

Finding a Job in “a Beard and a Dress”: Evaluating the Effectiveness of Transgender Anti-Discrimination Laws *

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Abstract

What are the economic consequences of gender non-conformity? Extant research on transgender people suggests high rates of discrimination. To address this, transgender advocates have pushed for anti-discrimination laws. Do these laws work? This paper investigates this question by comparing rates of discrimination in two occupations between two different Texas municipalities, one with protections (Houston) and the other without them (San Antonio). Matched resumes are sent to job openings in both cities; discrimination is measured by comparing response rates. To minimise confounds, transgender personas and delivery order are randomly assigned. Although the sample size is small, a consistent effect of transgender discrimination is observed in almost all occupations, regardless of the adoption of anti-discrimination laws. In Houston net discrimination was observed at a rate of 37% ; for San Antonio, the observed rate was 21%. The observed total for both Houston and San Antonio yielded a rate of 31% net discrimination against the transgender applicant. Although the generalisability of the results is limited, this paper is one of the first to measure actual acts of transgender discrimination in the field.

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Introduction

The implications of gender inequality have captivated research agendas across the social and behavioural sciences. Previously neglected, the growth of gender research in the academy has mirrored the evolving gender dynamics in society at large: Since the 1960s, male and masculine dominance has been challenged at work, in the family, at the ballot box, and in the academy itself (Cotter, Hermsen, and Vanneman 2011; Risman 2004). In political science, gender and feminist research has similarly grown in amount and scope, with the gender subfield raising questions about the mainstream’s understanding of gender dynamics, the role of the state in the production of gender, and the definition of the political itself (Carroll 1993; Tolleson-Rinehart and Carroll 2006). Despite the growth of the subfield, however, the study of gender remains marginalised in the discipline. As Lisa Baldez (2011) writes, “most political science continues to be conducted as though gender is not relevant to politics” (199). Although Baldez’s central argument is directed to the gender-dismissing mainstream, she argues that the gender subfield has not been reflexive enough itself: “gender scholars rarely question whether gender *isn’t* relevant to politics” (200).

For mainstream scholars, Baldez recommends revising definitions of political concepts that focus exclusively on elites or formal institutions. Definitions of “democracy”, for example, have sometimes overlooked, ignored, or hand-waved the incorporation of women into political life; scholars have been willing to describe political regimes as democratic even if women (roughly half the electorate) were barred from or limited in their ability to participate in the political process (201). To gender scholars, Baldez recommends connecting and comparing gender issues to broader issues in politics: *If* gender is different, *how* is it different? Baldez’s challenge to gender scholars is familiar. In many ways, it echoes the commitment of modern feminist science to the normative and empirical paradigm of intersectionality (Hancock 2007,

2011; McCall 2005).

Intersectionality

Emerging from the experiences and scholarship of women of colour (black women in particular), intersectionality is a research paradigm that resists popular understandings of identity categories as separate and dichotomous (Crenshaw 1994; McCall 2005). Generally, for scholars working in an intersectional paradigm, identities can never be fully understood except in conjunction with other identities, social structures, and circumstances (Hancock 2007a; Weldon 2006). These are more than theoretical concerns; empirical studies across the social sciences have documented heterogeneity in frequently homogenised identity categories. For example, in exploring the content of stereotypes, sociologists and psychologists have found evidence corroborating intersectional claims about black women. This body of research finds that stereotypes and perceptions of black women are distinct from stereotypes about women and stereotypes about blacks (Deaux and Kite 1985; Goff, Thomas, & Jackson 2008; Kite, Deaux, & Miele 1991; Turner and Turner 1994; Weitz and Gordon 1993).

Available research is not restricted to black women. Intersectional research, although relatively new, has investigated a variety of research questions, including divergent attitudes about motherhood for heterosexuals and lesbians (Peplau and Fingerhut 2004), perceptions of transgender men's masculinity (Schilt 2006), and the femininity stigma associated with taking paid-leave (Rudman forthcoming). Although most of the literature cited originates in sociology, political scientists have stumbled on intersectional findings themselves. In an analysis of 2 million voter registration records, for example, Ansolabehere and Hersh (2011) discovered an unacknowledged difference within blacks and latinos. According to their findings, rates of registration and participation greatly varied by gender. For example, compared to the male reg-

istration rate of 75.1%, black females registered at a rate of 90.9%. Their data also suggests revisions to traditionally linear models of age and voting – they find evidence that this relationship varies by gender and race. Although Ansolabehere and Hersh (2011) never mention intersectionality in their paper, their work is an example of the simple but powerful contribution of an intersectional analysis. While specific conceptualisations of intersectionality differ, the core concept – disaggregating identities – is relatively simple and intuitive to implement.

Nevertheless, while intersectional scholars have often been the critics “on the outside looking in”, intersectional research has several of its own limitations. Firstly, intersectional scholarship has suffered from the heterogeneity of its theories (McCall 2005). Perspectives can vary considerably; key disagreements emerge over the meaning of an “intersection”, the content and scope of intersectionality, and whether intersectional research is actually possible (Browne and Misra 2003; Collins 2000; McCall 2005). Furthermore, intersectional research often *presumes* the veracity of intersectionality or intersectional claims (Browne and Misra 2003). Issues of identity salience, for example, are often ignored or denied for *a priori* theoretical considerations. The potentially unjustified assumptions of some intersectional scholars share a likely culprit: selection bias (Browne and Misra 2003; Nash 2008). The history and development of intersectionality may provide a clue, as intersectionality has traditionally drawn heavily upon the experiences of black women. While this is understandable given the underrepresentation of black women in social movements and the academy itself, intersectional scholarship must move beyond black women (and minorities) to be certain that intersectional assumptions are generalisable (Nash 2008). Political scientist Ange-Marie Hancock (2007a, 2007b) argues precisely this point: rather than restricting intersectionality according to content (e.g. black women), intersectional scholars should strive to include other categories of difference. To be most useful,

intersectional theory must but grounded in a diverse array of experiences, including those of the powerful and privileged (Nash 2008). This point is not much different than Baldez’s (2011) recommendation to the gender and politics subfield; like the subfield, intersectional scholarship must become more comparative. In turn, mainstream political scientists can improve their own analyses by incorporating some version of this paradigm.

Trans-gressing Literatures: Rationale

This paper consolidates the recommendations of Baldez (2011), Hancock (2007a), and intersectional scholars in the wider social and behavioural sciences. To connect intersectional, gender, and mainstream political science research, I investigate the employment outcomes of transgender people. As Mucciaroni (2011) argues, the study of “LGBT” (Lesbian, gay, bisexual, and transgender)¹ politics is substantively important in its own right: “sexuality and gender are fundamental aspects of human societies” that reflect informal and formal hierarchies of power (17). Furthermore, LGBT politics and populations are not isolated; studying LGBT issues offers insights into political questions of broader interest for political scientists. Research into LGBT politics has produced empirical tests of social movement theories (Button, Rienzo, and Wald 1997; Engel 2007), extended the literature on religiosity and politics (Burack 2009), and examined the effects of political knowledge on public opinion and electoral behaviour (Mucciaroni 2008; Stone 2012).

For the purposes of the present paper, studying LGBT politics is important for its insight on gender (Butler 1990; Schilt and Westbrook 2009; West and Zimmerman 1987, 2009). In particular, transgender experiences and politics illuminate the

¹For the sake of accessibility, this paper uses the conventional and recognisable acronym “LGBT”. However, the categories included in “LGBT” do not describe the varieties of gender and sexual diversity in the United States or around the world

otherwise invisible and ubiquitous presence of gender in our everyday lives (Currah 2006; West and Zimmerman 1987, 2009). Political examples are numerous. Controversy over voter identification laws, for example, has generally missed the laws' gendered implications (Herman 2012). These laws, after all, presume a consistent gender presentation and sex classification; because most people adhere to this norm, the gendered presumption embedded within these laws is undetectable unless transgender people are studied. Voting, however, is simply the most blatant example; the state produces and normalises gender all the time. Consider the state's role in approving non-heterosexual relationships. Almost always framed as an issue of sexuality, the state's policing of non-heterosexual marriages is in effect an enforcement of gender roles (in this case, expected desires and attractions). The implication of marriage can be enormous: Around the world, the inextricably gendered aspects of marriage often determines whether or not a citizenship application is approved or denied (Parrenas 2009). In this context, LGBT populations (especially transgender people) are often particularly vulnerable, as strict and often contradictory notions of sex and gender leave them legally unintelligible (Aizura 2012; Currah 2006). Similarly, transgender lives help elucidate the importance of definitions in legally formalising gender inequality. The literature on gender quotas, for example, is often oblivious to the definitions required for quotas to function; implicitly, these definitions are presumed self-evident. As Currah (2009) notes, however, definitions of sex can be inconsistent *within* different rulings for the same case.

