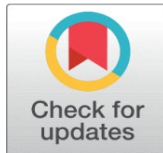


FROM DISCRIMINATION TO INCLUSION: LEGAL PERSPECTIVES ON PROTECTING TRANSGENDER RIGHTS IN THE WORKPLACE

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ABSTRACT

Emphasising the legal, ethical, and social challenges faced by transgender employees, this paper examines the development and current situation of transgender rights in the workplace. Starting with the historical evolution of transgender rights, it moves to important legal events such as *Price Waterhouse v. Hopkins* (1989), *Macy v. Holder* (2012), and the key *Bostock v. Clayton County* (2020) ruling thereby affording Title VII protections to transgender persons. Notwithstanding these developments, research reveals ongoing disparities in legal protections between many nations motivated by tensions between transgender rights and other human rights concerns including freedom of expression and religious views. The paper also covers the moral consequences of workplace discrimination and the major part companies play in creating inclusive surroundings. Legal and policy proposals demand Title VII to be changed to particularly safeguard transgender people, improve enforcement policies, and apply thorough federal statutes offering consistent protections. The last point emphasises the need of improving legal rights and building inspiring environments to achieve real inclusion for transgender people, therefore promoting a more fair and equal society.

1. INTRODUCTION

OVERVIEW OF THE CURRENT STATE OF TRANSGENDER RIGHTS IN THE WORKPLACE

Transgender rights in the workplace have evolved substantially over the past few years in step with greater society's acceptance of gender diversity¹. Although there is obvious improvement, the landscape is still complex and uneven, with protections varying drastically between several nations and sectors². Transgender people often struggle with getting and keeping employment due in part to both overt discrimination and more subdued forms of bigotry that can

¹ Currah, P., Juang, R. M., and Minter, S., *Transgender Rights* (University of Minnesota Press, United Kingdom, 2006).

² Sellers, M. D., *Discrimination and the Transgender Population: A Description of Local Government Policies that Protect Gender Identity or Expression* (Texas State University-San Marcos, Applied Research Projects, 2011).

contaminate the workplace³, since there are obvious legal protections absent for many transgender employees. Historically many of them have been left vulnerable to discrimination based on gender identity and expression. For example, the Civil Rights Act of 1964—more specifically, Title VII—did not first explicitly protect transgender Americans. Transgender workers began to gain a legal footing in challenging discrimination only by modifying legal interpretations—especially the concept of sex stereotyping, as described in *Price Waterhouse v. Hopkins* (1989)⁴.

Notwithstanding these laws, transgender employees still face significant obstacles. A study by the National Centre for Transgender Equality shows that transgender workers are approximately four times more likely than the average population to earn less than \$10,000 yearly, therefore underlining the continuous economic disparities in the workforce⁵. Moreover, transgender individuals can discover environments that are unpleasant or even hostile, which can negatively impact their mental health and reduce their job performance⁶. Federal legislation has notably changed the legal system most notoriously with the 2020 Supreme Court ruling in *Bostock v. Clayton County*⁷. This historic ruling found that discrimination based on gender identity also includes Title VII of the Civil Rights Act, which bars employment discrimination based on sex. Since it provides a clear, legally enforceable benchmark all over the United States, the decision represents a major victory for transgender rights⁸. Protection implementation still differs, though. Many countries currently lack comprehensive anti-discrimination laws expressly recognising gender identity, and in some places transgender persons must overcome significant legal and social challenges to job equality⁹. While some states and localities have approved their own protections, others have vigorously tried to restrict the rights of transgender individuals by so-called "bathroom bills" and other restrictive laws¹⁰. **The differences in legislative protections present significant challenges for transgender employees who might find themselves vulnerable in one country but covered in another. This mishmash of protections further complicates businesses' responsibilities, particularly those of enterprises crossing multiple jurisdictions that have to negotiate a complex web of municipal, state, and federal laws**¹¹.

Beyond the legal framework, transgender employees' experiences mostly rely on the social surroundings of their companies¹². Discrimination is not necessarily overt, even if it may emerge in more muted forms such as microaggressions, social activity exclusion, or erroneous pronoun use. These interactions could result in a hostile workplace detrimental for the individual as well as the business¹³. Starting more inclusive policies, several businesses responded to these challenges. These include non-discrimination statutes including referencing gender identification as well as inclusive health benefits and gender-neutral bathrooms. Also, increasingly recognised as essential components of creating a more inclusive work environment are staff member and management training and education programs¹⁴. Although these positive changes are commendable, much more has to be done to ensure transgender employees are fully included in

³ Mizock, L., Riley, J., Yuen, N., Woodrum, T., Sotilleo, E., and Ormerod, A., "Transphobia in the Workplace: A Qualitative Study of Employment Stigma" 3 *Stigma and Health* 275–282 (2018). <https://doi.org/10.1037/sah0000098>.

⁴ Fiske, S. T., Bersoff, D. N., Borgida, E., Deaux, K., and Heilman, M. E., "Social science research on trial: Use of sex stereotyping research in *Price Waterhouse v. Hopkins*" 46(10) *American Psychologist* 1049 (1991).

⁵ James, S., Herman, J., Rankin, S., Keisling, M., Mottet, L., and Anafi, M. A., *The report of the 2015 US transgender survey* (National Centre for Transgender Equality [NCTE], 2016).

⁶ Id.

⁷ Novkov, J., "Bostock v. Clayton County on LGBT employment discrimination" *SCOTUS 2020: Major Decisions and Developments of the US Supreme Court* 25-35 (2021).

⁸ Cavico, F. J., Muffler, S. C., and Mujtaba, B. G., "Sexual orientation and gender identity discrimination in the American workplace: legal and ethical considerations" 2(1) *International Journal of Humanities and Social Science* 1-20 (2012).

⁹ Koch, K., and Bales, R., "Transgender employment discrimination" 17 *UCLA Women's LJ* 243 (2008).

¹⁰ Sheer, J., "A legal analysis: The transgender bathroom debate" 47 *J. Soci. & Soc. Welfare* 53 (2020).

¹¹ Trotter, R., "Transgender Discrimination and the Law" 3(2) *Contemporary Issues in Education Research* 55-60 (2010).

¹² Melton, E. N., and Cunningham, G. B., "Examining the workplace experiences of sport employees who are LGBT: A social categorization theory perspective" 28(1) *Journal of Sport Management* 21-33 (2014).

