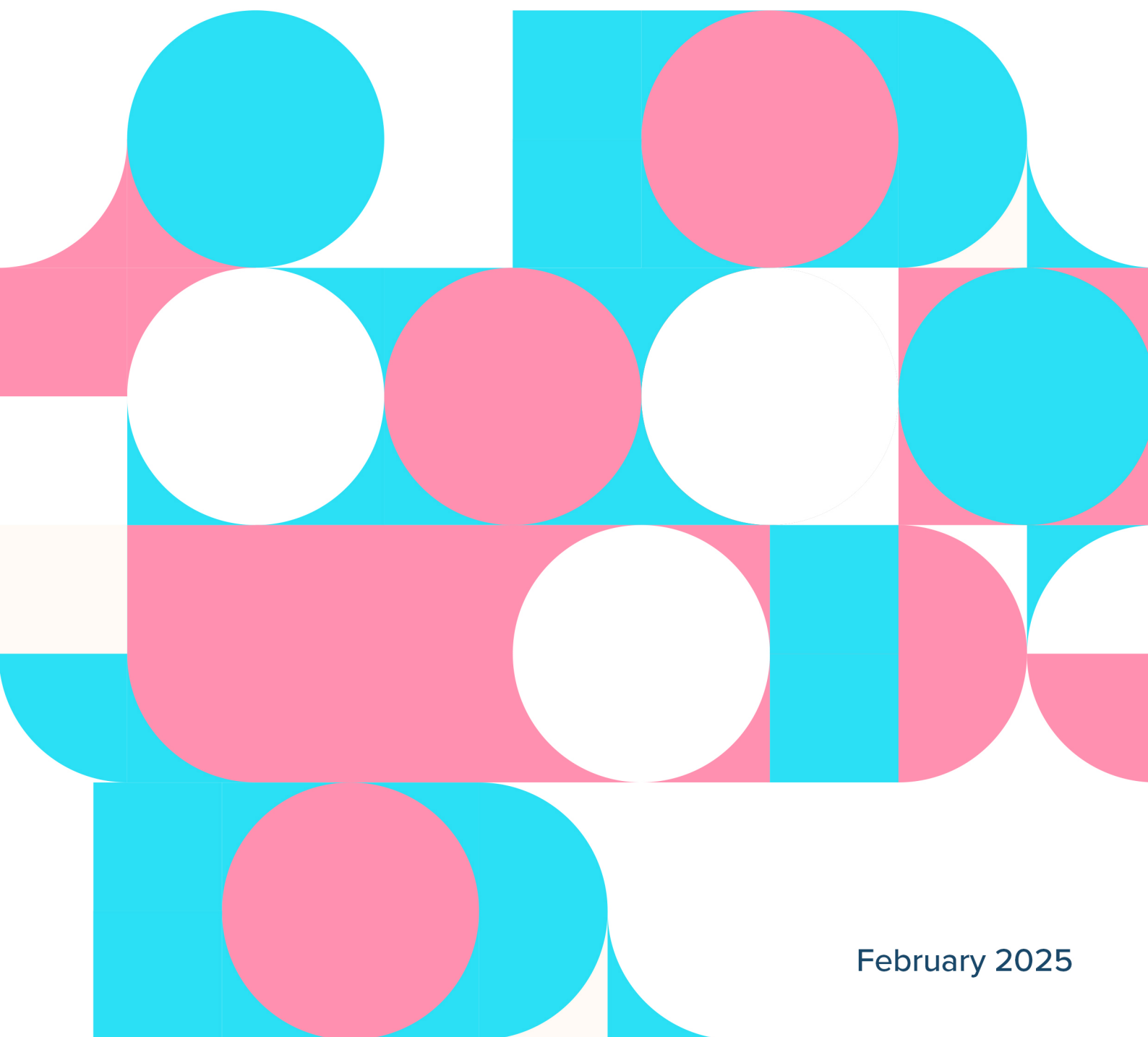


Identification of
**Barriers and Opportunities to
Access the Workforce for
Transgender and Gender-diverse
Persons**



in Barbados, Guyana and Jamaica

Field Evidence and Perspectives from Key Informants



February 2025

This study was made possible by the generous support of the American people through the United States Agency for International Development. The contents are the responsibility of the consultant and do not necessarily reflect the views of the United States Agency for International Development, the Government of the United States of America, the United Nations Development Programme or the United Nations System.

ACKNOWLEDGEMENTS

The United Nations Development Programme (UNDP) wishes to acknowledge the active engagement of partner civil society organizations and community groups in this research through the facilitation of the arrangements for the operationalization of focus groups and the distribution of the online survey, with special thanks to:

Barbados

Community Education Empowerment and Development
Equals Barbados

Guyana

Guyana Trans United
Proud To Be Trans

Jamaica

Equality for All Foundation in Jamaica

The identification of contact with the organizations and groups as well as follow-up to ensure completion of tasks at the national level was made possible through the active involvement of the Being LGBTI in the Caribbean (BLIC) focal points in the UNDP country offices:

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The team wants to acknowledge the support of the consultant Michelle Braithwaite in the organization of the focus groups in Guyana and Jamaica as well as the dissemination of the survey in Guyana.

Contents

Glossary	5
Introduction	6
3.1 Sex and gender identity	7
3.2 Rights, sexual orientation and gender identity in the Caribbean	8
3.3 Legislation and gender identity	10
Objectives	11
Methodology	12
5.1 Participation and access to the population	13
5.2 Online survey	13
5.3 Focus groups	13
5.4 Analysis of information plan	14
5.5 Limitations	14
Findings	15
6.1 The international law and the right to work of transgender and gender-diverse persons	15
6.2 National legislation and discrimination on the grounds of gender identity	16
6.3 Experiences of discrimination in the realization of the right to work	20
6.4 Sex work	27
6.5 Barriers to end discrimination in the workplace based on gender identity in Barbados, Guyana and Jamaica	28
6.6 Enablers for the respect of the right to work of transgender and gender-diverse persons in Barbados, Guyana and Jamaica	31
Conclusions	32

Recommendations	34
8.1 Enabling environment: Eliminating social stigma and discrimination as well as creating the conditions for transgender and gender-diverse persons to access the workforce	34
8.2 Reform or enact legislation and regulations	35
8.3 Enabling environment: Institutional capacities	35
8.4 Bridging the gap	36
8.5 Sex work	36
References	37
Annex 1. Online questionnaire for the identification of barriers and opportunities to access the workforce for transgender and gender-diverse persons in Barbados, Guyana and Jamaica	42
Annex 2. List of interviewees in Barbados, Guyana and Jamaica	45

Glossary

Gender identity. According to the Inter-American Court of Human Rights, gender identity is “the internal and individual experience of gender as each person feels it, which may or may not correspond to the [gender socially attributed to their] sex assigned at birth. Gender identity includes the personal experience of the body as well as other expressions of gender, such as dress, speech and mannerisms.”¹

LGBTIQ+. Acronym of lesbian, gay, bisexual, transgender, intersex, queer, and other sexually and gender-diverse persons. This acronym is used to group all populations that are discriminated against on the basis of their sexual orientation and/or gender identity. UNDP recognizes that this acronym has limitations. Categories are not universal and identities vary among regions.

Sexual orientation. A person’s emotional, romantic or sexual attraction to other people, or lack of attraction. Although a range of sexual orientations have been described, the most common ones being heterosexual (attraction to the opposite sex/gender), homosexual (attraction to the same sex/gender; lesbian for women and gay for men), bisexual (attraction to more than one sex/gender) or asexual (no sexual attraction).

Transgender and gender-diverse persons. Persons whose gender identity differs from the one socially attributed to their sex assigned at birth. In general, transgender persons identify with the opposite gender to the one socially attributed to their sex assigned at birth and gender-diverse persons identify with a non-conventional construction of gender. Different denominations are used for women registered as male at birth (transgender women, transfeminine) or men registered as female at birth (transgender men, transmasculine). Persons who identify with none of the socially constructed genders are known as non-binary (included in the category of gender-diverse persons used in this document). Persons who identify with the gender socially attributed to the sex assigned at birth are cisgender.

¹ Inter-American Court of Human Rights, *Gender Identity, and Equality and Non-discrimination of Same-sex Couples*, OC-24/17, Advisory Opinion, 24 November 2017.

Introduction

The United Nations General Assembly unanimously adopted in 2015 the resolution A/RES/70/1 that established the Sustainable Development Goals (SDGs), titled *Transforming our world: the 2030 Agenda for Sustainable Development*.

Discrimination against transgender and gender-diverse persons constitutes a barrier to achieving the SDGs, particularly SDGs 5, 8 and 10. SDG 5 focuses on gender equality, advocating for the empowerment of all individuals regardless of gender identity. Discrimination against transgender persons creates barriers to equitable access to education, labour, health care and legal protections, perpetuating systemic inequality. By fostering an inclusive society where transgender individuals can live and work without fear of violence or prejudice, Caribbean countries can promote greater equality and ensure marginalized groups are not left behind. Such efforts also support SDG 10, which seeks to reduce inequalities within and among countries, helping to build more equitable and just societies.

Furthermore, addressing discrimination is critical to achieving SDG 8, which emphasizes decent work and economic growth. Transgender individuals often face workplace discrimination and unemployment, depriving them of opportunities to contribute meaningfully to the economy. By creating inclusive labour markets and ensuring transgender persons have access to fair employment opportunities, the region can unlock their potential as contributors to sustainable economic development. This would enhance productivity, innovation and social cohesion, benefiting society as a whole. Empowering transgender persons to participate fully in the workforce and economy strengthens national resilience as well as accelerates progress towards a more prosperous and inclusive future for all.

This study aims at contributing to the generation of evidence to support the design and implementation of policies to move towards labour inclusion of transgender and gender-diverse persons in Barbados, Guyana and Jamaica.

3.1 Sex and gender identity

Ever since human births have been registered, every person is assigned a sex at birth, according to their external genitalia observed by the person registering the birth. It is to be noted that this method implies the wrong assumption of binarism in sex,² and leaves a small proportion of births undefined and with a wrong registration, which can affect basic human rights in the case of intersex persons.³

Persons in nearly every society are expected to perform very well-defined roles according to their sex assigned at birth. The system has served the purpose of organizing human relationships.⁴ Societies have clear rules and mechanisms to control the way people should behave and the role each individual should play in the family, the community and life in general, according to their sex assigned at birth, either male or female. Discrepancies between the sex assigned at birth and the gender and gender roles that societies attribute to such sex are highly stigmatized, and therefore, people who dare express such discrepancies as felt are subjected to harsh discrimination that impacts many aspects of their lives.⁵ Transgender and gender-diverse persons, who do not comply with such rules, have been traditionally excluded from most walks of life. Some cultures recognize a broader range of genders, such as *Muxe* in Mexico, *Wigudun* in

Panama, Two-spirits in North America, *Bakla* in the Philippines or *Hiraj* in India, among others. Persons who are assigned male at birth and do not comply with such rules may identify as women, transgender women, non-binary or other denominations. Likewise, persons assigned as female at birth who do not identify as women may identify as men, transgender men, non-binary or other.

