanding.

**Trans** is a term that took decades to get to what we now know as an umbrella term which can include all genders that are defined outside the binary norm. From 1970s the term **transsexual**, which solely refers to as a medical term, to those who used medical intervention as part of their gender expression, became less and less popular after Virginia Prince introduced the term transgender to explain her life as a different gender without needing medical intervention. Her work motivated others such as Kate Borstein, Leslie Feinberg, and Susan Stryker who all used the term in order to disrupt gender binaries, create movements and protests where people who were not comfortable with their own genders assigned at birth would march to fight binary norms, and some continued to write about gender whilst using the term trans(gender) to designate everyone who does not fit into gender binary norms (Darwin 2020). It is important to note, however, certain distinctions when it comes to defining trans as term by itself. While many trans people identify as trans binary such as a transman and a transwomen, some identify as non-binary within the trans umbrella. People may sometimes also refer to themselves as genderqueer, genderfluid, agender, or third gender (Kennis et al,

2022). Conversely, cis (gender), then refers to someone whose gender and sex assigned at birth align.

**Intersex** variations or differences of sex development includes a diverse set of congenital differences related to gonads, chromosomes and genitals that fall outside of the biological binary notion of female and male sex (Rosenwohl-Mack 2020).

**Gender identity** is then how an individual identifies their gender regardless of any connection to the sex they were assigned at birth. This term originated within the field of psychology in order to better understand the clear distinction between sex and gender. Throughout the study this term will be used along with gender expression or gender role as well (Serano, 2007).

Many trans and intersex people experience **gender dysphoria** from early on in their lives. Gender dysphoria is an incongruence between one's experience and expression of gender and the sex assigned to them at birth accompanied by mental distress, impairment in functioning within the social, occupational, and cultural environment in which they are placed (Koehler et al, 2018, Kennis et al, 2022). In order to alleviate, many trans people undergo gender affirmative procedures or therapies. Gender affirmation hormone therapy is when a trans individual takes hormones (either estrogen or testosterone) in order to more closely align with their gender identity, and gender affirmation surgery refers to any medical procedure done to bring the lived body experience closer to their gender identity (World Professional Association for Transgender Health, 2012; Kennis et al, 2022).



## 3. Literature Review

### 3.1 Gender Diversity

Diversity refers to any of the personality and characteristic traits that distinguish one person from another. In other words, it is the personality that gives one a uniqueness thus giving everyone a one-of-a-kind personality (Gardenswartz & Rowe, 2005). Diversity can be measured and defined along four different lines. The innermost core is the personality, itself followed by three more dimensions defined as internal, external, and organizational (Gardenswartz & Rowe, 2005). Therefore, everyone's uniqueness stands out, but in the other dimensions, there are shared traits or criteria that individuals can find similarity with allowing coexistence. Through such a form of coexistence basic human values are defined such as respect, trust, cooperation, truth, and loyalty (Gardenswartz & Rowe, 2005).

The internal dimension consists of age, race, ethnicity, physical ability, sexual orientation, and gender. These internal aspects are the basis of identity or personality which are almost impossible to interfere with. The external dimension which consists of income, religion, educational background, work experience, appearance, marital status, geographical location. These, however, can be influenced or modified up to some degree (Gardenswartz & Rowe, 2005). The organizational dimensions includes work content field, functional level or classification, division department, work location, management status, and union affiliation (Gardenswartz & Rowe, 2005). These latter aspects can easily be modified or adjusted based on one's preference.

As a result of this vast number of characteristics, it is natural to have some clashes in personality during societal coexistence. Due to the limited choices available to change our core, certain individuals experience discrimination and acts of such based on their core identity. Discrimination is being subject to demeaning and degrading behavior from another person on the basis of their characteristics such as race, gender, age, or sexual orientation. Research has

shown that discrimination has a close correlation with psychiatric disorders, Post-traumatic stress disorder, and trauma. This experience overtime increases the risk to mental health (Williams et al, 2019). The closer the dimension to a person's core the more difficult it is to adjust or modify.

This research aims to explore the gender aspect within the internal dimension of diversity. Gender is associated with sex to a degree. Sex is the binary designation of physiological and biological characteristics of people that include chromosomes, hormones, and reproductive organs. Gender, however, is the internal and deeply felt individual experience of gender which may or may not correlate with the sex assigned at birth (WHO, 2022). Each individual is born with and acquires each aspect of the dimensions already mentioned, but there are certain individuals who do not identify with the gender assigned to them at birth. Gender goes beyond what is binary defined as male or female to include non-binary and other trans identities.

### **3.2 Gender Diverse Practice**

Julia Serano defines gender diverse with a reflection of what the word has become today by comparing it to what was previously known as gender variant. This term gained popularity in the 2010s denoting trans and gender non-conforming children. The negative term "Variant" has now been replaced by gender diverse to be more inclusive (Serano, 2016). Therefore, anyone that falls on the non-binary line or seen as binary. Traits, attitude, appearance that does not resemble to what is binary defined as masculine or feminine. On a spectrum level, each individual has a unique ratio or combination of traits, attitude, appearance that on a binary are defined as masculine or feminine. The numbers of these individuals in comparison to the majority of the population globally taken is very low and estimated around 0.6-2.00% of the world's population (World Population Review, 2022). As minorities within each society there should be legislations to understand and protect these individuals. A society functions best where its members actively contribute to the growth

of diversity within its environment, instead of diminishing or undermining them through discrimination and similar acts (Williams et al, 2019).

Taking a workplace as an example of a small society. An environment where its members coexist and contribute to achieve a greater goal as a whole is more successful, each person contributing what is necessary with unique skills and inputs. On the other hand, in a work environment where discrimination takes place, will create disharmony and result in poor performance and less contribution due to the unsafe feeling or perception some workers receive.

In order to prevent complications of implementing gender diversity within firms, there should be the implementation of policies within the workplace that will not only educate its members but also make them aware of how to approach these topics within wider society. Hence, the government's input is immensely important. Many companies must follow or educate their employees as long as a new agenda or policy is set, yet many still fail to accomplish these policies. (ECRI, 2015).

Some firms outsource this responsibility to other companies that tend to educate employees about CSR (Corporate Social Responsibility) and topics regarding gender diversity, such as the language used, how to address other individuals without being offensive through language and behavior. These measures, however, are the responsibility of everyone. Everybody must follow the same guidelines regarding proper language people, both binary and non-binary. As of July 1<sup>st</sup> 2004 Austria, among other EU Members, implemented the Equal Treatment Legislation Act (Sozial Ministerium Labour, 2019). which besides equal treatment for men, women, and trans people also extended to include some of the internal dimension of diversity including age, beliefs, ethnicity, sexual orientation plus religion which falls into the external dimension (Sozial Ministerium Labour, 2019).

### 3.3 Discrimination & Similar Acts

Discrimination is defined in different ways: direct and indirect discrimination. Indirect discrimination here refers to discrimination taking place on a third-party count. An advertisement stating “no foreigners” is an indirect act of discrimination towards ethnicity. Instructing discrimination is the act of teaching others to discriminate against individuals based on their own beliefs such as a hotel owner making sure all employees exclude same sex couples from the hotel. Other forms are discrimination by association, harassments, and sexual harassments. Discrimination by association includes more of direct or indirect form of discrimination. In some cases, there could be Positive Discrimination taking place, this is where steps are taken in order to eliminate unfavorable treatment or any injustice to certain groups. An example is when an educational program designed for specific individuals (Sozial Ministerium Labour, 2019).

Besides the Equal Treatment Legislation Act established by the Sozial Ministerium Labour Austria, there were three other projects planning mainly to promote gender diversity policies which included the GenDIV (2013) collaborative learning for Gender Diversity in decision makings, GenCo (2011) improving the competences of people responsible for personnel development in private enterprises and higher education with respect to gender equality, and GED-PLAN (2008) gender equality & diversity planning in the workplace requiring the need for employers to have a qualified consultant on gender diversity & equality to promote this topic in a systematic and planned way (Sozial Ministerium Labour, 2019).

Gender diverse people are generally more prone to discrimination, even though each country, to an extent has equal treatment and anti-discriminatory laws, These individuals are almost always subject to some discriminatory behavior. In 2015, one of the largest transgender studies ever conducted, including 27,715 gender diverse people within United States, revealed the

substantial amount and different modes of discrimination these people face (James et al, 2015). The results revealed that 54% had been verbally harassed within society, 52% had been harassed simply based on the expression of their gender identity, 24 % reported being physically attacked, while 13% had been sexually assaulted (James et al, 2015).

