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INTRODUCTION

In the fall of 2004, retired U.S. Army Colonel Diane Schroer applied for a Specialist in terrorism and international crime position with the Congressional Research Service at the Library of Congress. Schroer served in the U.S. Armed Forces for 25 years, holds master's degrees in history and international relations, and was considered the top candidate for the position. She was even offered the position—which she accepted. At the time of application, Schroer was in the process of her gender transition and had applied using her male name. However, to lessen confusion, Schroer intended to start her new position as a woman and invited her future supervisor out to lunch to explain her plan. During this lunch, Schroer explained that she was trans (short for transgender) and would be coming to work as a woman. The representative of the Library of Congress told Schroer at the end of the lunch that she had a lot to think about. Schroer received a phone call the next day in which the Library of Congress rescinded its offer, stating that they did not believe she was a good fit. Schroer filed a Title VII sex discrimination lawsuit and in 2008, the U.S. District Court of the District of Columbia handed down a landmark decision in her favor.

The *Schroer* decision is a sign of progress in the legal landscape of employment protections for transgender people. Unfortunately, Schroer's experience of blatant discrimination is all too common for transgender people. In revealing her transgender identity, Schroer went from "hero to zero in 24 hours."¹ All around the country, trans people report similar experiences. And the history of advocating to extend employment discrimination to this population contains more losses than victories. In February 2007, the city manager of Largo, Florida was fired after announcing her plan to transition from Steven to Susan.² Despite the publicity this incident received, eight months later members of Congress decided to drop protections for gender identity from the Employment Non-Discrimination Act before putting the

bill up for a House vote. This move effectively sent the signal that employment discrimination based on gender identity would remain legal for the foreseeable future, leaving people around the nation vulnerable and without recourse.

The study of transgender employment protections is complicated by a series of factors. First, there is no separate legal identity for transgender people to mark off on most survey or census forms and only a few identification forms offer an “other” option for gender/sex. For instance, “the NHLS [National Health and Social Life Survey] and the GSS [General Social Survey], and the United States Census do not ask questions about gender identity, so researchers cannot identify transgender people.”³ Therefore, conducting a quantitative analysis of the U.S. transgender population is nearly impossible. As there is no national data set to turn to, researchers must collect their own.

Second, the common practice of hiding gender life histories after transitioning effectively erases people’s trans identity, although this trend is changing. It is generally now agreed that if a transgender employee wants to transition, transitioning on the job (where an employee is already established and hopefully has a good reputation and work relations) is preferable.⁴ Walworth argues that transitioning on the job is beneficial to both the employee and employer: the employee benefits from job stability, which helps with the costs of transitioning, and the employer benefits from a highly motivated employee who is likely to become more productive after transition is completed.⁵ This differs from earlier practices where transgender employees were encouraged to leave their job and start a new life completely unattached to their previous gender identity.⁶ This practice was problematic as it often cut off employees from their work history and references; however, it did allow them to go “stealth” wherein they were not out as transgender but passed as their affirmed gender. In other words, if a transgender employee transitioned from male to female, she was only known at work as a woman; her transgender identity was not known.

This shift from hiding one’s identity to living openly is due to the progress of the trans rights movement, which gained momentum in the early 1990s. Trans rights advocates like Sandy Stone “called for transsexuals to live openly as transsexuals.”⁷ Activists encouraged transsexuals to reject the medical model of transsexuality, which required post-op trans people to hide their pre-op life histories and live only as a man or woman. A central part of the trans rights movement has been challenging the gender dimorphic paradigm that promotes two genders: men and women. By living openly as transgender, neither men nor women but some combination or third option, people are reclaiming their identities and existing outside the binary.⁸ According to Dean Spade “most of the trans people I have talked to do not imagine them-

selves entering a realm of 'real manness' or 'real womanness,' even if they pass as non-trans all the time, but rather recognize the absence of meaning in such terms."⁹ Instead, theories of gender freedom, self-determination, and fluidity allow transgender people to express their gender non-conforming identities freely and fully.¹⁰

Third, as Leslie Feinberg points out, as long as a sexual minority (e.g., gay, lesbian, or bisexual) or transgender identity can "get you fired, evicted, beaten up, or thrown in jail," there is no way to determine how large the transgender population is.¹¹ In other words, the discrimination faced by transgender people prevents them from being open about their identity, making statistical studies of such discrimination difficult.