According to population studies conducted in the region, transgender and gender-diverse persons have all the range of sexual orientations identified in the general population, feeling sexual attraction for the same gender, other genders or none.

Sociodemographic data on transgender and gender-diverse persons in the Caribbean are very scarce.⁶ There are no estimates of the size of such populations in Barbados. In Jamaica, studies conducted in the context of the response to HIV estimate the number of transgender women between the ages of 18 and 49 years of age at 3,841.⁷ These transgender women, who are recorded as male in public records, represent 0.6 percent of the registered male population in the same age group (659,412).⁸ In Guyana, a similar study estimated the population size in Region 4 at 629 transgender women that can be reached at meeting points, and the figure is doubled for the purpose of a national estimate for programming in the country to 1,258.⁹ The male population aged 15–64 years of age in the country

2 Ainsworth, Claire, "Sex redefined", *Nature*, vol. 518 (2015), pp. 288–291.

3 Carpenter, Morgan, "Intersex variations, human rights, and the international classification of diseases", *Health and Human Rights*, vol. 20, No. 2 (December 2018), pp. 205–214.

4 Lugones, María, "Colonialidad y género: hacia un feminismo descolonial", in *Género y descolonialidad* (Buenos Aires: Del Signo, 2014), pp. 13–54.

5 Inter-American Commission on Human Rights, *Reconocimiento de derechos de personas LGBTI* (2018).

6 Urban, Anne-Marie, and others, *Toward a Better Understanding of Discrimination Based on Sexual Orientation and Gender Identity* (2020).

7 Jamaica, Ministry of Health, *The 876 Study: Integrated Biological & Behavioural Surveillance Survey with Population Size Estimation Among Men Who Have Sex with Men and Transgender Persons in Jamaica* (Kingston, 2018).

8 Statistical Institute of Jamaica, "Population Statistics", database, 2017. Available at https://statinga.gov.jm/Demo_SocialStats/PopulationStats.aspx (accessed on 11 January 2025).

9 Reynolds, Zahra, Natassia Rambarran and Joel Simpson, *Validating Estimates of the Size of Key Populations: A Study in Region 4 of Guyana* (Chapel Hill, NC, United States of America, MEASURE Evaluations, University of North Carolina at Chapel Hill, 2017).

estimated by the World Bank at the time of the study in 2017 was of 239,080,¹⁰ which implies a 0.5 percent estimate of transgender and gender-diverse Guyanese people. This population size aligns with the amount of transgender and gender-diverse persons in other countries, such as the United States of America, which range from 0.39–2.7 percent.¹¹

It is therefore challenging to estimate the number of persons that are affected by barriers to enter the workforce based on their gender identity due to lack of accurate data, not only in what pertains to population numbers, but also, as will be expanded below, in national data regarding basic sociodemographic information. However, it is clear that such populations exist in all three countries in numbers that are significant when it comes to human rights violations.

3.2 Rights, sexual orientation and gender identity in the Caribbean

Violence and discrimination against the broader group of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) persons have been reported in all three countries of this study (Barbados, Guyana and Jamaica), including in public spaces in Barbados,¹² reports of LGBTIQ+ persons having been murdered in Jamaica on account of their sexual orientation or gender

identity,¹³ and violence against LGBTIQ+ persons in public and private settings in Guyana.¹⁴

Physical and sexual harassment against transgender persons is very common. According to surveys conducted, 59 percent of the transgender Caribbean sample had experienced some form of violence (versus only 5 percent of the heterosexual and cisgender sample) due to their sexual orientation and/or gender identity or expression (SOGIE).¹⁵

Studies on violence against LGBTIQ+ populations indicate that gender-based violence is common in workplace settings in Barbados¹⁶ as well as in Jamaica.¹⁷ Such discrimination has also been reported in Guyana.¹⁸ Given that transgender and gender-diverse persons often resort to sex work as a viable alternative to the formal work from which they are excluded, it is relevant to highlight that all sex workers in this last study had experienced violence at work, either from State forces or clients. Another survey found that LGBTIQ+ employees often avoid workplace discrimination by concealing their sexual orientation or gender identity, and even so, over 40 percent had experienced discrimination at work and very few reported these instances of discrimination.¹⁹ Discrimination in the labour sector triggers a cascade of multiple effects, including reduction or lack of income, mental

¹⁰ World Bank Group, “Guyana”, data set. Available at <https://data.worldbank.org/country/guyana> (accessed on 11 January 2025).

¹¹ Nolan, Ian T., Christopher J. Kuhner and Geolani W. Dy, “Demographic and temporal trends in transgender identities and gender confirming surgery”, *Translational Andrology and Urology*, vol. 8, No. 3 (June 2019), pp. 184–190.

¹² United States of America, Department of State, Bureau of Democracy, Human Rights and Labor, *Barbados 2022 Human Rights Report* (2022).

¹³ United Nations Development Programme, *Being LGBT in Jamaica: National Survey for Lesbian, Gay, Bisexual, and Transgender Persons in Jamaica* (2023).

¹⁴ Georgetown Law Human Rights Institute, *Trapped: Cycles of Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Persons in Guyana* (Washington, D.C., 2018).

¹⁵ Crehan, Phil, and others, “The economic case for LGBT+ inclusion in the Caribbean”, Research Series (London, Open for Business, 2021).

¹⁶ Linkages Across the Continuum of HIV Services for Key Populations Affected by HIV and United Nations Development Programme, *Gender-based Violence, HIV, and Key Populations in Latin America and the Caribbean: Trinidad and Tobago and Barbados Country Report* (Durham, NC, United States of America, 2018).

¹⁷ TransWave Jamaica, *Trans Economic Survivability in Jamaica*, (Stonewall and TransWave Jamaica, 2019).

¹⁸ United Nations Guyana, “Advocating for the rights and protection of the LGBTIQ+ community”, 27 June 2021.

¹⁹ United Nations Development Programme, and others, *National LGBTI Survey: Barbados* (2023).

health conditions, eviction and food insecurity, among others. In fact, participants in the focus group discussions repeatedly mentioned how stressful it can become to search for employment for transgender and gender-diverse persons, given the fear of rejection.

None of the three countries grant explicit protection to LGBTIQ+ persons against violence based on their sexual orientation and/or gender identity or against denial of services based on mere discrimination. Denial of services to transgender persons because of their gender identity is not proscribed under Jamaican law and there are no mechanisms to seek justice. Reports exist of frequent threats of violence that lead to transgender persons living in fear and, in some cases, fleeing their homes.²⁰ Some voids in legislation are very obvious. The Sexual Offences Act of 2009 states that only women can be victims of rape. No forced penetration of orifices other than the vagina are deemed to be rape, leaving gender-diverse populations assigned male at birth unprotected.²¹ In a similar way, the Domestic Violence Act of 1998²² allows persons to seek protection when they are in married, unmarried, cohabiting and non-cohabiting union, but only of a heterosexual nature. The Barbados Domestic Violence (Protection Orders) (Amendment) Act, 2016–2²³ refers to couples protected as “husband and wife” and has not been applied to protect

same-sex couples. The new Family Violence Act in Guyana²⁴ removes any reference to the sex or gender of the persons involved, opening the door to protection of persons in same-sex/gender couples, but has not been applied to couples different than cisgender and heterosexual so far.

Such discrimination greatly hinders access to social and economic rights for transgender and gender-diverse populations, making it very difficult for them to access and complete their education, access proper housing,²⁵ establish and maintain a social support network, or enjoy dignified living conditions.²⁶

Regardless of whether transgender and gender-diverse persons have had access to education or not, exclusion from the labour sector has been documented in the Latin America and Caribbean region.²⁷ Transgender and gender-diverse persons have restricted access to employment and self-employment is very cumbersome. Once employed, discrimination can take different forms of marginalization, including termination of employment. A national survey in Mexico showed that the probability of suffering violence at work due to gender identity was 36.9 percent among transgender women.²⁸

Laws that do not recognize the existence and social effects of discrimination based on gender

20 TransWave Jamaica, *Universal Periodic Review of Jamaica: Submission on Human Rights Violations Against Transgender People in Jamaica* (2020).

21 Jamaica, *The Sexual Offences Act, 2009, Act 12 of 2009, sects. 3–6* (20 October 2009).

22 Jamaica, *The Domestic Violence Act, Acts 15 of 1995 and 32 of 2004* (6 May 1996).

23 Barbados, *Domestic Violence (Protection Orders) (Amendment) Act, 2016–2, Supplement to Official Gazette, No. 16* (22 February 2016).

24 Guyana, *Family Violence Act 2024, Act No. 14 of 2024, The Official Gazette (Legal Supplement – A)* (16 August 2024).

25 Abbate, Nicolás and others, “Discrimination against gay and transgender people in Latin America: a correspondence study in the rental housing market”, IDB Working Paper Series, No. IDB-WP-1432 (Inter-American Development Bank, 2023). This study in four Latin American countries found significant levels of discrimination against transgender women when trying to rent a home.

26 Inter-American Commission on Human Rights, *Report on Trans and Gender-diverse Persons and Their Economic, Social, Cultural, and Environmental Rights* (2020).

27 Red Latinoamericana y del Caribe de Personas Trans, *Informe regional 2021 sobre las violaciones a los derechos humanos de las personas trans en Latinoamérica y el Caribe* (Buenos Aires, 2022).

28 Mexico, National Institute of Statistics and Geography, *Encuesta Nacional sobre Diversidad Sexual y de Género (ENDISEG)* (2021).

orientation and that do not protect this group against such discrimination reinforce the idea that transgender and gender-diverse persons are second-category citizens and that their rights are less important than those of cisgender persons. These ideas fuel further social and institutional discrimination that will ultimately lead to a denial of basic rights, including the right to work.

3.3 Legislation and gender identity

Legislation plays a key role in the dynamics around discrimination. None of the three countries have legislation recognizing self-determination of gender identity. The Caribbean Court of Justice repealed a Guyanese law criminalizing “cross-dressing” or diverse gender expression in 2018, and the law was reformed by the Guyanese Parliament in 2021 to meet the newly established standards.²⁹ In 2023, Barbados decriminalized same-sex relationships through a ruling of the High Court,³⁰ following a trend in the Eastern Caribbean that has seen decriminalization of same-sex relationships in Antigua and Barbuda as well as Saint Kitts and Nevis, and later Dominica in 2024.³¹ In October 2023, the Jamaican Supreme Court upheld the law that criminalizes consensual same-sex

relationships, even after the Inter-American Commission on Human Rights had found in 2021 that such a law is in several breaches of human rights obligations. Guyana still retains legislation criminalizing same-sex relationships between men.³² The Human Rights Committee that monitors implementation of the International Covenant on Civil and Political Rights by States has requested Guyana to repeal such legislation. Even though the Government has expressed it is willing to include sexual orientation and gender identity among the forms of discrimination prohibited by the Prevention of Discrimination Act of 1997, it has also implied that it will not decriminalize same-sex relationships due to opposition from religious groups.³³ In a context where transgender persons are made invisible, transgender and gender-diverse persons are often perceived as either gay men or lesbian women, and such legislation has great impact on this population.

