

**Kylar W. Broadus' Testimony before the U.S. Senate
Committee on Health, Education, Labor, and Pensions
Committee
106 Dirksen Senate Office Building
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10 a.m.**

Mr. Chairman and members of the committee, my name is Kylar William Broadus and I'm the Executive Director of the Trans People of Color Coalition, a two-year-old national organization formed to focus on the concerns of transgender people of color in America. I reside in Columbia, Missouri and am a native mid-Missourian. I teach at a historically Black college, Lincoln University, and practice law. Today, I'm here to talk to you today about S. 811, the Employment Nondiscrimination Act (ENDA) and the need for inclusion of employment protections for transgender Americans. I am thankful to you for the opportunity to be here to speak in favor of this legislation.

I am a transgender American, a female to male transsexual that transitioned approximately twenty years ago. For those not familiar with the term "transgender," it is used to define people whose internal identification as female or male does not match their assigned sex at birth, which includes many that undertake the medical process of changing their physical gender. The terms "trans" and "transgender" are used interchangeably. For me, the physical transition was about letting the outer world know my internal sense of self, of who really was inside this body. People always related to me as male from an early age and this continued, of course, into transition. My transition was a matter of living the truth and sharing that truth for the first time in my life.

Prior to actual medical intervention, as I indicated, I was mostly viewed as male. My gender assigned at birth was female, so my driver's license and other documents carried the gender marker of "female" even though my appearance was masculine. In some cases, I couldn't use female restrooms or locker rooms. When I used female restrooms security or police were called to escort me from the restrooms even after stripping to "prove" that I was female. That was humiliating and dehumanizing. After years of not being able to use the public restroom, I began to just use the men's room, where I never had any problems. I had the same problem with the women's locker room at the gym. One of my favorite memories is my girlfriend first going in to tell everyone that I wasn't a "man." Then I would walk in and all the women would run out of the locker room screaming "it's" a "man!" I would just change before going to the gym and remove my sweats in the gym area to avoid any problems.

I'm mainly here today to talk about my experience with workplace discrimination. First, I'll share my personal story and then talk about the plight of thousands of transgender Americans that are just getting their stories told.

While studying business in college, I assumed, like most students, that I would not encounter any special difficulties. I was raised in a working class family with a hard work

ethic. I had my first job at the age of five working for my father at his evening job. He would take me and my sister to work with him and this was how we earned our spending money. I recall very vividly cleaning the water fountains in the offices. It was during this time that I learned to take pride in my work. My father showed me how to make the water fountains clean and shiny. I then graduated to the trash cans. From that point on, I have always worked a job and since college, two jobs at a time in some form or fashion. My employers have always praised my work.

Prior to my physical transition, I began working at a major financial institution. I wore the traditional female attire at the time, which was a skirt and pantyhose. It was required and expected in the late 1980s and early 1990s. As I began to find myself, my attire gradually shifted from feminine to more masculine styles. Then I actually moved to a division of the company where the dress code was less stringent and began to wear men's suits and ties most of the time. My hair got shorter and more masculine. My demeanor had always been masculine. Many clients already confused me for male even though my name was female. My coworkers didn't seem to mind. It was management that seemed to have issues with it. I was called in to discuss my hair cut, and I was told that I was not allowed to go by my initials, "K.B.," which many males did but females didn't.

After I announced my gender transition, it only took six months before I was "constructively discharged" from my employer. While my supervisors could tolerate a somewhat masculine-appearing black woman, they were not prepared to deal with my transition to being a black man. With growing despair, I watched my professional connections, support, and goodwill evaporate, along with my prospects of remaining employed. I was harassed until I was forced to leave. I received harassing telephone calls hourly from my supervisor some days. I received assignments after hours that were due by 9 a.m. the next morning. The stress was overwhelming. I ended up taking a stress leave for several weeks. I thought upon my return perhaps things would settle down. I was back less than a week from stress leave and knew that it wasn't going to settle down. I was forbidden from talking to certain people and my activities were heavily monitored. I was forced out and unemployed for about a year before finally obtaining full-time employment.

Before fully accepting that new reality, however, I tried everything possible to save the career I had worked so many years to build. Once I lost my job, I thought that there MUST be laws that protect individuals when they are discriminated against. After filing a lawsuit in federal court, though, I learned quickly that transgender people weren't covered under any discrimination laws. Like the vast majority of plaintiffs during my era, I lost. My lawsuit was summarily dismissed.

After my COBRA ran out, I had no health insurance and wasn't able to earn a living wage. I did what I could to juggle things including using my 401K. Even once I obtained employment I wasn't able to catch back up on everything that I had gotten behind on. I was working in positions that paid substantially less than I made. I went from financial services to part-time academia and a law practice in a region not very welcoming for a black transgender man in mid-Missouri. It has been well over fifteen years since I lost

employment and I still haven't recovered financially. My student loans were the most impacted and more than quadrupled since I left law school. My father is deceased but I care for my infirm mother and my underemployment makes it extremely difficult to do. Emotionally, I still suffer from Post-Traumatic Stress Syndrome from the discrimination I experienced.

Many transgender Americans suffer without protection and are subject to discriminatory practices. This is why it is extremely imperative that ENDA be passed. There are only 16 states and the District of Columbia that provide us protection from being discriminated against on the job just because of who we are. In the recent report "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," there were 6,450 transgender study participants from across the United States. The results were staggering across the board but particularly in the area of employment.

The report showed the following:

- Transgender respondents experienced unemployment at twice the rate of the general population with rates for transgender people of color up to four times the national unemployment rate.
- Ninety percent (90%) of those surveyed reported experiencing harassment or discrimination on the job or took actions like hiding who they are to avoid it.
- Forty-seven percent (47%) had experienced an adverse job outcome, such as being fired, not hired or denied a promotion because of being transgender or gender non-conforming.
- Over one-quarter (26%) had lost a job due to being transgender or gender non-conforming and 50% were harassed.
- Large majorities attempted to avoid discrimination by hiding their gender or gender transition (71%) or delaying their gender transition (57%).
- The vast majority (78%) of those who transitioned from one gender to the other reported that they felt more comfortable at work and their job performance improved, despite high levels of mistreatment.
- Overall, 16% said they had been compelled to work in the underground economy for income (such as doing sex work or selling drugs).
- Respondents who were unemployed or had lost a job due to bias also experienced ruinous consequences such as four times the rate of homelessness, 70% more current drinking or misuse of drugs to cope with mistreatment, 85% more incarceration, more than double the rate working in the underground economy, and more than double the HIV infection rate.

These results are staggering and make the case that there needs to be clear protection for transgender Americans who deserve the same chance at earning a living and providing for themselves and the people they love. It is imperative that Congress pass the Employment Non-Discrimination Act so that transgender people like me are able to live our lives and provide for our families without fear of discrimination.

I truly appreciate the opportunity to testify before you here today.

Thank you.