Not only do some of these behaviors take place every day for some individuals, but they are also continuous for others in the workplace and within the domain of work, 49% reported prevention from promotion within their career, 43% were fired due to their gender identity and it being the motive for them being dismissed, and 39 % reported of discrimination and refusal within the application and hiring process (Morrison, 2018). Healthcare is another important area, where gender diverse people also get discriminated against besides the general public and work environment. Healthcare is important for every person, as it is to every gender diverse individual as well. Trans, intersex, and even some non-binary individuals are in a continuous process of gender affirmation. This requires close care and supervision both mentally and physically. Gender Affirmation Hormone Therapy (GAHT) or Gender Affirmation Medical Treatment (GAMT) are the suitable treatments trans and intersex people mostly require. Yet there are few healthcare systems and knowledge sources available to these individuals. The 2015 US national surveyed revealed that 24% of the participants reported teaching their health experts about trans-related issues in order to receive proper care, 15% experienced invasive or unnecessary questions regarding their gender identity, while 8% were denied getting any GAMT (James et al, 2016).

### **3.4 Gender Recognition & Visibility**

Since 2012 reports throughout EU have shown that awareness and visibility have led to discrimination and violence against these individuals face. Trans and intersex people face continuous social, legal, and economic challenges by not being covered by Gender Equal Treatment Act (James et al, 2016). In 2015

The European Commission published a list of actions required in order to advance equality for trans, intersex, bisexual, gay, and lesbian individuals in all the 28 EU member countries by improving their rights and ensuring legal protection plus monitoring their existing rights. This topic, however, has been looked over by the members as more of a medical case with regards to gender affirmation making the trans community's visibility nothing more but a medical case. Many trans and intersex people have difficulty accessing proper healthcare as well as suffer from constant discrimination.

In EU alone only 13 countries out of the 31 member states recognize trans and intersex as a gender identity or sex characteristic, depicting the need for the realization and acceptance of these individuals' existence in the first place (Brink & Dunne, 2018). Therefore, making the equal act and discrimination protection mainly for people of binary genders. While this is socially, legally, economically pushed back for these individuals, as a result they face even more challenges while coexisting in the current societies. One major issue these individuals face, is the lack of health and medical care provided to them. On the other hand, if a country does provide medical benefits, it often results in long waiting times and incompetent services. Belgium is one of the countries in EU that does provide specialized medical care for trans and intersex people, however.

Besides the waiting time that some of these people need to endure, there are also the costs. The costs of completing a transition with a gender affirmation surgery will not be possible for many trans and intersex individuals due to the poor environments and opportunities given to them. Due to the stigma present most of these individuals may not have proper access in the job market and when they do, they face major challenges from work and society. As a result, many cannot afford the extensive costs of treatments required for transitioning (WPATH, 2012). This has resulted in cases where people seek out other nations in order to complete their medical treatments. Resulting in furthermore difficulties such as travelling, recovery, and foremost legal recognition of the

sex change for documents. Some countries still do not allow changing of documentation based on gender identity. Many still in the EU hold the same laws, making everyday encounters and life errands even more difficult due to incorrect documentation. In other words, recognition and visibility go hand in hand. One is recognized through visibility, however, in the case of gender - diverse people this might function adversely. If the society does not support freedom of gender expression, then all who fall out of the cis normative gender binary system will be subject to false representation of visibility and even violence, preventing gender diverse people from form taking their place in a wider society.

### **3.5 Battle for Recognition**

Humans are complex creatures with distinctions and differences. Biologically there are gender diverse people from birth. For some, this has to be proven through close monitoring and tests in order to prove legitimacy. This is something that ranges among people. Some who might identify as trans or non-binary, might not have enough of one hormone to be considered biologically “divergent” hence trans people need to go through tremendous processing of tests and some 60 hours of therapy sessions in order to be approved for the gender they assign to be (WPATH, 2012). There’s more, these are the first steps possible if the country of residence does provide these steps. Afterward it’s the legal matters such as name change, documentation, and recognition from the law. The basic needs of any trans and intersex individual within the EU is their legal gender recognition, protection within employment and education, access to healthcare, social security, services and goods. For so long, historically gender and sexuality has been a topic of private matter. Something many would not discuss out in public. In this age legal gender recognition is of extreme importance. Through greater public awareness and understanding of trans and intersex people, sadly there have been rising number of incidents and victimization from people imposed on these individuals within EU (EU Commission, 2022). Therefore, it is

necessary for these people to be legally recognized so that the mass number of society will start this acceptance officially and legally. Hence making this awareness and understanding of these individuals legitimate through frameworks and norms in society. It's the long shaping of these hegemonic norms embedded within societies that serve as main preventive factor to gender neutrality.

The Trans Pulse Project in 2015 revealed a sequence of trans negativities such as 67% of the participants reported avoiding public spaces and situations simply because of being trans and the fear of harassment and violence, while having the fear of being outed, 21% have refused to seek medical and emergency help even in moments of need due to the same fears, 65% have seriously contemplated suicide more than once, 66% reported with clinical depression.

### **3.6 Protection Laws**

This section explores the contribution of four institutions across the Council of Europe in promoting trans and intersex equality. They are the: (1) European Court of Human Rights; (2) Committee of Ministers of the Council of Europe; (3) Parliamentary Assembly of the Council of Europe;<sup>59</sup> and (4) Commissioner for Human Rights of the Council of Europe.

Legal Gender Recognition is another important topic when it comes to the rights of trans and intersex people. Being legally recognized will allow trans people to maintain their trans history and will allow intersex people an inclusion within society which is not required through discretion. This recognition will further allow third parties to acknowledge the existence of these people which could be a factor to decrease discrimination and violence these people face on daily basis. This will make other parties in healthcare, work, and education more aware of these individuals which will allow trans and intersex people to receive proper care and services just like every other human as their basic needs.



In 2018, a study called Trans and Intersex Equality Rights was conducted in order to examine the legal rights and protection trans and intersex people have across 28 EU states and EFTA. Discussing the international and regional protections, EU legal framework and case law, legal gender recognition, specific non-discrimination grounds, healthcare, education, employment, and retirement plan. Austria is one of the states where there are both binary and non-binary gender recognition procedures. It is however important to note that across all 28 EU states plus the 3 EFTA states, that Austria, Germany, and Malta are the only three states where being non-binary is officially and legally recognized (Brink & Dunne, 2018).

Nevertheless, most of these states who have this recognition, require individuals to go through a judicial system to stand before the judge and the state in order to be officially recognized. The decision to go in front of a judge in a court can be very time consuming and will require someone to be properly familiar with the legal rules and rights present within that nation. The majority of the people require legal assistance, which can be financially expensive, and this is just one of the economic difficulties these very individuals currently face, economically considered as well. Hence, this procedure becomes too much to bear.

In 2014, Denmark became the first country to introduce the self-determination for people over the age of majority. Self-determination requires individuals to submit a statutory form declaring that they are in tune with the gender they wish to be recognized as (Brink & Dunne, 2018). This results in the minimization of some of the unendurable procedures trans and intersex people face based on a judicial recognition. First, time spent on gender recognition is reduced greatly. Second, financial stability is provided through submitting a form rather than hiring a legal team to go to court. Third, self-determination is a symbolic act for trans and intersex people, allowing them to have sovereignty over their recognized gender rather than being subject to third-

party scrutiny. Austria is among countries whose high administrative court has condemned the obligatory removal of primary sex characteristics as a discriminatory and inhumane act. Although many states have rejected the recognition of gender through surgery and sterilization throughout the years, but a diagnosis and other medical treatments like hormone therapy remains more common.

Diagnosis is when applicants are required to obtain diagnosis in either gender dysphoria, gender identity disorder, or transsexualism. Although this seems to be better than sterilization and surgery, nevertheless it leaves an impact on trans and intersex people who need to independently receive gender recognition and still would require external supervision (Brink & Dunne, 2018). In 2017, Austria and Germany both adopted a law that benefits not only intersex individuals, but also those who identify as non-binary with a real relation to their social lives. Besides including trans and intersex categories in the national equality and non-discrimination frameworks, Austria has made no specification for gender confirmation nor gender identity and expression. There are numerous cases where individuals who are within the transitioning process and face discrimination but could be dealt differently depending on how sex-discrimination and equal treatment is viewed in one country. Within the EU, in order to receive an equal treatment compensation one legal gender must be compared with another legal gender, which raises difficulties for many trans and intersex people within the transitioning process and those who require gender recognition. Cases vary between trans individuals comparing themselves to cis individuals of the opposite legal gender and trans individuals compared with cis individuals of the same legal gender (Trans and Intersex Equality Rights, 2018).