This study aims at producing information on the characteristics of social exclusion and discrimination of transgender and gender-diverse populations in the labour sector in the three English-speaking Caribbean countries (Barbados, Guyana and Jamaica) as well as to collect and analyse proposals for inclusive public policies.

29 American Commission on Human Rights, *Annual Report 2021* (Washington, D.C., 2022).

30 Barbados Supreme Court of Judicature, *René Holder-McClean-Ramirez, Raven Davina Gill and Equals Inc. v. The Attorney General of Barbados*, No. CV 0044 of 2020, Judgment, 25 May 2023.

31 Eastern Caribbean Supreme Court, *B.G. v. The Attorney General of the Commonwealth of Dominica*, DOMHCV2019/0149, Judgment, 22 April 2024.

32 The Advocates for Human Rights, and Khaleem Ali, *Co-operative Republic of Guyana's Compliance with the International Covenant on Civil and Political Rights: LGBT+ Human Rights – for the 140th Session of the Human Rights Committee 04 March–28 March 2024* (2024). Sections 352 to 354 of the Criminal Law Offences (Amendment) Act punish “acts of gross indecency with a male person” (punishable by two years’ imprisonment), “attempts to commit an unnatural offence” (including buggery) with another man (10 years imprisonment) and buggery (life imprisonment).

33 United Nations Office of the High Commissioner for Human Rights, “In dialogue with Guyana, experts of the human rights committee commend measures promoting gender equity, ask about the territorial dispute with Venezuela and alleged corruption regarding oil exploitation permits”, 20 March 2024.

Objectives

- o To identify the barriers that transgender and gender-diverse persons experience to access the workforce in both the public and private sectors in Barbados, Guyana and Jamaica, in legislation and policy, and in personal experiences.
- o To define the elements of a strategy for the labour inclusion of transgender and gender-diverse persons in Barbados, Guyana and Jamaica.

Methodology

This analysis is a descriptive study, using a desk review, semi-structured key informants' interviews, focus groups with transgender and gender-diverse persons in Barbados, Guyana and Jamaica, and the survey of a small sample of transgender and gender-diverse individuals in each of the countries. The interviews, focus groups and survey were conducted between the months of July and September 2024. The content of the online questionnaire can be found in Annex 1.

Given the fact that the universe of the transgender and gender-diverse population is not known, and that this specific population could be hard to reach due to social exclusion, a quantitative and qualitative approach was used. Key informants were:

- Transgender and gender-diverse persons from the three countries;
- Transgender and gender-diverse community groups from the three countries;
- Representatives of the national institutions in charge of the policies for labour inclusion in each country;
- Representatives of the Chambers of Commerce and/or the private sector in the three countries;
- The focal points in the UNDP country offices.

Please see Annex 2 for a full list of key informants. Key informants were reached through an online questionnaire and with direct remote interviews.

The study was coordinated from the UNDP Regional HIV and Health Team, with active participation of the UNDP Multi-Country Offices in Barbados and Jamaica as well as the Country Office in Guyana. Key informants from the government, civil society and the private sector were identified with support from the country offices. Their support was also key in disseminating the online survey and in the organization of the focus groups.

5.1 Participation and access to the population

UNDP acknowledges that participation of the communities and civil society organizations is key to building capacities and achieving the expected outcomes. With support of the UNDP country offices, organizations of transgender and gender-diverse populations were contacted and invited to participate in the review of the protocol, outreach to populations, distribution of the survey, focus groups organization and interpretation of the results.

5.2 Online survey

As mentioned above, an online survey was designed to collect individual responses from a convenience sample of 41 transgender and gender-diverse respondents in each of the countries (11 in Barbados, 23 in Guyana and 7 in Jamaica), with the following inclusion criteria:

- To be 18 years of age or older;
- To identify with a gender different to the one socially attributed to their sex assigned at birth;

- To be a national or permanent resident of the country surveyed (Barbados, Guyana and Jamaica).

The online survey has been designed on the Google Forms platform (see Annex 1). Communities, civil society organizations and community groups were contacted in each country to ensure support to the initiative and access to respondents.

5.3 Focus groups

To discuss, complement and qualify the findings of the survey, focus groups were organized in each of the countries (Barbados, Guyana and Jamaica), with a minimum of 5 and a maximum of 10 participants. The researcher conducted a group conversation following a semi-structured questionnaire. Focus group participants were provided with a stipend to cover the cost of transportation and time dedicated.

Focus group discussions in Jamaica and Guyana took place during the focus groups already organized by another accessing study on social protection by transgender and gender-diverse persons in the same countries.

5.4 Analysis of information plan

Data from the online survey was collected from the platform's database and analysed. The online survey collected information on the following variables:

Country or residence	Description of household
Age	Household financial situation
Nationality	Educational level
Migration status	Experiences of discrimination at job search
Sex assigned at birth (female or male)	Experiences of discrimination at work
Gender (man, woman, transgender man, transgender woman, gender-fluid, gender-neutral, other)	Experiences of discrimination at termination of work
Gender expression	Redress for discrimination
Possession of identity document	Experiences of inclusion at job search
Employment status in the last week: unemployed, self-employed professional, self-employed worker, formal employment (public sector), formal employment (private sector), informal employment – no social security (public sector), informal employment – no social security (private sector), sex worker, paid domestic work, unpaid domestic work	Experiences of inclusion at work
Job search in the last five years	Knowledge of public policies to promote access to employment
Barriers in access to a job in the last five years	Opinion on the public policies to promote access to employment
Self-confidence in job search	

Simple proportions were calculated to observe common features. Given the lack of knowledge of the universe of the population in each country and the non-representative samples, no statistical significance was explored.

5.5 Limitations

The lack of accurate estimates of the populations of transgender and gender-diverse persons in

each of the countries does not allow for reliable statistic calculations. Difficulty in accessing the populations only allows for convenience samples for the questionnaire that have reached a limited number of participants. Lack of access to the Internet as well as low literacy levels would hinder access to an online questionnaire, which was addressed by direct contact and support from the country offices and/or civil society organizations in the completion of the questionnaire.

Findings

This section reflects the findings of the desk review, focus group discussions and responses to the survey presented around different topics: international and national legislation affecting transgender and gender-diverse populations; experiences of discrimination; sex work; barriers to end discrimination in workplaces; enablers for changes; and good practices.

6.1 The international law and the right to work of transgender and gender-diverse persons

The United Nations Human Rights Committee has defined discrimination as “any distinction, exclusion, restriction or preference based on specific reasons, such as race, colour, sex, language, religion, political or other opinions, national or social origin, economic status, birth or any other social condition which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of the human rights and fundamental freedoms of all persons.”³⁴

All three countries in this study have ratified the International Covenant on Economic, Social and Cultural Rights³⁵ and are subject to its interpretation by its Committee. The Committee has established that freedom from discrimination in the enjoyment of all the rights³⁶ protected by the Covenant, and specifically the right to work³⁷ includes protection from discrimination on the grounds of gender identity. Therefore, regardless of the content of national legislations, Barbados, Guyana and Jamaica are under an obligation to protect transgender and gender-diverse persons from discrimination in accessing the workforce and to take the necessary measures to ensure such access.

An additional layer of protection is granted by the Inter-American System of Human Rights. Of the three countries in this study, Barbados has accepted the jurisdiction of the Inter-American Court of Human Rights and is therefore bound by its decisions.

³⁴ United Nations, *International Human Rights Instruments, Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, General Comment 18 (HRI/GEN/1/Rev.1).

³⁵ United Nations, “International Covenant on Economic, Social and Cultural Rights, United Nations”, Treaty Series, vol. 993, p. 3 (1996).

³⁶ United Nations, Economic and Social Council, “International Covenant on Economic, Social and Cultural Rights”, General Comment 20 (E/C.12/GC/20).

³⁷ United Nations, Economic and Social Council, “International Covenant on Economic, Social and Cultural Rights”, General Comment 23 (E/C.12/GC/23).

Jamaica has ratified the American Convention on Human Rights, although it has not accepted the jurisdiction of the Inter-American Court of Human Rights. Guyana is not a party to the Convention although it remains subject to the provisions of the American Declaration of the Rights and Duties of Man and to the recommendations of the Inter-American Commission on Human Rights under the Declaration.³⁸

The Inter-American Court of Human Rights issued an Advisory Opinion on Gender Identity, Equality, and Non-discrimination of Same-sex Couples, covering topics that included the recognition of the self-determination of gender identity,³⁹ OC-24/17, in response to a consultation from the State of Costa Rica. In summary, among other statements and recommendations, OC-24/17 recognizes that transgender and gender-diverse persons face harsh discrimination that hinder their right to work and states that the Costa Rican State must take the measures necessary to allow for the self-determination of gender identity by individuals through a simplified administrative process that involves no interference from the medical, the judicial or any other sector.

It is debatable whether Advisory Opinions requested from one State affect in any way other States party to the Convention and other States that have recognized the jurisdiction of the Inter-American Court of Human Rights. What is not debatable is that the Inter-American Court of Human Rights holds the maximum authority in the interpretation of the American Convention on Human Rights. It should be understood that the

American Convention on Human Rights protects the right to work of transgender and gender-diverse persons as well as protects them from discrimination based on gender identity.

6.2 National legislation and discrimination on the grounds of gender identity

All three countries have legislation against discrimination of certain groups of population. The constitutions of each country proscribe discrimination on several grounds. The Constitution of Barbados⁴⁰ establishes the prohibition of discrimination on the grounds of race, place of origin, political opinions, colour or creed. The Constitution of the Co-operative Republic of Guyana⁴¹ celebrates the country's "cultural and racial diversity and strengthen our unity by eliminating any and every form of discrimination", mandating the State to eliminate "discriminatory distinctions between classes, between town and country, and between mental and physical labour", and defining discrimination as a distinction based on "race, place of origin, political opinion, colour, creed, age, disability, marital status, sex, gender, language, birth, social class, pregnancy, religion, conscience, belief or culture" (article 149). Other articles make specific reference to discrimination based on sex and ethnicity. The Constitution of Jamaica⁴² has one reference to discrimination in section 13 where it guarantees "the right to freedom from discrimination on the ground of: (i) being male or female; and (ii) race, place of origin, social class, colour, religion or political opinions."

38 Organization of American States, "American Convention on Human Rights "Pact of San Jose, Costa Rica" (B-32)". Available at https://www.oas.org/dil/treaties_b-32_american_convention_on_human_rights_sign.htm (accessed on 11 January 2025).

39 Inter-American Court of Human Rights, *Gender Identity, and Equality and Non-discrimination of Same-sex Couples*, OC-24/17, Advisory Opinion, 24 November 2017.