Another complication in the study of transgender employment protections is the problematic relationship of the DSM diagnosis of "gender identity disorder" (GID) and access to legal protections. Since 1980, the *Diagnostic and Statistical Manual of Mental Disorders* (DSM) has included "gender identity disorder" and "transsexualism" as one manifestation of this diagnosis. According to the latest DSM (DSM-IV), GID is defined as a "strong and persistent cross-gender identification accompanied by persistent discomfort with one's assigned sex."¹² With this diagnostic tool, transsexual people have been able to access treatment for transitioning, previously viewed as cosmetic surgery rather than part of a treatment model.¹³ The credibility of a DSM diagnosis is central to claiming insurance to help offset treatment costs such as hormones or sex reassignment surgeries. Furthermore, the diagnosis of gender identity disorder is often used to legitimate a trans plaintiff in court cases. Simply eradicating the DSM diagnosis could potentially be disastrous for transgender people whose access to medical treatment and legal recognition hang on this legitimization.¹⁴

While it is important for those experiencing extreme discomfort with their sexed body to access treatment as well as legal protection, the existence and perpetuation of a diagnosable gender identity disorder is problematic. For instance, while the DSM-IV distinguishes gender identity disorders from sexual orientation and intersexuality, there is no mention of transgender identities. The American Psychiatric Association's definition of gender identity disorders reinforces the gender binary and does not recognize individuals with a cross-gender identity different from their birth sex but who are very comfortable in their body without hormones or surgical intervention. According to the Gay, Lesbian, and Straight Education Network (GLSEN), "most transgender people are perfectly comfortable with their bodies and their sex."¹⁵ What leads to a transgender identity is not discomfort with one's body but a nonnormative gender presentation. Furthermore, many gender theorists and advocates, such as Judith Butler, argue that the existence of gender identity disorder in medical textbooks pathologizes trans people.¹⁶ To

bypass the stigmatization of a psychiatric diagnosis but still retain legal recognition, some have advocated a physical or medical diagnosis.¹⁷ An alternative to this diagnosis is self-determination, promulgated by the trans rights movement that gained momentum in the 1990s.

Finally, due to the lack of clear and consistent policy protections, it is often unclear if discrimination perpetrated against a transgender person is illegal. This lack of clarity leaves many trans people vulnerable to rampant discrimination without any obvious vehicle for recourse. On the other hand, the current state of policy protections (or their near absence) offers an opportunity. As the legal landscape for transgender employment protections is literally still being written, advocates have the opportunity to shape policy so that it captures the nuances and subtleties of discrimination as experienced by trans people. Like the influence of feminist analysis in the development of sexual harassment law, non-discrimination laws must reflect the experiences of trans people. By using lived experiences to shape policy decisions, more robust laws that provide actual protection may be passed. At the same time, however, it must be understood that no one policy will solve transgender employment discrimination. After all, transgender Californians have been protected from employment discrimination since 2004, but in a recent survey, 70 percent of transgender respondents reported experiencing workplace discrimination and harassment directly related to their gender identity.¹⁸ Laws and policies at multiple levels must be accompanied by cultural change to fight transphobia in U.S. society. Passing a federal employment nondiscrimination act is only one leg of this multipronged strategy. Individual workplace policies, sensitivity training, and raising public awareness are also essential to ending employment discrimination. Additionally, while employment discrimination is a problem for the transgender population that cannot be ignored—especially as employment is so closely tied to healthcare, housing, and other such basic needs—advocates must also recognize that the transgender population faces multiple discriminations outside the arena of employment. A truly effective strategy must incorporate meeting the daily needs of transgender people in addition to challenging the structures of power (including race, class, sexuality, and physical and mental ability in addition to gender) that often act as barriers to meeting these basic needs.

