

Exploring Factors Behind the Lack of Formal Employment Opportunities among Selected Transgender Women in Malaysia: A Preliminary Study

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Abstract: Since the founding of Malaysia as a sovereign independent nation, people belonging to the LGBTQ community have not been treated well in society. The legacy of colonialism still lingers in the Malaysian society, with laws such as the Penal Code 377A and government departments continuing to oppress members of these communities. Amongst those oppressed are transgender women who have had their employment restricted in formal sectors and forced to work in the informal economy. Hence, this study explores the factors limiting formal employment for trans women in Malaysia, the severe challenges faced in their job search and reasons this phenomenon continues to plague this community. Through a rigorous focus group discussion with a selected group of transgender women battling employment woes, the study utilised a focused ethnography approach using a social constructivist paradigm to study their narratives to ascertain why this segment of society faces more issues seeking formal employment than their cisgender counterparts in Malaysia. The findings demonstrate that the contributing factors are safety concerns, suppression by governmental bodies and discriminatory practices by employers. This preliminary study urges organisations to develop strategies to combat the disparity between trans women job seekers and their equally qualified cisgender counterparts making the Malaysian job market more welcoming for trans women in the near future.

Keywords: Women, transgender, equality, ethnography, social constructivist paradigm, employment, job market

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Introduction

The “trans-” prefix originates from Latin, meaning “across,” “beyond,” “through,” “on the other side of,” “to go beyond,” or “to overcome”, finding its first usage in ancient Greece and Rome. The prefix “cis-” also has Latin roots and it is used to describe “on the near side of,” or “on this side,” usually referring to the positioning of one in a space or a time. In early SOGIE (sexual orientation and gender identity and expression), both prefixes were adopted in the description of the gender identity and expression of people: transgender and cisgender. The terms transgender/cisgender male/female are used to describe the traditional gender expression and roles a person identifies with in relation to their gender assigned at birth as an adjective.

A cisgender male is a person assigned male at birth (AMAB) who is comfortable identifying as a male, while a cisgender female is where a person assigned female at birth (AFAB) is comfortable identifying as a female. A transgender male would thus be a person who is AFAB identifying as a male, either due to gender dysphoria (a feeling of extreme discomfort or distress experienced by people whose gender identity differs from their natural sex or gender-related physical characteristics) when presenting as a female, gender euphoria (a feeling of immense joy or comfort experienced by people whose gender identity differs from their natural sex or gender-related physical characteristics when expressing their gender identity) when presenting as a male, or a combination of the two. And finally, transgender female would thus be a person who is AMAB identifying as a female, either due to gender dysphoria presenting as a male, gender euphoria presenting as a female, or a combination of both. There are also cases of intersex, gender fluid, or non-binary gender identities and expressions that also come under the umbrella term of “transgender”, though in this study, the term “transgender” will only refer to the binary of transgender male or transgender female.

While the terminology of prescribed genders are assigned by narrow definitions, one cannot deny that much of the gender construction is determined by society’s perception of what is and what is not. Guna Saigaran (2022) describes vividly how preconceived assignments to gender are allocated with regard to roles, performativity, practices, habits and the like, which either reinforce textbook definitions or cause direct contestation. In the context of this study, what comes to the fore, is the interlocking of gender beliefs associated with employment. What can be observed is how this phenomenon weighs on a scale of opportunities, prejudice and rights.

