Non-binary Workplace and Customer Experience Survey
Executive Summary

Non-binary experiences are significantly understudied with current inclusion guidance only briefly touching on them or omitting the existence of non-binary people altogether. This lack of guidance and general poor understanding of non-binary people has lead to an almost universally exclusionary environment for non-binary people across society. This work intends to address this by forming a picture of non-binary experiences in workplaces and as consumers as well as by creating an informed basis for further inclusion guidance. The following results are based on a survey of non-binary people in the UK between October and December 2016 with 225 respondents.

It was found that non-binary people face high rates of exclusionary or discriminatory incidents with 55% suffering negative experience as consumers and 42% suffering negative experience in the workplace. Current equality and diversity measures within organisations have not been sufficient in creating an inclusive environment for non-binary people with 47% of incidents in the workplace being caused by close colleagues of the non-binary person and 86% of incidents suffered by non-binary people as consumers being caused by staff.

In the current exclusionary landscape there were clear benefits for organisations which prioritized non-binary inclusion with 81% of respondents answering that it was very important to them that their employer was inclusive of non-binary people. Organisations which were inclusive of non-binary people were found to be more likely to recruit and retain non-binary people with non-binary workers also reporting that they were more likely to enjoy their work at an inclusive employer. In the consumer side, non-binary people reported that they were more likely to buy products from organisations that were inclusive of them.

The key inclusion practices on which non-binary people judge organisations were non-binary specific issues, such as having gender neutral titles and non-binary gender options. Traditional inclusion elements, such as policies stating an organisation’s commitment to equality and diversity or staff networks, were not seen as good measures due to them being highly generic and historically ignoring the existence of non-binary people.

There was an exceptionally low rate of confidence in current equalities legislation to provide protection for non-binary people with only 1% feeling completely protected. Many respondents had a highly detailed knowledge of the law with the lack of confidence stemming from the urgent need to add explicitly protections for non-binary people.

By Jon Fernandez, Sarah Gibson and Jos Twist

March 2017
Experiences as consumers

Visibility

Survey demographics

Executive Summary

Case study 3

Case study 2

Case study 1

Visibility

Are people outside of work aware of your gender identity? and Is anyone at your work aware of your gender identity?...14

When thinking about coming out at work how much do/did the following factors worry you?.........15

If you are out as non-binary at work how has it affected the following factors? .........................16

Did you feel that you had to change jobs in order to come out as non-binary at work or transition?..18

Experiences at work and in job-seeking ..................................................................................19

Have you ever had a negative experience at work or while jobseeking because you are non-binary?.19

How frequently do you have negative experiences at work or while jobseeking because you are non-binary? .................................................................................................................20

Have you experienced any of the following while at work or while jobseeking because you were non-binary? .........................................................21

If you have had a negative experience at work or while jobseeking because you were non-binary, who was involved?..........................................................................................................................................................................................22

Have you ever had to leave your job because you are non-binary? ...........................................23

Experiences as consumers ........................................................................................................25

Have you ever had a negative experience accessing services or buying goods because you are non-binary? .................................................................................................................................25

How frequently do you have negative experiences while accessing services or buying goods because you are non-binary? ..........................................................................................................26

If you have had a negative experience while accessing services or buying goods because you were non-binary, who was involved? .......................................................................................................26

Have you experienced any of the following while accessing services or buying goods because you were non-binary? ............................................................................................................27
Case Study 1

Case Study 2

Case Study 3

Inclusion

Do you feel that equality laws provide sufficient protection for you as a non-binary person?

How important is it to you whether your employer is inclusive of non-binary people?

How inclusive of non-binary people do you think your current or most recent employer is overall?

If an organisation was inclusive how much would it effect the following areas?

How important are the following factors in determining whether an organisation is inclusive of non-binary people?

Does your current or most recent employer do or have any of the following?

Other inclusion practices

I am able to dress at work as femininely or as masculinelly as I like

I am able to switch between dressing as feminine and as masculine at work

Do you feel able to express yourself with your employer's dress codes?

I can use gender neutral toilets or the toilets of any gender and co-workers are fine about it

I have non-binary role models at work

My workplace is supportive of my healthcare needs related to being non-binary or my transition

I can expect zero tolerance of non-binary erasing or discriminatory language from my co-workers or managers/service users

I am able to discuss any discriminatory incidents with an appropriate person at work

Key recommendations

Contact

References
**Survey demographics**

To gather information on the demographic of non-binary people filling out the survey, we asked them to provide information on key areas. All survey respondents were asked to confirm whether they were living in the UK, for purposes of this survey being specific to a UK audience.

- How they described their sexuality
- How they described their gender identity
- How they described their race or ethnic background
- If they identified as having a disability
- If they identified as being intersex
- Their sex assigned at birth

Participants were allowed to choose which demographic questions they answered, so not all of the people surveyed gave answers to these questions. To include a greater option to self-identify in these areas, responses were free form text. While this can be difficult to summarise accurately, especially as people responding could summarise their sexuality in multiple terms (e.g. saying they identified as pansexual OR bisexual) here is a general presentation on how the people survey responded:

**How do you describe your sexual and/or romantic orientation?**

![Survey Response Chart]

Out of 224 survey responses (one was left blank):

- Answers which included identifying as bisexual or biromantic: 72 (32%)
- Solely identifying as bisexual: 31
- Identifying in some way as biromantic: 10
Answers which included identifying as queer: 66 (30%)
Solely identifying as queer: 45

Answers which included identifying as pansexual or panromatic: 50 (22%)
Solely identifying as pansexual: 23
Identifying in some way as panromatic: 17

Answers which included identifying as (grey) asexual or aromantic: 33 (15%)
Solely identifying as asexual: 5
Identifying in some way as aromantic: 10

Answers which included identifying as demisexual or demiromantic: 14

Gay: 12 (including the response gay/lesbian)
Lesbian: 5 (including the response gay/lesbian)

