

Kathoey in Thailand

Gender diversity



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A question of words

- Kathoey
- Lady boy
- Sao Praped Song (type-2 woman),
- Ying Kam Ped (cross gender woman),
- Phuying kham phet

Kathoey or lady-boy?

In Thailand, kathoey are transgendered males who can be found in all walks of life and occupations throughout the country, but are heavily represented in the sex industry.

Definitions

Transgender (Jamie Swann, 2005)

is a broader term and includes those who temporarily change their gender and appearance, as well as transsexual people

The case

- According to the TITV channel *Heart to Heart, Hand in Hand* programme, a transgender person had applied for a job with a European firm that opened a local commercial agency in Thailand.
- She passed the recruitment process of the company: Country manager (European) and HR manager (Thai) offered her the job of Sales Coordinator
- She was then rejected by headquarters in Europe because she is a transgender person.

The Company Background

- **S.** is the leading European manufacturer of innovative laboratory and process technology with its brand name in the market since 1870.
- The core areas of their expertise are biotechnology and mechatronics.

The Case on Thai Television

- **Hand In Hand, Heart To Heart TV Programme: TITV Channel**
- “Transgender is rejected for job”



Sartorius (Thailand) Co., Ltd.



Mr. Jan-Wilko Helms
General Manager



Mr. Sawatchai Sangvorachart



บริษัท ซาร์ตอริอุส (ประเทศไทย) จำกัด



ตรา

LATEX0712

LATEX0801

SET100 Val. 25,168 M

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DTAC 46.00 46.25 46.20 (8.125.0)

Mr 4/7/50

Mr. Pakjira Visavakornsakow
The Employee

order
style

anulennano loudrasom



etc

LATEXORD!

RSS30 SET100 Val. 25,168 M

DTAC 46.00 46.25 46.00 (8.125:000) 46.30 FORTH

Management spillover

- HR Manager rejected this person and gave **him** only one month salary as compensation
- HR Manager complied with decision of European Headquarters

Effect on Thai public

- First case of this sort
- Difficult to understand
- Social reaction: Most people did not agree with HR manager and Headquarter policies.
- Law does not support transgender discrimination at the workplace
- Co. still looking for Sales Coordinator?

Thai Law and Society

- Thai government: male to female transsexuals are legally men.
- Transsexuals cannot legally change their gender on their ID cards and passports: confusion and unwanted scrutiny at border crossings and immigration checkpoints.
- Problems with potential employers: possible complications involved with hiring a transsexual if an equally qualified 'normal' person can be hired.

Global HR Management

- Host country needs to understand the HR policies of Headquarters for recruitment
- Host country labour market laws and regulation can be an important factor for parent country
- What can be the effect of globalisation on host country?

“Modern and western”

- “In order to be ‘modern’ in a globalised world, Thai subsidiaries should listen to and adapt to foreign headquarters’ demands.”
- This may be due to the ‘modern’ and ‘western’ image Thai authorities want to project, in order to attract FDI.

Export of HRM practices

- Export 'worst practices': push the thinking and behaviour in Thailand away from the acceptance of sexual orientation diversity.
- Influence that Western organisations may not be aware of exercising

Why does the European company reject the transgender person?

- Nature of the European engineering company?
- The problems of transgender recruitment?
- Ignorance of Thai culture?
- Fear for reputation?

Dilemma for European Co.

Diversity policy

Image and reputation:

- In Europe kathoey are associated with sex industry
- Customers do not know about the role of kathoey in Thailand
- Possible legal hassle
- Lack of cultural knowledge