The reality is that equal access to employment for trans people across is restricted in much of the world (Human Rights Watch, 2016). This also includes much of Southeast Asia. A previous audit done by the Asia Pacific Transgender Network has concluded that, “In the Southeast Asian countries surveyed, transgender people are discriminated against when looking for work. Concerningly, this even happens before the interview stage. Overall, transgender people receive positive responses to

job applications much less frequently than cisgender people,” (Winter et al., 2018, p. 14). Furthermore, the same audit has also concluded that, “Cis applicants received, on average, 50.6% more positive feedback than trans applicants across all desired specialties and both genders (male and female) examined in the study. They were 54.5% more likely to be invited for an interview. And this even though resumes are rigorously tested to make sure they are attractive in the job market,” (Winter et al., 2018, p. 14). Malaysian trans people are seeing similar figures to the regional statistics, where the audit says “In Malaysia, cis applicants were 50% more likely than trans applicants to receive a positive response (64% for cis women and 37.5% for cis men) and were more likely to be invited for an interview (66.1% higher)(72.4% for cis women and 60.6% among cis men),” (Winter et al., 2018, p. 15). These figures do not paint a very healthy picture for transgender job seekers in Malaysia and the entirety of the Southeast Asian job market.

As aforementioned, Malaysian trans women do not see a favourable job market in the formal economy. They face an uphill battle when applying for a job compared to their cisgender counterparts in the job market, despite having similar attractiveness in their resumes. They also earn significantly less than their cisgender counterparts. A study conducted in 2001 found that out of their sample of 507 Malaysian trans women, 60% indicated that they earn less than RM500 a month (Teh, 2001). When most avenues of formal employment fail, many trans women turn to employment in the informal sectors, including sex work (Equal Rights Trust, 2011).

By shedding light on the factors limiting formal employment for trans women in Malaysia, the relevant stakeholders and institutions can acutely understand the severity of the struggles trans women face in their job search, prompting them to help develop strategies that can combat the disparity between trans women job seekers and their equally qualified cisgender counterpart. This would hopefully create a better, more welcoming environment in the Malaysian job market for trans women in the future.

Literature Review

Struggles of Transgender Individuals

Transgender individuals have always, to some degree, faced unequal treatment from society throughout history. Yet in recent years, we have seen a clear uptick in various forms of discrimination against trans women. The issue of transgender discrimination is well documented in plenty of research studies, though most studies are heavily focused on the discrimination trans individuals face, either medical — difficulty in accessing trans-competent healthcare (Fisk & Byrne, 2020), political — harassment from the state (Crasnow, 2021), legal — difficulty in accessing legal gender recognition (Dunne, 2017), or social — violent persecution of trans people by individuals or civil groups in society (Fatima et al., 2022). Some research have looked

at the discrimination trans people face in trying to improve on their socioeconomic well-being, but mostly focusing on the informal employment avenues taken by trans people, where most trans women resort to sex work to sustain their livelihoods (Nadal, 2014). Some studies into transgender discrimination in the workplace have been conducted before (Sawyer et al., 2016), and although some mention the process of job searching, not much emphasis was put on it, while resources about it in Malaysia is either rare or non-existent. This research seeks to explore this facet by looking into why are there lacking job opportunities for trans people, specifically trans women, or is there something we are missing in the big picture?

Transgender Women and the Workplace

Most to all credible research on the topic of trans women and the workplace demonstrate that this group faces discrimination at every turn of their career path. For example, a previous study found that male-to-female (MTF) transgender individuals would see their average earnings drop by one third, consistent with qualitative research, as transitioning into a woman often brings a perceived loss of authority, increased harassment, and possible termination (Schilt & Wiswall, 2008). Moreover, some studies on the disparity in workplace equity, by reviewing existing literature, have come to the conclusion that: 1) the lack of equity in the workplace is the result of a disparity in workplace policies for transgender individuals in the form of a lacking trans-inclusive non-discriminatory policies; and 2) more research needs to be done to develop a conceptual model to better understand how transgender equity can be achieved in the workplace (Davis & Yeung, 2022). Working trans women are also victims of cis heteronormativity in the workplace, a notion that cisgender and heterosexual people are more tolerated and accepted in the workplace through a perceived norm, which highly restricts a trans woman's career path (LeMaster, 2017).