Answers which included the following: heteronormative, straight, heterosexual, questioning/straight: 4

Any other answers:
Other answers which didn’t fit into the above categories included:
- “Don’t subscribe to a gender based model of attraction”
- “Questioning” and “not sure”
- “I like girls (but as I don’t really even know what that means even I find that odd!)”
- “Femme-aligned attraction”

Things of note:
It was interesting to note that more people overall identified somewhere as bisexual, rather than pansexual. There has been a debate for a long time within the trans community on the significance of the word pansexual, and whether it is more comfortable for non-binary people to identify this way since a lot of non-binary people express discomfort at how ‘bi’ has historically and socially meant ‘two’ (men and women). With the discussions around the expansion of what ‘bi’ means, and the multitude of identities people can hold, it seems that a new wave of non-binary people identifying as ‘bi’ has claimed the word’s usage above ‘pansexual’ or even ‘queer’.

Comparison to the UK population and other non-binary studies:
In 2015, the Annual Population Survey found 1.7% of adults in the UK identified themselves as lesbian, gay or bisexual (LGB). A further 0.4% of the population identified themselves as “Other” which means that they did not consider themselves to fit into the heterosexual or straight, bisexual, gay or lesbian categories. A larger group, 4.1%, refused or didn’t know how to identify themselves.
Taking the largest figure we can from this data, it may be estimated that 6.2% of the UK population may fall somewhere along the spectrum of being LGBQ or undefined/unsure about their sexuality.

Unsurprisingly, about 98% of our survey respondents identified as LGBQ, with only 4 answering that they were heterosexual or straight.
There are very few studies on how non-binary people identify their sexuality. The Scottish Trans Alliance's 2015 survey of 895 non-binary people (STA 2015) throughout the UK did include this demographic question.

Here are their most frequently chosen responses when non-binary people were asked about sexuality:

Queer 52.7% vs our 30%
Pansexual 31.6% vs our 22%
Bisexual 27.9% vs our 32%
Asexual 18.8% vs our 15%

It is interesting to see that, as well as with gender identity (analysed below), the most commonly appearing sexualities are the same for our survey and the survey conducted by the Scottish Trans Alliance, with very close similarities in the percentages of people identifying as bisexual and asexual. Interestingly, the Scottish Trans Alliance's survey did have people answering that they were heterosexual, at 4.7% of the responses (ours was 2% [1.7%]).

How do you describe your gender identity?

This was also a free form text box, allowing people to specify how they identified. As with the above, it can be broken down into several areas to allow for greater analysis. 225 people responded to this question.
All responses containing 'non-binary': 85 (38%)
Solely non-binary: 49

All responses containing genderqueer: 44 (20%)
Solely genderqueer: 14

All responses containing 'agender': 36 (16%)
Solely agender: 21

Gender fluid/fluid: 21 (9%)

Trans masculine (and variations): 8 (4%)

Gender neutral and neutrois: 7 (3%)

Queer: 5 (2%)

Trans feminine (and variations): 4 (1.7%)

Demi-gender (including demi boy and demi girl): 4 (1.7%)

Any other answers:
A summary of other answers that we received:

- Androgyne: 3
- Bigender: 1
- Enby: 1

Some people chose their own words or used a phrase to describe how they felt:

- “A process not a fixed thing”
- “Both male and female”
- “Third gender”
- “About 70% male and 30% shrugs”
- “Epicine’
- “Girlflux”
- “Lost”

Things of note:
Even though a younger crowd has taken to using the word “enby” as an identity describer (a phonetic spelling of the shortened version of non-binary, NB, it's interesting to note that only one person mentioned it as their gender identity. More people preferred to use “non-binary” somewhere within their description of their gender, and a proportionally larger number of people solely identified using that term. There can be many reasons for this, one being that instead of breaking it down into complex pieces, the term 'non-binary' encompasses a wide range of feelings, presentations, and shifting genders, where further explanation would be difficult or impossible.
Survey respondents chose a few words to describe how they felt a lot of the time, rather than sticking to just one. Others used words not widely known or created their own words and phrases when offered a free text space. This variety in identification may not be present in other surveys, as whereas other surveys may want respondents to tick a pre-written box, we left it up to the person to tell us about their own gender, so this may be a more authentic look at how people in the UK non-binary community feel about their gender and the terms used for it.

Upon looking at studies conducted about or including non-binary people (both in the UK and abroad), many use pre-assigned check boxes, which did not allow non-binary people to fully express their gender, despite attempts made to increase the number of options. One comparable study was a 2013 study, undertaken by nonbinary activist Cassian Lodge compiled an online self-selected survey aimed at nonbinary/genderqueer people asking statistic-gathering questions. This was promoted through Tumblr and other relevant social media outlets such as Twitter and Reddit, all of which have international reach. No supplementary demographic questions were asked. 2,061 people responded to the survey.

Options in this survey included:
- Agender
- Androgyne
- Bigender
- Fluid gender
- Genderqueer
- Intergender
- Neutral
- Neutrois
- Nonbinary
- Third Gender
- Trans*
- Transgender
- Unknown
- Other:______________

**Comparison to our survey:**
Lodge's survey contained the following results from categories which also came up frequently:
- Genderqueer – 58% vs. our 20%
- Non-binary – 39% vs. our 38%
- Fluid gender: 31% vs. our 9%
- Agender: 22% vs our 16%

In Lodge's survey, it is interesting to note that 12% of survey respondents ticked the 'other' box when self identifying (236), either using words that came up once or twice, or leaving the text space blank. This shows that, even when given a wide variety of options, many non-binary people feel that their
gender cannot be sufficiently expressed or recorded with just one or two words, as we have also seen in our survey.