40 Barbados, *The Constitution of Barbados*, *The Laws of Barbados*, sect 23 (1966).

41 Guyana, *Constitution of the Co-Operative Republic of Guyana Act, Act 2 of 1980*, *Laws of Guyana*, art. 149 (1980).

42 Jamaica, *The Jamaica (Constitution) Order in Council 1962*, chapter 3, 13.3i (1962).

None of the three constitutions include any reference to discrimination on the basis of gender identity or sexual orientation. Although according to international legislation, the provision of protection on the basis of sex includes sexual orientation and this section should be interpreted in such sense, it could not be interpreted to protect against discrimination based on gender identity.⁴³

Regulation of discrimination in the workforce

The three countries have proscribed certain types of discrimination in the workplace. Barbados regulated the prevention and prohibition of discrimination in the workplace through the Employment (Prevention of Discrimination) Act.⁴⁴ The Act offers a broad definition of discrimination as follows:

Meaning of discrimination

3. (1) For the purposes of this Act, a person discriminates against another person where (a) the person, on a ground specified in subsection (2), directly or indirectly, whether intentionally or not, makes a distinction, creates an exclusion or shows a preference, the intent or effect of which is to subject the other person to any disadvantage, restriction or other detriment; or

(b) the person, directly or indirectly, whether intentionally or not, subjects the other person to any disadvantage, restriction or other detriment in the following circumstances:

(i) a ground specified in subsection (2) applies to the other person;

(ii) as a consequence of the ground the other person does not comply, or is not able to comply, with a particular requirement of the first mentioned person;

(iii) the nature of the requirement is such that a substantially higher proportion of persons to whom the ground does not apply complies, or is able to comply, with the requirement; and

(iv) the requirement is not reasonable in the circumstances.

Subsection 2 includes sexual orientation among the grounds prohibited for discrimination, although not on gender identity. It mandates every employer to have a policy against discrimination in the workplace. The Act also describes the process for complaint.

The Jamaican Staff Orders for the Public Service regulate the public service and include a chapter on equal opportunity,⁴⁵ stating the grounds of discrimination that are not permitted, and it mentions explicitly sexual orientation, although there is no mention of gender orientation. The procedure for registering complaints is not very specific.

The Guyanese Prevention of Discrimination Act of 1997⁴⁶ focuses on “the elimination of discrimination in employment, training, recruitment and membership of professional bodies and the promotion of equal remuneration to men and women in employment who perform work of equal value.” This Act shows the commitment of the State in the protection against unlawful discrimination. However, as it relates to the explicit grounds of

43 Human Rights Committee, *Toonen v. Australia*, CCPR/C/50/D/488/1992, Communication No. 488/1992, 31 March 1994.

44 Barbados, Employment (Prevention of Discrimination) Act, 2020-26, The Official Gazette (7 August 2020).

45 Jamaica (2004), Staff Orders for the Public Sector.

46 Guyana, Prevention of Discrimination Act, Laws of Guyana, Act 26 of 1997 (13 October 1997).

discrimination that are forbidden under this Act,⁴⁷ the legal text mentions neither sexual orientation nor gender identity. Therefore, discrimination against a person on such grounds is not forbidden under the law.

No regulation could be found in Guyana that makes specific reference to sexual orientation or gender diversity. As mentioned in the introduction, the Parliament of Guyana repealed in 2021 an 1893 law that prohibited cross-dressing, after the Caribbean Court of Justice deemed such law unconstitutional.⁴⁸

In Guyana, focus group participants report the non-existence of legal protection against discrimination as the origin of many instances of discrimination in employment. Civil society organizations also inform that “these discriminatory workplace practices oftentimes go unreported because the LGBTIQ+ people have no legal protection from discrimination on the basis of their sexual orientation or gender identity in employment.”⁴⁹

Therefore, since 2021, self-determination of gender identity is decriminalized in all three countries, although it lacks specific protection in the workplace and discrimination on its grounds is not explicitly prohibited. Both Barbados and Jamaica have regulations prohibiting discrimination in the workplace on the basis of sexual orientation, only applicable to the public sector in the case of Jamaica, and to both the public and private sector in Barbados. When asked whether the Jamaican Staff Orders had ever been

used to claim discrimination on the basis of sexual orientation, civil society informants responded that people are reluctant to file claims as it would result in revealing their sexual orientation to everyone in their workplace.

Regulation of same-sex relationships and sex work

Although not directly affecting the enrolment of transgender and gender-diverse persons in the formal workforce, criminalization of behaviours that are common in these populations reinforce the stigma and have the capacity to influence the ability of persons in accessing employment as well as create a climate of exclusion and discrimination that ultimately impact their right to work. As mentioned earlier, transgender and gender-diverse persons are generally perceived as gay men, and sex work is a common occupation for this group.

The Barbados Sexual Offences Act 1992⁵⁰ is clear in the prohibition of sex work and some related activities, such as “procurement for prostitution”, the establishment or management of a brothel, allowing the exercise of sex work in one’s premises, living with or being habitually in the company of a sex worker, and forcing another person into sex work. Some of these provisions are very vague and could affect disproportionately the enjoyment of the rights of sex workers, such as the establishment of co-operatives of sex workers or even cohabitation with a partner, relative or friend.

47 Section 4 includes the list of grounds of discrimination prohibited: “race, sex, religion, colour, ethnic origin, indigenous population, national extraction, social origin, economic status, political opinion, disability, family responsibilities, pregnancy, marital status or age..”

48 The Caribbean Court of Justice, *McEwan and Others v. Attorney General of Guyana*, CCJ Appeal No. GYCV2017/015 and GY Civil Appeal No. 83 of 2013, Judgment, 13 November 2018.

49 Society Against Sexual Orientation Discrimination and Sexual Rights Initiative, *On Devil’s Island: A UPR Submission on LGBT Human Rights in Guyana* (2015).

50 Barbados, *Sexual Offences Act 1992-3, Supplement to Official Gazette*, sects. 13– 20.

The Guyanese Criminal Law Offences (Amendment) Act⁵¹ does not prohibit sex work as such. It does proscribe some ancillary activities associated with sex work, such as forcing minors into sexual relationships or the procurement of sex work from another person.

Jamaica outlaws sex work through its prohibition in the Sexual Offences Act.⁵² It also prohibits other activities related to sex work, such as procuring someone for sex work, retaining sex workers in brothels, to force someone into paid sexual relationships or to live on the earnings of sex work.

As mentioned, above, the Supreme Court of Judicature of Barbados declared in 2023 the prohibition of buggery and “serious indecency” unconstitutional, and therefore are not applicable anymore.⁵³ Interviewees expressed that while the ruling was welcomed, a major challenge, social stigma, remains; as the perception of “wrongness” is still deeply entrenched in society, much sensitization work needs to be done to pass from criminalization to acceptance and respect from society at whole.

Anal sexual relationships, either in public or in private, are punishable under the Guyanese Criminal Law Offences (Amendment) Act⁵⁴ with imprisonment for life. They are also prohibited in Jamaica under the Offences Against the Person Act punishable for up to 10 years.⁵⁵

Other regulations affecting the right to work of transgender and gender-diverse populations

None of the countries have enacted any legislation that makes a specific reference to the protection against discrimination based on gender identity under any circumstances. Some countries, however, have pieces of legislation that contemplate the protection of persons against discrimination based on their sexual orientation in the labour sector. The Employment Sexual Harassment (Prevention) Act of Barbados from 2017⁵⁶ could protect people against harassment at work based on their sexual orientation and/or gender identity, although it is not explicitly mentioned. The more recent Employment (Prevention of Discrimination) Act from 2020⁵⁷ is ground-breaking as it includes explicit protection against discrimination on the grounds of sexual orientation at work, but it fails to mention gender identity. Something similar occurs when examining the content of the Staff Orders of Jamaica protecting from discrimination in the public sector.⁵⁸ Gay, lesbian or bisexual persons who have been discriminated against based on their sexual orientation can resort to these provisions under certain circumstances. However, transgender and gender-diverse persons who face discrimination based on their gender identity lack such resources. Guyana has no legislation making reference to discrimination based on SOGIE.

51 Guyana, Criminal Law Offences (Amendment) Act 2010, Act No. 21 of 2010, *The Official Gazette (Legal Supplement – A)*, sects. 73–82 (20 October 2010).

52 Jamaica, The Sexual Offences Act, 2009, Act 12 of 2009, sects. 18–23 (20 October 2009).

53 *Holder, Davina & Equals v. The General Attorney*, 31st January 2023.

54 Guyana, Criminal Law Offences (Amendment) Act 2010, Act No. 21 of 2010, *The Official Gazette (Legal Supplement – A)*, sect. 354 (20 October 2010).

55 Jamaica, The Offences Against the Person Act, sect. 76 (1 January 1864).

56 Barbados, Employment Sexual Harassment (Prevention) Act, 2017–21, *Supplement to Official Gazette*, No. 96 (20 November 2017).

57 Guyana, Constitution of the Co-Operative Republic of Guyana Act, Act 2 of 1980, *Laws of Guyana*, art. 149 (1980).

58 Jamaica, The Jamaica (Constitution) Order in Council 1962, chapter 3, 13.3i (1962).

Internal regulations on dress code for public servants and private sector employees seem to be a very strong barrier against inclusion of transgender and gender-diverse persons as they limit the expression of personality and link it to the sex of the person (see next section for specific experiences regarding breaches of dress codes).

Enactment of anti-discrimination legislations would change the environment in the workplace, but would still lack the power to refrain discrimination in pre-employment, such as in selection processes, where mechanisms and resources would have to be created to avoid such discrimination.

As an interviewee mentioned, it is difficult to find a transgender person working in an environment that is not directly related to the response to HIV. And while this fact is a reflection of the harsh labour reality for transgender and gender-diverse persons, it also shows that it is perfectly feasible to create spaces and adapt existing spaces in a way that makes them inclusive and welcoming for all.

Several interviewees pointed out that while it is always difficult to prove the fact that discrimination might have occurred during employment, it is all the more difficult to prove experiences of discrimination during the recruitment process. The Employment (Prevention of Discrimination) Act of Barbados contemplates the possibility of such discrimination happening and establishes resources to complain, but proving it will be very difficult, regardless of the fact that this Act did not include gender identity in the definition of discrimination grounds.⁵⁹ In the case of the

Staff Orders of Jamaica, the anti-discrimination provisions for sexual orientation only apply during employment and there are no provisions regarding the recruitment phase.

Jamaica expressed its will to tackle discrimination in the workplace for the general population by issuing the Employment (Equal Pay for Men and Women) Act in 1975,⁶⁰ which regulates equality between sexes in payment. In lack of recognition of self-determination of gender identity and the persistence of discrimination against transgender and gender-diverse persons, this regulation has little effect for this population.

