qualified and transgender

A report on results of resume testing for employment discrimination based on gender identity.



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About OHR

The District of Columbia Office of Human Rights (OHR) works to eradicate discrimination, increase equal opportunity and protect human rights for individuals who live in, work in, or visit the District of Columbia. The agency enforces local and federal human rights laws, including the DC Human Rights Act, by providing a legal process to those who believe they have been discriminated against. OHR also aims to end discrimination in the District through proactive policy and awareness initiatives, and by identifying and investigating practices that may be discriminatory. In addition, OHR oversees the Language Access Program and the Citywide Youth Bullying Prevention Program.

OHR has launched several ground-breaking initiatives intended to reduce discrimination against and improve the lives of transgender and gender non-conforming people in the District. In January 2015, OHR hired a fellow to conduct the resume testing that led to this report.



Transgender & Gender Identity Respect Campaign

The Transgender & Gender Identity Respect campaign, launched in 2012, was the first government-sponsored campaign in the nation to focus exclusively on challenging stereotypes and improving quality of life for transgender and gender non-conforming people. The campaign – which featured and told the stories of transgender and gender non-conforming people – appeared on bus shelters across the District, and received national and international media attention.



#SafeBathroomsDC

Although District regulations require all single-stall bathrooms in businesses and other public places to be gender-neutral, a number of businesses – usually because they are not aware of the law – fail to be compliant. OHR's #SafeBathroomsDC campaign disseminated a series of advertisements in 2014 that encouraged people to report non-compliant bathrooms via Twitter by tweeting the business name and using the hashtag #SafeBathroomsDC. OHR monitors Twitter and contacts the cited businesses to ensure they change their bathroom signage to become compliant. As of October 2015, more than 260 businesses have been reported, and the campaign is ongoing.



Mónica Palacio Director

A Note from the Director

The District of Columbia has led the country in the fight for ensuring lesbian, gay, bisexual, transgender and queer residents enjoy the full protection of civil rights laws. For members of the transgender and gender non-conforming community, however, fear of violence, lack of appropriate healthcare, and difficulties in obtaining official documentation are just a few of the injustices still faced on a daily basis in the District and across the nation. In my many conversations with the transgender and gender non-conforming community, the most predominant theme is discrimination that prevents individuals from achieving their full potential, especially discrimination in employment. The difficulty of finding employment – much of it due to discrimination – has led to chronic unemployment, with enormous consequences for the transgender and gender non-conforming community.

Individual stories about employment discrimination and the devastating impact on all involved were the catalysts for our agency initiating this testing project. Our goal was to better understand the levels of discrimination people face when they submit a job application that reveals their gender identity, and the results, as you will see, are truly worth our attention and resources. My agency will use this report to push for greater awareness of the barriers to employment for this community, and to signal to employers that discrimination based on gender identity or expression is unacceptable in the District.

Government can and will play an important role in furthering equality for transgender and gender non-conforming people, and the administration of Mayor Muriel Bowser is advancing policies that can help create pathways for individuals to reach the middle class. It is because of the government's commitment and the resilient spirit of the District's transgender and gender non-conforming community that I am optimistic we will see real change in the near future. I am excited to witness and help make that change, and I hope this report will be a tool in that important effort.

Sincerely,

Mónica Palacio

Executive Summary

This report presents the findings from the first government-run testing project in the nation¹ to analyze how employers respond to resumes from applicants perceived as transgender² compared with resumes of applicants perceived as cisgender³. Previous surveys and studies, as well as anecdotal stories, portray a grim reality for many transgender community members seeking employment, with discriminatory practices punctuating nearly every stage of the interview process. These high levels of employment discrimination – both in jurisdictions with and without employment protections based on gender identity or expression – have disastrous consequences for the transgender community.