Other similar surveys:
The STA’s 2015 ‘Non-binary Report’ was a UK-wide survey of 895 people who identify as non-binary. They asked similar demographics questions, and from their text boxes, gained the following responses on gender identity. Here are the four most prevalent answers and how they compare to our survey:

- Non-binary 62.9% vs. our 38%
- Genderqueer 44.7% vs. our 20%
- Genderfluid 30.9% vs. our 9%
- Agender 28.3% vs. our 16%

As with Lodge’s survey, a similar percentage size in this survey (13% of the sample) said that they used ‘Other’ terms to describe their gender identity in English. Our survey did not have an ‘other’ option and was free text, as such it is difficult to compare to the other two, but those responses which were less than 1% of the answers people gave (20 counts of them – 9%) fall close to what is seen in both surveys above.

Many differences in percentages highlighted above might be because of our lack of pre-set text boxes providing an easily quantified answer – however the key findings remain the same in terms of how people identify: the most prevalent identities among UK non-binary people are the above: non-binary, genderqueer, genderfluid and agender.

How do you describe your race or ethnicity?
224 people responded to this question. We also left this question with a free form text box, allowing us to see how non-binary people described their race or ethnic makeup outside of pre-written constraints. Here is a summary of what people told us:

White (not identifying as mixed race): 196 or 87.5%
Of those who stated that they were not White British (i.e. from a White European background): 28

Mixed race: 8 or 3.5%
- Mixed - white and Asian
- Mixed white
- Mixed
- mixed-race (Asian/white)
- Fully white-passing mixed (grandad is black, from Caribbean
- mixed, mestizx Colombian, white English
- Mixed white/Chinese
- mixed white and black-Carribean
Black or African - Caribbean: 5 or 2.2%
- Black, Jamaican-British
- Black Caribbean
- Black African
- African-Caribbean
- African

Asian (including South and East Asian): 4 or 1.8%
- Mixed - white and Asian (note: answer included in data for Mixed Race as well)
- White Asian
- Indian
- Pakistani

Person of colour: 2 or 0.9%

Other unspecified: 4

Any other answers:
- Jewish: 3 (1.3%)
- Pakeha New Zealander: 1
- Human: 2

Things of note:
The vast majority of people who responded to this question were white. There are many reasons that this is the case – proportionality of the non-binary community, and the lack of promotion to PoC groups during the running of the survey are a few.

In comparison with STA's 2015 survey, which also included race and ethnicity as a background, it is found that we had a demographic survey closer to what the population of the UK is in terms of answering as White (86% of the population of England and Wales, given by the Office for National Statistics), whereas the STA’s was predominantly White, at 93%. We had similar numbers of people from mixed backgrounds (4% in the STA survey vs. our 4%), Asian backgrounds (1% vs. our 1.8%), and we had more responses from people with a Black, African or Caribbean background (1% in STA vs. 2.2%)

In any case, the issues non-binary people of colour face at work may be multi-layered with racism or experiences of racialised harassment in the workplace, and as such, it is important to listen to their experiences aside from those of white respondents. It is clear that non-White people in the non-binary community are not represented as well as they could be, and the data collected both in large and medium-sized surveys of the UK community serves as a reminder that there is more work to be done to fully capture their experiences. For more information on supporting PoC/BAME trans people, this guide is a good starting point: [http://www.gires.org.uk/assets/Support-Assets/BAME_Inclusivity.pdf](http://www.gires.org.uk/assets/Support-Assets/BAME_Inclusivity.pdf)
Disabilities:
Out of 223 who responded to this question, here is what our survey responders answered when we asked them if they identified as having a disability (mental health was included in this):

Yes: 103

Among the most frequently cited:
Depression or other mental health disabilities: 28
Autism spectrum: 11
Deaf or hearing impaired: 3
Dyslexia: 3
Dyspraxia: 2

No: 120
Including one person who was a Carer

Things of note:
It's interesting to note that 46% of the people who responded to the survey identified as having a disability. Interestingly, the estimated population of the UK living with a disability or lifelong illness is given as 11 million (Office for Disability Issues 2011/12), when compared to the size of the population it works out as roughly 17%. It is unclear whether this research includes mental health, and the higher numbers in our study may suggest that the most common disability among non-binary people are mental health disabilities, as our data collection shows.

Data from the STA 2015 survey is almost identical, with 45% of their respondents identifying that they have a disability, with the most common disability being a mental health issue. About 40% of those selecting that they do have a disability identified it as mental health related.
Are you intersex?

Number of respondents: 221
No: 217
Yes: 1
Partly or unsure: 3

Things of note:
It is unsurprising that there was only one respondent who identified as intersex. While there may be some crossover in intersex people identifying as non-binary, the vast majority of non-binary people are not intersex, despite confusion between the two by cis people. Similar studies into the demographics of non-binary people have shown that a high number do not identify as intersex.

Assigned sex at birth

![Pie chart showing assigned sex at birth]

This information was primarily collected in order to assess whether a non-binary person’s sex assigned at birth lead to any specific issues or produced any differences in rates of exclusion. We have not been able to find any statistically significant differences in the reported experiences based on a person’s sex assigned at birth.
Visibility

Many non-binary people do not feel comfortable sharing their gender identity with their colleagues at work or with their employer. While there is a lack of visibility of non-binary people in general in society, the work environment has particularly high constraints. Many respondents saw being openly non-binary at work as likely to negatively impact their future job prospects or job security, particularly in a landscape where there is little confidence in legal protections. Many others felt that the task of repeatedly educating their employer and colleagues was simply too much effort showing a strong need for basic training. When people were out there was a tendency towards negative outcomes which justifies the high level of worries experienced.

Are people outside of work aware of your gender identity? and Is anyone at your work aware of your gender identity?

Out of survey sample 90% of respondents were open about their gender identity to the people closest to them however this dropped to 47% for those who had shared their gender identity with their employer. The STA 2015 survey found that 48% of non-binary people were open about their gender identity in the workplace. Due to our methodology it is likely that our sample contained a higher rate of non-binary people who were open about their gender identity and were more connected with the wider community.