With regard to the prospects of job searching, previous studies of trans graduates have examined the unique stressors faced by these new graduates entering the job market. The findings revealed many unique stressors that transgender individuals face in their career making decisions, such as their safety in the workplace and the perceived lack of equity for trans people in that career path (Goldberg et al., 2021). An audit on transgender job seekers was performed in Malaysia in 2018, and results showed that Malaysian transgender women face more severe discrimination compared to their male counterparts. Based on aggregate statistics for both genders, cisgender counterparts receive 50% more positive responses (invitations for interviews, invitations to call the boss, etc.) than transgender people, while separated by gender, cisgender women are 64% more likely to receive a positive response compared to trans women, and the figures for men are only 37.5% less likely (Winter et al., 2018). However, this particular study focused more on recent graduates seeking entry level jobs, instead of those who have prior work experience.

This study concluded that there is a clear level of prejudice faced by trans women, with these prejudices manifesting as a discriminatory preference of cisgender women, though not anything further. Thus, the present study adopted a qualitative approach and set out to further explore the factors behind these prejudices, focusing on the effects of exposure to propaganda, cis heteronormativity, and the role of misogynistic culture on these prejudices.

Methodology

This research was guided by the social constructivism theory, which holds that knowledge creation is both a social and a cognitive process. Understanding the day-to-day activities and interactions of other people helps acquire this knowledge. This can be accomplished through collaborative learning and active participation in real-world situations. By identifying, comprehending, and observing the causes of trans women's lack of formal and legal employment through a focus group setting, this study reflects this theory in practice. Interviews were used to gather information, and the narratives generated by the participants were thematically analysed.

Gathering Empirical Material

Participants were interviewed in three phases over the course of three weeks using the qualitative research method of narrative ethnographic interview as the medium for data collection. The study and investigation of individuals in relation to their surrounding environment is the primary objective of this choice of data collection method. The data was collected so as to be able to portray the changes in perspective as interactions and other external factors during the various intervals could influence their perspectives and answers. In order to gain a deeper understanding of the participants' thoughts during the interview, communicative activities were also conducted between the researcher and the participants. As part of the data gathered during the interview, the participants' gesticulations and responses were also observed; both verbal and non-verbal communication were studied. The process of coding was used to further classify and analyse the empirical material and findings after they had been gathered.

Participants

Participants came on board on a voluntary basis, given the nature of the study. The following outline the general requirements for participants to be a part of this study:

- i. The participant must be an adult who identifies as a transgender woman.
- ii. The participant has experience with formal job searching while presenting as a trans woman.

- iii. The participants varied in terms of ethnicity, previous/current occupation
- iv. The participant has some level of competency and formal education qualifications.

Ethical Considerations

This study adhered to five ethical principles as proposed by Sharf (1999). The five include considering whether the group's purpose will be harmed by the research, having a clear understanding of the researchers' identity, role, purpose, and intentions, agreeing to seek consent when direct quotation is necessary, being open to participant feedback, and maintaining and demonstrating respectful sensitivity throughout the interview process. To ensure that this research adhered to the stated five principles, the following actions were taken as stated in Table 1.

Table 1. Adherence to ethical principles

Principle	How the Principle was Built into the Research
a. Emphasis will be placed on considering whether research objectives conflict with or prejudice group objectives.	To obtain each participant's consent to continue the research despite their voluntary participation, a consent form was written up and distributed to them prior to the interview.
b. A clear idea of the research in terms of identity, role, purpose, and purpose.	To ensure that the participants understood this research and the interview process, the consent form stated the purpose, intentions, and specifics of the interview. The researcher presented themselves at the start of each meeting with the participants to provide clarity and clarify roles in a transparent manner.
c. Coordinated efforts to contact individuals directly if a direct quote is desired.	The consent to quote any information from the interviews in the subsequent writings were included in the consent form.
d. Openness to feedback will be observed by participants and members of the surveyed community.	The contact information of the researcher was included on the consent form to ensure ease of contact for the participants.
e. Respectful sensitivity is maintained and exhibited regarding the psychological boundaries, purpose, vulnerability, and privacy of the individuals involved.	The participants were given permission to pause the interview at any time or skip any questions that were asked. This was done to guarantee the participants' ease and comfort of participation. During the interview, the researcher kept a close eye on the participants to make sure they were comfortable participating and that their sensitivity was maintained.