6.3 Experiences of discrimination in the realization of the right to work

Hardly any data on employment rate of transgender and gender-diverse persons in the Caribbean can be found. A 2020 survey in several Caribbean countries found that unemployment rate among transgender men was significantly higher than in the general population in Barbados (14 percent in Barbados versus 8.9 percent), Guyana (16 percent versus 13.8 percent) and Jamaica (30 percent versus 7.2 percent among the general population).⁶¹ A report on the conditions of LGBTIQ+ populations in Jamaica reports an unemployment rate of 16 percent among transgender and gender-diverse persons,⁶² while a regional assessment in Central America found that between 13 percent and 15 percent of transgender women, transgender men and non-binary persons were unemployed.⁶³

59 Guyana, Constitution of the Co-Operative Republic of Guyana Act, Act 2 of 1980, *Laws of Guyana*, sect. 4 (1980).

60 Jamaica, The Employment (Equal Pay for Men and Women) Act, Act 34 of 1975 (1 December 1975).

61 GUYBOW, and others, *From Fringes to Focus: A Deep Dive into the Lived Realities of Lesbian, Bisexual and Queer Women and Trans Masculine Persons in 8 Caribbean Countries* (Amsterdam, COC Netherlands, 2020).

62 United Nations Development Programme, *Being LGBT in Jamaica: National Survey for Lesbian, Gay, Bisexual, and Transgender Persons in Jamaica* (2023).

63 UNDP, *Analysis of the Vulnerabilities and Violence Against LGBTQ+ Populations* (2023).

Surveys by civil society organizations in Jamaica found that up to 51 percent of their respondents were unemployed, with nearly all employed respondents living in the capital city. Some evidence seem to evidence harsher effects of discrimination based on gender identity in rural areas when compared with urban settings.⁶⁴ However, focus group participants expressed that while discrimination takes different forms in each setting, its effects are not necessarily stronger in rural areas compared with urban areas, pointing at factors such as closer community links and support networks counteracting discrimination.⁶⁵ Challenges seem to be greater for transfeminine than for transmasculine individuals.⁶⁶

According to the Caribbean study mentioned above, more than 1 in 4 transgender respondents have experienced such discrimination in the past due to their gender identity, where only 45 percent of the transgender sample had a part-time or full-time job.⁶⁷

Twenty-one out of the 23 transgender and gender-diverse respondents to the survey for this study in Guyana had experienced some or financial difficulties for these reasons in the past five years. This proportion was of 5 out of 7 in Jamaica and 5 out of 11 in Barbados. Only 30 percent declared to have been working regularly in the past five years. Twelve out of the 23 respondents in Guyana had refrained from seeking employment at some point due to fear of discrimination based on their gender identity. In Barbados and Jamaica, only 4 out the 18 respondents had not hidden their gender

identity at some point to search employment. Only five respondents in Barbados, one in Jamaica and three in Guyana felt that they had not been discriminated against in employment due to their gender identity.

The lack of legislation to protect transgender and gender-diverse persons from discrimination may be directly related to the experiences of discrimination and exclusion from the workforce that have been found during this research. Discrimination on the basis of gender identity in the workplace is not prohibited in any of the three countries in the study. Nevertheless, according to the results of the interviews, the focus groups and the responses received to the survey, such discrimination is all too common and greatly hinders the enjoyment of the right to work of transgender and gender-diverse persons in the three countries, confirming the existing research mentioned above.

Pre-employment conditions

In addition to the conditions for transgender and gender-diverse persons during employment that will be examined later, it must be acknowledged that the starting point in competitive systems is not the same for these populations than for the general population.⁶⁸ As seen above, access to other basic economic and social rights, such as the right to education, housing and dignified living conditions, is often blocked for transgender and gender-diverse persons. This marginalization

⁶⁴ Inter-American Commission on Human Rights, *Reconocimiento de derechos de personas LGBTI* (2018).

⁶⁵ Focus group discussion, Guyana, 21 June 2024.

⁶⁶ TransWave Jamaica, *Trans Economic Survivability in Jamaica*, (Stonewall and TransWave Jamaica, 2019).

⁶⁷ Georgetown Law Human Rights Institute, *Trapped: Cycles of Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Persons in Guyana* (Washington, D.C., 2018).

⁶⁸ Interview with Nia Brathwaite, UNDP BLIC focal point, Barbados Multi-Country Office.

implies that transgender and gender-diverse persons start their quest to access the workforce in very different conditions from the general population.

Participants in the focus groups in the three countries mentioned that they feel that they are not prepared to compete for most jobs in the same manner as cisgender persons who have not suffered exclusion from education as they have. Access to the workforce is easier for persons who have strong education and training, a solid psychosocial support system and certain pre-qualifications. As discussed above, this is not the case for most transgender and gender-diverse persons in the countries under review, which places them in a position of disadvantage when trying to access labour. Informants declared that “a vast majority, almost all faced either bullying or violence in schools, family rejection and so forth.” Therefore, transgender and gender-diverse persons disproportionately have had their education and family support disrupted, specifically by transphobia.

In the words of the representative of a community group: “When you add the poor educational outcomes, the family rejection, the homelessness, you know, so you’ve been at school, dropped out and gone homeless. You were teenager. You, therefore, in the first place, don’t have the basic requirements for any kind of 21st Century job, right? And they don’t have access to decent work, and they are really forced into the informal economy because of all of those circumstances to choose either sex worker or domestic work.”⁶⁹ In the words of a Guyanese transgender woman

interviewed: “We do have the potential, but because we were not given the opportunity to have our full education and all these things, we can’t.”⁷⁰

Recruitment

The examination of the conditions of access to the workforce by transgender and gender-diverse populations needs to pay close attention to recruitment and employment conditions. Recruitment processes can become very cumbersome for transgender and gender-diverse persons. Participants in the focus groups mentioned several specific situations they had faced when shortlisted for interviews for jobs for which they were qualified. When the interview came and their gender expression was clearly perceived as not cisgender, the attitude of the interviewers would change and become inquisitive as to their gender identity and, in some cases, they would include questions about sex work. Both topics are obviously unrelated to the content of the jobs, but employers seem to establish a relationship, in a reflection of social stigma. It is very difficult to prove so, but several participants in focus groups felt that they had been excluded from the recruitment process only because of their gender identity and expression as they had not been given any convincing reason to not qualify for the job. As defined by a focus group participant, “rules change as soon as your identity is evident.” The reason being that “when you stand before a selection panel and you present as transgender, automatically persons are going to come with their biases.”⁷¹

69 Interview with Joel Simpson, Managing Director, SASOD, Guyana, 24 September 2024.

70 Interview with Millie Milton, Guyanese transgender woman founder of Proud To Be Trans.

71 Interview with Jamaro Marville, UNDP Jamaica, 9 September 2024.

Participants in the focus group in Barbados mentioned how employers check the candidate's social media, where gender expression can be more visible, and use that information to make discriminatory decisions.

Employment

Several pieces of research show figures on discrimination based on gender identity in the realization of the right to work. Fifty-one percent of the respondents to a 2019 Jamaican study felt that being open about their identity affected their ability to get jobs. The majority of transgender men and transgender women answered yes to this question, in a proportion much higher than other gender identities. 47.1 percent of respondents were unemployed at the time of the survey. Of those employed, 77.9 percent were earning JMD 30,000 or less⁷² monthly.⁷³

Measurements of discrimination in the educational system have shown how transgender and gender-diverse students are coerced to present and perform as socially expected based on their sex assigned at birth.⁷⁴ This idea was also very present in the testimonies gathered during the interviews and focus groups, and the same seems to happen in the realm of labour. As one interviewee put it, “most transgender women who cannot conceal their identity are self-employed.” They can only access non-traditional career spaces, such as the entertainment industry, beauty and personal care, or sex work. “So, there's a bit of a box.”

The difference between the nature and effects of discrimination based on sexual orientation and gender identity was highlighted by several interviewees. It seems that public acceptance of diverse sexual orientation has increased in the last few decades, even if it is still low, whereas acceptance of self-determination of gender identity remains a challenge. “There is an inherent visibility to being transgender and gender-diverse. Trans people obviously and publicly challenge gender norms, whereas lesbian, gay and bisexual people, the ways in which that you challenge gender norms might be private.” As one employer mentioned, “If a male comes in and is a male on his birth certificate, we expect him to act as a male and we expect him to use a male restroom.” This difference might be related to the fact that acceptance of diverse sexual orientations only requires to refrain from discrimination, while positive measures need to be taken for transgender persons to be included in the workforce, such as respect for pronouns, registration of names, toilet use and dress codes, among others. “The easiest thing is just to remove the trans person from the space rather than make the space more welcoming to everyone. Instead of trying to accommodate that difference by changing all the spaces, we remove that difference because it's easier.”⁷⁵

According to informants from the focus groups, it is easier to access jobs that are performed “at the back” of business, such as cleaning or cooking, where customers could not see them, as if there was fear that discrimination from

⁷² Equivalent to US\$225 at the time.

⁷³ TransWave Jamaica, *Background: Summary of Situation from Trans and Gender Non-Conforming Jamaicans (2021)*.

⁷⁴ Georgetown Law Human Rights Institute, *Trapped: Cycles of Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Persons in Guyana* (Washington, D.C., 2018). In the sample of this study, lesbian, gay, bisexual and transgender students reported diminished ability to access educational programmes, unfair treatment from teachers (51 percent for transgender respondents), and significantly more experience of harassment or bullying (68 percent for lesbian, gay, bisexual and transgender respondents).

⁷⁵ Interview with Glenroy Murray, Executive Director, Equality for All Foundation, Jamaica, 21 August 2024.

customers themselves would harm their business. That might be one of the reasons why sectors such as call centres seem to be more open to hire transgender and gender-diverse persons. “If you hear a woman’s voice, you don’t care who is behind it, so yeah, you’re hidden in that form of communication.”

The way discrimination is performed seems to be very similar in the three countries. For example, harassment: “You know people in the office are gossiping. The discussion is pretty much about you and your genitals.” Also, misgendering the person, even when it has been made clear which pronouns the person prefers to be used. One interviewee shared how they were obliged to remove their pronouns from their signature as a sign of non-acceptance. This person filed a complaint at the labour department, and the response was that no discrimination had happened as it is not regulated. A focus group participant shared how excuses are used to discriminate based on their gender identity: “Before hormones, they didn’t care about my piercings, but now it’s an excuse.”⁷⁶ Exclusion from social after-work activities seems to be common. General social norms seem to become mandatory in the workplace, even if they are unrelated to the job performance and people are required to comply with them.