### **3.7 Healthcare**

Access to healthcare is a crucial part of transitioning for almost every trans person. Access to healthcare is defined as the “timely use of personal health

services to achieve the best personal outcomes” (Institute of Medicine 1993, p.4). Prior to receiving a gender affirmation surgery, one must have this access. It is expensive and not accessible everywhere. As a result, many either cannot afford medical care or are prevented from getting it, and some due to gender disclosure in order to avoid discrimination. If the medical care is delayed, it can lead to poorer physical and mental consequences (Kcomt et al., 2020). With respect to the term cisgender, cis normativity can be defined as a system of marginalizing transgender identities, through representation of cisgenders as the only and normal existing gender (Bauer et al., 2009). Some healthcare centers might be so unprepared to even receive a transgender patient seeking medical aid, because of cis-normative assumptions. These assumptions result in ignorance and lack of knowledge towards these groups, which are preventive factors in conducting further research.

Across the EU access to healthcare is present for many trans and intersex individuals, however, there are few health and medical centers specializing in gender affirmation therapy. Healthcare systems work closely with insurance and private companies, who offer different packages fit for individuals. Long waiting times, insufficient funding, and insufficient medical specialists results in many of these individuals to seeking treatment either outside of EU, which is not only time consuming and expensive, but it also adds difficulties in the recovery period and time away from home or must to go to EU states which have a proper care system for trans and intersex individuals, Belgium in this case. However, EU residents who seek treatment outside their state in another state require an expert declaration clarifying their state to gender affirmation which usually results in a breach to provider or receive treatment across states (Kcomt et al., 2020). If an individual goes outside the EU for treatments, then they face the difference in costs, lack of insurance support, or not fulfilling the requirements to be legally recognized within one’s own state or nation. Legal fundings in this case are also rare as each state’s laws and regulations differs (Kcomt et al., 2020).

When it comes to healthcare for trans and intersex people, almost all the states provide gender hormone therapy and medication but when it comes to surgery, many states require a long waiting time and in some instances many people are rejected for surgery. Bodily modifications cannot only be granted to trans and intersex people, and some argue that gender diverse people do not require such treatments in the first place. In cases of transwomen who require breast augmentation, it can be argued why is then breast augmentation not granted to all women, whether cis or trans (WPATH, 2012). Due to comparisons like this and little case laws, it is difficult to draw a clear line between specifications for trans and intersex people and those for cisgender people, but with further research we can aim to prevent discrimination within healthcare. It is important to note that trans and intersex people still are subject to discriminatory behavior, even when they seek health care. There should be guidelines for how someone communicates with all of their patients, especially those who fall into the minority groups.

Healthcare is a safe space, to an extent, depending on how informed the healthcare professionals within one space are regarding gender diversity and trans-specific topics. This is a reminder, that all of these individuals are vulnerable being as long as the healthcare journey and transition continues. Therefore, its mandatory to have healthcare professionals who aid and support rather than being discriminatory and degrading towards the mental and physical health being of these certain individuals. In 2020, a study conducted by Burgwal and Motmans measured the rate of helpfulness and efficacy available to trans and gender diverse people and factors that prevent them from approaching or using healthcare. While indicating major differences between the treatments sought by binary and non-binary individuals, more than 50% of the respondents reported delays or not seeing a doctor more than once, 56% of trans people have reported being afraid of being treated badly, while 44.7% of trans and 36% of gender diverse people said that they did not want to disclose their gender identity/background in order to prevent discrimination. Compared to other gender diverse individuals, trans people

have reported visiting more health care, and trans-specific healthcare systems. Reports from this study reveal, that generally trans people of binary background of gender tend to use a more trans-specific healthcare system, while most of non-binary individuals prefer to seek professional help for mental health assistance, hormone therapy, and record of chest surgeries. Some of the most common treatments identified are: mental health assistance, hormone or puberty blockers, hysterectomy/ovariectomy or orchidectomy which is the removal of uterus/ovaries or testes and lastly genital surgeries (Burgwal & Motmans, 2020).

### **3.8 Employment**

Just like every other person, trans and intersex people have the right to employment and respectively retirement and pension bonuses. This does, however, differ with what the state usually deals with in the job market and how employers and colleagues behave in this matter. There are reports of discrimination and dismissal from employers directed towards trans and intersex individuals. Also, incongruent documentation makes it more difficult to enter the labor market, and many trans individuals are subject to discrimination perceived from employers. The European Union Agency for Fundamental Rights reported that 54 percent of trans people have been discriminated against and harassed due to being simply trans. Another survey across the U.S. included 6,436 transgender women and men where 50 percent reported experiencing harassment in the workplace and 44 percent were discriminated against in the hiring process based on their identity (Granberg et al., 2020).

Many face these discriminations from the hiring process all the way to retirement. If a trans person seeks sick leave or paid medical leave, most employers do not recognize gender affirmation therapy and surgery as a medical rather than cosmetic surgery and medical requirement. Hence, there

are reports of many trans people seeking their treatments during the time of their holiday to avoid such issues and an unwanted coming out. Other issues consist of colleagues continuously harassing trans and intersex individuals and never facing the consequences. There are other cases of discrimination, like that of the Austrian court which refused to give early retirement to a trans woman who had worked formerly as a cis man but after transition was subject to early retirement just like other women but was refused or vice versa.

Although non-discrimination acts and laws are present in each state and the job labor market, still many trans and intersex individuals choose not to report these harassments and issues they face at work, only to keep their jobs and a secure source of income and basic medical benefits (Jones, 2020). Hence once again these individuals must continue to live under laws and regulations that fail to protect them just like every other citizen. Although Austria is one of the states that embraces the idea of and protection of gender identity, gender expression, and sex characteristics through introducing a legal third gender which also includes non-binary people, the majority of the other states fail to even recognize non-binary or third-gender people officially. Ruling out the binary 'sex' perspective shared throughout the EU which tends to be a dominating perspective across EU (James et al., 2015; Suárez et al., 2022). Hence national judiciaries are obliged to engage with experiences beyond the binary gender of male and female and how does the sex discrimination acts cover and protect these specific people. It is important to mention the assumptions and favors towards cisgender norms in policies and practice. The cis population does in fact make up the majority of the working population, but the existence of discrepancies between gender diverse and cis gender people in protection lead to trans employment discrimination resulting in economic crises, poorer mental and physical wellbeing. Research has shown that trans and gender diverse people color of other ethnicities and backgrounds to white people experience even more of discriminatory behaviors and barriers to taking their place in a wider society (James et al., 2015; Suárez et al., 2022).

### 3.9 ‘Gender Critical’ People

So far, the challenges gender diverse people face being present within a society in general have been mentioned, and so far the reason why these individuals lack having the basic rights compared to other citizens mainly reflects on the fact that these people are minorities, and other people have not really had the need to become or make themselves aware of this topic.

Collectively trans people have more visibility than intersex individuals and that is due to trans people fighting for their rights and many of those have lost their lives during this process. Besides the fact that trans and intersex people are more likely to be hindered or abandoned by their families, they are also set back by both women and men in wider society. Throughout recent decades, feminist movements have accrued to women to many rights they deserve, however some of these feminist leaders and writers did not consider trans people of either side a of the gender binary (Hines, & Sanger, 2010).

In the 1980s Janice Raymond, was one of the writers who argued that trans women are “servile constructions of patriarchal medical system”. This was an argument that was supported by many other feminist writers and activists such as Jeffreys, Greer, Blindel (Hines, & Sanger, 2010). She argued that feminist movements are for women and however the term ‘woman’ is defined, in Raymond’s eyes transwomen at any point are not women, neither biologically or psychologically, and this claim is supported by her and her followers and writers within the same field. Intersex individuals, in contrast, might receive more signs of understanding and less exclusion compared to trans and non-binary individuals simply based on biological reasons. However, through continuous debates around this topic the rise of TERFs became a continuous issue for trans and intersex community. TERF refers to Trans-Exclusionary Radical Feminists (Hines, & Sanger, 2010).