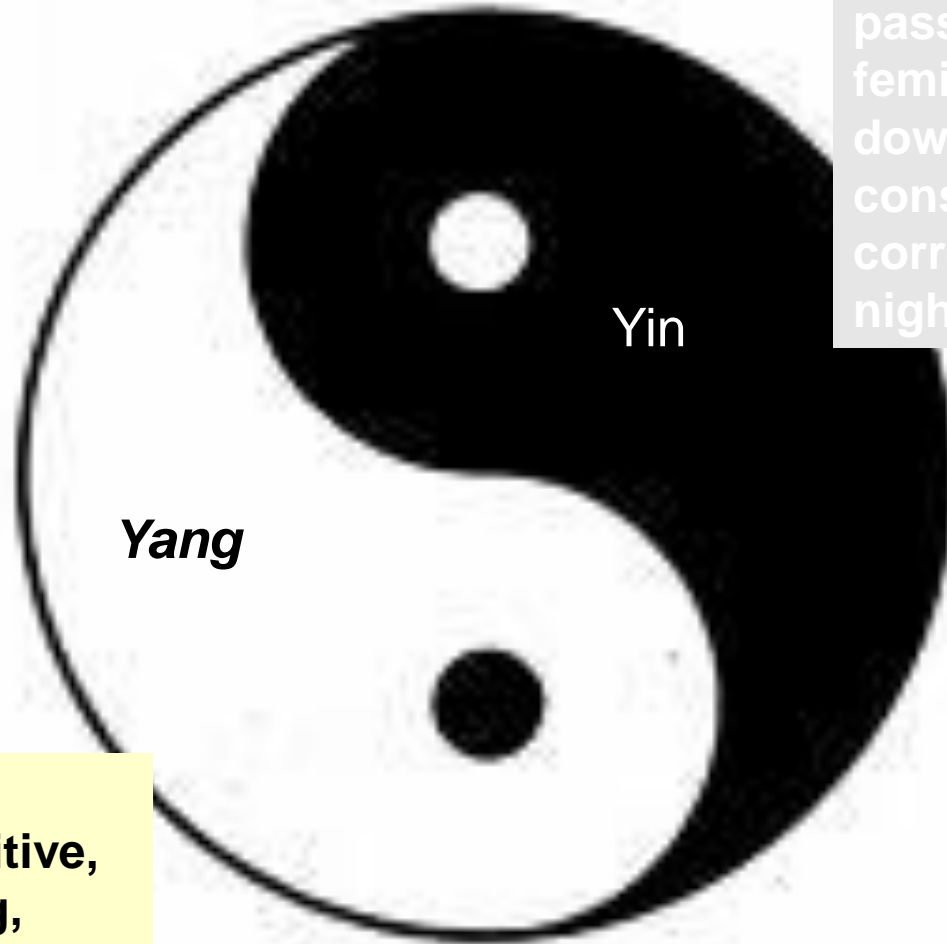
Transgenderism in Thailand

- Homosexuality is legal in Thailand.
- Gender reassignments, or sex changes, are also legal.
- The country is said to be one of the world's most tolerant toward homosexuals and transsexuals.
- Thailand reportedly has one of world's largest transsexual populations.
- The capital city of Bangkok is known as a "global centre" for sex change surgery
- Homosexuals and transsexuals regularly appear in movies and on television in Thailand.

Male / Female

- Males and females are seen by Thais as far more similar than in other cultures.
- However great the step towards womanhood may be chemically and anatomically, it is, in Thailand compared to other cultures, a relatively small psychological step.
- Aspects of Thai culture, social attitudes and society itself - play a part in contributing to the kathoey phenomenon.
- Non-western, non-dualistic: *either-or vs both-and*

The Yin and Yang



passive, dark,
feminine, negative,
downward-seeking,
consuming and
corresponds to the
night.

active, light,
masculine, positive,
upward-seeking,
producing and
corresponds to the
daytime.

Transgender appearance



Transgender and Buddhism

- Thailand is roughly 95% Buddhist.
- Unlike Abrahmic religions, Buddhists cannot point to specific religious laws or teachings forbidding homosexuality, transsexuals or gay marriage.
- One of the fundamental teachings of Buddhism is tolerance of those who act differently or hold different views.
- Transsexuals are integrated into everyday life and physical or verbal assault on transsexuals in public is extremely rare.

Buddhist teachings on transience and incarnation

- Buddhism teaches that all things lack permanence, even to the extent that there is no soul.
- What is reborn is not a soul as such, but rather the result of one's lives, current and previous.
- From life to life one's elements may be incarnated as male or female, or 'kathoeys'.
- Indeed, certain Buddhist writings suggest that all of us have been kathoey in earlier lives.
- While many Thais see transgenders as a non-normative pattern of behaviour that deviates from the ideal, they also see it as quite natural.

Buddhist principle of karma

- Karmicly speaking, we are all paying off debts accrued through actions in past lives.
- The kathoey's condition is often viewed as her fate; a karmic consequence (punishment in this life) for a sexual misdemeanour in a previous life.
- Many Thais view transsexuals' lives as generally unhappy and unfulfilling.
- Some also deem that this unhappiness is the result of a karmic punishment forced on them by sexual misdeeds in past lives.
- Therefore, they are a group to be pitied.

Thai school builds transgender toilet

(19 June 2008)



A new toilet sign has been created at this Thai school

"Transvestite Toilet."

The transsexual pupils are delighted with their own facilities





The pupils have to wear boys' uniforms, but use feminine accessories

‘When the pupils grow up they won't want to go into a transgender toilet because they will want to be accepted as a woman - so they will go to the women's toilet.’

Suttirat
Simsiriwong
Transgender
campaigner



Legal Developments

- In 2002, the Department of Mental Health, under intense pressure from the gay community, removed homosexuality from its list of mental disorders.
- Thai military announced in 2005 that it would discontinue its practice of dismissing transsexual and gay recruits for having '*a severe mental disorder*'.