A small percentage of non-binary people 7% responded that they were open about their gender identity but only as a binary trans person. This may because it was easier for them to do so, either because their work did not recognise non-binary people or because of greater acceptance of binary trans people in society. For some, the binary gender as which they are known may be an important part of their gender identity or they may have since come to identify as non-binary after identifying as binary trans person.
The type of employment that a person was in was found to be an important factor with only 40% of those in part-time employment being open about their gender identity while 58% of those who were self-employed were open. The level of control over your workplace and your job security are key issues here with those who are self-employed being in much stronger positions. Those in part-time employment may have reduced job security, such as in temp work, or it may be less important to express themselves since their work formers a smaller section of their life. Part-time workers may also spend less time at each job meaning that they would have to go through an energy consuming process of informing others more frequently.

“I feel safer with family and friends. I’m more scared at school and workplaces because I’m not close to these people but I am forced to interact with them for several years and a negative response to my gender would be very damaging to my daily life.”

“I told HR when I got the job and corrected the title and gender options on the forms I completed, but nothing came of it. I can’t be bothered to try and explain it to my colleagues. I think they would try and be understanding and they are fairly right on about LGBT stuff, but they are (as far as I know) all cis and straight and I would feel like they thought I was ‘weird’.”

“I work with so many different organisations these days, as a temp while I look for a permanent job, that I just don’t have the energy to keep outing myself and explaining to people what non-binary is.”

“I originally identified as a binary trans person when I came out. It was so much effort to get them to recognise this that I haven’t bothered going back and correcting them.”

When thinking about coming out at work how much do/did the following factors worry you?

The key worries which deter non-binary people from being visible in the workplace are negative treatment by colleagues or customers and not being able to correctly express their gender identity. Other important issues were reductions in job security and future job prospects as well as usage of bathroom facilities. 93% of respondents expressed some level of worry about treatment by their coworkers and 85% about treatment by customers. In comparison STA 2015 found 88% were worried that being visible as a non-binary person would make their work environment more difficult and that 90% were worried that their identity wouldn't be respected.
“don’t feel safe to [be out as non-binary]. There is a lot of transphobia and ignorance where I work.”

“My workplace is very open to gay men being part of the workforce, but any other homosexual or non-binary or trans gender identification is openly mocked.”

If you are out as non-binary at work how has it affected the following factors?

We can compare these perceived worries with the outcomes from those who were open about their gender identities, which are in general more positive than people perceive them to be. Positive changes were very sparse apart from in being able to express one’s gender identity at 32%. In most cases respondents saw little change to their situations however negative outcomes were very significant, justifying people’s worries.
There is a significant skew towards negative outcomes which are also more likely to be discussed and publicized among non-binary people and these heavily feeds the negative perceptions of being visible. Any negative outcomes should be considered unacceptable and unlawful.

“Superiors/bosses treat [me being open as non-binary] as an example of being ‘difficult’ as I am already queer & disabled & neurodiverse. Too many negatives make me less liable to be promoted or receive sympathy when I experience problems in life.”

“My job relates a lot to my personal ‘brand’ and potential customers might be put off if they think I’m ‘a freak’. It’s not so much negative treatment, more that it would limit the appeal of my product.”
Did you feel that you had to change jobs in order to come out as non-binary at work or transition?

Becoming open about your gender identity or transitioning can be a significant challenge and hinges upon others, particularly those that have known you for some time, being accepting and being able to change the ways in which they interact with you. Consequently many non-binary people feel that moving to a new environment and meeting new people can make this process easier. If they do not feel confident enough that their current work environment would be supportive then they may seek new work at this time. This can lead to a loss of talent for businesses. Only a minority, 27%, of our respondents felt this way however this is linked to perceptions of work environments as a whole; they would only consider moving jobs if other businesses were perceived to be more supportive than their current employer. There is currently low competition in this respect but is likely to rise as employers become more inclusive.
Experiences at work and in job-seeking

Work environments are places where it is common for people to spend much of their time and it is important for organisations to get the most possible out of their employees. Navigating these as a non-binary person is no easy challenge with many suffering frequent negative incidents, including a high number of severe cases. Further than that, we have found that a number of non-binary people have been forced out of their jobs because of who they are or have had issues while searching for a new job. This not only effects the individual but also the organisation, reducing productivity and robbing it of talent. It is clear that current diversity initiatives are not sufficient to create an inclusive environment for non-binary people.

Have you ever had a negative experience at work or while jobseeking because you are non-binary?
Non-binary people frequently face negative or exclusionary environments which are created by actions or processes which do not easily fall into discrimination categories. These may be considered less extreme forms of discrimination or simply a lack of inclusive practices. These common experiences add up to take a large toll upon the person.

Out of our survey respondents 42% answered that they had suffered a negative experience at work or when job seeking and a further 30% were unsure. Only 28% answered that they had never had a negative experience in this situation. The high number of respondents who were unsure is likely to be because it is difficult to be certain of the motives of the other people involved. For example a person may have multiple minority characteristics and could be being treated negatively because of any one of them, or in a job interview you may not know precisely why you are being rejected for a position.
“I wasn’t specifically targeted because I’m not out, but all my colleagues were talking negatively about gender neutral pronouns and nonbinary genders, they were mocking them and had many transphobic comments. I felt very uncomfortable, scared and unsafe.”

How frequently do you have negative experiences at work or while jobseeking because you are non-binary?

There is a common misconception that exclusionary or discriminatory incidents are infrequent and insulated cases due to a high focus on the most severe cases and particularly those protected by equalities law. In reality there is a high frequency of more minor cases which accompany the infrequent severe cases, and by a process of attrition these more common cases can have a far greater impact upon people.