¹³ Redcay, A., and Luquet, W., "Institutional change and transgender employment" 20(3) *Advances in Social Work* 515-531 (2020).

¹⁴ Colvin, R. A., "The rise of transgender-inclusive laws: How well are municipalities implementing supportive non-discrimination public employment policies?" 27(4) *Review of Public Personnel Administration* 336-360 (2007).

the workplace and sufficiently safeguarded. The intersectionality of discrimination—where transgender people could endure compounded bias depending on other aspects of their identity, such colour or disability—adds still another degree of complexity to the problem. Studies have found, for example, that transgender women of colour experience particularly discrimination both inside and outside of the workplace¹⁵.

IMPORTANCE OF LEGAL PROTECTIONS AND INCLUSIVITY FOR TRANSGENDER EMPLOYEES

One cannot emphasise the need of legal protections and inclusiveness for transgender employees. Legal guidelines ensure that transgender people have the same chances to find and maintain employment as their cisgender counterparts, ergo they are a necessary barrier against discrimination. These laws defend the dignity and humanity of transgender people so transcending mere harm reduction by so honouring their right to live and work free from discrimination. Legal safeguards and inclusive workplace rules are intimately linked¹⁶. Although guidelines specify the minimum acceptable behaviour, real inclusiveness drives businesses to act first. This means creating a workplace where diversity is welcomed and every employee feels loved and valued. Apart from employees who identify as transgender, inclusive procedures benefit the business generally. Research after research shows how profitable, innovative, and effective different and inclusive companies are¹⁷. Besides, inclusive policies could greatly affect the wellbeing of transgender employees¹⁸. For many transgender persons, for instance, finding gender-affirming medical treatment is a basic challenge¹⁹. Companies who provide whole health benefits including coverage for gender-affirming operations not only show a dedication to equity and inclusion, but also assist the health and well-being of their employees²⁰.

2. HISTORICAL BACKGROUND

EVOLUTION OF TRANSGENDER RIGHTS IN THE WORKPLACE

The rereading of current civil rights laws—especially Title VII of the Civil Rights Act of 1964—has greatly influenced the evolution of transgender rights in the workplace. Since Title VII was mostly aimed at stopping discrimination between men and women, it first seemed as though it did not protect transgender people. With minimal legal action and a limited knowledge, transsexual employees were prone to general discrimination. But judges started to see over time that discrimination based on gender identity or gender expression could be seen as a kind of sex stereotyping—which Title VII forbids. Important rulings such *Price Waterhouse v. Hopkins* (1989)²¹, which decided that negative employment judgements based on nonconformism to gender norms were discriminatory, set the path for the inclusion of transgender people under Title VII's safeguards^{22 & 23}.

¹⁵ Katri, I., "Transgender intrasectionality: Rethinking anti-discrimination law and litigation" 20 U. Pa. JL & Soc. Change 51 (2017).

¹⁶ Mark Bell, Mental Health, Law, and Creating Inclusive Workplaces 1–34 (Current Legal Problems, Volume 69, Issue 1, 2016). <https://doi.org/10.1093/clp/cuw001>

¹⁷ Winter, S., Diamond, M., Green, J., Karasic, D., Reed, T., Whittle, S., and Wylie, K., "Transgender people: health at the margins of society" 388(10042) *The Lancet* 390–400 (2016).

¹⁸ Bell, M. P., Özbilgin, M. F., Beauregard, T. A., and Sürgevil, O., "Voice, silence, and diversity in 21st century organizations: Strategies for inclusion of gay, lesbian, bisexual, and transgender employees" 50(1) *Human Resource Management* 131–146 (2011)

¹⁹ Puckett, J. A., Cleary, P., Rossman, K., Mustanski, B., and Newcomb, M. E., "Barriers to gender-affirming care for transgender and gender nonconforming individuals" 15 *Sexuality Research and Social Policy* 48–59 (2018).

²⁰ Singh, B., "Understanding legal frameworks concerning transgender healthcare in the age of dynamism" 3 *Electronic Journal of Social and Strategic Studies* 56–65 (2022).

²¹ Fiske, S. T., Bersoff, D. N., Borgida, E., Deaux, K., and Heilman, M. E., "Social science research on trial: Use of sex stereotyping research in *Price Waterhouse v. Hopkins*" 46(10) *American Psychologist* 1049 (1991).

²² Mezey, S. G., "Litigating transgender employment rights in the United States" in *Oxford Research Encyclopaedia of Politics* (2019).

²³ Eskridge, W., "Title VII's Statutory History and the Sex Discrimination Argument for LGBT Workplace Protections" 127 *Yale Law Journal* 322 (2017). <https://doi.org/10.2139/SSRN.3024259>.

Decisions like *Macy v. Holder* (2012)²⁴ where the Equal Employment Opportunity Commission (EEOC) clearly acknowledged that discrimination based on gender identity is definitely sex discrimination under federal law further confirmed the expansion of transgender rights under Title VII. Notwithstanding these developments, the legal climate still varies greatly across the United States with safeguards depending mostly on state and municipality. While some states give no such safeguards, leaving many transgender people dependent on federal interpretations of Title VII for their rights, others have passed thorough anti-discrimination statutes specifically including gender identification. This discrepancy emphasises the continuous difficulties transgender workers have in getting fair treatment and the need of constant legal activism to provide thorough and consistent protections all around²⁵.

KEY LEGAL MILESTONES

With the Supreme Court's ruling in *Price Waterhouse v. Hopkins* (1989)²⁶, the legal acceptance of transgender rights in the workplace underwent a notable turning point. In this instance, Ann Hopkins, a female senior manager, was sent away by Price Waterhouse because of her nonconformist attitude to gender roles. The Supreme Court decided in Hopkins's favour, finding that Title VII's sex discrimination clause included discrimination based on gender stereotypes. This decision set the foundation for later decisions affecting transgender people since it acknowledged that discrimination based on an individual's inability to fit into gender roles is a type of sex discrimination²⁷. The *Price Waterhouse* ruling was seminal since it broadened knowledge of sex discrimination to include gender expression in addition to biological variations. Arguing that discrimination based on gender identity is intrinsically connected to sex stereotypes, this more general view let later courts apply Title VII protections to transgender people. *Price Waterhouse* did not specifically address transgender rights, but its ramifications have been extensive and have affected several lower court rulings extending safeguards to transgender workers²⁸.