Phases and Interview Questions

Narrative ethnographic interviews were conducted in three distinct phases. For each phase, participants were interviewed using online meeting platforms. According to Holstein and Gubrium (2016), based on the narrative ethnography steps which were followed closely by this study, the research questions fall into two categories: analysis of the situational terrain and analysis of the interactional terrain. Questions relating to the situational terrain involves an investigation into their backgrounds and lived experiences, while questions relating to the interactional terrain focuses on their societal roles and performativity. The idea was to create linkages and connectivity between the two terrains giving way to the researcher to explore underlying themes and nuances in context.

Hence, Phase 1 emphasised on their experiences growing up and their family values, before slowly transitioning to their experiences as a trans woman, their job experiences, and their educational experience. This phase was aimed at discovering the background of the participants and their educational and work-based qualifications. Phase 2, on the other hand, focused on their perception of the job market and their experiences at job search, both during the job searching phase and during the interview phase. It also investigated society's reactions, responses and perceptions of who they chose to be. This phase revealed the perceptions of the participants on the issues they faced when seeking formal employment. Phase 3 attempted to tie everything up by asking and forming connections and linkages about the study's research question at hand.

After the interviews were conducted, the participants' responses were transcribed and documented. Further analysis was performed to categorise their responses into categories. This process was performed using a Qualitative Data Analysis (QDA) strategy and responses were categorised via coding. Through a reiterative and rigorous coding process, themes that emerged determine some preliminary factors behind the lack of formal job opportunities for these selected transgender women in Malaysia.

Findings and Discussion

Concerns of Safety

The initial findings found that trans women limited their scope for their job search. They put more due diligence into researching an institution before applying to the job title, specifically looking out for signs of a religious or conservative work culture. They are specifically wary of Islamic companies, which is especially evident in one of the participant's response: *"...I'd say that the only companies I'd look out for or be hesitant to apply to are the Islamic [companies], because I'm not so sure how I'd be treated in Islamic companies"*. The participant moved on to explain how she was not as wary of Christian companies as long as they were not fundamentalists, saying

that they were more cooperative with Western governments and laws concerning tolerance and diversity. Other participants echoed this sentiment, saying that they too, purposefully did not apply to banks or government institutions because of their strict reinforcement of sex-based gender roles and refusal to recognise anyone who did not present as their gender assigned by birth.

Their self-imposed limitations when searching for a job in the local job market seem to be out of their concerns for safety. Despite all three participating trans women not being part of the Islamic faith and thus, not under the jurisdiction of the Syariah courts, they still showed varying degrees of concern over their safety if they were to work with any conservative institutions. Another participant noted that she chose to work in the informal sector as a freelance researcher because the flexibility allows her to choose her work contracts and reject them if the clients expressed displeasure when she discloses her identity.

A previous research has shown how allyship can be advanced to understand and support trans inclusion by conducting two studies. The first study relied on perceived diversity and inclusion climate (PDIC) and social dominance orientation (SDO) to theorise how cis workers can express trans allyship to their trans co-worker. It shows how a high SDO would lead to low allyship intentions, but a moderate or high PDIC could mitigate the negative effects of SDO. The second study used psychological safety and authenticity to try to explain the relationship between an increase in perceived allyship and an increase in the well-being of trans workers. It shows an increase in allyship between cis workers and their trans co-workers would improve the psychological safety and authenticity of trans co-workers at work. Both studies show how an institution with a culturally dominant orientation, the lack of perceived diversity in the work environment, and a low perception of allyship would lead to a hostile work environment due to a lack of allyship between cisgender workers and their trans co-workers, causing trans workers of both genders to be wary of applying for jobs in these institutions (Fletcher & Marvell, 2022).