![Bar chart showing frequency of negative experiences]

Of our respondents 45% said that they experienced negative incidents because of their non-binary status on a monthly or more frequent basis. Similar to the previous question, a high proportion, 35%, were unsure about the frequency of their negative experiences. The number of negative experiences a non-binary person has will be dependent both on their environment and on how visible they are.

“I asked a facilitator to use non gendered pronouns with me and two colleagues put in a complaint saying it made people uncomfortable.”
Have you experienced any of the following while at work or while jobseeking because you were non-binary?

While less severe incidents are more common, serious acts of discrimination do affect non-binary people. These incidents are likely to have a huge effect on the individual and would be grounds for a discrimination case to be brought.

The majority, 58% answered that they had never experienced one of these incidents because they were non-binary however this leaves a large segment who had suffered a severe incident. The most common of these were harassment, 19%, and bullying, 14%, with 2% being subjected to sexual harassment and 1% sexual assault or assault. The STA 2015 study found similar rates of 1% suffering sexual assault or assault but a higher rate of 8% suffering sexual harassment.

“My colleagues tried to push me into the ladies room because ‘that’s where I belong’ and refused to let me use the toilets while at work. There was also intimidation through telling stories about ‘those f***** they managed to get fired’”
If you have had a negative experience at work or while jobseeking because you were non-binary, who was involved?

Understanding the reasons behind negative incidents at work is vital for organisations to effectively combat them. Internal cases point to a lack of training within an organisation, while those perpetrated by clients or customers may be more difficult to prevent there should be effective processes in pace to deal with them. In cases where a manager or other person with power over a non-binary person is involved, there may be more severe incidents occurring and there will be a greater impact on the recipient.

The most common group causing incidents in the workplace were the close colleagues of the non-binary person, 47%, followed by managers, 33%, and other members of the organisation, 31%. This clearly points to a lack of inclusive practices within organisations and a problem which affects all levels of the organisation. External sources were also frequent at 27% and worryingly 23% reported negative incidents during interviews or jobseeking. Internal incidents and insufficiently addressed external incidents will impact the productivity of non-binary people while incidents during job seeking will impact an organisation’s ability to attract talent.
Have you ever had to leave your job because you are non-binary?
Forcing people out of jobs can be direct, through discriminatory firing, or indirect, by creating a hostile environment or through limiting promotion opportunities. In any case it represents a clear loss of talent for the organisation and a threat of employees moving to a more inclusive competitor. While only 8% of respondents were able to clearly identify that they had been forced to leave their job because they were non-binary a further 12% were unsure, likely meaning that they had left their job but were unable to conclusively attribute it to their non-binary status.

“\textit{I was working as an LGBT youth worker, and did not feel able to come out to my LGBT employer about my trans/non binary identity as I felt they were uneducated about non-binary experiences and unconsciously prejudiced against trans people. When I raised related issues, such as asking if there could be a gender neutral toilet available for the comfort of service users, I was ignored or dismissed. The fact that I was supporting others to be more open about their experiences while feeling unable to do so myself made me feel hypocritical and uncomfortable}”

“\textit{I was made redundant soon after coming out, but the management insisted it was nothing to do with my gender.}”

“\textit{At a previous job, my boss's manager pressured me into leaving.}”

“In my current role I am treated well by my co-workers but in my previous job I was bullied by my manager once I came out as non-binary. I didn't feel that you had to change jobs IN ORDER to come out as non-binary at work, but felt the need to change jobs \textit{BECAUSE of the negative treatment I received due to coming out.}”
Case Study 1
Harri experienced frequent and intentional misgendering at their workplace, despite repeated requests for it to stop. As well as this, there was continued use of transphobic language. They explained that while they were jobseeking, checking for bathroom access lead to silence or a lack of response from organisations which had seemed previously promising. On one occasion, they had a verbal job offer pulled without explanation after correcting the hiring manager about their gender. While management seemed at first to support Harri while they were being misgendered, resolutions were usually only found along the lines of perpetrators agreeing not to do it again, but continuing to do it anyway. Management told Harri "but they are trying, this is hard and new for them", so Harri felt unable to take things further. Harri felt that the continued misgendering and transphobic language should have been treated as workplace bullying, and that the perpetrators should have been reprimanded.

Harri said that they are in their current job because, when applying, the interviewer called ahead to check their pronouns, and was very respectful of them.

Case study 2
Colleagues at AJ's workplace made jokes about "spilling genderfluid on the carpet", and also 'jokes' about indecisiveness, pointed towards AJ. AJ advised one colleague later that the jokes were in poor taste and that they were upset by them. The colleague apologised, but indicated that it was up to AJ to inform others individually that this kind of discrimination was unacceptable. AJ wasn't particularly happy, and wanted their colleagues to take steps to educate themselves, instead of the burden falling to them. They wish that they had taken it higher up and had it addressed.

Case study 3
Sam had their leadership qualities questioned by a senior colleague via a phone call, because they were a 'nancy boy' and not a man. The colleague's tone was hateful, and made Sam so upset they told management they wanted to resign. Within half an hour they had a face to face apology from the perpetrator, and they continued to work there. Sam wasn't hassled again after this incident, and they are out as bisexual. Their senior colleague is supportive of them, and they have no further complaints about their job.

Sam said: “People treat me the same, or are even more friendly than before. I see this as them making an effort to be accepting.”

All names have been changed.
Experiences as consumers

The consumer landscape is littered with gendered products and services with rigidly enforced restrictions on who is allowed to buy what. Non-binary people frequently find themselves being treated negatively or being refused service altogether because they are not seen as an appropriate recipient of a good or service. Some practices in this sector which are intended to be friendly, such as a staff member greeting a customer with ‘can I help you sir/madam’, may in fact have the opposite effect on non-binary people due to being inappropriately gendered. This can lead to negative publicity for a business or brand, not just among non-binary people but more widely in society. We have found that current training programs within organisations are not of high enough quality with staff being the primary cause of exclusionary incidents. When talking about services in this section we do not include public services, such as NHS healthcare, as these have been covered in detail in other works.