September 2006 coup

- After the Council for National Security suspended the constitution, gay and lesbian rights groups began lobbying the Constitutional Drafting Committee and the Constitutional Drafting Assembly to add language assuring protections for transgender, gay and lesbian citizens.
- A proposal to add the term '*sexual diversities*' to the list of groups covered under the equality clause (Section 30) of the draft constitution was debated, but ultimately voted down by a 54 to 23 margin.

2007 Constitution

- “The Thai people regardless of ethnicity, sex, or religion shall receive equal protection under this Constitution”.
- ‘Unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, age, disability, physical or health condition, personal status, economic or social standing, religious belief, education or constitutionally political view, shall not be permitted’

Finally

In September 2015 a law was passed - Gender Equality Act –

"to quell discrimination against LGBTI (lesbian, gay, bisexual, transgender and intersex) communities in Thailand"

Finally

- The bill criminalizes discrimination among the sexes and genders, including LGBTs; thus, making it the first law that contains language mentioning homosexuals.
- The law stipulates that unfair discrimination to a male, female or *“a person who has a sexual expression different from that person’s original sex”* will be criminalized, with the exception of education, religion and the public interest.

Discrimination remains

- Suttirat: “Tolerance is not the same thing as acceptance.”
- Their biggest complaint is that they cannot change their legal status.
- "It's also hard to get a job. In many jobs you need to be respectable, and we can't achieve respectability. I'm not angry, I accept this.”

Discrimination remains

“The entertainment industry accepts us with open arms because we poke fun at ourselves and make people laugh.

But if we want to be taken seriously in a field like medicine we are not afforded the same courtesy.”

Prempreeda Pramroj Na Ayutthaya, transgender rights activist and programme officer at UNESCO

cabaret show in Bangkok



Pop singers, movie stars



Miss International Queen

Beautiful Boxer



Parinya Charoenphol (affectionately known as Nong Toom in Thailand) sets out to master the most masculine and lethal sport of Muay Thai (Thai kickboxing) to earn a living and to achieve his ultimate goal of total femininity.

Recent reactions to the case

The case:

- Legal issues with names
- Impact on reputation

Use the case as a banner.

Be an employer of choice for the younger generation



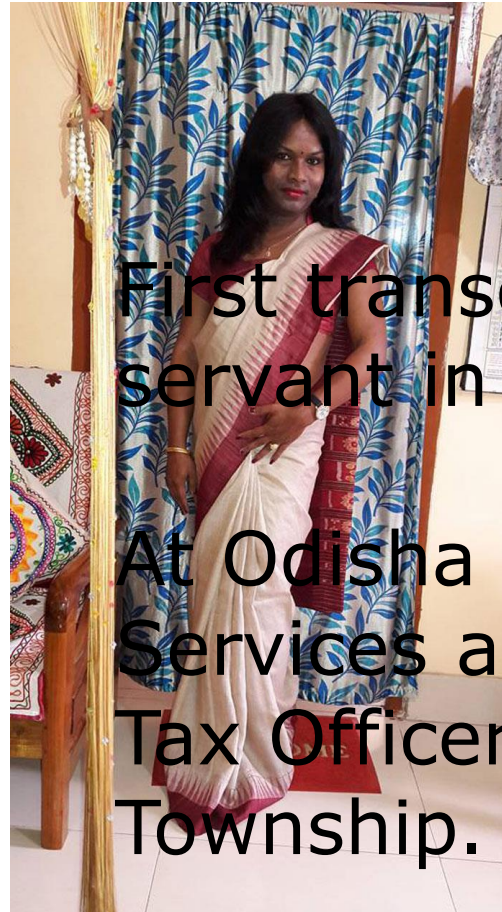
**THANK
YOU !!!**

Not just in Thailand

On April 15, 2014, the Supreme Court of India recognized a third gender that is neither male nor female, and as a class entitled to reservation in education and jobs, stating

“Recognition of transgenders as a third gender is not a social or medical issue but a human rights issue.”

Aishwarya Rutuparna Pradhan



First transgender civil servant in India.

At Odisha Financial Services as a Commercial Tax Officer at Paradip Port Township.

Next challenge: intersex



Belgian fashion model Hanne Gaby Odiele has revealed she is intersex

Up to 1.7% of the world's population (UN)

The 29-year-old was born with internal testes and without a uterus or ovaries due to a condition called *androgen insensitivity syndrome*,

which means a person is genetically male, but the external appearance of their genitals may be female or somewhere between male and female.

It's been a big taboo



Last December, the first US birth certificate reading "intersex" in the gender field was issued in New York.

But new reactions

Use the case as a banner.

Be an employer of choice for the younger generation



Thank you

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