The study of transgender populations potentially informs the identity literature, as well. Classic divisions between primordialists and constructivists are already a feature of the interdisciplinary literature on transgender people. Although much work in political science has addressed this debate with regards to ethnicity (Laitin 1998; Chandra 2006), understanding the political implications of identity require grappling

with gender identities, as well (Hancock 2007). In the United States, psychological research strengthens this point: along with race and age, gender functions as a primary category for social relationships (Schneider 2004; Ridgeway 2011). These “big three” categories function as “magnets” for stereotypes; in turn, these stereotypes coordinate our every-day interactions (Schneider 2004, 437; Ridgeway 2011). Clearly, intersectional or not, identity is more than race and ethnicity.

In sum, the study of LGBT populations can and *have* extended understanding of broader political issues. Sceptics that doubt the relevance of transgender and LGBT populations must justify their omission. To ignore LGBT politics is to ignore the widespread attention and controversy these populations have garnered, the long history of policy initiatives that have tried to regulate their lives (Mucciaroni 2008; Stone 2012; Tremblay et al. 2011), and their unique and theoretically important position in a socially and legally constricting system of gender (Butler 1990, 1993, Mucciaroni 20011; West and Zimmerman 1987, 2009). If the concern is generalisability due to atypical populations, the entire field of American politics must re-evaluate their contribution to political science (Mucciaroni 2011).²

Understanding economic outcomes (in this case, the likelihood of being hired) is another vital and informative exercise in understanding the importance of gender in politics. As Ridgeway (2011) points out, we spend much of our lives working; the work we do determines our access to resources and power (92). Unsurprisingly, with power and status at play, the workplace is also an important site of gender production, gender resistance, and gender enforcement (97). Sex segregation of occupations is a particularly enduring image of gender inequality. In fact, most people work in

²One does not need to reject the criticism of selection bias in american politics to make the case for LGBT politics, however. Neither should the study of LGBT politics in the United states pretend it is protected from the same criticisms about generalisability and selection bias. Of course, even atypical populations can further scientific research *as long as the atypicality of the populations is clear*. Rather, as Mucciaroni (2011) argues, the point is that the same critique can be applied to the study of american politics in general.

jobs mostly occupied by the same sex (Charles and Grusky 2004; Cotter et al. 2004). Occupations themselves carry gendered meanings and expectations (Schneider 2004; Ridgeway 2011). For example, occupations deemed masculine are generally of higher prestige than occupations deemed feminine (Bose and Rossi 1978; Jacobs and Powell 1985; Ridgeway 2011). These stereotypes are also true to life: men are prevalent in masculine-typed occupations and positions of authority, while women are prevalent in feminine-typed occupations with positions of little authority (Charles and Grusky 2004). With gender integration and egalitarian attitudes stalling and approaching an “egalitarian essentialism” (Cohen 2013; Cotter et al. 2011; Cotter et al. 2009), research on transgender populations can help determine the importance of adhering to an almost universal gender norm: genitalia begets identity.

Finally, studying transgender issues furthers the intersectional project. Although transgender issues are not new to intersectional scholarship, empirical studies of transgender discrimination (as opposed to mostly theoretical work) are rare (Colvin 2007). Conveniently, the study of transgender discrimination addresses criticisms that lament intersectionality’s content-limited agenda (Hancock 2007a, 2007b; Nash 2008). As explained later in this paper, I study inequality at the intersections of gender deviance and racial privilege (white transgender women). In doing so, I investigate intersectionality beyond its traditional borders of unidimensional disadvantage. The context of transgender politics and discrimination also responds to Baldez (2011). Namely, in studying transgender people, I further Baldez’s call to make gender “more comparative”. Although Baldez refers mostly to the cross-national and cross-cultural study of gender, studying neglected subpopulations serves a similar purpose. Furthermore, as discussed later in this paper, research on transgender populations has encountered methodological issues that make the assumption Baldez would like qualified – “gender matters” – difficult to substantiate. Focusing particularly on measures of discrimi-

nation, this paper addresses potential confounds in much of the literature up to this point. In addressing the limitations of previous data, this paper produces a clearer and quantified measure of transgender discrimination. With closely documented empirical evidence, I can more precisely answer if and *how* gender matters.

Transgender Politics in Context

The history of transgender politics depends on the specific definition of transgender. If “transgender” is understood as an umbrella term for gender-variant populations, the concept of transgender necessarily means that transgender populations are culturally and temporally contextual (Enke 2012; Stryker 2008). That is, “transgender” cannot be understood without specific reference to temporally, geographically, and politically bounded social norms (Enke 2012; Stryker 2008). In the United States, the history of “transgender” as an identity and social movement is intertwined with the history of cisgender³ gays and lesbians. In fact, the contemporary differences between different groups under the “LGBT” (or more popularly, “LGBT”) umbrella is a cultural novelty (Stryker 2008). Despite their early unity however, transgender populations were not explicitly considered part of the broader “gay and lesbian” movement until the 1990s (Stryker 2008; Vitulli 2010). Although the mechanisms are unclear, scholars of transgender politics maintain that the division between gays and “the rest”⁴ was an assimilationist tactic by gay activists (namely, gender-normative white males) (Stryker 2007, 2008; Vitulli 2010).

Whatever their origin, divisions among these groups persist. An illustrative ex-

³This paper uses “Cisgender” to refer to people typically referred to as “non-transgender”. Emerging from transfeminist scholarship, this word is more neutral than the alternative, even if distinctions between “transgender” and “cisgender” identities and behaviour are often unclear (Enke 2012).

⁴Historically, transgender people have been only one among many groups that have been excluded in the “gay and lesbian” movement. These include bisexuals, femmes, butches, and gays and lesbians of colour (especially non-Westerners). (Vitulli 2010)

ample is the case of employment discrimination laws. The debates that have arisen in response to these laws have corroborated the arguments of transgender scholars. For example, in a May 2010 statement to *Roll Call*, Barney Frank discussed the inclusion of gender identity and expression in the federal Employment Non-Discrimination Act (ENDA) by reassuring sceptics that in order to sue for discrimination, transgender individuals would need a consistent gender presentation. Frank explained: “they can’t just sit there with a full beard and a dress”. The senator’s comments were blunt, but they were not unique; others were more sceptical. Writing in *Salon*, gay activist John Aravosis wondered “How the T [Got] in LGBT”, arguing that “gay inclusiveness had gone too far”. Comments on the article itself and discussion in gay communities in general seemed to echo his incredulity. To Aravosis, it was not clear what he and other gays had “in common with a man who wants to cut off his penis, surgically construct a vagina, and become a woman” (2007).

Although transgender issues had been gradually integrating into mainstream gay and lesbian political discourse, the ENDA controversy seemed to ask something uncomfortable : Was it in the movement’s interest to advocate for transgender rights? Should transgender protections be included in the federal act? Looking only at social movement organisations, the answer to these questions enjoyed broad consensus. While the Human Rights Campaign, Frank, and other activists pushed for an ENDA without trans protections, almost every other major LGBT organisation in the country disagreed; the only ENDA most LGBT organisations would support would be trans inclusive (Vitulli, 2010).