Suppression by Government Bodies

On the night of October 29, 2022, a Halloween party organised at RexKL attended by mostly LGBTQ folks were raided by both the police and the religious police (JAWI). In the aftermath of the raid, 20 people were arrested by JAWI, mostly Malay trans women, some non-binary individuals, and some cis men. They were subjected to harsh questioning by JAWI, and many were detained for allegedly promoting vice and for offences related to cross-dressing (Leong, 2022). This attitude of harassment, suppression and oppression by the government targeting trans women is a general action commonly taken by authorities in Malaysia like the PDRM and JAWI, and by Malaysian politicians who constantly vilify the local LGBTQ community. It has also

led to a lot of trans women actively avoiding seeking any jobs in government offices or any industry under heavy government regulation, like banking.

Participants voiced concerning levels of worry over the harassment of trans people by the government. All of them voiced their reluctance to work in any governmental bodies or industry heavily regulated by the government. They also called on for laws aimed to protect trans people. *“When you talk about our government sectors, they need to change their rules about (letting) everyone work over there, to change their laws about [trans people] working there.”* — when asked about the influences at play in making them worried about formal employment opportunities locally. One participant shared how a bank she was applying to forced her to present as a male to work with the bank, due to government scrutiny over the banking sector and the identities of the workers.

A study on discrimination against transgender persons based in Kuala Lumpur and Selangor (right to education, employment, healthcare, housing and dignity) by the Human Rights Commission of Malaysia (SUHAKAM) (2019) showed 58% (49 trans women, 8 trans men) out of 100 respondents (69 trans women, 29 trans men, 2 intersex persons) were denied employment, or had their applications rejected. The participants also shared that they were asked intrusive questions, told to change their gender expression, particularly to cut their hair. Again, the irony is, as this study continues to point out, is that these discriminatory practices in the hiring process allow for gross misallocation of human resources, whereby it is not the talent, experience or qualification of the job seeker that is being evaluated, but other factors that have little or no bearing on the job seeker’s capabilities (Ram, 2019). Years later, the predicament is still very much alive as seen in a more recent study where Nur Sajat, a Malaysian trans woman entrepreneur was charged under Syariah laws for dressing as a woman at a religious event (Tan, 2022). This furthers the dilemma and extends the repression into the realms of job seeking opportunities for this segment of society on fears of being rejected and not being able to present their identities openly.

Discriminatory Practices by Employers

This study also highlighted the role of employers in the hiring process which saw the employment of certain discriminatory practices when hiring trans women. All participants admitted that although they were presently employed, they considered themselves lucky and privileged because they passed the ‘test’ of being a woman. Passing in the transgender community means the person can present themselves as the gender they identify as with the same level of masculinity/femininity as their cisgender counterparts. While asking one of the participants regarding her work interviewing process, she said, *“If [the employer] doesn’t like the way I look, or the way I present myself, there is no point for me to take up your time because I know [for*

sure] that they're not gonna hire me or anyone like me, because it all roots down to how you look, or how you present. Here especially if you're going to work in any client-facing positions." This sentiment was also echoed by another participant, where she had to explain her wide shoulders to her employers during an interview. A third participant had to explain about the mismatch between her application name and the name presented on her MyKad. She also explained that many employers saw trans people as only sex workers, bringing along all the horrible prejudice that comes with such a disadvantaged career choice.

All the participants shared about how employers would only hire trans women if they could pass on as a woman or if they could present themselves as their gender assigned at birth. Whether it was a trans woman's presentation of their voice, their behaviours, their clothing, and so on. If something did not line up with an employer's perception of how a woman should present herself, they would not be favoured for hiring.