The 2012 case of *Macy v. Holder*²⁹ was still another pivotal turning point in the development of transgender rights. Denied a job due to her gender identification, transgender lady Mia Macy complained to the Equal Employment Opportunity Commission (EEOC). Setting a major precedent for next cases, the EEOC decided in her favour, ruling that discrimination against transgender people is a type of sex discrimination under Title VII. This decision marked the first time that a federal agency explicitly acknowledged transgender discrimination as sex discrimination³⁰. The Supreme Court's ruling in *Bostock v. Clayton County* in 2020 confirmed even more the legal safeguards for transgender people. The Court decided that the ban on sex discrimination in Title VII covers discrimination based on gender identification and sexual orientation. The result of years of legal fights, this historic decision confirmed unequivocally that transgender people are covered under federal employment law³¹.

INITIAL LIMITATIONS AND CHALLENGES

Notwithstanding these significant legal victories, transgender people have historically faced and still deal with many challenges in the workplace. One of the earliest and most often occurring problems in many states and localities is a lack

²⁴ Perkins, C., "Sex and sexual orientation: Title VII after *Macy v. Holder*" 65 *Admin. L. Rev.* 427 (2013).

²⁵ Trotter, R., "Transgender Discrimination and the Law" 3(2) *Contemporary Issues in Education Research* 55-60 (2010).

²⁶ Fiske, S. T., Bersoff, D. N., Borgida, E., Deaux, K., and Heilman, M. E., "Social science research on trial: Use of sex stereotyping research in *Price Waterhouse v. Hopkins*" 46(10) *American Psychologist* 1049 (1991).

²⁷ Mezey, S. G., "Litigating transgender employment rights in the United States" in *Oxford Research Encyclopaedia of Politics* (2019).

²⁸ Redcay, A., and Luquet, W., "Institutional change and transgender employment" 20(3) *Advances in Social Work* 515-531 (2020).

²⁹ Perkins, C., "Sex and sexual orientation: Title VII after *Macy v. Holder*" 65 *Admin. L. Rev.* 427 (2013).

³⁰ Mezey, S. G., "Litigating transgender employment rights in the United States" in *Oxford Research Encyclopaedia of Politics* (2019).

³¹ Pizer, J. C., Sears, B., Mallory, C., and Hunter, N. D., "Evidence of persistent and pervasive workplace discrimination against LGBT people: The need for federal legislation prohibiting discrimination and providing for equal employment benefits" 45 *Loy. LAL Rev.* 715 (2011).

of explicit protections³². Transgender employees had to rely on a patchwork of state and local laws before the EEOC's 2012 ruling and the Supreme Court's 2020 decision; many of these laws did not include gender identity as a protected category. When transgender persons faced prejudice, many times they were left without legal recourse, leading to significant social marginalisation and financial instability³³. A restricted perspective of sex discrimination as primarily linked to biological sex led to first judicial opposition to offer Title VII protections to transgender people. By eliminating gender identity and expression, this understanding left transgender people susceptible to discriminatory measures including wrongful termination, harassment, and job rejection. Many times, courts refused claims brought by transgender litigates pointing out the absence of defined legal rights and adopting a binary view of sex³⁴.

Moreover, occasionally the challenges transgender people face at the workplace transcended legal restrictions. Many transgender employees have alleged a hostile workplace typified by microaggressions, exclusion from business events, and management indifference. Anxiety, depression, and low job satisfaction³⁵. Also, the intersectionality of discrimination makes life more challenging for transgender persons particularly those from other marginalised groups. For example, the combined effects of racism and transphobia often lead to more degrees of discrimination directed towards transgender people of colour. This intersectionality makes it considerably more difficult for transgender persons to secure and maintain employment since they are subjected to numerous layers of prejudice³⁶.

Another important challenge has come from the medicalisation of transgender identity—especially in relation to disability law³⁷. While some courts have accepted transgender identity as a handicap, this approach has caused controversy and run against opposition from legal experts as well as the transgender population. Many argue that showing transgender identification as a handicap feeds negative stereotypes and perpetuates the stigma linked to being transgender³⁸. Nevertheless these challenges, the evolution of transgender rights in the workplace illustrates a more general trend towards increasing respect and inclusion of transgender individuals in all sectors of life. Though the legal milestones discussed here demonstrate remarkable development, they also highlight the ongoing need of activism and change to ensure that transgender individuals may operate in surroundings free from discrimination but also actively supporting and inclusive.

3. CURRENT LEGAL FRAMEWORK

ANALYSIS OF TITLE VII OF THE CIVIL RIGHTS ACT AND ITS INTERPRETATION CONCERNING TRANSGENDER RIGHTS

Among other things, Title VII of the Civil Rights Act of 1964 outlaws' employment discrimination motivated by sex. But the ban's application to transgender people has sparked a lot of legal debate and court interpretation conflict. Originally, Title VII's protection against sex discrimination was seen to relate simply to discrimination based on an individual's biological sex, therefore defining man or female as decided at birth. But under Title VII the courts have steadily expanded the meaning of "sex" to include gender identity and expression, therefore dramatically impacting transgender rights in the workplace³⁹. One of the basic rulings opening the route for this more comprehensive stance is *Price Waterhouse v. Hopkins* (1989). In this case, the Supreme Court admitted that sex discrimination protected under Title VII included

³² Attia, A., "Explicit equality: the need for statutory protection against anti-transgender employment discrimination" 25 *S. Cal. Interdisc. LJ* 151 (2016).

³³ Kirkland, A., "What's at Stake in Transgender Discrimination as Sex Discrimination?" 32 *Signs: Journal of Women in Culture and Society* 83-111 (2006). <https://doi.org/10.1086/505543>.

³⁴ Sheer, J., "A legal analysis: The transgender bathroom debate" 47 *J. Soci. & Soc. Welfare* 53 (2020).

³⁵ Redcay, A., and Luquet, W., "Institutional change and transgender employment" 20(3) *Advances in Social Work* 515-531 (2020).

³⁶ Katri, I., "Transgender intrasectionality: Rethinking anti-discrimination law and litigation" 20 *U. Pa. JL & Soc. Change* 51 (2017).

³⁷ Strassburger, Z., "Disability law and the disability rights movement for transpeople" 24 *Yale JL & Feminism* 337 (2012).

³⁸ Schmidt, D. A., "Bathroom bias: Making the case for trans rights under disability law" 20 *Mich. J. Gender & L.* 155 (2013).