Nevertheless, the increasing support transgender rights (or a particular framework of transgender rights) have received is notable. While undisputed federal protections remain non-existent, transgender anti-discrimination laws have enjoyed an enormous surge since the late 1990s. Currently, 160 jurisdictions in the United States explicitly

include "gender identity and expression" in their anti-discrimination laws. Included in this number are 16 States (and D.C.) and 143 cities and counties (see Table 1). Although transgender and LGBT political advocacy in general has focused on the passage of more anti-discrimination laws (Mucciaroni 2008), critics have raised issues with their coverage and consequences.

Table 1: U.S. Jurisdictions with Laws Protecting Gender Identity and/or Expression

Type of Jurisdiction	N
States	16 + DC
Cities/Counties	143
Total	160

Source: Transgender Law & Policy Institute (2013)

A broad critique has emerged from the intersectional tradition. Generally, critics in this tradition maintain that anti-discrimination laws (as currently conceived) are unable to address the differences in purportedly protected populations (Crenshaw 1989, 1994, 1995; Gotanda, 1995; Juang 2006; Mananzala and Spade, 2008; Vitulli, 2010). Many anti-discrimination laws, these scholars argue, are written or implemented in such a way that only those from the most economically and politically privileged backgrounds can reap their benefits. In the process, those most vulnerable to discrimination are left unprotected by laws that are singularly focused and unidimensional. Crenshaw (1994), for example, argues that laws meant to protect battered women rarely considered heterogeneity among the purportedly protected. This resulted in funding allocations, procedural implementation, and political framing that excluded women (and other genders) with different needs. Some critics have

also addressed the issue of transgender inclusion in particular. Gilden (2008) has argued that basing legal protections on an essentialised gender identity obscures the social acts involved in creating gender and producing a hierarchy of acts and bodies in the first place (West and Zimmerman 1989, 2009; Butler 1993). In effect, Gilden (2008) argues that under the current framework (essentialised identity), even short-term victories for transgender rights can ultimately result in re-enforcement of the norms the transgender movement is pushing against. Rather than questioning the state's ability (and competency) to determine people's gender identity or expression, identity-based claims ask for assimilation within an exclusionary system.

Empirical evidence of continuing discrimination based on sex/gender, race, disability, religion, and other categories of difference provide some credibility to the theoretical concerns described above. Racial discrimination, for example, has been widely documented in the labour market despite the existence of federal and state-level anti-discrimination laws (Bertrand and Mullainathan 2004; Dovidio and Gaertner 2000; Yinger 1995). Proponents usually frame persisting discrimination as inevitable cultural lag. To advocates of anti-discrimination laws (most LGBT organisations in the country), the benefit of anti-discrimination laws accrues over time, through visibility, awareness, and deterrence.

Overview of Legal Issues

Where these laws exist, their coverage is not uniform: some state laws cover all employees, while others only cover those of the state (American Progress, 2012). The municipal context has been similarly variable despite municipalities taking the lead in passing laws inclusive of gender identity and expression (Transgender Law and Policy Institute, 2012). Part of the reason for this is that many of these laws do not include definitions of sex, gender, gender identity, gender expression, and sexuality (Currah,

2006; Colvin, 2008). The definition of these words is important because these words bound the context and the claims of discrimination lawsuits (Currah, 2006).

The Equal Employment Opportunity Commission’s (EEOC) ruling that Title VII of the Civil Rights Act of 1964 applies to transgender people is thus far the only major development federally for transgender employment rights (The Task Force, 2012). In terms of the research question, this information highlights the difficulties in measuring transgender discrimination and the effects (if any) antidiscrimination laws have on these measurements. The scope of protections is uncertainty among policy advocates, policy makers, and the general public about the extent of transgender protections, where they come from, and their actual implementation. This will be referenced later in this paper.

The State of the Literature

Empirical information about “LGBT” populations is relatively scarce; systematic studies about transgender discrimination are even more obscure (Colvin 2007). Despite its marginalisation, however, the interdisciplinary field of transgender studies continues to grow (Currah 2008). Thus far, available data include anecdotes, interviews, surveys, hot-line and social service records, autobiographies, and police reports (Schilt and Wiswall 2008; Stotzer 2007). As discussed below, these data sources confront a variety of methodological issues that prove difficult to manage even in the most careful of research designs. Many of these limitations are specific to transgender populations while other difficulties are more generalisable. Nevertheless, while the empirical study of transgender populations is in a nascent state, available research has made a number of noteworthy contributions.

This section will first provide an overview of transgender discrimination and research into relevant issues in law and politics. As this paper focuses on the issue of

employment, discussion of transgender discrimination will be bounded by this condition; a fully representative overview would include issues not directly related to the research question, including transgender sexuality, families, and nationalism. While these issues deserve further attention, references to this broader literature will be infrequent. After an overview of the relevant literature, the following subsection will describe the conceptual and practical considerations involved in measuring transgender discrimination. The final subsection of this paper will review the advantages and limitations of the correspondence methodology employed in this experiment.

Transgender at Work

As Schilt and Wiswall (2008) note, historical documentation of transgender discrimination is minimal. Much of this literature only emerged until the 1970s-80s (6). Traditionally, research has also been significantly tied to psychiatry, reflecting the role of psychiatrists in medicalising (and pathologising) transgender identities and behaviour (Stryker 2008). Contemporary research is more diverse. While psychiatrists continue to provide information on the psychological consequences of gender nonconformity (and perspectives in psychiatry have themselves evolved), emerging research has found homes across the social sciences and humanities. The rise of a transgender movement in the 1990s and the increasing visibility of “LGBT” people in general has also contributed to the study of transgender populations. In fact, the most extensive empirical investigation of transgender discrimination thus far was produced by political advocates of transgender rights – the National Gay and Lesbian Task Force and the National Center for Transgender Equality. Much of this emerging literature has been concerned with documenting transgender experiences “from the source”.

To do this, researchers have made extensive use of interview and survey

methods. In a review of the early literature, Schilt and Wiswall (2009) note a variety of trends in transgender employment. Firstly, pre-transition female-to-male (FTM) and male-to-female individuals report involvement in occupations that are gender-typed to their gender identity. That is, pre-transition FTM respondents have reported working in male-dominated fields (e.g. construction) (Feinbloom 1976; Sorensen 1981; Lothstein 1983) and pre-transition MTF respondents have indicated involvement in female-dominated occupations (e.g. customer service) (Benjamin 1966; Hore, Nicolle, and Calnan 1975; Perkins 1983; Rakic, Starcevic, Maric, and Kelin 1996; Stryker 2008). While there are some caveats, the experiences reported by these early surveys and interviews suggest that *after* transition, the employment opportunities of FTM and MTF further diverged. Unlike FTMs who have generally benefited from transitioning into male or masculine roles, self-reports suggest that MTF transitions have frequently led to pay cuts and unemployment. Recent work has confirmed the persistence of these trends. In an interview of 29 male-identifying FTM individuals, Schilt (2006) found that these men reported an improvement in their work evaluations, status, respect, and authority after they transitioned into men. Improvement was not homogeneous, however: participants reported *intersectional* variations in their experiences. Schilt (2006) suggests that access to power and masculinity for these FTM was conditional on their similarity to white, heterosexual, cisgender men. These advantages have also been documented in specific comparisons to woman-identifying male-to-females. In a survey of 65 transgender individuals, Schilt and Wiswall (2009) directly compare the earnings and employment experiences of these two groups. Consistent with previous research, their study finds that average earnings for FTMs increase after their transition; average earnings for MTFs fall by almost 1/3 (Schilt and Wiswall 2009).

While there appears to be a persistent gap between FTM and MTF experiences,

further research is need. Given the dearth of literature, however, inferences about this gap can be drawn from research on cisgender men (since transgender women are likely viewed as “really” men). Indeed, the available research on masculinity appears to corroborate the gaps reported above. Evidence from psychology suggests that males are generally disapproved more for “female behaviour” than the reverse (Berndt and Heller 1986; Carter and McCloskey 1983, 1984 Fagot 1977; Lobel, Bempechat, Gewirtz, Shoken-Topaz, and Bashe 1993; Tilby and Kalin 1980). Theoretically, this is not surprising: sociologists argue that men doing femininity blurs the distinctions between men and women that are necessary for men and masculinity to maintain their privileged status (Connell 2005). This research must be qualified, however. As Schilt (2006) notes, transitioning is a messy process, especially as gender norms themselves have lost salience in some domains (Ridgeway 2011). Because gender salience depends on a variety of contextual factors, much of this work is difficult to generalise – most of the psychology work cited, for example, is hindered by the studies’ laboratory setting.