Consequences of the Lack of Formal Employment Opportunities

The interview sessions also brought to the fore other related findings pertaining to the topic under study. Participants revealed other grouses such as wage labour issues. The consequences of the lack of access to said wage is well documented nowadays. The participants' narrative highlighted two glaring issues plaguing trans women: high performance, low wages and dangerous work.

High performance, low wages

All participants were considered good employees with many achievements and high assimilation. For example, one participant was at the top of her field as a motoring journalist and was easily her previous company's best, receiving invitations to foreign countries to attend car shows and test drive new cars. Another participant was a software developer who switched positions to become a project manager for a multinational IT company, where she oversaw software developers and is the one of the company's youngest and best performing project managers. A third participant is an insurance agent turned trainer whose experience in insurance and sales landed her in a position that trains new insurance agent hires. These are examples of women who are accomplished in their line of work, yet they constantly must prove themselves to their employers.

One participant retold her story of how she had to quit her job due to company mismanagement and found herself struggling to find work again in a male-dominant motoring journalist field. If ever she received a job offer, they would always offer her a low wage. One participant also divulged about getting a second job as a sex worker to have a disposable income as her day job did not pay her well enough.

Dangerous work

As an example, a trans woman had to resort to the informal market to be able to afford some basic necessities in this digital age. Sex work presents a dangerous work environment operating outside legal jurisdictions. Unlike prescribed traditional jobs, they do not have a work contract, nor do they have any legal rights, which leads to a lot of physical exploitation or sexual abuse. Hate crimes against sex workers are very common, whether through physical assaults, online abuse, or harassments (Sanders & Platt, 2017). This participant highlighted her struggles receiving a lot of online harassment due to the extra-legal nature of sex work, and told us stories of her fellow sex workers being abused and assaulted by their clients.

This predicament is not a unique situation, especially if one were to come from the underprivileged segment of society. Being a woman only exacerbates the condition; the cycle is a vicious one. Jannat and Letchamanan (2022), in their study in Bangladesh, highlighted a similar scenario when they drew attention to how strong cultural standards and rigid religious obligations restrict sex workers' access to social and public services, thus preventing their freedom of involvement in income-generating activities. What more is the dilemma of the trans-woman. Underprivileged trans women, especially youths, who do not receive any form of tertiary education may also find themselves stuck working in this dangerous work environment out of desperation. The involvement of desperate trans women in the sex work industry may also further the negative stereotype of trans women working as sex workers, which encourages discriminatory practices against them across the job market segment. The social stigma is then transferred across society with spillover effects that are unforgiving for generations to come.

Conclusion

This study was conducted with the hope of identifying and investigating the factors and their roles in the lack of formal employment opportunities for transgender women in Malaysia. In summary, the study found that safety concerns, government repression, and discriminatory practices by employers were the three main factors behind the lack of formal employment opportunities for trans women. These factors play an important role regarding trans women facing workplace struggles in Malaysia. Additionally, the study found that trans women had to work harder than their peers to prove themselves while accepting lower wages, and that the lack of formal employment opportunities and lower wages are driving trans women into desperation, having to take up dangerous jobs like sex work. This research, at best, has the potential to inspire action to end discrimination, harassment and exploitation by society, governments, and employers.

It can be concluded that further research needs to be done on a variety of topics. Firstly, a lot more research needs to be done with trans men and non-binary people to even out the playing field for a more comprehensive and holistic approach to transgender studies. One must admit the interest in focusing on trans women due to their outsized influence in the local media far outweighs that of transgender men. Furthermore, qualitative research of trans people and employment in Malaysia is extremely lacking outside of NGO channels like that of APTN and SEED Foundation. To add to this, further research is required to focus on the role of access to education and its role in helping trans people to secure a well-paying job. And finally, research could also be done on human resource management and their role in creating a more inclusive workplace for trans people in Malaysian businesses. With all this in the pipeline, a more informed approach to transgenders in Malaysia can be obtained.

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