It should, however, be argued that women and the gender diverse community receive somewhat similar backlashes from society. These groups are all subject to discrimination and harassment, both sexual and non-sexual,

violence, exclusions within and outside of society, the job market, and unemployment including benefit rights. Throughout the human history, movements, protests, people have fought for their rights together in order to reach a common goal that benefited not only many during a certain time, but also for generations that came after. If these groups had failed to unite there would have been different consequences. In 2002, Wilchins argued that transgender people have much to offer feminism as “gender queerness would seem to be a natural avenue for feminism to contest woman’s equation with nurturance, femininity, reproduction or in short to trouble the project of Man.”

Judith Butler describes gender as something socially constructed with sex as just something biological. Furthermore, gender correlates with desire, urge, sex, and gender itself to shape something beyond what the sexed body serves. If gender comprises the cultural meanings that the sexed body assumes, then a gender cannot be said to follow from a sex in any single way. Assuming that gender is a cultural interpretation of sex, influenced by generations of cultural beliefs, then one proudly represents their gender besides the biological sex assigned to them. It might appear difficult to think as gender of something that is constructed rather than fixed and determined just like sex. In the book, *The Second Sex*, Simone de Beauvoir argues that a woman as an example is not born just a woman, but rather grows into becoming what a woman is or is defined as (de Beauvoir, 1973). Hence if gender is something constructed then following de Beauvoir mentioned, anyone can become a woman regardless of their sex. Butler, however, argues in her book *Gender Trouble* (1990) that gender typically is constructed through identity, attraction, and expression in comparison to the fixed biologically defined Sex. Butler introduced the term gender performativity, where individuals are subconsciously expressing their gender from early on in life. Social conditioning hence plays a great role in how one interprets their subconscious sex. As previously discussed, the differentiation between sex and gender is obvious in the case of gender diverse people in comparison to cis people who merely live a life of perfectly socially constructed definitions of what gender means in terms of a close correlation to



sex. While others, continuously struggle to live with such norms and definitions of gender. Hence gender is uniquely and distinctively defined by individuals themselves, while sex tends to be biological equally shared. Hence gender is a performance in life which each person performs with respect to their attitude, beliefs, expression, and inner identity.

The intrinsic inclination model introduced by Julia Serano in 2007, which is compatible with what Butler has previously argued. Serano argues that if one's gender expression or gender performance results in satisfaction, this means that their subconscious sex and social constructed gender identity fit perfectly regardless of what a society defines as gender. (Serano, 2007) as some people are intrinsically inclined to some of the behaviors that make up one's gender.

### **3.10 Passing**

The concept of passing can be described as a combination of a put together expression of gender identity through looks, attributes and skills resembling cisgender of female or male expression intersecting with societal ideas about race and age. Passing as a young Asian woman requires specific and certain characteristics and behavior within the society. Hence the topic of passing is eminent or primary to transition. The more one is passing the less is the possibility of being misgendered, discriminated against, harassed, and even abused. Passing extends to a point in transition where one reaches a "stealth" position. Stealth refers to a gender diverse person reaching the status of social intractability and exchange without being recognized as trans or gender nonconforming. In attempting to avoid prejudice and discrimination, therefore, sometimes stealth is the intentional efforts intended to pass as cisgender or treated as such. Just like stealth is a situation or an environment in which a trans identity exists as hidden, "deep stealth" refers to an individual where they are stealth from literally everyone they come across, ever single individual who does not know the trans identity of a person. To be or remain in deep stealth mode requires a significant amount of work, including

remarkable efforts in looks and the exterior persona, interactions, and communications plus all sorts of cognitive accumulated gender behaviors and most importantly how to deal with governmental bureaucracies in order to change all the documents necessary for stealth or deep stealth (Fogarty & Zheng, 2018). Although passing helps keeping a stigmatized identity hidden in this case, it is important to mention the mental and physical distress it causes in the long run. Not only are trans people already stigmatized and discriminated for not passing, but they must also nevertheless continue to add on more distress in order to fit into a cis-normative society that simply just does not know better.

Not every gender diverse person feels the need or urge to pass as well. Within a binary concept of a gender consideration, passing would make sense but out of the binary concept passing does not fit any agenda. The real questions is why do these individual need to pass to live a “normal life”?

To truly understand the spectrum of trans identities, we should reevaluate common ideas and opinions about gender binary and identity politics. In her book *Bodies That Matter* (1993) Judith Butler argues, if the term “queer” give rise to many disputes, then most likely it should remain what it is and was, within the present and never fully owned, but always and only “redeployed, twisted, and queered from a prior usage and into the direction of urgent and expanding political purposes” (Butler, 1993, p.228; Fogarty & Zheng, 2018).

### **3.11 The Obsession with Toilets**

This topic is one of the most controversial and notorious topics for gender diverse people. Many transgender people face some of the difficulties mentioned so far such as harassment and violence once they use public bathrooms. Such a backlash leaves detrimental damages on these individuals, being denied the access to a public bathroom can physically damage one’s body such as contracting kidney infections, moreover the mental aspect of this prejudice is seen everywhere, in public, at work, and even school. This adds to

the accumulation of prejudice one already faces and therefore this accumulation exceeds to causes even more mental damage (Williams et al, 2019; James et al, 2015). In March 2016, the state of North Carolina passed a law preventing transgender people's restroom access, this was followed by 23 other states in the United States. The results from the 2015 US national survey concluded that 59% of gender diverse people avoided using public bathrooms out of the fear of facing problems, 32% limited the amount of food and drinks consumption to avoid using public bathrooms, 24% responded facing challenges or questions regarding their gender within public bathrooms, 12% reported being harassed, discriminated against and physical attacked or sexually assaulted while using public bathrooms, and 9% were denied the rights to use a public bathroom (James et al, 2015). Considering that a bathroom or restroom in context is just a toilette, then the emphasis of gender into this context is irrelevant. The earliest record of sex segregated bathrooms dates to 1739 in Paris by the upper class to separate themselves from the lower class and this continued so throughout Europe (Patel, 2017). Furthermore, this concept continued globally after mainly the colonization and involvement of the white people in Africa segregating themselves from indigenous people, and in the US from the African Americans at the time. Today bathrooms are still segregated based on sex, Potentially discriminating against gender-diverse people.

#### **4. Methodology**

So far, the literature review has unveiled that gender diverse individuals' experiences are complex in comparison to other groups within our society. Hence in order to get a deeper insight of how truly these individuals' experiences reflect to the topics mentioned above, a qualitative approach was taken with expert interviews through which, each gender diverse person's experience unveils the aim of this research, i.e. to find out how inclusive the Austrian laws and society are in perception of these individuals, to find out

different modes of discrimination faced on the basis of gender identity and expression, personal work experience within the Austrian society. These expert interviews were conducted face-to-face with each person to get a deeper understanding of their social and professional life experiences as well. To do so, 15 participants contacted the researcher to provide expert interviews.

#### **4.1 Procedure Overview**

The topics discussed within the literature review identified some of the main obstacles and needs of gender-diverse people. A questionnaire dealing with the topics discussed was created consisting of 19 questions: 13 short answer and 6 open ended. Each question captures the essence of each topic, some also combining other topics together in one. The questionnaire was created manually, and the participants were invited to participate in the study through contacting gender-diverse institutes and assistance centers. These places include doctor's offices specializing in trans and gender-diverse people, as well as community and social gathering places for gender-diverse people. Within these centers the participants chose to freely contact the researcher freely through a poster made available. The interview process was available in two languages, English and German. While most of the participants could or had a sufficient knowledge of English language, some chose to conduct the interview in German in order to better elaborate on the topic and express their ideas and experiences.

#### **4.2 Population, Sample, and Data Collection**

A sample of 15 people self-selected for the data collection. Each person contacted the researcher through email. A total of 7 institutes and assistance centers were contacted in which participants freely chose to participate in the

study. After receiving the initial contact from them, the outline and relevant information and requirements regarding the interview was provided. Based on the preferred language, the rest of the interview, introduction, and exposure to the topic were provided in the language the participant felt comfortable with. The entire process of gathering and completing the interviews took one month. Each interviewee then chose an appropriate time and date for the interview and also chose whether to conduct the interview in person or virtually. Hence the process of data collection through expert interviews provided the opportunity to learn directly from the experiences of 15 gender-diverse individuals, all who were actively engaged in the job market within Austria.