Thus far, the most extensive empirical investigation of transgender demographics discrimination is the National Transgender Discrimination Survey (NTDS) (2011). Commissioned by the National Gay and Lesbian Task Force and The National Centre for Transgender Equality, the NTDS collected responses from 6,450 self-identifying transgender and gender variant people across the United States. Respondents were asked about their housing, employment, identification, and health status. Results were striking: 47% of the sample indicated they had experienced an “adverse job outcome, such as being fired, not being hired, or denied a promotion because of being transgender/gender non-conforming” (Grant et al. 2011). Consistent with the literature cited above, self-reports indicated diversity in transgender experiences. MTF women reported the most job loss (36%) and discrimination in hiring (55%).

Similarly, sample respondents were also 4 times more likely than the general population to report household income of less than 10,000 a year, with racial minorities reporting the most unemployment and harassment at work.

Work and the Law

Available literature on the relationship between law, politics, and transgender employment is minimal. Colvin (2007) is one of the first to collect systematic information on jurisdictions' compliance to anti-discrimination laws. In his paper, Colvin explores implementation of transgender anti-discrimination laws in 74 different municipalities across the country. Using surveys, Colvin collects data from administrators in different municipalities about their implementation of different aspects of transgender inclusive laws in their jurisdiction. He finds evidence of a clear pattern: administrators are unaware of these laws or do not know how to implement them. Specifically, Colvin finds that even among easily implemented provisions (changing written nondiscrimination policy), 35 % of communities do not comply. The next most-easily implementable provisions (establishing a contact knowledgeable about transgender issues and training procedures for making changes in administrative records) have even less compliance: 42 and 68 %, respectively. Compliance expectedly decreases along Colvin's qualitatively-created ranking of implementation difficulty. Restrooms and Locker-room procedures, for example, have a 70 and 76 % noncompliance rate.

Colvin's data, while important and aligned with the question of this study, has some important limitations. Namely, Colvin's measurements are derived from questionnaires he mailed out to administrators. It is reasonable that social desirability bias may be having a large effect here: administrators do not have an incentive to be truthful. As a result, Colvin's data may be systematically underreporting noncom-

pliance. Furthermore, Colvin's ranking of non-compliance is suspect. For example, according to Colvin's ranking method, the second most easily implementable provision is "establishing a contact to consult with regarding transgender issues. Although this is a worthy goal, I disagree with the inclusion of this provision establishing a "contact for transgender issues is not a legal requirement (in most jurisdictions at least). To measure compliance, administrators should be judged according to the actual text and scope of anti-discrimination laws. This area is developing, however, and Colvin's foundational work is appreciated.

While the work cited above has provided an important foundation for future research, the current literature faces a number of obstacles.

Measuring Transgender Discrimination

Firstly, available data is subject to widespread sampling issues (Stotzer 2007). Police reports, for example, are difficult to use because most states do not have laws or procedures that mandate reporting issues about gender identity (Stotzer 2007). Even where laws exist, social norms about gender likely make transgender victims wary of disclosing their status, even if they were victimised for their identity or expression (Testa et al. 2012). Furthermore, police reports for stigmatised populations are notoriously unreliable (Harlow, 2005). For transgender people in particular, available data appears to corroborate this view. In a survey of transgender people in Los Angeles, Reback et al. (2001) report that 37 percent of verbal abusers and fourteen percent of physical abusers were police personnel themselves. Human Rights Watch (2012) has reported issues with police confiscating or attempting to confiscate condoms from transgender women on the open street, with reports collected in San Francisco, New York, Los Angeles, and Washington DC (incidentally, all fall under jurisdictions with anti-discrimination laws). Under these circumstances, it is not unreasonable to ex-

pect distrust for the police among transgender populations. Consequently, researchers have reason to be wary about data from these sources.

In the academy, researchers interested in transgender discrimination have employed methodologies that attempt to document transgender experiences directly from the source. Generally, preferred methods include surveys, interviews, and questionnaires (Schilt 2006; Schilt and Wiswall 2008). Typically these are limited by geographic biases and standard issues with survey and interview methods. These limitations include concerns about whether the respondents are lying, unintentionally providing incorrect information, or exaggerating details of their experience to fit political preconceptions (Stotzer 2007). The bias can also go the other way. Because prejudice and discrimination are slippery concepts, self-reports (whether surveys or interviews) may be underestimating discrimination. After all, discriminatory behaviours are not always overt or conscious (Schneider 2004).

All data sources must also confront the ambiguity in the term “transgender”. Although difficulty exists categorising lesbians, gays, and bisexuals (as well as people who do not understand themselves in this way), delineating membership becomes almost impossible for transgender people; the definition itself is a major point of contention for transgender activists. In an ethnographic account of transgender activists framing of transgender, Megan Davidson (2007) finds wide variability among the transgender-identified. Nevertheless, activists share a general sense that transgender is an umbrella term for anyone gender variant. This does not solve the problems for the researcher, however: this illustrates the obstacles. The lack of clear and easily operationalisable definitions of transgender make most studies difficult or suspect: Who is included and who is left out? These questions are especially relevant for studies that do not disaggregate “LGBT” identities or behaviours. Gallup’s recent poll of LGBT people nation-wide is an example of this. While novel in its sample size

(200,000), Gallup's poll aggregated all LGBT people under one measure. Specifically, respondents were asked if they identified as lesbian, gay, bisexual, or transgender (2013). In effect, this is a major limitation: different subgroups of the data are indistinguishable. Researchers of LGBT issues more broadly also commit this error of imprecision; many use LGBT as substitute for gay or lesbian (Colvin, 2007).

Correspondence Tests

To measure discrimination, this project uses a correspondence test across three different occupations: retail/sales, customer service, and food management. A correspondence test is a field experiment that involves sending matched resumes of fictitious people to employers in order to measure discrimination on particular trait(s) of interest. The resumes only meaningfully differ on the selected trait: all other characteristics of the individual conveyed through the resume are controlled for. The difference in callback between two otherwise identical resumes can be inferred to be the result of discrimination (unequal treatment despite the same qualifications).

Previous experiments include testing on the impact of race/ethnicity (Bertrand and Mullainathan 2004), religion (Adida et al. 2010), gender (Riach and Rich 2006), and motherhood (Correll et al. 2006). Few studies have explored LGBT populations. Currently, the only correspondence study that investigates this issue is a recent article by Sociologist Anders Tilcsik. In his paper, Tilcsik studies the bias faced by gay men (2011). This is the first study to explicitly investigate the bias transgender people face.

Advantages

The correspondence test methodology has several important advantages over much of the literature described above. Firstly, the correspondence test potentially yields

high sample sizes (Riach and Rich 2002). Unlike methodologies that rely on interviewing or surveying actual people (although important, of course), the correspondence methodology simply relies on sending matched resumes, a process that is less expensive and time consuming. The correspondence test also enjoys these advantages and more when it is compared to a neighbouring methodology: the audit study. Audit studies are field experiments where actual people are trained by researchers to venture out and apply to jobs in person. Although this type of study is important in that it could potentially capture effects the correspondence methodology cannot (gender, for example, is a visual and auditory experience), critics have argued that results from audit studies are subject to foundationally destructive biases (Riach and Rich, 2002; National Research Council 2004). Most importantly among them is the lack of double-blind testing – people trained to apply for jobs may intentionally or unintentionally alter their behaviour to get the researchers desired result. In audit studies, there remains ambiguity about what the researchers can actually control for, how much of the treatment was applied, and if the singular treatment desired was able to avoid contamination. The dependent variables measured in this work (generally job acquisition) could be the result of any number of factors. Of course, confounding and omitted variable bias is always an issue. Nevertheless, for an experimental method, the audit methodology does not provide many realistic controls (National Research Council, 2004).