Despite the complications of data collection outlined here, a number of community-based studies of transgender employment discrimination have been conducted. What these studies show is that discrimination is chillingly common among transgender communities. Two studies in San Francisco—one in 2003¹⁹ and one in 2006²⁰—found that at least 50 percent of transgender respondents experienced employment discrimination. A 2005–2006 study in Virginia found a lower rate of 20 percent.²¹ Studies specifically examining transgender communities of color found many participants who reported

being fired because of their gender identity or expression: 39 percent in San Francisco²² and 15 percent in Washington, D.C.²³ Sometimes the discrimination is in the form of not being hired. For instance, 40 percent of trans respondents in San Francisco²⁴ and 20 percent in Virginia²⁵ were not hired due to their gender identity. Another 19 percent in San Francisco reported that they had been passed over for a promotion.²⁶ Other people report being fired. In Virginia, 13 percent of transgender respondents reported being fired because of their gender identity or expression²⁷ while in San Francisco the figure was 18 percent.²⁸ In addition, 15 percent of transgender respondents of color in Washington D.C. reported being fired.²⁹

Harassment is a third common form of discrimination this population faces. According to the 2006 San Francisco study, 22 percent of transgender respondents reported experiencing harassment (unspecified), and another 24 percent reported sexual harassment specifically.³⁰ Most studies reporting transgender experiences of harassment do not specify the type of harassment—verbal, physical, sexual—and only the 2006 San Francisco study provided a separate number for sexual harassment. Providing specific data on the type of harassment transgender employees face, however, can be very important. According to Thorpe, hostile work environment claims due to harassment that is not explicitly sexual have a harder time gaining judicial recognition.³¹ Gender-based harassment—“unwarranted criticism, rudeness, ridicule, insults and epithets”³²—is just as harmful as sexual harassment. Unfortunately, Thorpe concludes, “a judicial focus on sexual harassment has obscured the availability and reduced the effectiveness of Title VII as a remedy for gender-based harassment.”³³ Expanding Title VII jurisprudence to protect gender-based harassment as consistently as it protects sexual harassment is important for transgender plaintiffs. In many Title VII cases involving a gender non-conforming or transgender plaintiff, the sexual harassment claim was ruled as motivated by sexual orientation not gender and thus not protected by Title VII.³⁴

Trans specific forms of employment discrimination include bathroom access and inappropriate questions regarding an employee’s transition. In one survey, 23 percent of respondents reported difficulties with bathroom access, 23 percent reported they had been referred to by an incorrect pronoun or previously used name, and 12 percent reported fielding questions about their surgical status or process.³⁵

In 2007, a team of scholarly experts from the Williams Institute reviewed more than 50 studies examining discrimination based on sexual orientation and gender identity conducted in the past 10 years. In sum, the team found that “20% to 57% of transgender respondents reported having experienced employment discrimination at some point in their life.”³⁶ Discrimination varied from harassment, being denied promotion or employment, to

getting fired. Furthermore, in a review of convenience samples, the team found that “6%–60% of respondents report being unemployed.”³⁷ In reviewing the studies, the team identified many limitations: no consistent definition of “transgender,” not representative and specific only to a particular population, self-selection, and vague or missing definitions of discrimination. Despite these limitations, the team concluded that discrimination based on sexual orientation or gender identity is quite common nationwide.

The National Gay and Lesbian Task Force and National Center for Transgender Equality conducted a national survey of transgender discrimination, collecting over 6,000 responses—making it the largest survey of its kind to date. In its preliminary findings, the study reports that employment discrimination is a “near universal experience.” Ninety-seven percent of the respondents had experienced mistreatment, harassment, or discrimination on the job. Twenty-six percent lost their jobs because they are transgender. People of color were especially hard hit with 32% of black respondents and 37% of multiracial respondents reporting they had lost their job due to their gender identity/expression.³⁸

Other studies looked at discrimination based on gender expression, not just gender identity. This type of discrimination provides a connection between gender identity and sexual orientation discrimination. GenderPAC reported that in a survey they conducted with the National Gay and Lesbian Task Force and the National Center for Lesbian Rights, 28 percent of discrimination reported by lesbian, gay, and bisexual (LGB) people was based on gender expression.³⁹ A 2004 Task Force study of Asian Pacific American lesbian, gay, bisexual, and transgender (LGBT) people found that 58 percent of women, 43 percent of men, and 100 percent of transgender respondents reported experiencing discrimination based on gender expression.⁴⁰ These results are based on 124 surveys distributed to participants at the 2004 New York’s Queer Asian Pacific Legacy Conference and represent people from 15 states and one Canadian province.