³⁹ Mezey, S. G., "Litigating transgender employment rights in the United States" in *Oxford Research Encyclopaedia of Politics* (2019).

gender stereotyping. The court ruled that an employer cannot treat an employee unfairly based on their non-conformist to established gender roles. Since this decision established that discrimination based on gender nonconformism falls under Title VII's jurisdiction, it opened the road for future lawsuits involving transgender people⁴⁰.

Reinforcing the meaning of Title VII, the Equal Employment Opportunity Commission (EEOC) unequivocally concluded in *Macy v. Holder* (2012) that discrimination against transgender people is a sort of sex discrimination. In this case, transgender woman Mia Macy claimed she was passed over for employment after coming out with her gender transition. The EEOC's decision was a turning point since it stated that transgender people are protected under Title VII dependent on the concept of sex stereotyping and gender identity, therefore reflecting changes in society⁴¹. Specifically including discrimination based on sexual orientation and gender identity, the historic Supreme Court decision in *Bostock v. Clayton County* (2020) thereby extends Title VII's protections. The court concluded that discriminating against a person for being gay or transgender cannot be done without discriminating against that person based on sex. This decision was a huge victory for LGBTQ+ rights since it granted transgender persons all over legal protection under federal law⁴². Aside these changes, many governments still lack consistency in the execution of Title VII. Some courts have been reluctant to grant Title VII rights to transgender persons, particularly in cases when the discrimination is not clearly linked to gender nonconformism but rather to other factors such religious views or privacy considerations. These different points of view highlight the ongoing challenges completely safeguarding transgender rights under Title VII offers⁴³.

REVIEW OF FEDERAL, STATE, AND LOCAL LAWS ADDRESSING TRANSGENDER DISCRIMINATION IN EMPLOYMENT

Although state and municipal laws differ widely in their scope and usefulness, Title VII provides a federal framework for handling transgender discrimination in the workplace. More than 20 states and numerous localities have approved thus far, explicitly non-discrimination laws for transgender people in the workplace. These regulations are very crucial as a safety net for transgender employees in places where federal protections are observed more strictly⁴⁴. States such as California and New York, for example, have strong legislative protections that go beyond federal law and outlaw discrimination based on gender identity and expression in public and private sectors of employment⁴⁵. These states also provide extra protections, requiring businesses to grant access to gender-affirming healthcare and allowing employees to use restrooms corresponding to their gender identification⁴⁶.

On the other hand, transgender individuals often struggle greatly to assert their rights under Title VII in states lacking explicit protections. In some states, local ordinances may provide some degree of protection; their scope and applicability are often limited, though. For instance, even if some cities have rules against discrimination based on gender identity, these protections might not apply to all types of employment or might only cover public sector jobs⁴⁷. Also, the application of these guidelines can vary substantially. Strong protection states usually find state agencies and

⁴⁰ Twing, S. D., and Williams, T. C., "Title VII's Transgender Trajectory: An Analysis of Whether Transgender People are a Protected Class under the Term Sex and Practical Implications of Inclusion" 15 *Tex. J. on CL & CR* 173 (2009).

⁴¹ Taylor, L., "A Win for Transgender Employees: Chevron Deference for the EEOC's Decision *Macy v. Holder*" 15 *Journal of Law and Family Studies* (2014). <https://doi.org/10.5072/ULR.V2013I4.1168>.

⁴² Shannon, J. H., and Hunter Jr., R. J., "The Civil Rights Act of 1964: Beyond Race to Employment Discrimination Based on Sex: The 'Three Letter Word That Has Continued to Vex Society and the United States Supreme Court" 3(3) *Journal of Social and Political Sciences* (2020).

⁴³ Kelly, M. K., "(Trans) forming Traditional Interpretation of Title VII: Because of Sex and the Transgender Dilemma" 17 *Duke J. Gender L. & Pol'y* 219 (2010).

⁴⁴ Trotter, R., "Transgender Discrimination and the Law" 3(2) *Contemporary Issues in Education Research* 55-60 (2010).

⁴⁵ Sears, B., *Utah – Sexual Orientation and Gender Identity Law and Documentation of Discrimination* (UCLA: The Williams Institute, 2009). Retrieved from <https://escholarship.org/uc/item/7vj6b5j1>

⁴⁶ Currie, K. R., "If You Build It, 'They/Them' Will Come: The Misgendering of Transgender Nonbinary Athletes Is Discrimination on the Basis of Sex" 31 *J. Legal Aspects Sport* 312 (2021).

⁴⁷ Peebles, B. F., "Blurred lines: sexual orientation and gender nonconformity in Title VII" 64 *Emory LJ* 911 (2014).

courts more vigorously handling charges of discrimination. In countries without such protections, transgender persons could thus have significant legal challenges in seeking remedy since local courts could be less likely to apply Title VII broadly⁴⁸.

THE ROLE OF DISABILITY LAW IN PROTECTING TRANSGENDER RIGHTS AND ITS LIMITATIONS

Apart from Title VII, transgender people have sometimes sought cover under disability laws such the Americans with Disabilities Act (ADA). Still, transgender identity and disability laws have a complex and polar relationship. Historically, the ADA's protections—which notably exclude "gender identity disorders" not resulting from physical disabilities—have limited the application of disability law to tackle transgender discrimination⁴⁹. This limitation, some courts have interpreted the ADA to permit transgender individuals pursue protection. Sometimes courts have determined, for example, that transgender persons experiencing mental health issues related to discrimination or the stress of gender dysphoria should be considered as impairments under the ADA, therefore laying a basis for civil action against corporations. These cases are rare and often subject to significant legal challenges, nevertheless, since courts vary in their readiness to interpret the ADA generally⁵⁰. The limitations of utilising disability laws to promote transgender rights highlight the demand of more comprehensive legal protections. Dependent on disability law, transgender people's identities are presented as basically disordered rather than as a natural variation of human variety, therefore confirming negative perceptions about them. This approach can undermine the greater overall goal of acquiring social and legal acceptance of transgender people as equal members of society, worthy of the same rights and protections as everyone else⁵¹. Basically, even while Title VII's interpretation to defend transgender individuals has evolved greatly, challenges still persist, particularly in the unequal application of these protections over various nations and the limits of other legal pathways including disability legislation. As legal interpretations change, federal and state lawmakers have to adopt unambiguous, comprehensive laws that firmly defend transgender people's rights in the workplace.