Thus, as the National Research Council notes in their report on methodological challenges to measuring discrimination, the correspondence test combines two rarely tied strengths: adequate control and external validity (2004; Riach and Rich 2002). In particular, the correspondence test is capable of controlling for the potentially erratic and divergent behaviour of human treatments by using resumes in their place. Issues like the definition of transgender, gender, or race (limitations of interview and

survey design) are easily side-stepped with careful design of treatments and resume matching. Finally, the correspondence test captures the external validity laboratory experiments often find elusive: correspondence tests, like audit studies, are studies in the field (Riach and Rich 2002). The data comes from real people in ordinary-life situations. The threat of social desirability bias and Hawthorne Effects that may plague laboratory studies and surveys is likely minimal in this design; the employers are deceived and presumably never find out about their participation in the research project.

Limitations

The limitations of the Correspondence Test lie in its applicability and inherent design. Unfortunately, standard correspondence tests can only detect the output of discrimination; they cannot uncover its mechanism. The standard dependent variable in correspondence tests – resume callback – only measures the effect of discrimination; it does not measure its cause (Riach and Rich 2002). Additionally, there are questions about the measurement of non-observations. Although most correspondence tests treat non-response to both resumes as non-observations, Heckman (1998) argues these should be counted as “fair treatment”. As Rich and Rich (2002) point out, this alternative conceptualisation would dramatically alter the results of most correspondence tests. Rather than uncovering widespread discrimination, as most do, correspondence tests would report mostly equal-treatment (Riach and Rich 2002). But as Riach and Riach (2002) explain, non-responses to both resumes could be due to anything, including fluctuations in the labour market, more qualified candidates, termination of hiring, and likely many other unobservables. Heckman (1998) is also critical of the design of the correspondence test in general; he argues that sending matched resumes may force the employer to be discriminatory. If the resumes are

truly matched, he argues, employers are caught in a proverbial “Sophies choice”; they must decide, one way or the other. This is a fair point for experiments that use job acquisition as the dependent variable. For most correspondence tests (like this one), however, the critique is inapplicable. The present study measures resume call-back, not job acquisition per se. It is reasonable to expect that at the resume stage, the employers would likely offer interviews to all qualified candidates if they were truly non-discriminatory.

Hypotheses

Available data, while limited in scope, is not ambiguous. Almost every data source points to widespread discrimination of transgender people. Thus, considering the high levels of self-reported harassment and dismissal from work (Grant et al. 2011), Colvin’s (2007) findings that municipalities lagged in their implementation of anti-discrimination laws, and the embattled status of transgender people in the LGBT movement itself, I have the following main hypotheses:

- H1: The frequency of callbacks for transgender resumes will be lower than the frequency of callbacks for cisgender resumes regardless of anti-discrimination laws.
- H2: There is no association between resume callbacks and anti-discrimination laws (ie. Location).

The first hypothesis predicts transgender discrimination (less call-backs for transgender resumes) in both locations. The second hypothesis, essentially a null hypothesis, predicts no significant differences in transgender vs. cisgender response rates across both locations.

Methodology

Case Selection

As discussed, the standard correspondence test is unable to answer why discriminatory behaviour exists (or does not exist). To account for this limitation, the design for this experiment relies on carefully selected cases. The logic of this design is to at least approach the cause of divergences in discrimination (if any) by controlling (as much as possible) for other relevant factors. A within-state analysis was chosen to control for differences in composition of the state legislature, particular electoral rules, and other unobservable state-level variables that may affect the measure of discrimination. In the same vein, states with state-level anti-discrimination laws that specifically included transgender people (i.e. included references to “gender identity or expression”) were omitted from consideration. Selecting a state with anti-discrimination laws would invalidate the inference. Under such a case design, a comparison between a municipality with anti-discrimination laws and a municipality without anti-discrimination laws would be meaningless, as all municipalities would be included under the state anti-discrimination law. To further limit confounds, states with a known history of incorporating transgender people under different anti-discrimination frameworks (e.g. disability, sex, sexuality), were also excluded (Koch and Bales 2008).

Additional factors were also considered. Population size was among the most important secondary issues considered due to concerns over sample size collection. For this reason, larger states with larger metropolitan areas were preferred. From a policy perspective, population size is also particularly relevant: Larger populations necessarily mean larger amounts of people unprotected by anti-discrimination laws. Furthermore, given that previous research has identified the South as a region

with particularly conservative beliefs about women in politics and employment (Rice and Coates 1995), the choice of state was restricted to the southern United States. The reasoning is straightforward: From a policy perspective, transgender populations are likely more vulnerable in environments that emphasises traditional gender roles. Needless to say, measuring the rate of discrimination for those most at risk was a primary objective. With these considerations in mind, the state of Texas was chosen.

Within Texas, the municipal cases were chosen in a similar manner. The initial concern was to select cases that differed in their adoption of transgender anti-discrimination laws. Conveniently, out of the 6 most populous municipalities in Texas, 5 included explicitly trans-inclusive employment anti-discrimination laws. Out of these 6, San Antonio was the only municipality that had not adopted any transgender anti-discrimination laws. Thus, San Antonio was chosen as one of the comparison cases. Houston, the most populous municipality in the State, was chosen as the comparison case.

Given the novelty of this methodology for transgender discrimination, multiple occupations were chosen for the experiment. The intent was to provide empirical information for a modest variety of employment opportunities. Initially, these occupations were customer service, retail, and restaurant management. Due to time constraints, the occupations were restricted to Customer Service and Food Management. The rationale was to integrate a diverse set of gendered employment experiences – customer service positions being feminine typed, and management positions being masculine-typed (Ridgeway 2011).

Procedure

Resumes were created by using applicant resumes posted online in conjunction with posted qualifications from employers. Resumes were pulled from internet

searches on Indeed.com, Careerbuilder.com, and Monster.com, three of the largest job search engines in the United States. The resumes chosen were retrieved from thousands of resumes posted on these websites. Basic search terms such as “fast food” were used to find occupation-specific resumes, with Indeed.com providing basic information about the amount of resumes that fell under particular characteristics (e.g. 3000+ Bachelor degrees meant that more than 3000 resumes had applicants with bachelor degrees). These characteristics were used to find high quality resumes that would later serve as templates for the actual resumes created.

Although unrealistic, higher quality resumes were chosen secure higher response rates. This was a strategic choice given time and expenditure limitations. Underlying this decision was the expectation that higher quality resumes would yield higher response rates (and thus more observations). While the intent was to maximise statistical power with regard to sample size, this design choice likely diminished statistical power by diluting the potential effect size. In other words, this design choice likely biased the discrimination measure to underestimate potential transgender bias: ordinary applicants with more modest qualifications would likely face the brunt of discrimination.

Despite sacrificing external validity, resume creation made certain to keep descriptions close to employer demand. Once I completed one resume, I used the completed resume as the basis for the second resume. I simply replaced organisations, colleges, activities, etc. with qualitatively-judged equivalents. Descriptions were re-worded to essentially convey the same skills but in different language. Wherever possible, left many aspects of the resumes identical. Modification was inevitable, however, due to concern about possible detection.

Matching Strategy

Conveying Transgender

A challenge of this design is to convey transgender status in a resume. To do this, I follow previous correspondence tests in manipulating the activities section of the resume (Adida et al. 2010; Correll et al. 2005; Tilcisk 2010). I create fictitious organisations to signal a constant “femininity for both transgender and cisgender profiles. Femininity is conveyed through the jobs and descriptions included in the activities; these intentionally emphasise a feminine stereotype of nurturing and communication. These activities also have another advantage: they double as a source of human capital for the service sector jobs targeted in this project. As mentioned previously, too, transgender is a vague category. To make certain that employers understand the particular type of transgender person intended to be conveyed, the transgender activity specifically references a “Male-to-female” group and a “Transgender Women’s Group”. In this way, the confusion over nomenclature can be minimised. In any case, while available data is limited, a telephone poll of 1,006 adults conducted by the Public Religion Research Institute suggests that most Americans have some understanding of the meaning of transgender (2011). Asked to define what the word transgender meant to them, 67% (out of a total of 235 respondents that answered the question) referenced changing gender or sex. Although transgender identities vary, for the purposes of this study, this conceptualisation captures the transgender identity conveyed by the resume characteristics above.