### **4.3 Questionnaire**

The initial questionnaire was created in English and then translated into German for those interviews to be conducted in German. The interviewees were asked mainly to reflect on their experience of discrimination in social and work environments and how these experiences have shaped their social status and perspectives on the gender one they live in. Furthermore, the topic of gender recognition and visibility was discussed in order to understand the depth of gender-diverse visibility within the workplace and society. Interestingly, the topic of visibility resulted in disparate set of opinions which will be discussed later. The participants reflected on protection and inclusivity laws and how familiar they were with them, or if they believed in the degree of protection and inclusivity created by the government and the politicians. Each participant's definition of self-identity and the gender evolution remarked the importance of this phenomena and the lack of knowledge and reflection required of society and most of the population within it. Other important topics such as gender diversity and its importance were highlighted through the opinions and experiences provided directly by gender-diverse individuals.

## 4.4 Table of Themes

The table below summarizes the information collected during the interviews in which the topics mentioned above were implemented to address some the themes that were present or introduced once all the interviews had been analyzed.

Table 1.1

Gender & Pronouns	Out/ Not out	Trust in Gov.	Solutions	Themes	Gender Diversity Importance	Discrimination	Work status
1. Trans Man (He/Him)	Yes	Yes	Stop stereotyping gender roles at work & soc. -Provide a mix of colleague from gender -Neutralize responsibilities to avoid gender roleplays	-Gender role stereotype Male responsibilities -taken more seriously -respected -Involve media into creating more communication to the topic -	Important + Visibility	Both society & workplace however less due to being masculine	A positive sort of growth at work and b his peers after transition
2. Agender (They/Them)	Yes	No	Remove gender as a mean of statistic -Outside medical context gender plays no role in defining identity -Teambuilding -Educate and use workshops Explicit and clear laws Education since early age	Representation of non cis identities -Non cis gender people with cultural, racial, religious, etc. backgrounds	-Crucial to diversity itself through exchange of experience from one another -Represent as many identities as possible to enhance diversity	Workplace, society, Direct, Misgendered -A factor that prevent them to seek work or much social exposure Stigmatization	Previously worked -Preferably not due to social difficulties on gender basis
3. Fluid (They/Them)	Yes	No	Have political campaigns as means raising awareness on the importance of pronouns -focus on language and means of reshaping neutral language and spoken language	-Gender & Identity are independent -Importance of pronouns use -Media & social media as direct educational platforms	Important + Visibility -Finds Austria a growing country in this topic.	Stereotypical judgment & misgendering based on appearance -fear of getting misgendered -Law case -Healthcare	Previous experience -Prefers self-employment -similar experience of social discrimination -disinterest
4. Non-Binary (They/Them)	Yes & no	No	The topic needs to be more discussed publicly -Lack of gov' involvement	Still an unknown phenomenon to the public -Need for clear laws and rules	Important + Visibility -When the Gov. supports gender	Stereotypical judgment - Gender role stereotype -Misgendered	Actively working -feels the lack of knowledge and

			-Use media and other outlets to raise awareness	presented directly from politicians -Acceptance and Openness	diversity hence the job market is obliged to embrace more gender diversity		information from staff on higher levels -
5. Trans Man (He/Him)	Yes	Yes	Neutralize gender as a mean of identity	Gender role stereotype Male responsibilities -taken more seriously -respected	Important + Visibility	Both society & workplace however less due to being masculine -received homophobic comments	Actively working - Conservative workplace -
6. Trans Woman (She/Her)	Yes	Yes	Provide an information source at companies -Use work environment to expose people to gender diversity in order to enhance and practice acceptance and coexistence	Better experience though diversity -societal exposure in work environment -raise coexistence through providing cooperation at work	Important + Visibility to an extent. Increase diversity to gain more perspective from individuals -practice the actualized laws	Positive experience -mild misunderstandings from public due to figure of speech	Actively working - Differentiate gender from sexuality.
7. Non-Binary (No pronouns)	Yes	No	Diversity intersectional Trainings at workplace as mandatory -Gender Diverse infrastructure -Have political gender diverse representation	-Education -Trainings -Maintain strict Code of Conducts -Actions and consequences -Post Gender	Important + Visibility But no emphasis on too much exposure	Homophobic treatment -Gender stereotyping -Misgendering and deadnaming must be punished	Actively working - Conservative workplace
8. Non-Binary (They/Them/She/Her)	No	Yes		Education			
9. Intersex (No pronouns)	Yes	Yes	Provide information sources in firms	Public involvement Education & early education	Important + Visibility -Interactive working	Mild & verbal discrimination -misgendered	Actively working -Promoting gender



			-mandatory trainings -Consequences from discrimination		situations to normalize gender diversity	- Stereotypical judgment	diversity at workplace
10. Non-Binary/Fluid (He/she/they/Him,Her,The m)	Yes	No	Form a gender diverse party -have gender diverse people advocate and promote general topics	Much more public and Gov. involvement -Post Gender -reshaping gender norms. Specifically at work and professional settings	Important + Visibility - psychological approach -reshape male & patriarchal norms	Mild to physical violence on the basis of gender expression	Actively working
11. Trans Woman (She/Her)	Yes	Neutral	Normalize gender diversity -Post gender work -equalize binary vs. non-Binary -Use media as means of promotion and communication	Have jurisdictions and states follow and promote Diversity based on regional attitude -Bathroom topic - Reclarification of laws and implementing them loud and clear	Important + Visibility - Interactivity & coexistence	Mild & verbal discrimination -misgendered - Stereotypical judgment Mistreated & fired from workplace purely on the basis of gender expression	Previously -currently unemployed -no interest in pursuing a job other than financial motivation and needs
12. Trans Woman (She/Her)	Yes	Neutral +	acceptance and coexistence through exposure and cooperation - Acknowledgement - Intention is different than action to avoid misunderstanding	Gender is a spectrum -Gender is independent factor from defining identity - Can credibility influence acceptance? - Exposing cultures to each other	visibility in the everyday society - Important + Visibility -It takes a generation to change a culture	Support from significant people plays a huge role in transitioning -Holding politicians accountable for open academic and analytic debate.	Can credibility influence acceptance -Expose workforce to LGBTQIA groups and dedicate an image.

13. Fluid (He/she/they/ Him,Her,The m)	Yes & No	Neutral					
14. Trans Woman (She/Her)	Yes	No	need to implement and monitor when it comes to gender diversity in workforce. -Post gender -Reform media landscape	Clear cut guidelines & policies -Gender Performance -Biological sex vs. gender -Norms built on biological sex grounds rather societal norms	problematic consequenc es with misinformat ion through massive increase of visibility in media & social media - Generational influences on shaping gender binary norms.	Holding politicians accountable for open academic and analytic debate.	-Expose workforce to LGBTQIA groups and information sources - practice gender diversity -mandatory workshops -clear set o consequenc es
15. Trans Woman (She/Her)	Yes	Yes	Early education -Have Gov. directly monitor workforce for further implementation -Post gender	Reshape gender norms -Reclarify discrimination and inclusion laws	Important + Visibility - reshape male & patriarchal norms	Misgendered - Stereotypical judgment Mistreatment -On a daily basis	-Faced hiring discriminatio n -preventive factors due to gender expression -have high manages formally introduce gender diverse people or le them inform others.

## 5. Textual Analysis

### **Q.1, Q.2, & Q.4 in order: “Do you Identify on a gender binary?” “Do you want to state a gender?” & “Which pronouns do you use?”**

These questions all identified gender diversity on three different scales in order to understand the participants knowledge on gender, binary concept, and their own understanding of gender in order to dig deeper into gender identity. Through these three questions, the 15 participants not only identified their gender and pronouns, but also their approach to the binary concept. Although, Table 1.1 outlines the answers and basic gender identity of the participants with respect to questions 1, 2, and 4. Not all the non-binary individuals identify as neither male nor female. Certain distinctions were drawn in order to answer these questions. Two individuals identified themselves as “gender fluid” rather than “non-binary” but with different pronouns. One with “they/them” and the other including all the pronouns, “he/she/they/him/her/them”. Interestingly, non-binary individuals do not all identify as “non-binary”, in comparison, all of the trans people interviewed for this research all tend to identify in with a binary gender identity with distinct pronouns specific to their gender. Two of the participants chose not to have any pronouns, one non-binary and one intersex.