Have you ever had a negative experience accessing services or buying goods because you are non-binary?

The consumer environment is very challenging for non-binary with many products or services being heavily gender segregated. This ranges from well-meaning but incorrect segregation, such as products related to reproductive organs, to the unexplainable, such as tea or pens. This segregation is heavily enforced both in society as a whole and by vendors at point of purchase.

![Chart showing 55% of respondents answered 'yes', 30% 'no', and 16% 'unsure'.]

The majority of respondents, 55%, answered that they had had a negative experience as consumers showing a clear need for improvement. In comparison to the experiences at work section were respondents were more certain about their experiences with only 16% answering ‘unsure’. This may be due to the more obvious gender segregation or in the nature of interactions in this space.

“Just eliminate the obsession with 'gender' when it is completely irrelevant.”
How frequently do you have negative experiences while accessing services or buying goods because you are non-binary?

Understanding the frequency of negative incidents is also an important part of reducing them and is tied to how common gendered products are. The relatively small number of non-binary people may mean that while these incidents are a common occurrence for non-binary people they are not picked up on by organisations. There is however a clear pattern here that we must tackle.

Of our respondents 53% said that they experienced negative incidents because of their non-binary status on a monthly or more frequent basis which is slightly higher than in the work environment. Similar to the previous question, there was a lower uncertainty among respondents with 23% answering that they were ‘unsure’. The monthly and weekly categories were the most common at 26% and 20%, with both of these frequencies likely to be significantly harmful for a person.

If you have had a negative experience while accessing services or buying goods because you were non-binary, who was involved?

Similar to the work section, the purpose of this question was to explore the causes of exclusionary incidents and to help assess how they can be combated. The groups involved are different from a work environment and when in physical stores primarily consist of other consumers and staff members. Store environments should be designed to limit any possible incidents caused by consumers, with staff members trained to resolve any resulting issues. Further up the chain, any incidents caused by staff should be solved by a staff or store manager.
By far the most common cause of exclusionary incidents were staff members with 86% of respondents naming them as involved. 29% of incidents involved other consumers while 10% were caused by a staff manager. Staff training must be improved in order for them to treat non-binary customers in an inclusive manner and for them to be able to resolve incidents from other consumers. The results do not suggest that staff managers are any better equipped with the lower proportion likely down to their fewer numbers. 10% of respondents answered that another group was the cause of the negative experience and this may be linked to processes rather than people e.g. a lack of non-binary gender options on an online store.

**Have you experienced any of the following while accessing services or buying goods because you were non-binary?**

In some cases more extreme incidents occurred which went beyond simply being uncomfortable or being unable to acquire a product or access a service. These cases should be given significant attention as they may be grounds for discrimination cases.
Lower rates of bullying, 9%, were found than in the work environment, 14%, as was sexual harassment, 1% vs 2%. Harassment was by far the most common, 21%, which will include a broad range of incidents where a non-binary person is perceived to be of a different gender which is not appropriate to that of the product or service they are trying to acquire e.g. being refused access to a gendered changing room. 59% of respondents answered that they had not experienced any of the more extreme incidents however this still leaves a very high rate.
Case Study 1
Sky feels uncomfortable frequently when visiting hairdressers or barbers: their choice of style is either too feminine or not feminine enough, depending on how staff gender them. When getting new glasses, staff push them towards the "women's" styles because they can see Sky's legal gender on their account, and visibly struggle with requests for more masculine frames. Sky has also been assaulted by a stranger in the men's toilets, and now always uses the women's, which gets comments from the women in there, or on one occasion even chased out.

Case Study 2
Amal has been sexually assaulted and harassed in clubs. They didn't report this as they felt nobody would care about them because they were non-binary. On another occasion, a pharmacist asked them out loud to a shop full of people: “if your prescription says "Mr" on it, why would you need birth control?” which outing Amal to the entire room and could have put them in danger. They left a review at the pharmacy after this incident, and they provided extra training for the staff. Amal is satisfied with this outcome.

Case Study 3
The situation which stuck out most for Jen happened at the Olympics in 2012. They were in Coventry for the women's football bronze medal match, and was almost refused their pre-booked tickets they were collecting because the customer service agent at the booth didn't believe they were the person who had booked the tickets. They had a driving license with the same name on as the debit card they'd booked the tickets with, and it was Jen's face on the photo of the driving license. The customer service agent kept calling Jen “mister” and staring at their chest to see if they had breasts. Jen felt embarrassed and frustrated, as they were kept waiting until five minutes before kick-off. After a while, a manager came to the booth to ask why the queues were so long. When the customer service agent explained, he was reprimanded and the tickets were handed over without any further argument. Jen didn't know about the term 'non-binary' at the time, or that they could use gender neutral pronouns, and if it happened again they would want to challenge their treatment more.

All names have been changed.
Inclusion

There has been little work in developing best practice for non-binary inclusion with many LGBT+ charities struggling to understand how non-binary people are specifically affected. In general the quality of inclusion guidance on trans people as a whole has been very low or non-existent until the past few years with many organisations now attempting to catch up in this area. What little that is available on non-binary people tends to only include a very basic explanation of non-binary people as a whole and some small referencing to well known issues such as gender neutral toilets. It is common for issues which affect non-binary people to be discussed with binary trans people as the primary subject which loses much of the information on how non-binary people fit into the mix. This section attempts to motivate the business case for non-binary inclusion and to explore what elements should be included in best practice. It is, to our knowledge, the first UK study into non-binary inclusion practices for organisations outside of public services.

Do you feel that equality laws provide sufficient protection for you as a non-binary person?