Finally, the transgender name is manipulated itself. For the transgender resume, the applicant’s legal name is provided in parentheses next to their preferred name. Although this may be unorthodox, this manipulation is necessary: Potentially, lines in the “Activities” section of the resume could be overlooked or ignored. If not ignored, the signal may not be overt enough. Conceivably, employers could misinterpret the

descriptions as signaling a person involved in transgender issues rather than a transgender person per se. Furthermore, the names used in the experiment were selected to keep race "constant". Names were retrieved from Bertrand and Mullainathan's (2004) study on racial discrimination to ensure that all the fictitious applications conveyed whiteness. This was a necessary control and scope condition; as discussed, available data suggest that transgender people of colour are overrepresented in violent outcomes, poverty, suicide, and unemployment (Grant et al. 2011).

Table 2: Resume Treatments (Transgender) and Controls (Cisgender)

Treatments (Trans)	Control (Cis)
"Female Name" (Legal Name: "Male Name")	"Female Name"
Transgender Women's Support Group at UT San Antonio. I organize events and serve as a counselor for other transgender women.	Women's Health Center at UT San Antonio. I serve as a counselor and organizer of various events.
Male-to-Female Youth Peer Counseling. I contributed as a peer counselor.	Young Girls Peer Counseling and Mentorship. Local group for young girls where I served as one of the peer mentors/counselors

Randomly assigned personas and respective characteristics. Each characteristic is matched by row.

Subjects

The subjects in this experiment are employers in Houston and San Antonio, TX. As discussed, to measure whether or not they discriminated against transgender applicants, they were sent pairs of matched resumes. Their responses – call-back / invitation to an interview – are the main dependent variable in this study. Job postings were collected from Indeed.com, Monster.com, and newspapers in the area (such as The Houston Chronicle). Only online applications were selected.

Results

The experiment ran from 2-20-2013 to 3-30-2013. The outcome of the correspondence test is reported in Table 3 and Table 4. For clarity, results in both tables are formatted according to reporting norms in previous correspondence tests (Riach and Rich 2002). Table 3 reports Column 1 lists the occupation of the test, where “Food” represents Restaurant Management and “CS” represents Customer Service positions. Column 2 reports whether the data come from a jurisdiction with (Houston) or without (San Antonio) explicitly transgender inclusive antidiscrimination laws. Column 3 reports the number of tests where neither resume received a reply; as previously discussed, these cases were omitted as non-observations.⁵ Column 4 reports the number of usable tests in this experiment – that is, the number of cases where one or both resumes received a reply. Column 5 reports instances of equal treatment, where both resumes received a reply. Column 6 reports cases of transgender discrimination (where only the cisgender resume received a call-back). Similarly, Column 7 reports cases of cisgender discrimination (where only the transgender resume received a call-back). Finally, Column 8 calculates net discrimination by taking the value in Column 6 and subtracting it by the value in Column 7. Values in Column 8 will therefore be positive when the transgender applicant is more frequently discriminated against. All findings of net discrimination were tested for statistical significance with Fisher’s Exact Test . Data was arranged in a 2 x 2 contingency table where responses were sorted by call back/no callback for two applicants (Riach and Rich 2002, 2007). Table 4’s layout is identical to the layout of Table 2. Unlike Table 2, however, Table 3 omits a column specifying the occupation (all occupations are pooled together according to

⁵Note: for data from the anti-discrimination jurisdiction (Houston), “neither invited” is an estimated number. During the experiment, an unexpected computer failure led to the loss of this information. This estimate was constructed from traces of applications recovered in the respective e-mails of the fictional applicants. This is not a major problem for interpretation as these resumes were pre-selected to be non-observations.

geographic location / anti-discrimination law adoption).

To formally test whether there was an association between the adoption of transgender anti-discrimination laws and the three possible outcomes in the experiment, the data were tested with Fisher's Exact Test. Data were arranged in a 2 x 3 contingency table where responses were sorted by equal treatment, transgender discrimination, and cisgender discrimination for two different anti-discrimination conditions (adopted or not). The results of the test were not statistically significant ($p=.4513$). Given the data presented here, the null hypothesis that the proportions of resume outcomes are independent from anti-discrimination law adoption cannot be rejected. Figure 1 graphically displays the relationship between anti-discrimination law and resume outcome.

Figure 1: Mosaic Plot of Outcome Proportions by Anti-Discrimination Law Adoption

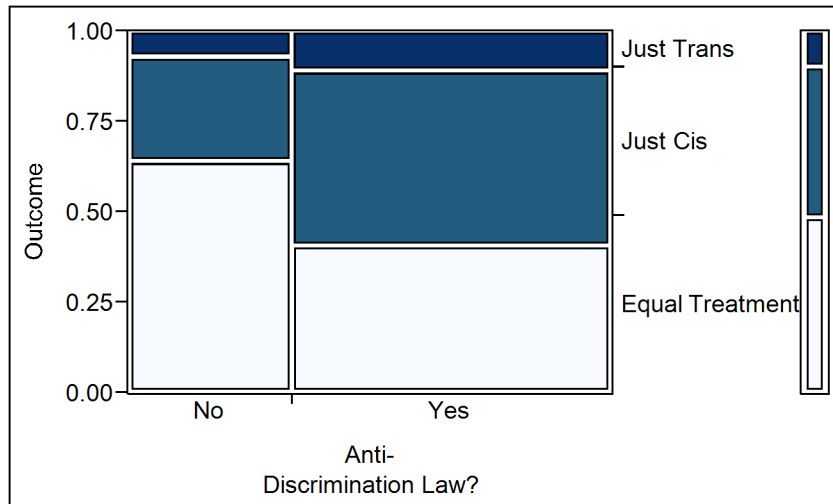


Table 3: Experimental Results – Disaggregated by Occupations

	1	2	3	4	5	6	7	8
	Job	Disc Law?	Neither Invited	Usable Tests	Equal Treatment	Discrimination (Trans)	Discrimination (Cis)	Net Dis-crimination
Total	Food	Yes	40	17	8	8	1	7
Percent				100	47.06	41.18	5.9	35.28*
Total		No	3	8	5	3	0	3
Percent				100	62.5	37.5	0	37.5
Total	CS	Yes	25	10	3	5	2	3
Percent				100	30	50	20	30
Total		No	0	6	4	1	1	0
Percent				100	66.67	16.67	16.67	0

* indicates significance at $\alpha = .05$; ** indicates significance at $\alpha = .01$

Table 4: Experimental Results – Pooled Occupations

	1	2	3	4	5	6	7
Disc Law?		Neither Invited	Usable Tests	Equal Treatment	Discrimination (Trans)	Discrimination (Cis)	Net Discrimination
Total	Yes	65	27	11	13	3	10
Percent			100	40.74	48.15	11.11	37.04**
Total	No	3	14	9	4	1	3
Percent			100	64.29	28.57	7.14	21.43
Total	Both	68	41	20	17	4	13
Percent			100	48.78	41.46	9.76	31.71**

*indicates significance at $\alpha = .05$; ** indicates significance at $\alpha = .01$

Discussion

Respondents interviewed in the National Transgender Discrimination Survey (Grant et al 2011) reported alarming rates of discrimination. Overall, 47 percent of the sample reported an adverse job outcome; transgender women reported an even starker outcome, with 55 percent of the subsample reporting hiring bias. The results of this experiment are more modest. Looking at the data by occupation, the only statistically significant result is the finding of net discrimination in restaurant management (37.04%). Pooling occupations and looking at the data through the adoption of anti-discrimination laws, statistically significant differences in resume outcome are observed in Houston (37.04%) and the overall sample of Houston and San Antonio (31.71%). These findings suggest mixed support for Hypothesis 1 . Notably, however, while most results reported in this paper have not been statistically significant, the direction of net discrimination is always toward the transgender applicant. The divergence between the outcome in this paper and the pervasive rates of discrimination suggested by previous work on transgender discrimination qualify these findings. The most parsimonious explanation of the results would be that this study has not maximised statistical power as it had hoped. The consistency of the effects (even if non-significant), point to issues in experimental design and sample size. This issue will be discussed below.