Gender expression is how people communicate their gender to other people through dress, behavior, and communication style. Discrimination based on gender expression arises when someone challenges the arbitrary cultural construction of masculinity and femininity by operating outside of the gender binary system wherein masculinity and femininity are defined as opposites and linked to biological sex. For instance, a biological male who takes on feminine mannerisms may be a target for gender expression discrimination. As a cultural construction, what is considered masculine and feminine differs by region and changes over time.

Despite consistent numerous reports of discrimination, a lack of federal protection discourages people from pursuing legal action that could lead to an expansion of the law through judicial interpretation. In a study of diverse

workers, even though 23 percent reported experiencing discrimination, only 6 percent took legal action.⁴¹ To provide adequate protections and options for recourse when discrimination does occur, nondiscrimination laws and policies must address the various forms of discrimination transgender employees may face. In addition to basic protections against not being hired, being denied a promotion or fired, and harassment, these policies should include provisions regarding personnel records, restroom and changing facilities, and dress codes. As Currah, Green, and Stryker point out, “the social cost of discrimination is much greater in the long run than the cost of inclusion. Anti-trans discrimination forces trans people into poverty, unemployment, illegal trade, and drug abuse, while subjecting them to hate violence.”⁴²

The purpose of this book is to highlight the workplace experiences of 20 transgender people from around the nation in order to provide a comprehensive understanding of the types of discrimination trans employees face and to offer a path to greater legal protections. In providing a picture of the realities of transgender employment discrimination, I aim to further the development of more robust laws based on the realities of trans lives that offer more comprehensive protections and simplify rather than complicate the experiences of transgender employees.

In the second chapter of this book, I will examine the current legal landscape of employment protections for the U.S. transgender population and the multiple strategies used to expand these protections. This chapter will aid students of law and public policy by providing a basic overview of the development of transgender jurisprudence as well as a brief history of the Employment Non-Discrimination Act. The literature on transgender workplace issues reveals several strategies utilized in fighting for employment rights. Disability law is a controversial tool due to the stigma attached to disability. More commonly, transgender rights advocates have pointed to Title VII jurisprudence in advancing the rights of transgender employees. As demonstrated in the case law, however, this path has been difficult and there is a long history of cases ruling against transgender plaintiffs, explicitly excluding them from gender-based protections. Despite the seminal 1989 *Price Waterhouse* decision—which expanded the definition of sex to include sex stereotypes under Title VII—only within the last eight years have courts started to rule in favor of transgender plaintiffs, extending them employment protections based on interpretation of Title VII. Many transgender activists, therefore, have turned to the legislative branch, enacting local and state laws that prohibit discrimination based on gender identity. While there has been recent progress in both the legislative and judicial arenas of employment protections for trans people—with the congressional movement around the Employment Non-Discrimination Act and the landmark *Schroer* decision—the future of this legal landscape remains unclear. What is clear is that the

current patchwork of protections has left too many people vulnerable to discrimination with little chance of recourse.

In the third chapter, I will highlight the experiences of discrimination reported by the 20 participants I spoke with. Discrimination experienced ranged from being outright fired and struggling to secure meaningful and gainful employment to facing harassment from coworkers and inappropriate bathroom and dress code policies. Many participants also discussed the role of identity documents and the anxiety they experience in anticipating discrimination. In this chapter, I explore two fundamental questions: “What does employment discrimination look like for transgender people?” and “What would policies and laws look like if transgender people were put in the center of policymaking rather than added to an established system that has historically excluded them?” I find that harassment is the most common form of discrimination reported by participants and that it is often connected to gender expression, sexual orientation, and visibility. Policy protections and support from supervisors were two of the most prominent reported strategies in fighting such harassment. I also found that the lack of consistent policy protections for transgender people causes unemployment and underemployment to be an all-too-common experience. Additionally, I explore three issues that are particularly pertinent to trans employees: dress codes, bathrooms, and identity documents. Finally, I offer a broader contextualization for participant’s experiences in the workplace by discussing their encounters with other forms of discrimination and loss and providing an analysis of the psychological toll of a transphobic society. These stories and analysis will help policymakers understand how policies impact the everyday lives of transgender people and to use the lived experiences of transgender people to write policies that protect rather than complicate the lives of transgender people.

