

Outside of the Expected: How Sex Discrimination Effects Gender Non Conforming People

Helena Buttons

Concepts/Backing Theories:

Western culture emphasises the traits associated with the binary identities of man or woman as communal (friendly, unselfish, emotionally expressive) or agentic (assertive, competitive, and dominant) (Bakan, 1966). In a further exploration of this, social role theory first created by Alice Eagly in 1987 posits that social roles (both agentic and communal) are formed through the expression of perception of these gender differences. With this theory, I explore it's impacts on the idea of implicit/internal/unconscious bias as well as gatekeeper bias. Our behavior, attitudes, and cognition are all affected by the perceptions that create these social roles.

Background Research

There are hundreds if not thousands of studies that explain how everything from facial maturity to perceived parenthood status effect the ability of a candidate to be chosen for a position. In a particularly relevant study, a group of researchers analyzed the responses of over

200 university psychology departments when faced with two CVs, one a masculine name and one a feminine name. The male candidate was hired 73% of the time, while the female only 45%. (Steinpries, Anders, and Ritzke, 1999). With the current wage gap in the U.S. at 82 cents for women of all races to the dollar of men of all races, it is of the utmost importance to understand the complexities of gender identity, gender presentation, and anticipated gender adherence in the workplace. (Blieweis, 2020)

Gender Non-Conformity:

Gender identity refers to how a person relates to society in terms of their gender.

Philosopher Judith Butler's theory of gender performativity creates the definition of gender identity as one defined by a person's validation from social

interactions that informs how they relate to the societal gender binary. Those that do not find themselves comfortable with the labels of "man" or "woman" may choose to identify as other. These labels can include gender non-conforming, non-binary, or gender fluid.

My Theory

It is my theory that gender expansive individuals face what I have decided to call a "quadruple standard" based upon the binary gender that they are perceived as. Using support from previous studies such as Pleck's 1976 study that engages toxic masculinity,

Rosette et al's study that speaks on vulnerability in men and how that affects status perception, or Cho's 2020 examinations of gender and assertiveness in hiring, I argue that non-binary individuals are held to the expectations of both binary genders. Gender stereotypes do not only effect those of binary gender. Should the non-binary individual be perceived as masculine or manly by the employer, subconsciously that employer would negatively view them for stepping outside of the masculine standard. Should a non-binary individual be perceived or expected to be a woman, they would face the same unconscious discrimination that might befall a woman.

Because of this, gender nonconforming individuals face the impossible challenge of navigating the workplace in a nonexistent space.

*The Quadruple Standard:
The performance a gender non-conforming person may be expected to complete based upon their perceived gender identity.*

Antidiscrimination laws

The supreme court, under Title VII of the Civil Rights Act of 1964, established in June of 2020 that a person may not be discriminated against on the basis of gender identity or sexual orientation because discrimination based upon them cannot happen without discrimination based upon sex. However, Bostock does not address issues such as bathrooms, dress codes, or other discriminatory offenses. The National Transgender Discrimination Survey of 2020 showed that almost all nonbinary individuals have experienced some form of workplace discrimination, including job loss, harassment, and hostility.

What do I do Now?

In order to work towards the nondiscrimination of gender nonconforming individuals, here are a few ways in which to take action.

- Consider installing gender-neutral bathrooms in the workplace to ensure bathroom safety for everyone.
- Place explicit protection in company policies to protect nonbinary people including procedures in place for grievances of discrimination
- Broaden our diversity trainings to include comprehensive gender diversity trainings
- Consider gender neutral options when writing dress codes in order to allow for comfortable gender expression
- Avoid gendered language in company materials. Consider using they when in reference to s/he
- Job postings should contain language nonstereotypical of any particular gender identity
- Create a preferred name policy and procedure in the workplace, where the employee may utilize a preferred name over a legal one. Protect the employee's privacy in regards to their legal name and gender marker.
- Include expansive health insurance to cover medical transitions
- Use pronouns in email signatures and on nametags

Citations can be found on my profile. Additional Information and resources can be found at OutandEqual.org

Special Thanks to Professor Kristen Sotak for her support with this project.