Hypothesis 2 predicted independence between resume outcomes and the adoption of anti-discrimination laws. The probability yielded by Fisher's Exact Test ($p=.4513$) provide support for this hypothesis. It appears that there is no significant association between the passage of anti-discrimination laws and transgender discrimination. This appears to validate criticisms of anti-discrimination laws as ineffective. Nevertheless, while this result does not suggest statistical significance, there are important limitations to this interpretation. As discussed for Hypothesis 1, experimental design

choices and sample size may be obscuring an actual relationship in the population.

Limitations

The research design has four primary weaknesses. Firstly, there is the issue of the correspondence methodology itself. As discussed, the use of the correspondence test provides a valuable measure of discrimination because it measures what many researchers are unable to document: actual discrimination in the field. Furthermore, the use of resumes provide an adequate canvass for controlling relevant variables and manipulating factors of interest. Nevertheless, while the correspondence test succeeds in measuring discrimination in real-life contexts, its external validity comes with a price. Unlike studies in the laboratory, the correspondence test is conducted in a mostly uncontrollable environment. As Riach and Rich (2002) note, the number of observations, the rates of discrimination, and the length of the study are dependent upon an array of variables. For example, macro-economic patterns like unemployment rates likely influence the rate of response and the rate of discrimination (Riach and Rich 2002). Perhaps in difficult financial times, employers may be more conservative in their preferences than usual (Riach and Rich 2002). Thus, the measurements of discrimination captured by the correspondence test are likely temporally bound. The full extent of transgender discrimination in these municipalities must incorporate data across time. This paper is a first attempt. By itself, however, it cannot completely measure rates of transgender discrimination or associations between transgender discrimination and the passage of anti-discrimination laws. With regards to the divergence between the findings in this paper and the claims in the broader literature, this simply means that variation in transgender discrimination should be expected. Given that the results in this paper were obtained from an approximately month-long experiment , further research is

needed.

Secondly, the effectiveness of the resume manipulations is ambiguous. Although every effort was made to control for the fictional applicants' "gender roles, questions remain about the perceptions of the transgender applicant. As referenced, available public opinion polls suggest that transgender people are viewed through traditional gender frameworks (Butler 1993; Public Religion Research Institute 2011; West and Zimmerman 1989, 2009). In other words, as Gilden (2008) argues about transgender anti-discrimination laws, current perceptions of transgender people do not seem to expand possibilities for gender identity, behaviour, and sexuality. Rather, transgender people appear to be integrated into existing frameworks of gender that emphasise differences between women and men (Butler 1990; Gilden 2008; Schilt 2006). In terms of methodology, this may have important consequences. In particular, given that the correspondence test relies on perceptions of applicants rather than actual observations of applicant behaviour (e.g. audit studies), the "amount of treatment in the transgender resume may be wildly variable or inconsistent. This potential confound is tied directly to a time and expenditure limitation: while testing the treatment in advance would have been useful, running pilots of the study would have come at the expense of additional observations. Thus, it was decided that the best approach was to run the experiment with the time available.

It is important to note this limitation, however, as this ambiguity could have had a number of effects on the results reported in this study. Gender confounds are easy to imagine. The "femininity control (assigning both profiles organisational roles that promote care and community), for example, may have been useless if transgender women are viewed as overzealously feminine. Alternatively, the femininity control may fail if transgender women are viewed as unbelievably feminine (i.e. masculine). If this is the case, perhaps the extent of transgender discrimination

is further mediated by the potential “masculine advantage” transgender women may be perceived to have over cisgender women. Employers may prefer an applicant assumed to be masculine or possessing stereotypically male physical and mental abilities, even if they might view “cross-gender” behaviour with contempt. Despite these limitations, there is reason to believe that the treatments were effective. As discussed, while most differences in resume outcome reported in this experiment were not statistically significant, the direction of the net discrimination remained consistently pointed against the transgender applicant. Given that transgender profiles and resume type were randomly assigned, this suggests that the distinctions apparently perceived (however minimal or statistically insignificant) were likely due to the name and activities manipulation on the resumes. Nevertheless, objection to the lack of treatment testing is a point well-taken.

The third major limitation of the research design is tied to its case study structure. Specifically, the data collected is bounded by pre-selected temporal and geographic scopes; the current design cannot convincingly generalise the findings of this experiment. Moreover, the effectiveness of anti-discrimination laws may be influenced by unobserved variables. This is inevitable in a comparison of municipalities: San Antonio and Houston differ on more than just the adoption of anti-discrimination laws. In order to investigate the causal mechanisms involved, a larger collection of independent variables must be tested. Furthermore, measuring the cause of transgender discrimination requires increasing the number of observations. While the cases in this study were chosen for theoretically cogent purposes, robust findings much incorporate greater geographic variation.

Finally, the results in this paper suggest a fourth primary limitation of the research design: overqualified candidates. While there is debate about perceptions of highly qualified minority applicants, evidence from studies investigating racial

discrimination suggest that discrimination is subtle or undetectable for sets of highly qualified and poorly qualified candidates (Dovidio and Gaertner 2000). For gender in general, this issue is similarly complex and unsettled. For example, available literature suggests that even high-paying positions – like CEO and professorships – are not immune from subtle or explicit anti-woman or anti-feminine biases (Blair-Loy 2003; Cech et al 2011; Moss-Racusin et al. 2012; Rhoton 2011) As expected, however, little information exists about the extent of this effect for perceptions of transgender people. If this effect exists for transgender people, the highly qualified candidates in this experiment likely mediated employer’s decision to discriminate.

Further Research

The present experiment was subject to a number of restrictions. Besides the issues referenced in the previous section (geographic and temporal bounds), the experiment was further limited with regards to gender and race. In addition to increased sample sizes, further research should incorporate the variety of transgender identities, expressions, and ethnic affiliations that exist. Although this number is difficult to estimate, Grant et al. (2011) suggest that much of the discrimination and violence transgender people face falls largely on these often ignored subgroups. Potentially, the incongruence between the results in this paper and the self-reports could be due to this factor as well; the measure in Grant et al. (2011) cited in this paper is an aggregate for all ethnicities. To more closely parse through the potentially *intersectional* effects of different identities and social circumstances, research on transgender people must be diversified. Finally, it is useful to re-state the importance of studying transgender issues in the first place. Kristen Schilt and Matthew Wiswall (2009) describe the potential of transgender (and gender) studies succinctly and memorably. Specifically,

they argue that the study of transgender populations is like doing an otherwise unthinkable experiment, one where a random sample of adults could be assigned to a different gender identity treatment. By studying gender transitions, researchers can “take a variable of interest that is typically considered invariant – gender – and make it time varying in a within-person pane” (5). In other words, studying transgender populations (and LGBT groups more broadly) provides an innovative vantage point from which to explore interests of general concern for social scientists.

Understanding the importance of transgender status and the potentially pivotal role it plays in shaping employment decisions also inevitably invites the discussion referenced in the previous section: how important is gender in our society, and how does gender inequality shape our economic, social, and political opportunities? Transgressing gender is not limited to people that self-identify with their transgression or crossing; cisgender gays and lesbians, for example, are often targeted because their behaviour, interests, or expressions are not gender normative (homosexuality/bisexuality/etc. is inherently non-gender normative). Cisgender heterosexuals are also involved in the question of gender, with women in particular having a special interest. Transgender discrimination is gender discrimination at its root, after all: assumptions about the meaning of physical bodies, including their capabilities and utility, are a question cisgender people (women and men) are all too familiar with.