4. CHALLENGES IN LEGAL PROTECTIONS

Inconsistencies and Gaps in Legal Protections Across Different Jurisdictions

Legal protections for transgender workers hired overseas differ, which presents significant difficulties for companies and workers both individually. Thanks to the 2020 U.S. Supreme Court opinion in *Bostock v. Clayton County*, transgender people now have Title VII protections; state-by-state implementation and application of these rights varies greatly⁵². This unequal application produces a legal picture whereby transgender rights remain threatened in some areas but are fiercely protected in others. For example, states like New York and California have created thorough laws especially shielding transgender people from employment discrimination. Beyond federal protections, California's Fair Employment and Housing Act (FEHA) and New York's Human Rights Law both demand businesses to accommodate transgender employees in many respects, including allowing them to use restrooms matching their gender identification and ensuring access to gender-affirming healthcare⁵³.

Many states—especially in the Midwest and the South—have not accepted such regulations, though. States like Alabama and Tennessee, for example, have no state statute specifically shielding transgender people from job discrimination. In these places, transgender workers have to rely just on the Title VII protections, which local courts could declare quite

48 Novkov, J., "Bostock v. Clayton County on LGBT employment discrimination" SCOTUS 2020: Major Decisions and Developments of the US Supreme Court 25-35 (2021).

49 Schmidt, D. A., "Bathroom bias: Making the case for trans rights under disability law" 20 Mich. J. Gender & L. 155 (2013).

50 Mezey, S. G., "Litigating transgender employment rights in the United States" in Oxford Research Encyclopaedia of Politics (2019).

51 Flake, D. F., "Using Religion to Protect Transgender Employees from Discrimination" U. Ill. L. Rev. 851 (2020).

52 Valenti, A., "LGBT Employment Rights in an Evolving Legal Landscape: the Impact of the Supreme Court's Decision in *Bostock v. Clayton County*, Georgia" 33 *Employee Responsibilities and Rights Journal* 3-23 (2020). <https://doi.org/10.1007/s10672-020-09359-7>.

53 Colvin, R. A., "The rise of transgender-inclusive laws: How well are municipalities implementing supportive non-discrimination public employment policies?" 27(4) *Review of Public Personnel Administration* 336-360 (2007).

restricted. Depending on the state in which they work, this results in a situation whereby transgender employees could be protected in one jurisdiction but not in another⁵⁴.

Though frequently restricted and unpredictable, local regulations can offer some more protections. Municipal legislation shielding transgender people, for example, might not encompass all realms of employment or only public sector labour even if they have been passed in locations like Madison, Wisconsin, and Austin, Texas. State legislation can similarly supersede local protections like North Carolina's polarising House Bill 2 (HB2) banned local ordinances protecting transgender persons and mandated their use of toilets matching their sex given at birth⁵⁵.

THE IMPACT OF CONFLICTING HUMAN RIGHTS CLAIMS

Conflicts between many human rights claims—especially those pertaining to freedom of expression, religious views, and transgender rights—cause yet another key obstacle in the legal protection of transgender rights in the workplace⁵⁶. Usually, these tensions arise when persons with "gender-critical" points of view—that their perspective is defended under laws guaranteeing freedom of expression or religious beliefs—claim that gender is established just by biological sex. One well-known case is *Forstater v. CGD Europe* (2019), in which researcher Maya Forstater asserted she was let go for social media expression of gender-critical viewpoints. Under the Equality Act 2010, Forstater claimed that her opinions on gender had to be safeguarded as a form of philosophical commitment. Originally ruling against her, the Employment Tribunal stated her opinions were "not worthy of respect in a democratic society," thereby negating protection. Later on, on appeal, this decision was overturned; the appellate panel decided, in spite of disagreement, her opinions did fit for protection under the Equality Act⁵⁷. This case highlights the difficult legal ground on which the rights of transgender people to be free from harassment and discrimination mix with the rights of others to publish their thoughts. Courts have battled to strike a balance between these conflicting rights, producing contradicting decisions that might leave companies and staff uncertain about the legal limits of permitted action in the workplace. Courts have underlined, in some cases the requirement of maintaining a workplace free from discrimination and hostility; in others they have shielded gender-critical views as a reasonable expression of belief⁵⁸. For *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (2018), the Supreme Court of the United States decided, for instance, on a conflict between religious views and anti-discrimination statutes. The decision raised important questions about how courts should strike a balance between religious freedom and anti-discrimination safeguards, even if it did not especially address transgender rights. Citing religious views, the Court decided in favour of the baker who turned down to build a wedding cake for a same-sex marriage underlining that the decision was unique to the specifics of the case and should not be taken as a general license to discriminate⁵⁹.

The continuous discussion on gender-critical points of view and religious liberties within the scope of transgender rights reflects the wider general society discussions on gender identity and the restrictions on free expression. These court rulings highlight the need of improved legal rules balancing these conflicting rights in a way that respects the dignity of transgender people as well as freedom of expression⁶⁰.

EXAMINATION OF THE "BATHROOM BILL" DEBATES AND THEIR IMPLICATIONS FOR TRANSGENDER RIGHTS

⁵⁴ Koch, K., and Bales, R., "Transgender employment discrimination" 17 *UCLA Women's LJ* 243 (2008).

⁵⁵ Trotter, R., "Transgender Discrimination and the Law" 3(2) *Contemporary Issues in Education Research* 55-60 (2010).

⁵⁶ Brown, E., and Scott, I., "Belief v. belief: Resolving LGBTQ rights conflicts in the religious workplace" 56(1) *American Business Law Journal* 55-113 (2019).

⁵⁷ Morris, S., and Cowan, S., "Should 'Gender Critical Views about Trans People be Protected in the Workplace? Reconciling Conflicting Human Rights and Discrimination Claims under the Equality Act 2010" (2010).

⁵⁸ Shannon, J. H., and Hunter Jr., R. J., "The Civil Rights Act of 1964: Beyond Race to Employment Discrimination Based on Sex: The 'Three Letter Word That Has Continued to Vex Society and the United States Supreme Court" 3(3) *Journal of Social and Political Sciences* (2020).

⁵⁹ Mezey, S. G., "Litigating transgender employment rights in the United States" in *Oxford Research Encyclopaedia of Politics* (2019).

⁶⁰ Morris, S., and Cowan, S., "Should 'Gender Critical Views about Trans People be Protected in the Workplace? Reconciling Conflicting Human Rights and Discrimination Claims under the Equality Act 2010" (2010).