### **Q3. & Q.5: “How do you define your identity?” & “Has your gender Identity changed?”**

Here the participants were asked to expand on their gender identity and gender expression thorough time. From the 15 participants, 13 have reflected on the notion of their gender identity between the ages of 3\_7 raising awareness of

their environment and norms that they were raised with. Many stated the feeling of something being “wrong” or “confusing” in reaction to their environment.

While some found this question to be a bit puzzling, as they commentated that their gender identity was constant or not changed. This depicts the fact that it was an awareness brought up to their identity and not the fact that their identity has changed. Hence this refers to the evolution and formation of an identity with respect to the boundaries and obstacles presented by individuals, society, and the norms present at the time. The shaping and formation of gender identity is therefore a continuous and unending process with respect to situations, environment, influences, and beliefs which drastically differs based on an individual’s life experiences, cultural norms, impact of religion, politics and relation to the government as means of representation and protection.

#### **Q.6: “How important do you find gender diversity in workplace/society?”**

The importance of visibility was vital to all 15 interviewees. This signifies the importance of coexistence and cooperation in order to shape trust as a means of acceptance rather tolerance. The workplace is a perfect place to study a small sample of population from society: a group of people who actively work and contribute to achieve their personal gain and goals by means of following that into a greater cause or achievement as whole. Diversity plays a huge role in shaping an inclusive and cooperative society, where everyone feels safe and has a trust in coexistence within their society. These are all factors required to boost creativity and create better living conditions. Therefore, in order to overcome some of the basic issues and discrimination around gender diversity, there should be more representation and integration of gender-diverse people within the workplace. Through this, individuals will have the opportunity to exchange experiences which can drastically influence the shaping of a controversial topic into a simple life experience, overcoming typical stereotypes and stigmas

perceived through action rather than intention. One participant, clearly stated how the government's direct influence can directly shape the attitude of the job market towards more inclusion of gender diversity "governments must directly monitor and implement inclusive and protection of gender diverse laws obliging the job market to actually practice and implement these laws with clear consequences as such." Another emphasized the importance of the same idea but also that it was important to gain direct perspective into the topic from individuals who actually live and experience this topic on a daily basis. Other important themes identified through this question, emphasized on the importance of correct practice of media outlets including social media as means of communication, information, visibility, promotion of ideas and philosophies, data exchange and political practice, this included the government's influence on directly shaping the current and future attitudes of individuals.

### **Q.7 "At what age did you become aware of a disconnect between your lived and internal identity?"**

This question outlined an interesting correlation for individuals within the same gender group. For example, all five trans women within the study were able to identify this disconnect from the ages of 3\_5. Although this early realization from the ages of 3\_7 would fit most of the participants, there were two non-binary individuals who came to such a realization in adulthood. The rest of the participants experienced such a disconnect in early childhood until teenage years brought full certainty. However, many mentioned how doubt or trust in important significant people may impact on the credibility of this disconnect to an extent. This is possibly an argument for why some chose or decided to transition later in time. Nevertheless, the true identity eventually takes its form during the adolescent period once it has been exposed to society through school. Another environment which contributes to this is of individuals of different backgrounds coexisting through a practice of what is done in wider society as an adult. Hence many of the participants had already experienced discrimination

and limitations presented to them at an early stage which became a factor in shaping their lived internal identity.

### **Q.8 “When did you first incorporate changes into your public/outward expression of gender identity?”**

After the early exposure to society some had already initiated changes to their public expression by the ages of 17\_19, others a bit later due to life experiences such as their living environment, access to healthcare, financial, or other preventive factors. Changes towards expression, however, vary among the participants. Those associated with gender affirmation processes such as hormonal and surgical treatments form an unbreakable or an inflexible form of commitment or transition. This is in comparison to non-binary individuals whose process of transitioning contradicts greatly that of a binary transition. Besides the mental and spiritual process of transitioning, regardless of the binary or non-binary concept, the changes associated directly with health, medicine, surgical procedures play a greater role in terms of impact on both the mind and body of an individual. Throughout the study and the interview process those gender-diverse individuals who are associated with a binary gender transition went or are going through considerable transition impacting the body and mind. For example, changes associated with appearance are agreed to be possible in time associated with costs and also mental side effects. This concept was observed when comparing trans and intersex individuals to non-binary and gender fluid individuals, in terms of the degree and impact of changes to outward/public expression of gender identity. Some non-binary individuals choose not to take on GAHT or GAMT while trans individuals identifying on a binary gender often feel that the transition “never stops” which in fact is and described by some as a “life-long process”.

### **Q.9 “Have you ever experienced discrimination or similar acts, such as violence, on the basis of your gender identity?”**

This question provided one of the most varied answers received in terms of individual experience based on gender identity and expression. The participants were given the freedom to choose whether they did not want to answer a question, specifically those difficult to answer based previous experiences that they did not want to share. Only two participants chose not to answer this question based on past experiences. Primarily looking, trans women and non-binary individuals assigned female at birth were at least once subject to discrimination at least once both at work and in society. This happened to some on a daily basis while others deal with indirect or verbal discrimination often due to a lack of knowledge from others. Trans men on the other hand, have a different experience. Once the transition process began and continued, trans men within this study have been taken more seriously in their environment, earned more respect, and acknowledgement. They have rarely been subject to misgendering but rather received homophobic discriminations. While the previous group face more misgendering and stereotypical harassments. Some have even experienced physical abuse and verbal harassments in the workplace. Some have been discriminated against in the hiring process and one individual was fired primarily because of her gender identity and expression. Non-binary individuals assigned female at birth were discriminated and misgendered primarily due to their feminine outward existence of identity or physical attributes/presence. Equally, non-binary individuals assigned male at birth had the same experience, primarily due to physical appearance. It is important to note the emphasis non-binary people make in their everyday exchanges with society. Using email as a mean of communication, non-binary individuals whose gender is/will be recognized by the law, clearly mention their pronouns as a part of a gender-diverse infrastructure, but are often still get misgendered. Although the concept of pronouns was identified as important by all participants, the non-binary and gender fluid individuals emphasized an even

stronger importance of their pronouns. Only one non-binary and the intersex individual preferred not to have any pronouns.

**Q.10, Q.11, & Q.12: in “At that point, were you employed?”, “If not, were you actively seeking employment?”, “If yes, did you experience any obstacles that you feel were due to the expression of your gender identity?”.**

These questions built upon the topic of discrimination further to carefully examine the depth of it present in the workplace and its impact on attitude shaped towards employment as a topic. From the 15 participants, 13 are actively employed. Employment, however, varied among the participants and their employment status in relation to their transition. All members, however, had the experience of employment and actively working. Participants associated with gender affirmation treatments chose to seek a new job once also the official and legal procedures of gender affirmation had been completed. Though some, experienced a continuous growth of discrimination as their transition continued. Two of the participants argued whether “credibility can influence acceptance?” and in their experience the outcome is positive. One participant transitioned after receiving a job with positive response and outcome. The participant however, argued that due to her credibility, expertise, and knowledge she had the privilege to have been taken “seriously” and “respected”. Another participant who started her transition in early adulthood has also managed to gain a credible status on the basis of her intellect, expertise, and knowledge who argues that such credibility indeed can directly influence the perspectives of individuals. Nevertheless, everyone had the motivation to work for financial reasons regardless of their status. Other participants, however, choose to be self-employed or carefully choose the work environment they would like to expose themselves in order to avoid any obstacle or difficult situation.



**Q.12a. “What was the reaction of your workplace & colleagues?” & Q. “12b. what was the new reaction to your new presentation from the significant people in your life?”**

All the participants have already had the experience of coming out to the significant people in their lives while 13 are outed in their work environment. One participant experienced discrimination and rejection by other colleagues, which later resulted in her losing the job. While another participant started her transition after getting a job. In contrast, she faced recognition and acknowledgement followed by respect from her colleagues at workplace, however the other participants faced constant harassment and shaming until they had to leave. A major factor to such a contrast in behavior, as previously mentioned, could be the credibility, knowledge, and experience one brings to a field of work. Although these two participants differ in terms of transition time, the participant with better treatment, was a specialist in the field of her work, making it quite difficult to replace her. Hence credibility can heavily influence acceptance. Others experienced mild discrimination and misgendering, others reported a neutral to positive reaction from work colleagues. However, here factors such as credibility, expertise, or even authority can play a crucial role in influencing these behaviors. Of the 15 participants, almost all had a neutral to very positive reaction and support from their significant individuals, pointing out the impact it leaves on individuals knowing their significant ones fully support them during their transition and life journey. This included factors such as a boost of confidence, patience, acceptance of the binary concept to an extent, and many more. In other words, the support received from loved ones counteracts against the behavior perceived from society. The participants with respect for their transition and support from loved ones have all taken their individual place in wider society. Acceptance of intention rather than action will provide the opportunity to make clearer judgments, a point which needs to be considered greatly when it comes to perceiving gender diverse people.