Conclusion

The purpose of this experiment was to improve existing measures of transgender discrimination and to investigate associations between this measure and the passage of transgender inclusive anti-discrimination laws. The findings suggest two things: first, that adoption of an anti-discrimination law and measures of transgender discrimination are unrelated. Secondly, transgender discrimination exists even for

highly qualified candidates. Nevertheless, the data reported in this paper should be treated as preliminary; the experiment is ongoing. Although some results in this paper confirm claims in the transgender literature, other research suggests that the experiment has underestimated transgender discrimination. As discussed, this underestimation was likely the result of sample size and over-qualified applicants. Despite issues that limit the interpretations of these findings, this paper is one of the first to measure transgender discrimination through the correspondence test methodology. In doing so, it has contributed methodologically and substantively its own right. The results in this paper, including theoretical blind-spots and experimental limitations, should prove useful for future researchers and policy advocates.

Appendix

Included on the following pages are some version of the resumes used in this experiment. The first two resumes shown are for restaurant management positions. The second set of resumes shown are for customer service positions.

Kristen Murray

Contact

Phone: 832-426-3922
E-mail: kristencmurray@gmail.com
Location: Houston, TX

Education

B.A, Business
University of Texas, San Antonio
Graduation: 2012

Experience

Sonic Drive-In, Houston, TX

Crew Member

August 2006 to September 2009

Cooked meals and memorized menu items, including updates and variations to recipes. Communicated and cooperated with other crew members and managers to keep the restaurant running (multi-tasked daily). Physical labor included daily standing, walking around, and lifting heavy objects. Cleaned work area, kitchen appliances, dining area, and restrooms. Managed money at the register.

Chipotle Mexican Grill, Houston, TX

Assistant Manager

September 2009 to Today

Organize the restaurant, including the management of store finances, inventory check, and employee shifts and obligations. Involved in the hiring and training of new employees. Keep crew members together as a cohesive team by acknowledging hard work and dedication, taking part in the preparation of meals, and maintaining friendly demeanor to customers. Additional duties include supervising basic restaurant functions, including the closing and opening of the restaurant and work-spaces. Address customer complaints with fairness and hospitality.

Additional Activities

Women's Health Center at UT San Antonio. I serve as a counselor and organizer of various events.

Young Girls' Peer Counseling and Mentorship. Local group for young girls where I served as one of the peer mentors/counselors.

Additional Qualifications

I keep deadlines, maintain a flexible schedule, and I am dedicated to doing the job quickly and efficiently. I have important experience as both a worker and manager.

Anne McCarthy (Legal Name: Greg McCarthy)

Phone: 832-699-0119
Email: anne.w.mccarthy@gmail.com
Residence: Houston, TX

I am cooperative, dedicated, and focused on making the best out of my myself and my team.

Education

B.A. in Business Administration, University of Texas – San Antonio (2012).

Employment Overview

Carl's Jr. (Houston, TX) Crew Member, September 2006–November 2009.

Chick-Fil-A (Houston, TX) Assistant Manager November 2009–present.

Skills and Responsibilities

as Crew Member @ Carl's Jr. in Houston, TX

- Physical endurance, including standing and lifting heavy objects daily.
- Cooked and memorized recipes for different meals, including hamburgers, fries, and salads.
- Cooperated with crew-members to ensure fast quality meals and a friendly work environment.
- Maintained clean work-stations, tables, restrooms, and industrial appliances.
- Multi-tasked – took orders (managed money), completed orders, and interacted with crew members daily.

as Assistant Manager @ Chik-Fil-A in Houston, TX

- Scheduling employee hours, food delivery times, and meetings.
- Managing store finances, inventory, and prices.
- Keeping the store running by organizing employee activity to maximize output.
- Supervising interviews and hiring of new employees, ensuring company procedures are followed.
- Resolving misunderstandings between customers and employees.
- Supervising day-to-day procedures involving restaurant opening and closing.
- Receiving and complete customer orders. Welcoming and inviting customers for continued visits.
- Mentoring crew members and maintain cooperation and friendliness in the workplace.

Activities

Transgender Women's Support Group @ UT San Antonio: I organize events and serve as a counselor for other transgender women.

Male-to-Female Youth Peer Counseling: I contributed as a peer counselor.

Kristen Murray

Email: kristenwmurray@gmail.com

Phone: 210-807-4165

Location: San Antonio, TX

Objective

To secure a position that makes use of my extensive customer service history.

Education

B.A., Communications, 2012
University of Texas at San Antonio

Work Experience

- **Verizon Wireless Call Center @ San Antonio TX. Customer Service. 2006-2009.**

Duties included helping customers through internet chat, e-mail, and phone. Customer interaction involved policy clarification, installation guides and troubleshooting, and using new software. Developed wide knowledge of communication devices, including internet, phone, and cable. Maintained friendly rapport with co-workers to benefit personal and collective production.

- **Progressive Insurance Call Center @ San Antonio TX. Customer Service. 2009-2012.**

Company with diverse and specific terminology and procedures. I developed extensive knowledge of these important aspects of the company to effectively communicate with customers about their policy, billing, and complaints. When issues arose with customers, I calmly prevented disputes with clear and concise communication.

- **Sprint Call Center @ San Antonio TX. Customer Service. 2012-present.**

I interact with customers through the internet and phone. Verify order processing, repair status, and address customer concerns. This entails knowledge of various software, including data input and retrieving data output from different programs. Acquainted with the company as a whole, facilitating the referral of customers to other departments when appropriate.

Technical Qualifications

- Microsoft Office Suite: Word, Excel, Power Point, Outlook. Typing Speed: Approx. 100 WPM.
- Familiar with a variety of operating systems, including Microsoft Windows (XP, 7, Vista, 8) and Mac.

Additional Qualifications

- Quick learner of new policy procedures and software.
- Excellent interpersonal skills.
- On-time, committed, and flexible.
- Intermediate Spanish Speaker.

Activities

- Women's Health Center at UT San Antonio. I serve as a counselor and organizer of various events.
- Young Girls' Peer Counseling and Mentorship. Local group for young girls where I served as one of the peer mentors/counselors.

Anne McCarthy (Legal Name: Greg McCarthy)

anne.f.mccarthy@gmail.com

210-209-9242

Residence: San Antonio, TX

Objective: To obtain a customer service position that complements my lengthy employment history.

EDUCATION

University of Texas, San Antonio: Communications, B.A 2012.

EMPLOYMENT HISTORY

Time Warner Cable, Customer Service Representative from 2006 to 2009 – San Antonio, TX

Assisted customers daily by phone and online-chat. Communication with customers involved resolving misunderstandings of company policy, repair issues involving multiple brands of equipment and software, and installation of services. Cooperated with co-workers to create a productive and friendly environment. Acquired extensive knowledge of features and functions of phone, cable, and internet services.

Geico Insurance, Customer Service Representative from 2009 to 2012 – San Antonio, TX

I handled customer calls and e-mails on a variety of topics: billing, trouble shooting, and emergencies. I communicated clearly and concisely with customers that had questions or complaints. I quickly grasped company policy and terminology. I used consistent, simple, and unambiguous language when speaking with customers. I routinely entered customer information into company databases. I retrieved information from these databases with ease.

AT&T, Customer Service Representative from 2012 to today – San Antonio, TX

I process order requests, verify customer information, and verify completion of work (installation, repair, etc.) on behalf of sales team. I contact customers via phone or email to ensure order details are processed to their specifications. I work together with other departments to address customer inquiries. I acquire general knowledge about the company that helps me refer customers to more appropriate departments/numbers. Frequent day-to-day data entry and retrieval. Follow all company guidelines and policies.

Computer Experience

Microsoft Word, Excel, Outlook, and PowerPoint. Windows 8, 7, XP as well as Mac.

Typing Speed: 100 WPM. Comfortable with learning and mastering new or updated software.

Additional Qualifications

Punctual, flexible, dedicated, and articulate. Excellent listening and empathy skills. I am moderately bilingual, with Spanish as my second language.

Activities

Transgender Women's Support Group @ UT San Antonio: I organize events and serve as a counselor for other transgender women.

Male-to-Female Youth Peer Counseling: I contributed as a peer counselor.