In the fourth chapter, I take a step back to look at the positive experiences reported by the participants. The purpose of this chapter is twofold: to provide a broader contextualization of transgender workplace experiences and to change the narrative of constantly victimized and vulnerable transgender communities by showcasing success stories that may counteract the anxiety a focus on discrimination has created. This chapter will examine how existing policies facilitate positive workplace experiences, how these experiences are reported as “success stories,” and what larger structural issues are at play. I found that the workplace experiences of the participants were affected by their educational and class background, the workplace environment, local laws and policies in place, how the employees approached their workplace transition, and the individual skills and experience participants brought to their jobs. For instance, participants with higher educational achievements tended to report fewer or less severe instances of discrimination. This chapter will be of use to business and human resources professionals. As evidenced by

the 2008 *Harvard Business Review* case study,⁴³ there is growing recognition in business schools and among human resources professionals that trans identities in the workplace is an issue that must be addressed proactively. Human resources professionals can use the success stories in this book as examples of what policies work and what policies do not work in creating an inclusive, productive work environment.

This book will also help further academic understanding of the complexities of gender dynamics in the workplace, witnessing how transgender employees' experiences often exemplify existing sexist and homophobic structures. The stories of discrimination (and, in some cases, avoided discrimination) point to the larger structures of race, class, gender, and sexuality that are always at play in employment situations and beyond.

DEFINING TRANSGENDER

Gender transgressions are not a new part of society; many cultures throughout history have included gender non-conforming people. The term "transgender," however, has been coined more recently, during the trans rights movement in the 1990s. This movement was a continuation of the new rights movements, such as women's and gay liberation, and used the term "transgender" as an umbrella term for people who "in various ways, are transgressing gender boundaries."⁴⁴ This umbrella covers transsexuals, drag queens/kings, gender benders, crossdressers/transvestites, and genderqueers. This definition, however, is quite contentious. There are three basic approaches to defining "transgender." First, there are those who say that it is based on identity and is a specific gender identity. Second, some believe that it should be based on gender expression and encompass gender nonconformity—a butch lesbian would be included under the transgender umbrella using this approach. Third, the transgender umbrella has been used in a political call for those who face oppression for transgressing social gender norms.

"Transgender," therefore, can refer to an individual identity but also to anyone who transgresses gender expectations which "makes it almost infinitely elastic."⁴⁵ While as a political tool, this may be quite pragmatic in gathering the largest numbers of people together to form a strong coalition, it also has the potential to erase people's individual identities. In becoming a collective identity, "transgender" tends to blur the differences between segments of the population.⁴⁶ Identifying as a transsexual person versus identifying as a crossdresser is very different. As the general public, however, has trouble distinguishing between gay, lesbian, and bisexual people and transgender people, what was intended as a collective identity may result in a dangerous conflation. Many transgender-identified people resist being lumped together with

other segments of the transgender population as inclusion tends to blur self-definition.⁴⁷ Furthermore, opening up transgender to include all those that transgress gender boundaries results in some people who do not identify as trans being included under the umbrella.

To counteract this trend, some have argued that transgender must be limited to “self-description” or at least have an “identity component.”⁴⁸ Valentine argues that the careful examination of transgender identities and how they are constructed is vitally important as transgender identities and definitions become institutionalized in community organizations and academia— institutions that have the power to promote definitions that may erase the self-definitions of those people they are defining.⁴⁹

On the other hand, trans advocates have named the gender binary system as their greatest source of oppression.⁵⁰ In a society invested in gender dimorphism, living outside of the binary takes courage. Gender bashing is an all-too-common occurrence, documented by community-published reports and websites.⁵¹ This act of violence is a type of hate crime motivated by a “perceived transgression of normative sex/gender relations.”⁵² The violence is so extreme that some have proposed that “because most people believe that there are only ‘men’ and ‘women,’ transgendered people need to live as one or the other in order to avoid verbal and physical harassment.”⁵³ This environment of hostility has pushed “transgender” past a term of self-identification to a call for activism. Both in activist circles and in social science research, transgender people are those who experience oppression due to their nonnormative expression of gender, encompassing a range of gender identities.⁵⁴

