Employment Discrimination for Transgender Women and Men

Transgender Woman
Someone who was assigned male at birth, but whose gender identity is that of a woman

Transgender Man
Someone who was assigned female at birth, but whose gender identity is that of a male

Discrimination in Employment
- Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer (LGBTIQ) individuals constantly face discrimination in the workplace.
- Sexual Orientation, Gender identity and Expression and Sex Characteristics (SOGIESC) is one of the most significant factors behind discrimination in employment.
- Trans individuals are particularly impacted as they face increased discrimination because their gender identity and/or expression differs from their assigned sex at birth.
- Various trans individuals have reported the non-alignment of the sex mentioned on their ID cards and their physical expression (such as hair style, and clothing) to be the main factor of being denied employment.
- The lack of legislation supporting legal recognition of self-defined gender identity plays a crucial role in increased discrimination towards trans individuals.

Experiences of Discrimination
- "I experience verbal harassment in my real estate job, but never reported it formally because I didn’t know who to report it to. Employers should believe in capacity, instead of focusing on gender identity. I believe that it would greatly improve the situation if we have legal protections.” Kimhong, transman, Preah Sihanouk
- "From day-to-day, I do not feel happy and do not want to go to work anymore. Some colleagues ask me why I get my hair cut like a man when I am a woman. I always file a complaint to my supervisor but never got a proper solution.” Sera, transman, Phnom Penh
- "We have the same abilities to work as everyone else, so we should not be discriminated against, we should be given equal opportunities." Peaheo, transwoman, Siem Reap

Legal framework in Cambodia
The Cambodian legal framework does not adequately protect the rights of trans individuals:
- It does not contain overt provisions protecting trans individuals from SOGIESC-based discrimination and abuse;
- It contains an absence of legal recognition to self-defined gender identity, and laws covering marriage equality;
- It does not allow couples where one member is trans to adopt a child.

Enforcing legislation which entitles trans individuals to a new ID card which represents their self-defined gender, not only would provide them with a sense of belonging but would also permit adoption, marriage and would likely improve the general quality of life for trans individuals.

Recommendations
- The Royal Government of Cambodia (RGC) should Introduce legislation and revise current policies to prohibit SOGIESC-based discrimination at work.
- The RGC should enact a Legal Gender Recognition law guaranteeing every person the right to have their self-defined gender identity recognized on all official documents issued by the state.
- The RGC, with the support of civil society organizations, government institutions, and media organizations should implement awareness-raising campaigns to improve visibility and understanding of trans individuals.
- Private and public sector employers should enact non-discriminatory policies as well as administer "Standards of Conduct for Business in Tackling Discrimination against Lesbian, Gay, Bi, Trans, & Intersex People" as set by the Office of the High Commissioner for Human Rights.

Universal Periodic Review
Cambodia’s Third Universal Periodic Review cycle set various recommendations for Cambodia nine of which were focused on SOGIESC discrimination, three examples addressing trans rights include:
- Iceland: Introduce a gender recognition law.
- Sweden: Introduce new legislation that guarantees equality and explicitly prohibits discrimination against lesbian, gay, bisexual, transgender and intersex persons.
- Uruguay: Adopt effective measures to combat and punish discrimination and violence motivated by sexual orientation or gender identity.

All nine SOGIESC recommendations have been accepted by the RGC.

Findings and analysis included has been retrieved from CHCHR’s “The Right to Non-Discrimination on the Basis of Sexual Orientation, Gender Identity and Expression and Sex Characteristics in Employment in Cambodia” report. Read the full report here: https://bit.ly/EmploymentSOGIESC

March 2020