The lack of mechanisms for redress against discrimination based on gender identity has been pointed out throughout the interviews, focus groups and surveys. Only one survey respondent in Jamaica and two in Barbados had filed a complaint against what they considered discriminatory acts, with results being positive for just one person in Barbados. The Staff Orders

in Jamaica offer grounds to complain against discrimination based on sexual orientation (not gender identity), but even so, as mentioned above, interviewees report that LGBTIQ+ persons do not trust a positive outcome: “None of us want to be the guinea pig.” In a survey from Barbados, 38 percent of queer respondents report exclusion and harassment at some point in their work lives. Even the more serious types of incidents (such as sexual harassment, threats or physical harassment) were unlikely to be reported.⁷⁷

A landmark case was heard earlier in 2024 in Barbados. Alexa Hoffman, a transgender woman employed at a law firm, was dismissed without any justification. Ms. Hoffman claimed discrimination on the grounds of gender identity before a local court.⁷⁸ The court ruled that Ms. Hoffman’s situation was not protected under the law: “As a transgender person, claimant Hoffman has no standing to bring a complaint for unfair dismissal based on gender discrimination, since ‘transgender’ is not a status which is recognized under the laws of Barbados.”⁷⁹

Discrimination and harassment can be normalized and continue for years. “I was formerly employed, and I was under a lot of stress, discrimination and stigmatization for 33 years. And I was afraid to go and venture into the job market because they have beaten me down to a pulp where my self-esteem was gone, and I know how difficult it is to find a job. The way they treat you is so inhumane. Discrimination, discrimination. Every day. We had a quality operational manual that clearly stated that we worked by a management system and in that manual, it was clearly stated that you can be grandfathered into the system. So, I had the

⁷⁶ Barbados focus group participant, 13 July 2024.

⁷⁷ United Nations Development Programme, and others, *National LGBTI Survey: Barbados* (2023).

⁷⁸ Joseph, Emmanuel, “Transgender woman loses workplace case; law silent on status”, 13 August 2024.

⁷⁹ Barbados Employment Rights Tribunal, *Alexa Hoffman v. Court Caribbean Law Practice*, ERT/2019/027, Decision, 14 May, 2 July, 8 July, 9 July and 12 August 2024.

right to be promoted to a managerial position. And she (the owner) had never, ever made me a manager, and she told me that, OK, you have to go and study. You have to have a master's degree and things that were not on the manual. They also associate trans women with HIV. I was not allowed to be in the syrup room, where the product was being handled."⁸⁰

In many instances, it has been referred that part of the problem is the lack of information and capacity of co-workers to establish healthy working relationships with transgender and gender-diverse workers. On the other hand, these situations can make transgender persons feel very uncomfortable and have insecurities about how they will be received. Only two respondents to the survey in Barbados, one person in Jamaica and one person in Guyana declared to have had a positive discussion around their gender identity with co-workers. Three persons in Barbados, four in Jamaica and five in Guyana felt comfortable discussing their gender identity with their current employers.

Self-employment

When inquired about self-employment, interviewees generally agreed that it was an option for transgender and gender-diverse persons in the face of harsh discrimination in formal jobs. However, the chances to access a loan to start a business seem to be less than for the general population. The policy of the bank may not be transphobic, but individual loan officers might let their personal biases influence how they interpret subjective criteria used to evaluate loan applications. They may have to present along with someone with a more stable

income. Discrimination from clients still plays a role in the chances of their entrepreneurship to succeed. It was reported that online businesses would be easier to develop as gender identity is not necessarily made public. Discrimination is not less than in other areas, but the subject of the discrimination remains private.

Intersectionality

During the focus group debates, some ideas were discussed that made evident the relevance of intersectionality when it comes to examining the nature of discrimination. It was expressed how discrimination is less evident for transgender and gender-diverse persons with higher income and education, and how racism fuels discrimination based on gender identity for coloured transgender persons.⁸¹

Dress codes

As mentioned in section 6.2, the topic of dress codes was raised during several of the interviews as a barrier to access the workforce for transgender and gender-diverse individuals as, in lack of a recognition of self-determination of gender identity, employees are expected to dress in the certain manner according to their sex assigned at birth and these norms deeply constrain any non-conventional gender expression. Dress codes make any alteration of normative gender expression more visible and regulate what each person can wear at work. These situations can facilitate discrimination and even sanctions merely based on gender expression. In lack of regulations about discrimination based on gender identity, redress for these rights violations would not be possible. Dress codes seem to be common both

⁸⁰ Inter-American Commission on Human Rights, *Reconocimiento de derechos de personas LGBTI* (2018).

⁸¹ Focus group discussions, Barbados and Jamaica.

in the private and public sector, especially for less-qualified jobs, which are the type of jobs that most transgender and gender-diverse persons could access, given their exclusion from education. As mentioned during the focus group discussion in Jamaica, “Every policy that emphasizes the difference between sexes is harmful.”

Public and private sectors

Some informants pointed to a difference between the private and public sector in acceptance of diverse gender identities. However, it seems that, as noted by one of the interviewees,⁸² the difference is not so much between sectors, but between industries. Some industries in the private sector seem to be more willing to accept transgender and gender-diverse persons, such as banking, tourism or call centres, while other industries are not, according to reports. The difference seems to be more pronounced for multinational corporations that are influenced by an international trend of respect for gender identity. In the case of the public sector, respondents point out to the response to HIV as more open to people with diverse gender identities.

Public transportation

During the interviews and focus groups in the three countries, public transportation came up as a source of exclusion from the workforce for transgender and gender-diverse persons that might have not been so obvious. It was repeatedly reported that public transportation often arbitrarily denies access to transgender and gender-diverse persons, who have to resort to private and more expensive means of transportation, such as taxis.

It was mentioned above that transgender and gender-diverse persons mostly have access to jobs with low salaries and their income only allows them to live in areas away from the city centres, where most businesses are placed. The daily cost of long-distance private transportation is unaffordable for most transgender and gender-diverse persons, who sometimes end up in situations where they have to quit their jobs because they cannot commute every day.

A new conversation

As seen above, though much more is needed, some progress has been made in the visibility of diverse sexual orientations and legal protection against discrimination. Societies are still very transphobic and homophobic, but some freshness is coming to social discussions. And it seems that the general population, as well as policymakers, confuse sexual orientation with gender identity. When new demands come from transgender and gender-diverse groups that do not imply to simply refrain from discriminating, but propose structural changes that would allow everyone to fully enjoy their rights, there is a backlash that is based mainly on misunderstandings. The conversation is relatively new and the arguments have not been shared widely enough. In the words of an interviewee referring to Jamaica, “Jamaica is not ready for that conversation. While Jamaican society has come a long way regarding tolerance or acceptance for the L (lesbian) and the G (gay), when it comes to the transgender community, there’s still very much a very taboo nature from a general perspective. It’s still very taboo and therefore by extension, there’s not much acceptance or understanding.” Whether

⁸² Interview with Nia Brathwaite, UNDP Barbados.

or not this conversation needs to be focused on gender identity or integrated into discussions around acceptance, discrimination and exclusion is subject to debate.

6.4 Sex work

With the literature reviewed, the interviews and the focus group conversations emphasize that a high percentage of transgender and gender-diverse persons resort to sex work at some point of their lives as a source of income.⁸³ As seen in section 6.1, sex work is criminalized in Barbados and Jamaica, while not directly forbidden in Guyana. In all three countries, sex work is highly stigmatized and informants unanimously report that it is actively persecuted by security forces.

Criminalizing sex work, either in legislation or in practice, places many transgender and gender-diverse persons in a situation where they might not only be detained and prosecuted for doing one of the few activities that allows them to earn an income, but also deprives them of the benefits of labour rights, such as social security, health care, sick leave, etc. Furthermore, such criminalization or lack of recognition of sex work in the three countries prevents transgender and gender-diverse persons from enjoying basic rights such as housing, health insurance or accessing the formal banking system, as they are not able to show proof of income when trying to rent a house or requesting a loan. The Inter-American Court of Human Rights calls on member States to formalize sex work in order to facilitate access of sex workers to social and economic rights.⁸⁴

According to the Inter-American Commission on Human Rights, the criminalization of sex work, either in legislation or in practice, not only subjects transgender and gender-diverse people to police harassment, but it also perpetuates the idea of transgender persons as “immoral” members of society.⁸⁵

Exclusion from the health care systems and the informality of sex work also expose transgender and gender-diverse persons disproportionately to HIV and other sexually transmitted infections, as it prevents them from accessing prevention materials as well as affects their ability to negotiate the use of condoms. According to the Joint United Nations Programme on HIV/AIDS, “Criminalization of sex work increases both the risk of sex workers acquiring HIV and their vulnerability to violence perpetrated by clients, police and other third parties.”⁸⁶

Informal conditions of sex work also make it more difficult for sex workers to pursue education or other safer ways to earn an income: “Because you’re working at night, then you don’t have any energy to get up in the daytime to pursue other things, such as further education. I’m trying to get a stable job.”

Several testimonies from interviewees point at the security forces as taking advantage for personal gain of this social exclusion of transgender and gender-diverse persons: “Then the police will meet with you, you have to negotiate. The police was picking up us one by one or sometime two persons and over the weekend and they would

⁸³ This fact has been confirmed by several studies, including the one mentioned in United Nations Guyana, “Advocating for the rights and protection of the LGBTQI+ community”, 27 June 2021.

⁸⁴ Inter-American Court of Human Rights, *Right to Freedom of Association, Right to Collective Bargaining and Right to Strike, and Their Relation to Other Rights, with a Gender Perspective*, OC-27/21, Advisory Opinion, 5 May 2021.

⁸⁵ United Nations Development Programme, and others, *National LGBTI Survey: Barbados (2023)*.

⁸⁶ Joint United Nations Programme on HIV/AIDS, “HIV and sex work”, Human Rights Fact Sheet Series (2021).

lock you up. You don't want to be placed in a male locker in jail. They don't harass the client while we are into the hotel, so they might come and harass you, say, in public space. You do not want it to happen. And it doesn't always end up in a matter that they lock you up and you go before the court and these things. Sometimes you have to negotiate."⁸⁷

Social exclusion involved in sex work exposes transgender and gender-diverse persons to violence, extortion, harassment and humiliation, and it places transgender sex workers at a disadvantage. Violence has been reported from both public security forces and from clients: "The person can refuse to pay us what we ask for or not pay us at all. We can't complain"; "We need to find creative ways to navigate abusive clients. I don't always feel like we can go to police." There seems to be a difference in treatment between transgender and gender-diverse sex workers and cisgender female sex workers: "I've never seen the case like that (suing a client who refused to pay for a sexual service) for trans women or for gay, for gay men, but I do know that this happens (with cisgender women), so that indicates that there may be some issue when it comes, you know, regarding accessing authorities on the course to justice."⁸⁸ Informants report to have been beaten or even raped, and some cases have been reported of sex workers being killed by clients,⁸⁹ while the crimes often remain unpunished. Violence may also come in the form of dissemination of videos of the person on social media channels.

One aspect that seems to be of relevance for the exposure to violence by transgender and gender-diverse persons is the disclosure of their gender

identity. It was reported in all three countries that on occasion, clients might initially ignore that the sex worker is a transgender woman and when they disclose their identity, such disclosure has been followed by violence, at times extreme, from the client, as it is seen as deceptive. These situations are one more reflection of the deeply entrenched social stigma on diverse gender identities.

According to informants, even though it is transgender women who are commonly associated to sex work, it is quite frequent in young queer persons assigned female at birth, who resort to this activity to earn enough income to access male clothes and garments, or the cost of hormone treatments that their families deny them.