UK law does not currently recognize the existence of non-binary gender identities with the binary genders heavily ingrained into the wording of the law. Equalities laws in particular which effect binary trans people and non-binary people still use outdated terminology and restrictive definitions. There is still a very low understanding of how non-binary people fit into the law with incidents such as #specificdetriment further reducing the confidence non-binary people have in their legal protection.

Our respondents had a very low confidence that they were protected under current equalities legislation with 57% answering ‘not at all’ or ‘unsure’ for protection in the workplace and 61% for protection as consumers. In both cases only 1% answered that they felt the law ‘completely’ protected them. This extremely damning view should indicate that current equalities legislation is in need of an urgent update but also that organisations must go beyond their legal obligations in order to create an inclusive environment for non-binary people.
When asked to explain their thinking an exceptional number of respondents directly referenced the Equality Act 2010 with some including quotes from the act and the explanatory notes. The lack of confidence in the law is far from being rooted in ignorance of it.

“It’s unclear whether we’re protected by it at all (and the government’s recent statement that nonbinary people face "no specific detriment" suggests that we’re *not* protected by it). Nonbinary employees need to know that their employer is actually looking out for them, not just complying with the letter of the law.”

“What equality laws? We aren’t covered. I don’t have a GRC; I haven’t even started medical treatment because I’m still on a waiting list. A lot of what happens is "microagressions" that the law would ignore anyway.”

“The wording of the law is very binary and the lack of case law makes me feel like that courts could side with employers.”

“Since my gender is legally female, and equality laws refer to sex and not gender, I do not feel legally protected.”

“It’s always tenuous to cite the Equality Act -- I’m not undergoing or planning to undergo any 'Gender Reassignment' process in terms of medical transition -- I’m just Not A Woman Thanks.”

“By far the most optimistic legal advice I’ve seen about [non-binary] protection is that it is "Not yet tested in court."”

“We don’t legally exist.”

“It’s not clear from the equality act whether non-binary trans people are covered within the definition of gender reassignment.”

How important is it to you whether your employer is inclusive of non-binary people?

Work makes up a significant section of our lives and there are many benefits for people to be happy while at work. Many people however prefer some distance between the personal and work lives and may not wish to share too many details about themselves, such as their gender identity, with their coworkers.
There was an overwhelmingly positive response to this question with 97% of respondents answering that having an inclusive employer was ‘very’ or ‘quite important’ to them. This is a clear indication that creating an inclusive work environment would have a huge impact on non-binary people.

How inclusive of non-binary people do you think your current or most recent employer is overall?

In the experiences at work section we have explored the nature and frequency of negative incidents, however we have not got an overall picture of organisations. Respondents were asked to give an overall rating of their most recent employer which will include both an assessment of the negatives and positives within the organisation. It may also include some measure relative to how inclusive other organisations are. A 1-10 scale was used and these results have been combined into low medium and high categories.
The responses were skewed towards a negative assessment of employers with low being most common, 48%. A relatively high percentage, 23%, rated their most recent employer as highly inclusive; it is very much possible to create inclusive environments for non-binary people and some organisations may already be doing this without active effort. Contrary to some perceptions it is clearly possible to integrate non-binary inclusion into current organisational culture without massive upheaval, though few are currently achieving this.

If an organisation was inclusive how much would it effect the following areas?
We have already found that having an inclusive employer is very important to non-binary people but from an organisation perspective it is important to know how this translates into specific actions. These loosely fall into the categories of attracting and retaining talent, increased productivity and attracting customers.

Across all categories there was a hugely positive response with 80-90% responding that an organisation being inclusive would have a positive effect on their actions. The lowest of these was in buying goods and services which means that inclusion will have a greater effect on employees rather than consumers.
How important are the following factors in determining whether an organisation is inclusive of non-binary people?

In exploring what elements best practice for non-binary inclusion should include we asked respondents to rate the importance of a wide variety of practices. These were split into a mixture of key issues facing non-binary people and some common inclusion practices.
The most important inclusion practices for organisations to have were:

- accepting gender neutral titles
- having non-binary gender options on forms/records
- inclusive dress codes
- having gender neutral toilets available
- having no tolerance policies to tackle discrimination
- using gender neutral language.

The majority of these are non-binary specific issues rather than common elements of inclusion best practice.

The lowest ranked factors were:

- having staff networks
- supporting LGBT+ charities
- having people personally recommend organisations
- having visible non-binary role models.
While these were ranked lowest they were all seen as positive practices for organisations to do. The common elements of best inclusion practice in general rank low as they are frequently geared towards meeting legal obligations which do not inspire confidence in non-binary people. Otherwise these elements have not historically covered non-binary people or are completely generic, failing to provide any form of differentiation.

“[My employer needs to] actually enforce the no-tolerance policy rather than just saying the words to seem inclusive. Actually dealing with incidents in an effective way instead of just dismissing you for being "too PC" as if you are making their job harder on purpose.”

“It's all very well to have diversity training and anti-discrimination policies - but do those courses and policies specifically mention nonbinary people? Have they consulted nonbinary organisations on whether their training is appropriate? Is the policy followed in practice?”

“E&D policies can be generic. A trans policy is needed and it needs to include [non-binary people].”

**Does your current or most recent employer do or have any of the following?**

We can compare current practices with the elements which would make an organisation inclusive to produce a more detailed view of how inclusive organisations currently are of non-binary people. Some practices for the issues specifically effecting non-binary people may already be in place without an organisation actively intending to put them in place or knowing that they effect non-binary people. For example non-binary inclusive dress codes or gender neutral toilets could have been put in place unknowingly and in many organisations non-binary inclusion can be achieved with little changes.