The debate over 'bathroom laws' among transgender rights in the workplace is among the most clear-cut and polarising ones. Usually, these rules force people to use toilets corresponding to their sex assigned at birth instead of their gender identification. Such legislation has started significant legal conflicts and social debates all throughout the nation. Advocates of restroom bills argue that allowing transgender people to use toilets matching their gender identity could compromise privacy and security. Those with bad intents, they contend, may use these guidelines, therefore triggering occurrences of harassment or violence in areas split by gender. Many countries have passed toilet legislation, notably North Carolina's HB2, which was approved in 2016 and immediately attracted national attention on this justification⁶¹. Among those who oppose bathroom legislation, many transgender rights activists argue that these restrictions are discriminatory and driven by unfounded fears. Studies continually show that there is no evidence to support the claim that allowing transgender people to use the bathroom of their choosing compromises safety. Instead, these regulations help to stigmatise and marginalise transgender people, therefore making it difficult for them to use public facilities and participate totally in society⁶².

Notable also is the financial impact of these laws. For example, North Carolina's HB2 caused massive boycotts costing the state hundreds of millions of dollars in lost business and tourism income. Companies like PayPal and Deutsche Bank stopped planned state expansions, and major athletic events such the NBA All-Star Game were moved to different venues. These financial implications highlight the larger repercussions of discriminating laws for transgender people as well as for the governments that adopt them⁶³. Legal challenges against restroom rules have also influenced more broad discussions on transgender rights in the workplace. For businesses, particularly those with several sites, developing policies that comply with varying state laws while simultaneously protecting the rights of its transgender employees creates great challenges. Companies that wish to create inclusive workplaces have to balance a complex and sometimes contradictory legal environment between compliance with state legislation against the need to provide a motivating environment for every employee⁶⁴.

Moreover, the public discussion of toilet norms has increased consciousness of the need of business policies respecting transgender employees. Best practices for businesses are clear non-discrimination rules, gender-neutral bathrooms, and ensuring that every staff member receives gender identity and inclusivity training. Apart from supporting transgender employees, these actions assist to create a more inclusive and efficient workplace⁶⁵.

Legal rights for transgender people in the workplace provide many various and challenging challenges. Discrepancies in legal protections across many countries, the result of conflicting human rights claims, and ongoing debates on issues like bathroom access underscore the demand of a more consistent and inclusive legal framework. Legislators, companies, and activists have to cooperate to ensure that transgender persons are totally protected and supported in the workplace, therefore creating a situation whereby every employee may flourish as society addresses these issues.

5. CASE STUDIES

ANALYSIS OF LANDMARK CASES THAT HAVE SHAPED TRANSGENDER EMPLOYMENT RIGHTS

Transgender employment rights in the United States have been greatly affected by historical judicial rulings that have progressively raised safeguards under federal law. These cases have not only clarified the legal situation of transgender people in the workplace but also established significant precedents still influencing the legal scene. *Price Waterhouse v. Hopkins* (1989) is among the first and most powerful cases ever decided. Though not specifically addressing transgender rights, this case established that under Title VII of the Civil Rights Act of 1964 discrimination based on gender

⁶¹ Sheer, J., "A legal analysis: The transgender bathroom debate" 47 *J. Soci. & Soc. Welfare* 53 (2020).

⁶² Currie, K. R., "If You Build It, 'They/Them' Will Come: The Misgendering of Transgender Nonbinary Athletes Is Discrimination on the Basis of Sex" 31 *J. Legal Aspects Sport* 312 (2021).

⁶³ Redcay, A., and Luquet, W., "Institutional change and transgender employment" 20(3) *Advances in Social Work* 515-531 (2020).

⁶⁴ Sheer, J., "A legal analysis: The transgender bathroom debate" 47 *J. Soci. & Soc. Welfare* 53 (2020).

⁶⁵ Redcay, A., and Luquet, W., "Institutional change and transgender employment" 20(3) *Advances in Social Work* 515-531 (2020).

stereotyping is a type of sex discrimination, therefore laying the foundation for later legal arguments. Ann Hopkins, a female senior manager, was illegally refused partnership according to the Supreme Court's ruling since she defied conventional feminine stereotypes. Later on, this ruling established the idea that sex discrimination might encompass discrimination based on an individual's failure to adhere to gender standards, which proved especially important in cases involving transgender plaintiffs⁶⁶.

Following Price Waterhouse, transgender employment rights advanced significantly with the 2012 *Macy v. Holder* lawsuit. Transgender woman Mia Macy applied to work with the Bureau of Alcohol, Tobacco, Firearms, and Explosives. She was told the post had been filled after revealing her gender transition, even though she had been earlier advised she would be recruited. Under Title VII's ban of sex discrimination, Macy's claim was legitimate when the Equal Employment Opportunity Commission (EEOC) decided she was discriminated against based on her gender identity. Under federal law, the EEOC formally decided in this first instance that transgender discrimination is a type of sex discrimination⁶⁷. Currently, the most important case is *Bostock v. Clayton County* (2020). The Supreme Court decided that the ban on sex discrimination imposed by Title VII covers discrimination based on gender identity and sexual orientation. Three cases totalling employee termination for homosexuality or transgender behaviour were consolidated under this heading. Justice Neil Gorsuch's ruling holds that discriminating against someone for being gay or transgender without concurrently discriminating against them based on sex is impossible. This historic decision essentially expanded the interpretation of Title VII to cover gender identity, therefore giving transgender people nationwide protection against employment discrimination⁶⁸.

DISCUSSION ON THE PRACTICAL CHALLENGES FACED BY TRANSGENDER EMPLOYEES IN PURSUING LEGAL REDRESS

Though historic rulings like *Bostock* have dramatically broadened transgender rights, transgender employees still face many pragmatic challenges seeking legal remedies for discrimination. Among these challenges are negotiating complex legal systems, maybe facing resistance, and managing the psychological consequences of protracted legal conflicts. One of the primary challenges is the differences in legal protections among many states. As has already said, not all states have laws expressly protecting transgender persons; many people depend simply on federal protections under Title VII. Still, transgender plaintiffs would encounter courts hesitant to implement these protections even with federal protection, particularly in places with a background of more constrained interpretations of sex discrimination. This creates an uncertain and uneven legal application environment⁶⁹. Litigation can also be quite expensive and emotionally taxing. Legal battles can last for a long time, and transgender litigants may have significant financial responsibilities from missed income, legal fees, and the stress linked with ongoing discrimination. For example, Mia Macy fought a protracted court struggle in *Macy v. Holder* that badly compromised her mental health and financial stability. Many transgender people are discouraged from initiating legal action by their fear of reprisals and further prejudice even if they have a valid claim⁷⁰.