6.5 Barriers to end discrimination in the workplace based on gender identity in Barbados, Guyana and Jamaica

This section synthesizes the information collected regarding the barriers to end discrimination in the workplace in the three countries of the study.

Values

The deepest-rooted underlying constraint to the acceptance of transgender and gender-diverse persons in the workforce at the legal level and in practice seems to be the intertwined traditional cultural and religious values around the gender roles assigned to each of the sexes in most societies. Informants define their societies as conservative and religion-led, with laws inherited from the British colonial past reflecting such

⁸⁷ Interview with Guyanese transgender woman.

⁸⁸ United Nations Development Programme, and others, *National LGBTI Survey: Barbados (2023)*.

⁸⁹ Stewart, Colin, "Barbados: a brush with death, a vigil for trans murder victims", 24 November 2018; Staff Reporter, "Suspect in sex worker's murder remanded", 20 July 2024; Jackson, Leon, "Woman believed to be a sex worker shot and killed in Trelawny", 3 September 2024.

values. Religion and traditional values are used to exercise power from the elites and perpetuate the status quo. Focus group participants mentioned that harassment based on gender identity is more common from people in positions of power, either employers or co-workers. They also mentioned how harassment often becomes sexual when the subject is a person registered as female at birth: “We are treated as tokens. It’s a sexual game. Verbal or physical, we all have been harassed at work.”⁹⁰ These very conservative values not only remain in the more traditional mandates of behaviour, but are also permeating new cultural displays, such as music moving the new generations.⁹¹

As for religion, informants report that persons often express their religious beliefs to ridicule individuals and put pressure on transgender and gender-diverse persons to comply with the conventional gender norms.

Due to the prevalence of conservative values, there appears to be a lack of political will to amend legislation in a way that respects the rights of transgender and gender-diverse individuals. Today, public support for such policies would be very low, as such decisions would negatively affect the political chances of decision makers to stay in power. This political dynamic might be the reason why most affirmative changes in legislation regarding gender identity and same-sex relationships have been initiated in the judicial sector rather than in parliaments.

Private sector communication and media companies play a pivotal role in the endurance of stereotypes and cliches around transgender and gender-diverse persons, and they play a role. This practice has been shown to reinforce stigma and perpetuate discrimination.⁹²

International conservative movements

Several informants perceived that the international discussions around gender identity do replicate in local social and traditional media exchanges, although it seems that it is the more conservative side of the argument that occupies the space, with local media discussing aspects of the recognition of self-determination of gender identity that are not issues at stake in the three countries, given the lack of legislation recognizing it, such as alleged gender-reaffirming surgery in minors. As expressed by one of the interviewees: “Ironically, the opposition (to acceptance of diversity) are saying that the trans and gender ideology and the LGBT agenda is foreign. When really, it is the opposition to LGBTQ+ rights, the anti-rights movement itself that is foreign as opposed to the actual, you know, LGBT community because we’ve been here, we’ve always been here.”⁹³

Education

These values are deeply intertwined within the educational system, perpetuating the exclusion of transgender and gender-diverse persons from education, limiting their ability to join the

⁹⁰ Focus group discussion, Barbados, 7 July 2024.

⁹¹ Fanjul, Sergio C., “Classism, intergenerational conflict, misogynistic lyrics: the hate for reggaeton goes beyond musical taste”, 23 September 2022.

⁹² Gulesci, Selim, María Lombardi and Alejandra Ramos, “Telenovelas and attitudes toward the LGBTIQ community in Latin America”, IDB Working Paper Series, No. IDB-WP-1433 (2023).

⁹³ United Nations Development Programme, *Being LGBT in Jamaica: National Survey for Lesbian, Gay, Bisexual, and Transgender Persons in Jamaica* (2023).

workforce, and reinforcing the interpretation of sexuality and gender in the general population that will constrain acceptance of diversity of the future generations of workers.

Fear of association

This conservative social atmosphere penetrates the labour and business world, which is reluctant to open their workspaces to transgender and gender-diverse persons in fear of losing clientele or reputation. Even policymakers and businesspeople who accept gender diversity themselves often refrain from making their opinions public, not to mention proposing legislation or workplace policies to protect from discrimination, fearing to be perceived as allies to be associated with a deeply stigmatized matter.

Structural resistance

As described above, acceptance for diverse sexual orientation is higher than that of gender identities and has already been reflected in some legislations. As one of the key informants put it, avoiding discrimination based on sexual orientation only implies to refrain from certain behaviours. However, legislations protecting from discrimination based on gender identity would require structural changes that would allow transgender and gender-diverse persons to express their identity freely and to have such identity respected, such as policies on the use of names and pronouns, use of bathrooms, dress codes, etc.⁹⁴ Wilfully or not, these legislations were enacted with the lesbian, gay and bisexual groups in mind, and did not take into account the specific characteristics and needs of transgender individuals.

As interviewees from government institutions mentioned, there are no laws or regulations that guide them on how to treat and deal with persons with diverse gender identity, and what happens is that the system expels them.

When asked about how to operationalize potential inclusive policies for transgender and gender-diverse persons, most government officials agreed that existing policies should be used and reformed, instead of creating new policies that could face strong backlash from extreme religious groups. Instruments such as workplace policies on HIV could be a means to introduce reforms that would allow inclusion of transgender and gender-diverse persons in the workforce.

Lack of legislation on discrimination

The lack of legislation and regulations fails to provide transgender and gender-diverse persons with mechanisms to report harassment and discrimination and realize their right to work. The social agreement on the rejection of diversity in gender identity makes it unnecessary for people to mention gender identity as the reason why they are rejecting transgender and gender-diverse persons, becoming more difficult for the latter to complain and prove the discrimination itself.

Criminalization and non-recognition of sex work

In the realm of sex work, criminalization in Barbados and Jamaica and lack of regulation in Guyana added to the social stigma and deprives transgender and gender-diverse sex workers of their basic labour rights in one of the few sectors where their participation is accepted.

94 Interview with Glenroy Murray, Executive Director, Equality For All Foundation, Jamaica, 21 August 2024.

6.6 Enablers for the respect of the right to work of transgender and gender-diverse persons in Barbados, Guyana and Jamaica

Respect for the right to work of transgender and gender-diverse persons as well as the very related topic of recognition of self-determination of gender identity are clearly sensitive issues facing many social, cultural and political barriers. However, some enablers have been identified through the research, which need to be highlighted in order to help identify strategies to promote respect for rights.

- As with almost any topic of social relevance, social media can play a key role in shaping public opinion and driving a conversation. Social media was identified among the barriers with respect to the propagation of misinformation regarding the reality and effects of the recognition of self-determination of gender identity. However, it has been emphasized that well-designed campaigns on social media can produce very positive outcomes.
- Many of the barriers identified were based on misinformation or lack of information, including confusion between the concepts of sexual orientation and gender identity. The generation and discussion of relevant, accurate and evidence-based information can be a very powerful tool to promote respect for the right to work of transgender and gender-diverse persons. These conversations could take place with the general population or with specific groups of interest, such as decision makers.
- The international discussion around gender identity can be used to extract the arguments that have led to greater acceptance of gender diversity in the workplace in other countries.
- Companies with workplace policies on respect for gender identity can lead as examples of inclusion and advocate for greater inclusion in the social and political arenas. Interviewees mentioned companies such as Deloitte,⁹⁵ Scotiabank,⁹⁶ PepsiCo,⁹⁷ MAC Cosmetics,⁹⁸ call centres, the hospitality and tourism industry, and the fast-food industry as having workplace policies that are inclusive and respectful for gender identity.

95 Deloitte, "LGBT+ inclusion". Available at <https://www.deloitte.com/ug/en/about/people/social-responsibility/lgbt-and-inclusion.html> (accessed on 11 January 2025).

96 Scotiabank, "Scotiabank Global Human Rights Statement". Available at https://www.scotiabank.com/content/dam/scotiabank/canada/common/documents/Scotiabank_Human_Rights_Statement.pdf (accessed on 11 January 2025).

97 PepsiCo, "Global Human Rights Policy". Available at <https://www.pepsico.com/docs/default-source/sustainability-and-esg-topics/pepsico-global-human-rights-policy.pdf> (accessed on 11 January 2025).

98 MAC Cosmetics, "Inclusion and diversity". Available at <https://www.maccosmetics.com/inclusion-and-diversity> (accessed on 11 January 2025).

Conclusions

The analysis of the information collected allows the following conclusions to be drawn:

- Barbados, Guyana and Jamaica are under an international legal obligation to protect transgender and gender-diverse persons from discrimination in accessing the workforce and to take the necessary measures to ensure such access.
- The realization of the right to work is very limited in Barbados, Guyana and Jamaica. Different factors revolving around discrimination based on gender identity hamper the enjoyment of the right to work in the context of State inaction.
- Discrimination on the grounds of gender identity results in a dehumanization of transgender and gender-diverse individuals: “I feel that people don’t take me seriously.”⁹⁹ This dehumanization in the labour sector translates into an acute lack of attention to the group’s needs and characteristics.
- Discrimination based on gender identity is grounded on deeply rooted cultural and religious norms and beliefs. Factors such as family support and access to education are key determinants of the right to work of transgender and gender-diverse persons.
- A vicious circle feeds on discrimination and exclusion to hamper social and economic rights of transgender and gender-diverse persons that then fail to meet the requirements to enter the workforce that would allow for the enjoyment of such rights. Without specific measures to address these inequalities, transgender and gender-diverse persons are doomed to be excluded.
- Cultural and social changes take time and need a multisectoral approach: “Behaviour change is a process. And we are coming from a far, far away, but we’re still a far way to go. It’s a work in progress. And that in itself is a long process, but we need a cultural shift.”¹⁰⁰

⁹⁹ Focus group participant, Barbados.

¹⁰⁰ Interview with Conrad Saunders, project coordinator, Ministry of Labour and Social Security, Occupational Safety and Health Department, Jamaica, 30 August 2024.

- Clear examples of private companies and some public sector institutions positively integrating transgender and gender-diverse individuals to their workforce demonstrate the lack of practical justification of the generalized exclusion.
- Some enablers have been identified that can be utilized to advance in the respect of the right to work of transgender and gender-diverse persons.
- Participation of local civil society and community groups is key to achieving long-term sustainable results. Governments need to involve organized groups of transgender and gender-diverse persons in the analysis of the situation, the design of the response and its implementation.

Recommendations

The information analysed and the conclusions drawn suggest the following recommendations to improve the conditions to access the workforce for transgender and gender-diverse persons in Barbados, Guyana and Jamaica.