For the purposes of this book, I will be relying on the definition of transgender provided by activist and scholar Dean Spade: “people who live their lives identifying as and expressing a different gender than the one assigned to them at birth.”⁵⁵ In the interest of full disclosure and in recognition that language is powerful, especially when used in institutions like academia, I do want to note that this is not the language I used in my call for participants. In my solicitation and outreach materials, I put out a call for self-identified trans people, including but not limited to transvestites, transsexuals, intersexuals, bigenders, genderqueers, and drag queens or kings. Rather than using one definition to ground my research, I offered examples of identities that fell under the transgender umbrella. My goal in this was to counteract the trend in many academic studies that only focus on transsexual people, leaving other transgender identities and experiences unexplored. I was especially interested in speaking with gender radicals who do not attempt to pass within the binary system and may even actively work to challenge or dismantle it as they may face greater discrimination because of their refusal to play the gender game. In the end, most of the people I spoke with did not identify in this

manner and I was unable to make that explicit analysis. However, my discussions with participants about the politics of passing and its relationship with discrimination started this conversation. I hope that subsequent research will take up this work and explore the relationship further.

My second purpose in using examples of transgender identities rather than one definition was to emphasize self-identity. I was aware of my position as a cisgender/non-trans researcher interviewing trans-identified people and the different power/privilege dynamic inherent in that relationship. Therefore, I wanted to create room for self-definition and self-explanation even in the initial stages of self-selection for the research. In hindsight, the identities I chose to feature as falling under the transgender umbrella failed to capture the true diversity of trans communities. Different terminology resonates with different people based on their race, class, geographical location, and relationship to the broader queer community. As Valentine finds in his ethnographic exploration of the term, “transgender” has little salience with communities of color and comes out of a white context.⁵⁶ I may have had greater success, for instance, in connecting with people of color on the trans masculine spectrum if I had included terms such as “stud,” “bulldagger,” or “AG” in my list of trans/gender non-conforming identities. As it was, I only interviewed two people of color for this book.

In his ethnography of transgender identities, Valentine also outlines the understanding of “transgender” as currently being ontologically different from sexual orientation.⁵⁷ The separation of gender identity and sexual orientation is fundamental in the current usage of “transgender.” Valentine challenges this separation arguing that for many trans-identified people, this separation is not salient. Going further, Valentine posits that transgender identities should not be limited to the realm of gender as people’s identities are infinitely complicated and cannot be compartmentalized. Transgender identities should not be examined solely for gender implications but also in the intersections of race, class, and sexuality. After all, this is how people experience their identity. Institutionalizing transgender as a gender identity only may alienate members of the transgender population who do not experience their identity as only gender or distinct from sexual orientation. Valentine expresses concern that the institutionalization of such a transgender definition would force disenfranchised or marginalized members of society to relearn their identity so that it conforms to how academia and community organizations are explaining it in order to access services. In effect, this view of transgender identities is recreating the hierarchies it was intended to dismantle.

Even though he recognizes the problems associated with the current use of “transgender,” Valentine also advocates that it is a useful term and should not be abandoned. I will follow his example and note that though the term is

limited and has a contentious definition, it is useful for the purposes of examining employment discrimination in this book. I will also follow Valentine's example of using "transgender" rather than "transgendered"; both terms appear within the literature and among members of the transgender community. In talking with transgender individuals, however, several requested that I not use transgendered as they find it offensive. I did not encounter the same resistance to the use of transgender. Therefore, even though the usage is inconsistent, I will use transgender throughout this book. Valentine made a similar decision: "I use 'transgender' both as a noun and adjective (as opposed to 'transgendered') following the usage of some informants who objected to the 'ed' suffix, arguing that 'transgendered' carries a similar (and negative) connotation to the construction 'colored' in speaking about people of color."⁵⁸

ABOUT THE PARTICIPANTS

For this book, I spoke with 20 participants from around the nation. In total 10 states plus the District of Columbia were represented: Michigan, Texas, Ohio, North Carolina, Maryland, Kentucky, Arizona, New York, and Nebraska. Of these localities, only D.C. has a trans-inclusive nondiscrimination law. Most interviews were conducted on the phone, a few were in-person, and one person opted to correspond anonymously via email. She lives in what some refer to as "stealth mode," meaning that most people in her life do not know about her trans identity. Therefore, she created an online identity for the purpose of our conversations.