**Q.13 “Did you remain in the workplace?” if yes, Q.13a. “What was your main motivation to stay there?” if no, Q.13b. “Why did you leave?”**

This question outlined some interesting perspectives, especially when it comes to work status. Finances are the intrinsic part of a job motivation among gender diverse individuals. The process of obtaining, maintaining, and growing within a position at work can be difficult for some gender diverse-people, especially trans women. Nevertheless, some continuously contribute to the job market. 12 out of the 15 participants reported money as the main motivation to stay within their work environment while having to deal with discriminatory and challenging behaviors on a daily basis from the environment they work in. Those who have worked in retail or previously have worked in retail, reported a higher number of harassments, misgendering, and discrimination. Hence the money they earned would not compensate for the mental and physical distress they endured. One participant reported “never wanting to work” after the incidents they have experienced over time. Another participant chose to work privately or chose their jobs specifically within queer environments, to prevent the repeat of the past prejudice they experienced. Some of the participants reflected on “immunity” towards prejudice, meaning they have become used to the fact of existing discrimination towards their gender identity losing hope for more openness and normalization of gender diversity. Others with a developed career and status, however, tend to look at this topic of as means of political discussion and debates, reflecting on the fact of credibility’s influence on prejudice perceived on the basis of gender identity. One participant, who was not only discriminated, and verbally abused at in a workplace by other colleagues, eventually lost her job without choosing to leave the job herself. Money was her main motivation to endure these behaviors while stating “no matter the effort, the backlash always remained the same”. One participant chose to be the gender diverse consultant and information source at the place they work in and even as a source of information and representative of the topic,

however, they still received discrimination due to the physical expression of their gender identity.

### **Q.14 “How would you define gender diversity?”**

Questions 14\_19 consisted of open-ended questions derived from the previous questions to expand on the topics identified so far. Here the participants, in contrast to the importance of gender diversity asked before, were asked to define gender diversity. This was an aid to enhance the definition of this term from actual people affected by it. While almost all the participants emphasized the importance of diversity and visibility, many, however, mentioned how gender and identity are independent from one another. Another theme identified was exposure, the inclusion of gender-diverse people in everyday life situations, the work environment, marketing, education, politics, representatives within the government, teachers, and public agents. Integration was the factor identified the most thorough the interviews. It included direct learning from gender-diverse individuals, creating the possibility of changing perceptions in order to overcome typical misunderstanding ranging from small errors in communication to discrimination and even violence. It is important to mention that by the open-ended questions the participants mainly responded to questions based on their personal experience and knowledge of what “gender diversity” means or how they would like to see gender diversity take place in their reality with respect to the current situation they are in and with reference to the society they live and work in.

### **Q.15 “What were three most discriminatory/uncomfortable behaviors you’ve experienced in the workplace?”**

The responses gathered from this question range from almost no discrimination to violence stretching throughout time. Misgendering was the most mentioned

style of discrimination. All the individuals have at least experienced misgendering once and many still continue to experience that whether intentional or unintentionally. Other forms of discrimination include mass discrimination, with non-binary individuals having the sense of being alienated from the public. Non-binary and gender-fluid individuals within this study all remarked on the fact that inclusion and protective laws are not clear enough to include non-binary identities. The non-binary sample of this study mention a different approach and tolerance and even acceptance towards intersex and trans individuals from the general public but, the general public seems to have a disinterest and lack of acknowledgment when it comes to non-binary people having the feeling of “binary individuals will accept trans-binary, but agender and fluidity is too complicated?”. Trans women report discrimination that seems to correlate with how women are generally mishandled in everyday society through the patriarchal-shaped norms and gender roleplay which lead to stereotyping and stigmatizing behaviors, leaving a heavier impact on trans women specifically in comparison to all the other gender-diverse identified groups. While on the other hand, trans men and non-binary individuals assigned male at birth generally experience a milder experience of discrimination and might be rarely misgendered. Typically, they experience a higher sense of recognition and acknowledgment in comparison to the other groups mentioned so far. However, transmen also experience gender roleplay such as responsibilities and duties that are typically suited for men and a masculine workforce or being recognized as homosexual men and subject to homophobic comments. Five participants reported how their physical and biological features of their sex at birth was a direct factor in receiving discrimination and misgendering. Therefore, these participants identified such behaviors as preventive factors against them to taking their place within the wider society and a disincentive to engage in the job market. This is an ongoing everyday dilemma for not only these participants in Austria, but also for many other gender-diverse people residing in different places around the world.

## **Q.16 “Did these behaviors inhibit you from taking your place in wider society and why?”**

The previous questions attempt to identify the origins and types of discrimination, here the impacts from such behaviors were discussed. Surprisingly, some of the results were independent from the experiences related to discrimination. There were individuals who reported that discrimination and misgendering behaviors they experienced primarily related to physical features, and indeed agreed to this could be a factor. While two of the five identified individuals with the same experience, felt the opposite and were even more motivated to step out into the society while promoting gender diversity. Others with milder experiences of discrimination have reached an acceptance stage where their solution to such ambiguity was simply an adoption of post-gender adoption of behavior. A post gender approach includes a broader life trajectory, in other words, gender is disengaged from cis gender norms and power differences between men and women, being an equal approach rather than of differences (Knudson-Martin & Laughlin, 2005). At the point the interview took place everyone was still transitioning or comparing transition to an “ongoing life-long process or evolution”. Hence all the participants nevertheless emphasized their presence proudly and encouraged others to do so because “it takes a generation to change a culture”. A post-gender approach, however, was often mentioned by everyone throughout their interviews. They claimed some of the main reasons or issues for gender diverse people or the gender topic in general were due to outdated norms and errors in language that create misunderstanding and shortcomings to gender as means of identification. Overcoming gender as a mean of identity may bring the possibility of eliminating most of the issues present to gender diversity such as discrimination, misgendering, harassment, and violence. Hence, they were looking to society adopting new forms of language as the main tool of communication while also adjusting or reshaping norms that are still the basis of our interaction and social behavior.

**Q.17 What are the top three ways in which the workplace and society should change to adopt gender diversity?**

Although numerous solutions were identified here, some solutions correlated while others remained separate. Those in correlation largely had to do with a post-gender approach and behavior which expanded to similar solutions such as early education, reshaping and reclarifying the laws related to gender diversity and inclusivity, while setting clear consequences to the breaches of the law. Another common solution is to hold politicians accountable for what they communicate to the public through government. Media outlets and social media are the primary tools of communication and information for almost everyone. Hence there is a need to monitor and implement proper use of these outlets as a means of visibility, communication, and information, to be a reflection the society we live and coexist in. Academic, intellectual, and factual debates and discussions related to this topic should be available and presented to the public as the main source of accountability. Participants also reflected on the same solutions mentioned above to include them in actualized practice in the workplace. Through the government's persistence, firms and workforce should be obliged to implement rules and regulations, with clear consequences if they do not, by providing the employees with first-hand information and the practice of a more inclusive and protective gender-diverse workforce while monitoring the ongoing process. Many companies take initiatives in corporate social responsibility (CSR) as means of enhancing the work environment, and as another solution, firms must have workshops where topics not only related to gender diversity but all aspects of proper behavior and exchange to reach a collective goal while enhancing the working environment. One participant with previous work experience in Austrian politics emphasized on the importance of a "gender diverse infrastructure" such as specific pronouns and customized email, intersectional gender-diversity trainings, gender-neutral bathrooms, and legal documentation to name a few measures. Another solution is to provide

sources of information and experts who provide necessary information, training, and even counseling.