Moreover, transgender people sometimes face with social stigma and isolation both inside their communities and in more general society. Legal case publicity can expose individuals to harassment and extra discrimination in their personal life as well as at the job. This can compound the psychological consequences of the discrimination they have previously experienced, therefore generating serious mental health issues. Participating in a well-publicized court case

⁶⁶ Mezey, S. G., "Litigating transgender employment rights in the United States" in *Oxford Research Encyclopaedia of Politics* (2019).

⁶⁷ Armstrong, J. and Fincher, M., *Transgender Athletes in College Sports: A Human Resources and Legal Perspective From 2020 Forward* 278-294 (Journal of Education Human Resources, 2024).

⁶⁸ Rice, J. T., "The Road to *Bostock*" 15 *FIU L. Rev.* 423 (2021).

⁶⁹ Redcay, A., and Luquet, W., "Institutional change and transgender employment" 20(3) *Advances in Social Work* 515-531 (2020).

⁷⁰ Reisner, S. L., Hughto, J. M. W., Dunham, E. E., Heflin, K. J., Begenyi, J. B. G., Coffey-Esquivel, J., and Cahill, S., "Legal protections in public accommodations settings: A critical public health issue for transgender and gender-nonconforming people" 93(3) *The Milbank Quarterly* 484-515 (2015).

can also cause shame, which discouragement of other transgender persons from speaking out can help to prolong a cycle of prejudice and silence⁷¹. Moreover, the court system itself could provide challenges for transgender persons seeking justice. Often steeped in binary gender assumptions, courts and legal procedures can make it difficult for transgender plaintiffs to have their identities acknowledged and accepted during legal procedures. Transgender experiences filtered through a cisnormative lens could be prone to epistemic injustice, therefore compromising the legitimacy of their claims and reducing their prospects of a successful ending⁷².

6. ETHICAL AND SOCIAL CONSIDERATIONS

THE ETHICAL IMPLICATIONS OF WORKPLACE DISCRIMINATION BASED ON GENDER IDENTITY

Rooted in equity, justice, and human dignity, job discrimination based on gender identification raises serious ethical issues. Such discrimination contradicts not only legal requirements but also the moral standards supporting human rights and ethical behaviour in the workplace. It shows up as unfair recruiting rules, denial of promotions, uncomfortable working conditions, and unequal compensation. Such discrimination has rather important ethical repercussions. It damages the individual as well as reflects more broad society prejudices and injustices. Ethically, businesses have a responsibility to create policies allowing every employee—regardless of gender identity—to develop free from harassment or prejudice. This ethical requirement is underlined by the realisation that workplace equality improves social justice and helps society to be generally healthy⁷³.

Moreover, discrimination aimed at transgender people can inflict significant psychological and financial damage. Studies reveal that transgender employees who face prejudice are more likely to suffer with unemployment or underemployment as well as having mental health issues including anxiety and depression⁷⁴. These findings affect not just the individuals but also have wider social and financial consequences that assist to explain decreased production and growing healthcare costs⁷⁵. The moral questions ranging from the personal to the organisational level. Companies who embrace or encourage discrimination based on gender identification run a high risk of bad reputation and undermine their own moral values. Companies who actively support diversity and inclusion, on the other hand, will most likely benefit from better employee happiness, innovation, and a positive public image⁷⁶. Studies have shown that inclusive firms are more effective and resilient since they embrace diverse points of view and foster a culture of respect and collaboration⁷⁷.

THE ROLE OF EMPLOYERS IN FOSTERING AN INCLUSIVE ENVIRONMENT

Mostly depending on companies, what makes difference is an inclusive workplace supporting every employee—including transgender persons. Businesses which want to create such an environment have to create comprehensive non-discrimination rules with extremely inclusive gender identity and expression. Complementing these rules should be training courses teaching staff members about gender diversity and the requirement of respecting all colleagues

⁷¹ Aultman, B. L., "Epistemic injustice and the construction of transgender legal subjects" 15(1) *Wagadu: A Journal of Transnational Women's & Gender Studies* 2 (2016).

⁷² Schweitzer, Andrea, "[Trans] Boy Meets World': A Comparison of State Anti-discrimination Laws and First Amendment Protections for Gender Identity and Expression" (2016) *SSRN Electronic Journal*. Available at SSRN: <http://dx.doi.org/10.2139/ssrn.2664082>.

⁷³ Cavico, F. J., Muffler, S. C., and Mujtaba, B. G., "Sexual orientation and gender identity discrimination in the American workplace: legal and ethical considerations" 2(1) *International Journal of Humanities and Social Science* 1-20 (2012).

⁷⁴ Dispenza, F., Watson, L. B., Chung, Y. B., and Brack, G., "Experience of career-related discrimination for female-to-male transgender persons: A qualitative study" 60(1) *The Career Development Quarterly* 65-81 (2012).

⁷⁵ James, S., Herman, J., Rankin, S., Keisling, M., Mottet, L., and Anafi, M. A., *The report of the 2015 US transgender survey* (National Centre for Transgender Equality [NCTE], 2016).

⁷⁶ Redcay, A., and Luquet, W., "Institutional change and transgender employment" 20(3) *Advances in Social Work* 515-531 (2020).

⁷⁷ Tavakoli, M., *Creating a culture of inclusion to attain organisational success* 37-42 (Employment relations today, 2015).

regardless of their gender identification⁷⁸. Employers should also guarantee sure transgender employees, in line with other employees, get gender-affirming treatment under health insurance. Data by Human Rights Campaign shows companies offering transgender-inclusive health insurance have higher employee loyalty and retention⁷⁹.

Moreover, gender-neutral restrooms support inclusion, which has been shown to minimise harassment rates and improve the overall welfare of transgender employees⁸⁰. Also, the leadership greatly affects the inclusive mentality inside the organisation. Leaders should be committed to diversity and inclusion shown by their policies and actions. Strategic goals, values, and mission statements of the company could all point to this knowledge of the requirement of an inclusive workforce⁸¹. Studies show that leaders who offer inclusiveness top importance considerably improve organisational culture and employee engagement, so increasing productivity and innovation⁸².