![Graph showing percentages of current practices](image-url)
The most common practices were:

- policies stating an organisation’s commitment to equality and diversity, 75%
- no-tolerance policies to tackle discrimination, 50%
- non-binary inclusive dress codes, 50%,
- LGBT+ staff networks, 42%
- gender neutral toilets available, 38%
- equality and diversity training for staff, 28%

Apart from gender neutral toilets and inclusive dress codes, these are all common elements of current best practice though unfortunately they are not all see as the primary factors to make an organisation inclusive; out of 13 factors, policies stating an organisation’s commitment to equality and diversity is ranked 9th, no-tolerance policies to tackle discrimination is ranked 5th, LGBT+ staff networks is ranked 13th, and equality and diversity training for staff is ranked 7th.
For the most important inclusion practices, 29% of employers accept gender neutral titles but only 10% include non-binary genders on forms/records. It is worth noting that these results will likely be higher than for organisations in general as non-binary people are more likely to work for inclusive organisations. These results show that organisations will have to engage more specifically with non-binary issues in order to create inclusive environments rather than relying on common best practice guidance.

“After getting trans awareness training for co-workers at one job, I was then referred to as an 'it' when I asked someone not to call me 'Madame'.”

**Other inclusion practices**

Other inclusion practices suggested by respondents were:

“Normalising the practice of asking employees' pronouns.”

“Having a "known as" field in databases for nb/trans people who are out but have not got a deed-poll completed.”

“Publicly communicating our policies to customers”

“Support for charities/non-profits that are specifically focused on nonbinary people. LGBT orgs often focus mostly on lesbian and gay people; if an organisation is supporting a large LGBT charity and thinks that that shows their commitment to *all* LGBT people, I would take that as a sign that they haven't actually done their homework that well and may not be supportive of nonbinary people specifically. Even some trans-focused organisations can be dismissive or ignorant of nonbinary issues, so seeing support for nonbinary orgs specifically is really important.”

“Having specific and clear policies around compassionate leave for surgeries”
I am able to dress at work as femininely or as masculinely as I like

There was an overall positive response to this, with 172 of the people who responded with a number chose over 5 or 10. Non-binary people who took this survey felt that at work, they were able to dress as femininely or as masculinely as they wanted.

I am able to switch between dressing as feminine and as masculine at work

The same amount of people felt uncomfortable switching their presentation as those did in feeling they could change their presentation. This is in comparison to a larger number of people feeling that at work they can present as femininely or as masculinely as they like, regardless of their gender. This may suggest that more people are afraid of changing their gender presentation at work, rather than keeping one presentation throughout their career or working life.
Do you feel able to express yourself with your employer's dress codes?

Though a gendered uniform is restrictive, many people felt completely comfortable within employer's dresscodes. This could be because their dress code is relaxed and that workplaces are moving away from a heavily prescriptive environment in terms of what employees wear, or that for their expression of gender identity, dress codes simply aren't an issue. However, it is telling that the majority of people who responded said that they were unsure if they were able to express themselves, or selected sometimes and not at all. This generally negative response is a very real feeling, where non-binary people are afraid to ask about dress codes for fear of outing themselves, or not wanting to be the first non-binary person to challenge or be visible.

I can use gender neutral toilets or the toilets of any gender and co-workers are fine about it

48% of the 225 survey respondents felt they couldn't or felt uncomfortable using the toilets at work which matched their gender, or how they felt at the time, while only 33% of people felt completely or generally positive about using the toilet at work. A large minority, 12% felt they didn't know.
I have non-binary role models at work

Unsurprisingly, most of the people who answered this question said they had no non-binary role models at work. An explanation can be made for the intermediate numbers: some suggestions may be that there the person does have non-binary co-workers but they’re not out as non-binary at work, or that the person answering don’t consider any non-binary co-workers to be role models, or that they are unsure if a person is non-binary.

My workplace is supportive of my healthcare needs related to being non-binary or my transition

The majority of people who responded felt unsupported in their trans healthcare at work, 62%, compared to 38% of people who felt supported. There were many who didn't know – 34% out of those who answered the question - if they would be supported in their transition at work. Some suggestions for this answer might be that they hadn't asked, or hadn't transitioned physically at work, or that their workplace did not make it explicit that non-binary or trans people would be welcomed and supported if they physically transitioned.
I can expect zero tolerance of non-binary erasing or discriminatory language from my co-workers or managers/service users

70% of people who responded to this question felt that there was no or little 'zero tolerance' of discriminatory language against them at work, and only 11% of people felt that there would completely be no tolerance of discriminatory language. This data shows that a large number of the people surveyed felt that nobody would challenge discriminatory language or verbal abuse against them in the workplace.

I am able to discuss any discriminatory incidents with an appropriate person at work

Almost a quarter of those who responded felt they had nowhere at all to discuss discriminatory incidents at work. Only 16% of felt that they knew where to go for support in dealing with incidents of discrimination.
Key recommendations

- Current business practices are not sufficiently inclusive or supportive of non-binary people and businesses should seek new guidance on how to improve these practices.
- Businesses may be leaving themselves open to discrimination claims from non-binary customers or employees and immediate action should be taken to reduce and respond to discriminatory incidents.
- Businesses should take steps to become more inclusive of non-binary people so that they can greatly benefit from increased employee retention and attraction of new non-binary workers.
- Businesses should become more inclusive of non-binary people in order to make their products more attractive to non-binary consumers.
- Current equalities laws are in urgent need of being updated to fully include non-binary people.
- Organisations should uniquely engage with non-binary inclusion rather than copying generic non-discrimination policies.
Contact

If you would like to know more about this work or how to create an inclusive environment in your organisation please contact the Beyond the Binary team at:

beyondthebinaryuk@gmail.com

Full results are available by request through the above email address.
References

Non-binary people’s experiences in the UK, 2015 – V. Valentine, Scottish Transgender Alliance
http://www.scottishtrans.org/non-binary/

Nonbinary Stats Survey, 2013 – C. L. Lodge
http://cassolotl.tumblr.com/post/5476925327

Inclusivity, Supporting BAME Trans People, 2016 – S. Choudrey, GIRES
http://www.gires.org.uk/assets/Support-Assets/BAME_Inclusivity.pdf