Fourteen of the participants fall along the trans feminine spectrum and six along the trans masculine spectrum. The trans feminine spectrum encompasses those assigned a male gender at birth who currently identify with and express a more feminine gender. Other language used to refer to these identities include male-to-female or MTF. Correspondingly, the trans masculine spectrum refers to those assigned a female gender at birth who currently identify with and express a more masculine gender, also referred to as female-to-male or FTM. I have purposefully avoided referring to participants as male-to-female (MTF) or female-to-male (FTM) as I found that such language inadequately represents the gender of the people I spoke with. Furthermore, such identification tends to give more information on how society perceives and categorizes gender rather than how people experience their gender. Therefore, I follow the examples set forth by Serano⁵⁹ and Valentine⁶⁰ in avoiding the conflation of identity with direction of transition by using the language of spectrums. Furthermore, in referring to participants, I will identify them according to their self-definition when asked about their current gender

identity. Finally, there is disagreement in the literature on “transwoman” versus “trans woman.” Serano advocates the latter in her insistence that being transgender is only part of one’s identity and should be applied as any other adjective. Others, however, feel that being trans is integral to their identity. Participants fell into both camps. For those whose trans identity is integral to their self-definition, I will use the first example (transwoman and transman). For those who experience their trans identity as equivalent to other aspects of their identity marked by use of an adjective (race or background, sexuality, immigrant status, etc.), I will indicate that with a space (trans woman and trans man). When asked about their gender identity, three identify as transmen, one as trans female, and one as bigender, meaning that participant’s gender identity encompasses both man and woman and his/her gender presentation switches between masculine and feminine. The majority ($n = 11$) identify as a woman or female, three identify as male, and one simply stated “I’m just me” (Meghan). All participants were offered the option of using a pseudonym although many chose to use their actual names.

In terms of sexual orientation, the participants represented a diversity. Seven identified as straight, four as lesbian, four as bisexual, three as queer, one as asexual, and one as fluid. All sexual orientation identities apply to the participant’s current and affirmed gender identity. This question most frequently caused pause during the interviews. Especially for trans women who recently transitioned, their change in orientation was a new and often unexpected effect of their transition process. All four bisexual participants fall on the trans feminine spectrum while all three queer-identified people are transmen.

The participants represent a wide range of ages, from 21 to 67 ($M = 42$). Those falling along the trans masculine spectrum tended to be younger ($M = 28$) than those on the trans feminine spectrum ($M = 48$). Most participants identified as white or Caucasian ($n = 15$). Two claimed a primarily ethnic identity: Hispanic and South Asian. Two qualified their primary Caucasian identity with secondary ethnic identities such as Native American, Portuguese, and Lithuanian. One expressed discomfort with claiming an unspecified white identity and said he was Irish American.

Various career fields were also represented among the participants. For example, participants came from education, law enforcement, IT, retail, church-affiliated, and mechanic positions. Many of the participants are highly educated with seven holding or working toward a graduate-level degree in their field. Four have a bachelor’s degree, four have an associate’s degree, two have some college credit but no degree, one attended trade school, and one completed high school. Among the participants, there was an incredible range in terms of income level: \$0–200,000 ($M = \$52,000$).

LIMITATIONS

I purposefully chose to conduct semi-structured, open-ended interviews in gathering data for this book. The open-ended nature of the interviews “offers researchers access to people’s ideas, thoughts, and memories in their own words rather than in the words of the researcher.”⁶¹ As a feminist researcher, I engaged in self-disclosure and self-reflexivity as a part of the research process in order to disrupt the traditional power dynamics of researcher/participant relationships. Self-disclosure also helps to build trust and allows for greater rapport. This is an especially important component when there are class/race/gender differences between the researcher and her participants.⁶² In this instance, there was always a difference between the cisgender researcher and the transgender participants: gender identity. There were also sometimes race, class, and sexual orientation differences. The interviews, therefore, incorporated self-disclosure as I opened myself up for questioning by the participants both before and after the interview. I answered questions on the purpose of the study, why I am interested in the topic, and my identity.