**Q.18 “In your opinion, do you think the government helps protect rights which protect your gender identity and gender expression?”**

6 out of 15 participants, two trans woman, two trans men, one non-binary and one intersex person find the Austrian government helpful, proactive, and improving in terms of protection and inclusion rights, 3 were neutral, and 6 believed in the opposite and they consisted mostly of non-binary individuals. There is, however, a correlation between the two, as non-binary individuals feel the least included under the umbrella term and treatment received from society and government. A participant with previous experience in politics mentioned the importance of Austria officially recognizing a third gender such as (‘divers’) however there are “only 12 non-binary individuals” registered as *divers* within Austrian society. The participants who identify as non-binary shared a common trait of distrust and noted disinterest from the government, simply getting “under the rug” treatment. Some argued that the government’s approach to include and embrace gender diversity works only so far as the inclusion of trans binary people to an extent, while rules and regulations specifically for the inclusion of non-binary people are not sufficient. Trans men reported a higher level of satisfaction and inclusion in comparison to other groups within the study. This may relate to the patriarchal binary shaped system and norms which automatically included those resembling its similarities while excluding those who resemble something different, mainly women, and any gender diverse individual who rejected the collective set of norms and behaviors that slowed down the growth of feminists, trans activists, intersex advocates and LGBTQIA+ rights as a whole. Moreover, although there are rules that might legally protect gender identity, however, gender expression is still subject to discriminatory and prejudicial behavior. Individuals receive discriminatory behavior not only on the basis of their gender identity, but also as their

expression of gender, physical attributes, lifestyle, presence, and attitudes. All of these clashes the existing system and are inflexible in readjusting and reshaping themselves to satisfy the needs of all citizens to reach a greater degree of harmony.

### **Q.19 “How might the government be more protective of and inclusive towards gender-diverse people and their rights?”**

A common theme recognized often while interviewing the participants was the need to “implement practice of the current policies” while “using media outlets and social media” to communicate them properly to the public followed by closely monitoring. A “lack of government involvement” was another common theme identified. Although there were some participants who believed the government’s approach to gender diversity is helpful, the majority still believe there is a void between the government and gender-diverse people in a social setting. If the government informed the public about minorities, their rights, and social treatment, the public with working society will have initiatives to take on such integration and coexistence. Another two key themes, identified by some of the participants themselves, focused on having political campaigns as a means of raising awareness and the importance of gender diversity and the use of pronouns a tool to shape and neutralize language as means of overcoming topics such as misgendering, stereotyping, stigmatizing. These are all factors to minimize discrimination originating from such errors. Those who are active members of the working society, believe that the topic is not publicly discussed enough, which leaves the topic unattended and omitted from public discourse. This is the reason why many still have the sense of “not belonging” and there is an ongoing issue between “tolerance vs. acceptance” raising the question from one of the interviewees “why does society still treat the topic gender diversity and its members as taboo?”. If this topic is recognized by the government and the way society treats this topic in a contradictory way, it proves a lack of engagement and involvement by government as the medium to find a solution. This should be not only a solution but rather societal action in order to shape or improve societal behavior. As a collective idea to a possible solution is to



implement the use of gender-diverse people in all possible forms of employment such as in politics, academia, the social sphere, etc. not only to increase visibility but also integrate individuals who live and experience this topic and can provide first-hand credible information as experts. This solution reflects very closely the experience of three participants with a higher working and social status who believe such a position and credibility does in fact bring acknowledgment and neutral humane behavior.

## **6. Discussion**

The 15 participants freely chose to participate in this research by contacting the researcher indicating their interest, gender and pronouns. Even though the identities of the participants remain anonymous, some of the demographics were necessary to reveal to complete the study. The study included with 5 trans woman, 2 trans men, one intersex, 2 gender-fluid people, and 5 non-binary people of which 3 were assigned female at birth and 2 were assigned as male. All the interviewees were above 18, all with working experience. 10 of the participants were Austrians and 5 of other nationalities. 6 participants agreed that the Austrian government is protective and inclusive towards gender diversity, all with Austrian nationality as a background. While another 6 of the participants disagreed of whom 2 were Austrians, and 3 remained neutral of whom 2 were Austrians. This shows that all participants with immigration background/other nationalities do not find the Austrian government inclusive and protective of their gender identity and gender expression. Which raises the question if this experience has to do entirely with the fact of gender diversity or diversity in general. While the majority of the Austrian participants reflected on their situation in Austria as a “privilege” in comparison to many other countries, those who think otherwise, find the Austrian government obtuse and slow based on the resources available to it. Others who remained neutral had the same opinion, however, chose to remain hopeful.

## **6.1 Reflection**

The literature review outlined some of the important topics present today to gender-diverse people and outlines some of the issues they face, from society, government, significant individuals, etc. showing that everyday exposures may face a backlash and criticism, making these minorities vulnerable and exposed to many issues (Hine & Sanger, 2010). Although this topic is a global issue, this study focused on the topic in the EU region and specifically within Austria. While this country in fact has taken steps towards recognizing the topic, the practice and implementation of this idea within the society more remains still to be done. In order to examine this topic, expert interviews were conducted to further investigate and analyze this phenomenon. The findings outlined the lack of cooperation and leadership on the topic, and a lack of the government's involvement creates a discrepancy between what wider society and gender-diverse people perceive of one another. Although the existence of gender-neutrality is undeniable, the lack of acceptance and openness from society was one common element through the interviews demonstrating the importance of this with respect to coexistence within the Austrian society.

## **7. Limitations**

It is crucial to recognize the limitations present in this research. The nature of this research was limited to a small sample of 15 individuals. Although 15 participants are not insignificant, a bigger sample would have provided an even greater context and perspective for further analysis and evaluation of the data and facts around the topic of gender diversity. Each of the 15 participants represented the initial groups chosen for the study which included trans women, trans men, intersex, and non-binary people. Each participant was an active employee at some point, while 13 were currently employed. It is important to acknowledge the existence of many gender-diverse individuals with unique abilities and contribution to the society they live in. Nevertheless, the 15 participants did in fact provide valuable data and experience to further improve

research on and acknowledgment of gender diversity. A further limitation was access to gender-diverse individuals as many still choose to protect their gender diversity by keeping it hidden to the general public and society, especially within the workforce, which was an element present within this study as well. Some institutes and work environments contacted also refused to participate with this research, which was a limitation often present in the gathering of data. Limitations may be related to the methodology and means of gathering data as the questionnaire was primarily created based on the topics in the literature review, which can include many more that relate to gender diversity, and the knowledge of everyone prior to the interview with gender diversity. This limitation varied significantly with each participant's background, education, experience, and exposure. However, each individual was given the opportunity and freedom to express their answers freely to each question which indeed reflected their direct experience of the topic. That some chose to limit their answers to certain questions may also be acknowledged as another limitation. Finally, no further knowledge or context was provided to the interviewees prior or during the interview, apart from the questions and their prompts, no additional clarifications on context were given during the interviews.

## **8. Conclusion**

In conclusion, the literature review and the topics identified within it, provided the basic knowledge required to glimpse gender diversity and its depth within our societies. This context also provided the preliminaries for formulating the questions related to the topic plus the questions constructed to further examine it directly via the sample of participants. They provided direct experience and knowledge to compare the results with the context present identified within the literature review. How do the attitudes and structures within Austrian workplace affect the perception and inclusion of gender-diverse individuals? Although each individual has a different perception of this, some similarities were easily correlated. Diversity is to embrace our differences; gender is an

entry point and an important one. This is something we have to tackle and dig deeper into, creating a belief system that needs tailoring in the near future to serve a better and improved generation of society that coexists far better than our current society, one where everyone regardless of their differences are welcomed and safe, able to contribute to the enhancement of the quality of life and its overall outcome.

Through this research it is clear the Austrian government needs to implement more gender diversity within its structures such as the inclusion of gender-diverse individuals directly in politics and as direct representatives of the government to further shape trust. They should provide education from early school years onwards to educate and expose the public to the long existence of this phenomenon. They need to reshape and reclarify the existing rules to further enhance gender diversity within workplace with the direct cooperation of government and varied workforces. Providing a gender-diverse infrastructure includes access to an enhanced healthcare system with proper knowledge and expertise on gender-diverse individuals. A social security system designed specifically to include gender-diverse individuals would include health insurances designed specifically for gender-affirmation therapies and services. Lastly, it is vital to acknowledge these individuals and their existence, developing an openness and approach to acceptance in order to improve the general well-being of society and every individual contributing to it, for “it is not living that matters but living rightly” (Socrates).

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## **10 Appendix**

The transcriptions of the interviews have not been included here to protect the identities of the participants. However, they are available to scholars on application to the author.