8.1 Enabling environment: Eliminating social stigma and discrimination as well as creating the conditions for transgender and gender-diverse persons to access the workforce

- Since the root of the exclusion of transgender and gender-diverse persons is social stigma and discrimination, society-wide changes need to happen to allow for other more focused interventions can take effect.¹⁰¹
- Public communications campaigns on inclusion in the workforce. According to several interviewees, communicating directly on inclusion of LGBTIQ+ groups in the labour sector could be counterproductive, as backlash is already very strong: “We need to start treating each other as a human, as human beings first.” Institutions and organizations should consider whether to raise a public dialogue specifically on gender identity, or on a broader human rights and inclusion framework that could include several marginalized groups.
- Leading by example. Champions in inclusion of transgender and gender-diverse persons can be found in every sector. Practical examples show how barriers can be overcome and they can be communicated in a positive manner. Bold leadership will be needed.
- Comprehensive sexuality education programmes need to include discussions around gender identity in a way that is socially acceptable and evidence-based.
- Where legislation and/or policy already exist, enforcement must be a priority. Mechanisms need to be in place for transgender and gender-diverse individuals to access reparation. Perpetrators of discrimination need to be held accountable. Such mechanisms should include measures to guarantee non-repetition of the discrimination based on SOGIE.

¹⁰¹ Given that the underlying causes of exclusion of transgender and gender-diverse persons from the workforce coincide with those of exclusion from other social and economic rights, this chapter could be complemented with a previous work on social protection for this population: UNDP (2024). *Roadmap for transgender inclusive social protection and poverty alleviation in Barbados, Guyana and Jamaica*. Bridgetown, Barbados.

- Specific measures need to be taken to ensure effective access of transgender and gender-diverse persons to public transportation.
- Governments, private sector communications and media companies, and civil society organizations should engage in discussions around the constructive reflection of gender diversity and communications materials.

8.2 Reform or enact legislation and regulations

- Review of anti-discrimination legislation to explicitly ban discrimination on the grounds of gender identity in the workforce. In the case of Barbados, the Employment (Prevention of Discrimination) Act, 2020-26 should be reformed to include gender identity. Measures should be taken to expand such prohibition to the public sector. In Guyana, the Prevention of Discrimination Act list of factors of discrimination should include gender identity and sexual orientation, as has been expressed by the Government. In Jamaica, the Staff Order should be reviewed to include gender identity along with the rest of the grounds of discrimination that are not permitted, with a clear and effective mechanism of enforcement and accountability. Such protection should be expanded to the private sector.
- General anti-discrimination legislation with an explicit mention to discrimination based on SOGIE should be enacted in each of the countries to ensure that every person is protected against illegitimate discrimination in all ways of life.
- Anti-discrimination sectoral policies should include interventions to protect transgender and gender-diverse people from discrimination based on gender identity.

- Countries should consider and discuss measures to allow for the adaptation of the regulations on the change of names and sex markers to allow the recognition of self-determination of gender identity, in line with the Inter-American Court of Human Rights Advisory Opinion OC-24/17.
- Governments of Barbados, Guyana and Jamaica should work with the private sector to encourage the approval of workplace policies that protect transgender and gender-diverse persons from discrimination with clear redress systems in place.
- Governments and the private sector should consider their dress code policies. Such instruments should not allow for discrimination based on gender expression.

8.3 Enabling environment: Institutional capacities

Legislation and sectoral policies need to operate in an enabling environment where everyone recognizes their legitimacy. Several measures need to be taken in that respect:

- Sensitization and training of persons in decision-making positions with regards to respect for human rights in the workplace, including human resources personnel both in the public and private sector.
- Design of capacity-building programmes on a people-centred approach to service delivery and provision.
- Generation of data to inform policy design, both on respect for human rights of transgender and gender-diverse persons as on the social and economic benefits of inclusion. Inclusion of variables of sexual orientation and gender identity in general data-collection systems.

- Strengthen collaboration with private sector organizations to share best practices in the inclusion of transgender and gender-diverse persons in the workforce.
- Strengthen the capacities of civil society organizations to participate in decision-making processes as well as to advise both public and private sector actors on inclusion in the workforce.
- National and international companies based in Barbados, Guyana and Jamaica should advocate with local governments to institutionalize protections against discrimination based on gender identity in the workplace in both the public and private sectors.
- Promotion of life and soft skills for transgender and gender-diverse persons.
- Improvement of the economic and social conditions of transgender and gender-diverse persons, including facilitating their access to social protection systems.
- Provision of gender-affirming care to transgender and gender-diverse persons, including mental health services.

8.4 Bridging the gap

Even with the existence of public legislation and policies for the inclusion of transgender and gender-diverse persons in the workforce, many individuals have already been left behind in the realization of preconditions for employment, such as education.

- Design and implementation of programs to provide affirmative action to facilitate access of transgender and gender-diverse persons to the workforce, such as the “trans quota”, with reserved positions for transgender individuals in the public sector or other measures.
- Design and implementation of education and training programmes for transgender and gender-diverse persons.
- Facilitation of access of transgender and gender-diverse persons to the formal educational system.
- Barbados and Jamaica should decriminalize sex work in their legislations.
- Barbados, Guyana and Jamaica should include sex work as one of the categories of work recognized by the State to access labour and other related rights, such as social security and health services.
- Formal recognition of sex work should be accompanied by public sensitization around the legitimacy of sex work and the need to ensure protection of the rights of sex workers.
- Security forces should be trained in the respect for the rights of sex workers.
- Transgender and gender-diverse sex workers should be facilitated access to redress mechanisms in case of violations of their human rights.

8.5 Sex work

Sex work is and has been an important source of income for transgender and gender-diverse persons who have been and are excluded from the workforce otherwise. Measures need to be taken to ensure that they can exercise their right to sex work in dignity and with good labour conditions.

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Annex 1. Online questionnaire for the identification of barriers and opportunities to access the workforce for transgender and gender-diverse persons in Barbados, Guyana and Jamaica

Welcome! You are invited to participate in a research project about transgender and gender-diverse people's access to the labour that has been commissioned by UNDP. The information collected will be used to draft a report on the findings and to develop a strategy with which we hope to improve access to labour for transgender and gender-diverse people in Barbados, Guyana and Jamaica. Your participation will be for the benefit of many.

This survey will take around XXX minutes to complete. Your participation is entirely voluntary, and individual responses will be kept anonymous and confidential. You have the option to stop and clear the questionnaire at any time before sending it.

We anticipate that some questions may be highly sensitive. We appreciate your efforts to be truthful.

Submission of the survey will be interpreted as your informed consent to participate and that you affirm that you are at least 18 years of age. If you leave your email address, you will receive a copy of the final report resulting from this survey. If you have any questions about the research questions or your rights as a research subject, please contact Diego Postigo of UNDP at: diego.postigo@undp.org or via WhatsApp at +50766193029.

We want to thank you for your participation and generosity.

1. Where do you live? (drop-down with the three countries)
2. How old are you? (drop-down 18–99 years of age)
3. What is your nationality? (drop-down with nationalities)
 - If different from country of residence:
 - a. How long have you been living in (country of residence)?
 - b. What is your migration status (drop-down with: permanent resident, temporary resident, non-resident)
4. Which sex were you assigned at birth? (male/female)
5. Which gender do you identify with best? (man, woman, transgender man, transgender woman, gender-fluid, gender-neutral, other)
6. When do you express your felt gender? (never/in private/in public/in safe settings/in public anywhere)

7. Do you currently hold a valid ID? (yes/no)
8. Which of the following statements best describe your household's financial situation?
 - a. We are not able to meet our basic needs
 - b. We are able to buy basic goods, but it is difficult to buy clothes
 - c. We are able to buy basic goods and clothes, but not appliances or cars
 - d. We are able to buy appliances or cars, but not luxury products
 - e. We are able to buy luxury products
 - f. Do not know or prefer not to answer
9. What level of education have you completed?
 - a. No formal education
 - b. Incomplete primary education
 - c. Completed primary education
 - d. Incomplete secondary education
 - e. Completed secondary education
 - f. Incomplete tertiary/college/university/vocational education
 - g. Completed tertiary/college/university/vocational education
10. Last week, you were (choose one): unemployed, self-employed professional, self-employed worker, formal employment (public sector), formal employment (private sector), informal employment – no social security (public sector), informal employment – no social security (private sector), sex worker, paid domestic work, unpaid domestic work.
11. In the last three years (since 2021):
 - a. Would you say you have been working regularly? (yes/no)
 - b. Have you been in search of employment? (yes/no) If not, why? If yes, next question.
 - c. Have you been successful in your search of employment? (yes/no) If yes, go to Question 11.

12. In your job search in the last three years:
- Have you hidden your felt gender identity to improve your chances of getting a job? (yes/no)
 - Do you feel you have been rejected because of your gender expression?
 - Have you discussed your gender identity with your would-be employer?
 - If so, the conversation was positive/negative/neutral?
13. As you perform your job:
- Have you hidden your felt gender expression to improve your chances of getting a job? (yes/no)
 - Have you felt rejection/discrimination because of your gender identity?
 - If yes, what happened? (open question)
 - Have you discussed your gender identity with your employer?
 - If so, was the conversation: positive/negative/neutral?
 - Have you discussed your gender identity with your co-workers?
 - If so, was the conversation: positive/negative/neutral?
14. If you experienced discrimination, did you file a complaint? (yes/no)
- If yes, was the outcome satisfactory? (yes/no)
15. Do you know of any public policy aiming at the inclusion in the labour sector? (yes/no)
- If yes, do you think such policies are effective? (yes/no) Why? (open question)

Annex 2. List of interviewees in Barbados, Guyana and Jamaica

#	Name	First name	Title	Organization
Barbados				
1	Brathwaite	Nia	BLIC Officer	UNDP Multi-Country Office Barbados
2	Emmanuel	Dadrina	President	Community Empowerment Education & Development
3	Farley	Rhonda	Coordinator	Ministry of Labour, Social Security and Third Sector
4	Jacobs	Liz	Director of Global Programmes	Open for Business
5	Sankar	Reyanna	Caribbean Lead	Open for Business
6	Sobers	Wayne	Chief Labour Officer (Ag)	Ministry of Labour, Social Security and Third Sector
7	-	-	-	An additional interviewee wished to remain unidentified
Guyana				
1	Balram	Nadira	Programme Analyst, Governance and Poverty	UNDP
2	Hutson	Kester	President	Georgetown Chamber of Commerce & Industry
3	Lilly	Adel	Manager	Gender Affairs Bureau, Ministry of Human Services and Social Security
4	McEwan	Candacy	Executive Director	Guyana Trans United
5	Milton	Millie	Executive Director	Proud to be Trans
6	Simpson	Joel	Manager	Society Against Sexual Orientation Discrimination
7	Williams	Alyea	Attorney-at-law	Ministry of Labour
Jamaica				
1	Biggs	Xavier	Monitoring and Evaluation Officer	Jamaica AIDS Support for Life
2	Marville	Jamaro	Programme Analyst	UNDP Multi-Country Office
3	Murray	Glenroy	Executive Director	Equality for All Foundation
4	Palmer	Natalie	Deputy Superintendent of Police	Jamaica Constabulary Force
5	Saunders	Conrad	Project Coordinator, HIV Programme	Occupational Health and Safety Department, Ministry of Labour and Social Security