I also engaged in self-reflexivity, paying attention to the role cisgender privilege played in how I framed questions and conducted the interview using Jacob Hales’ guidelines for non-transsexuals studying transsexuality.⁶³ I positioned myself as a learner rather than an expert, listening not only the participants’ stories but also their own analysis of their experiences.

As mentioned earlier, however, a more nuanced understanding of race and language would have perhaps resulted in a more racially diverse group of participants. The patterns and trends reported in this book around transgender workplace experiences are specific to the contexts of the participants’ lives. Their educational and class background as well as sexual orientation undoubtedly play a role. The lack of racial diversity is perhaps the most troubling as other researchers have found that “the experiences of FTMs of color is markedly different than that of their white counterparts, as they are becoming not just men but Black men, Latino men, or Asian men, categories that carry their own stereotypes.”⁶⁴

It is important to keep these limitations in mind while exploring the experiences reported in this book. After all, many trans advocates feel that a focus on nondiscrimination laws and policies does not address the specific needs of working-class trans people and transgender people of color.⁶⁵ According to Spade, nondiscrimination policies “do nothing to resolve issues like incarceration according to birth gender, the requirement of proving genital surgery in order to get birth certificate designation changed, or incorrect placement in gender-segregated facilities such as homeless shelters, group homes, bathrooms, and locker rooms.”⁶⁶ Discrimination in welfare and Medicaid offices and the ignorance of most lawyers about trans identities lead

many trans people to not seek these services. Instead they live in severe poverty, turning to the street economy for survival. This, in turn, often lands them in the criminal justice system, which is severely gender segregated. Dress codes can be problematic in public service institutions, such as foster care and welfare. As evidenced in *Doe v. Bell* (2003),⁶⁷ group homes may force trans youth to dress at odds with their gender identity. Spade also reports that “some are kicked off welfare because they fail to wear birth gender appropriate clothing to ‘job training’ programs.”⁶⁸ Advocacy that focuses on nondiscrimination rather than a deregulation of gender in these public service institutions ignores the fact that trans youth may decide not to apply to college out of fear their application would reveal their birth sex.⁶⁹ Furthermore, rather than focusing on direct services or assisting low-income transgender people to access medical care, LGBT organizations tend to focus on marital rights.⁷⁰ Race tends to be only discussed in the context of hate crimes and the lack of an FBI trans category to track statistical trends.⁷¹ According to GenderPAC’s *50 Under 30* report, 91 percent of the trans victims they examined were youth of color and most were low-income.⁷²

In previous medical definitions, access to legal recognition was premised on access to medical treatment, which has incredible class implications as to who can afford such treatment—not to mention that not all transgender people seek transition treatment.⁷³ Studies of discrimination support Valentine’s theory that transgender identities are not compartmentalized in the lived experiences of transgender people. According to Namaste, socioeconomic class often had a greater impact than gender identity on transgender people’s experiences of employment discrimination as those with job skills and security were more likely to transition on the job than lose their job.⁷⁴ Furthermore, in a survey of Asian Pacific American LGBT people, of five categories—race/ethnicity, immigrant/citizenship status, sexual orientation, sex/gender, and gender identity or expression—race/ethnicity “most heavily influenced the respondent’s daily lives.”⁷⁵

With this in mind, I note that although this book focuses mainly on nondiscrimination policies and laws, I acknowledge that this is only one strategy in a broad movement for greater economic justice. My initial focus on employment experiences comes from a belief that the most fundamental principles in achieving social justice are access to meaningful employment and control over one’s body. Furthermore, I feel that transgender workplace experiences offer a unique insight into these core principles and by including these experiences in employment discourse, our understanding of workplace dynamics will only be deepened. The recommendations in this book are only one piece of the puzzle in achieving justice for transgender communities. Passing nondiscrimination laws is one step and must be accompanied by a reworking of access to social and legal services without which transgender

people, especially transgender people of color, will continue to be plagued by economic insecurity. I also encourage subsequent research to take a hard look at the intersections of race, gender identities, workplace experiences and economic justice.