7. RECOMMENDATIONS FOR LEGAL AND POLICY REFORMS

PROPOSALS FOR AMENDING TITLE VII TO EXPLICITLY PROTECT TRANSGENDER INDIVIDUALS

More precisely, more adjustments are needed even though the Supreme Court's 2020 *Bostock v. Clayton County* ruling extended Title VII rights to cover discrimination based on gender identity. The recommendations are as under:

1. One recommendation is that Title VII be updated to specifically mention gender identity as a protected property. This change would provide courts and companies better guidance, therefore reducing the ambiguity on the interpretation of sex discrimination⁸³.

2. Title VII might also be updated to include specific sections addressing frequent issues transgender employees have, such access to gender-affirming healthcare and the right to use facilities according with their gender identification. Apart from being free from discrimination, these measures would help to ensure that transgender employees acquire the tools and assistance needed to prosper in the employment⁸⁴.

3. Extending the reach of Title VII in this way will ensure that every employee—regardless of gender identity—is treated with dignity and respect as federal legislation would be in line with best practices already accepted by leading corporations.

SUGGESTIONS FOR IMPROVING THE ENFORCEMENT OF TRANSGENDER-INCLUSIVE NON-DISCRIMINATION LAWS

Protecting transgender employees depends on non-discrimination laws' effective application. One recommendation is to empower the Equal Employment Opportunity Commission (EEOC) further in investigating and handling claims of discrimination based on gender identification. This can mean arming the EEOC with more resources and authority to act pro-actively—including audits and training courses on transgender-inclusive policies⁸⁵. Moreover, businesses should get

⁷⁸ Cavico, F. J., Muffler, S. C., and Mujtaba, B. G., "Sexual orientation and gender identity discrimination in the American workplace: legal and ethical considerations" 2(1) *International Journal of Humanities and Social Science* 1-20 (2012).

⁷⁹ Mezey, S. G., "Litigating transgender employment rights in the United States" in *Oxford Research Encyclopaedia of Politics* (2019).

⁸⁰ Redcay, A., and Luquet, W., "Institutional change and transgender employment" 20(3) *Advances in Social Work* 515-531 (2020).

⁸¹ Currie, K. R., "If You Build It, 'They/Them' Will Come: The Misgendering of Transgender Nonbinary Athletes Is Discrimination on the Basis of Sex" 31 *J. Legal Aspects Sport* 312 (2021).

⁸² Winter, S., Diamond, M., Green, J., Karasic, D., Reed, T., Whittle, S., and Wylie, K., "Transgender people: health at the margins of society" 388(10042) *The Lancet* 390-400 (2016).

⁸³ Cavico, F. J., Muffler, S. C., and Mujtaba, B. G., "Sexual orientation and gender identity discrimination in the American workplace: legal and ethical considerations" 2(1) *International Journal of Humanities and Social Science* 1-20 (2012).

⁸⁴ Mezey, S. G., "Litigating transgender employment rights in the United States" in *Oxford Research Encyclopaedia of Politics* (2019).

⁸⁵ James, S., Herman, J., Rankin, S., Keisling, M., Mottet, L., and Anafi, M. A., *The report of the 2015 US transgender survey* (National Centre for Transgender Equality [NCTE], 2016).

clear directions on how to follow non-discrimination policies. Part of these rules should be best practices for handling issues such name changes, pronoun use, and toilet access. Employers should also enforce regular training on these subjects so that every staff member is aware of their legal responsibilities. A study by the National Centre for Transgender Equality found that workplaces with defined policies and training programmes reported a clear reduction in discrimination and an increase in general job satisfaction among transgender employees⁸⁶.

THE NEED FOR COMPREHENSIVE FEDERAL LEGISLATION TO ENSURE UNIFORM PROTECTIONS

Given the patchwork of state and municipal laws covering transgender rights, comprehensive federal legislation guaranteeing consistent protections for transgender persons all around the country is sorely needed. In several spheres, including employment, housing, and public facilities, a federal law such the proposed Equality Act would codify rights against discrimination based on gender identity and sexual orientation⁸⁷. Such legislation would provide a shared legal framework guaranteeing transgender persons everywhere they live, independent of their state. It would also assist to eliminate the legal ambiguities and disparities resulting from various state laws. This legislation guarantees that transgender rights are protected at the federal level, therefore powerfully expressing the nation's commitment to equality and justice for all persons⁸⁸. Also, comprehensive federal legislation would provide transgender persons simpler access to legal remedies should discrimination take place. By establishing explicit, legally enforceable rules, this law would let people pursue justice when their rights are violated, therefore motivating increased responsibility among companies and other institutions⁸⁹.

8. CONCLUSION

All things considered, this paper has looked at the important moral, social, and legal issues about job discrimination against transgender people. It has brought attention to the great moral ramifications of such discrimination—including the psychological, financial, and social damage it causes for transgender workers. Through means of thorough non-discrimination policies, training programs, and leadership commitment to diversity and inclusion, the debate underscored the indispensable part companies have in creating inclusive environments. Examined closely in the report were important landmark decisions such as *Bostock v. Clayton County*, which helped to define the legal environment for transgender rights in businesses. Notwithstanding these legislative advances, major obstacles still exist, especially in terms of the unequal application of rights in various countries and the continuous social stigma transgender people experience. These difficulties highlight the need of more legislative reforms including Title VII changes and the acceptance of comprehensive federal laws as the proposed Equality Act to offer consistent safeguards for transgender persons all around.

Encouragement of legal rights will enable transgender people to attain meaningful workplace inclusion. As society develops, the legal system has to match rising recognition of transgender rights. Employers, legislators, and society at large must come together to establish an atmosphere in which everyone—regardless of gender identification—may work free from prejudice and with full dignity and respect due. Only by means of such group projects can we guarantee transgender people that they are totally included and supported in the workplace, therefore promoting a more fair and equal society for all.

CONFLICT OF INTERESTS

None.

⁸⁶ Pizer, J. C., Sears, B., Mallory, C., and Hunter, N. D., "Evidence of persistent and pervasive workplace discrimination against LGBT people: The need for federal legislation prohibiting discrimination and providing for equal employment benefits" 45 *Loy. LAL Rev.* 715 (2011).

⁸⁷ *Id.*

⁸⁸ Mezey, S. G., "Litigating transgender employment rights in the United States" in *Oxford Research Encyclopaedia of Politics* (2019).

⁸⁹ Sears, B., Hunter, N. D., and Mallory, C., *Documenting discrimination on the basis of sexual orientation and gender identity in state employment* (The Williams Institute, 2009).

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