As the enforcement agency for the District of Columbia's non-discrimination laws, which include protections based on gender identity or expression, the DC Office of Human Rights (OHR) conducted resume testing among District employers from February to July 2015. The findings show employers frequently offered interviews to less-qualified applicants perceived as cisgender over more-qualified applicants perceived as transgender. These results align with existing research indicating frequent discrimination during in-person interviews and in the workplace, and provide further evidence that government, the private sector and community organizations must develop comprehensive solutions to the issue of employment discrimination against transgender people.

KEY FINDINGS

Among the key findings in the testing project:

- **48 percent** of employers⁴ appeared to prefer at least one less-qualified applicant perceived as cisgender over a more-qualified applicant perceived as transgender.
- 33 percent of employers offered interviews to one or more less-qualified applicant(s) perceived as cisgender while not offering an interview to at least one of the more-qualified applicant(s) perceived as transgender.
- The applicant perceived as a **transgender man** with work experience at a **transgender advocacy organization** experienced the highest individual rate of discrimination.
- The **restaurant industry** had the highest percentage of responses perceived as discriminatory among the employment sectors tested, although the sample numbers are low and therefore not conclusive.

An anonymized review of testing results was completed by the OHR Director in October 2015, and enforcement actions will be initiated against employers in five tests in November 2015.

¹ It is possible other government-run resuming testing projects based on gender identity exist, but this is the first to be made publicly available to the best of our knowledge, as of November 2015.

² The report will use transgender as an umbrella term to refer to all non-cisgender gender identities and expressions, including gender non-conforming individuals.

³ Cisgender is a term used to describe people whose sex assigned at birth matches their perceived gender (ie, people who do not identify as transgender or gender non-conforming).

⁴ For determining rates of discrimination, only tests where one or more applicant(s) received a response were considered. This is in-line with best practices on correspondence testing and is discussed in more detail in the methodology section of this report.

Introduction

While the lives of transgender people are receiving increased attention in popular media and the national political dialogue, civil rights laws nationwide have been slow to catch-up. As of September 2015, only 18 states and the District of Columbia prohibit employment discrimination based on gender identity or expression, and surveys and anecdotal evidence indicate transgender and gender non-conforming people experience discrimination at alarming rates. Forty-seven percent of transgender and gender non-conforming respondents in a 2011 national survey reported being fired or denied a job or promotion because of their gender identity or expression," and the unemployment rate for transgender respondents was double the national unemployment rate.ⁱⁱⁱ Employment discrimination and unemployment have consistently been considered top concerns for the transgender community both nationally and in the District.

OHR undertook this effort to measure employment discrimination because it is a top concern for the community and because its impact is correlated with devastating and far-reaching effects on transgender people's lives. Employment discrimination can cause high rates of unemployment or underemployment, which can lead to homelessness and prevent individuals from accessing necessary healthcare. This discrimination can also force individuals into criminalized activities or criminalized economies for survival, which often leads to incarceration and criminal records that compound the challenges they face in finding employment. In a 2011 national survey, transgender people who experienced employment discrimination were more likely to have HIV, have been incarcerated, experienced homelessness, misused alcohol or drugs, and have attempted suicide. iv The importance of understanding and addressing employment discrimination against transgender people cannot be underestimated.

To measure employment discrimination against transgender people during the application phase, OHR tested and analyzed how employers responded to resumes from applicants perceived as transgender compared with resumes of applicants perceived as cisgender. The goal was to: (1) identify the extent of discrimination; (2) launch investigations into tested employers that may have favored cisgender applicants over transgender ones;

and (3) act as a deterrent against future discrimination by employers (given testing could be ongoing). As this report will show, employers in the District frequently offered interviews to less-qualified applicants perceived as cisgender over better-qualified applicants perceived as transgender.

This study focused on potential discrimination when a hiring manager reviews employment applications and resumes and perceives the applicant to be transgender based on past work experience, a name change or pronoun usage. However employment discrimination against the transgender community can take many forms. It can occur during the interview process if the person is perceived as transgender because of their personal appearance or voice, after accepting a position when management or coworkers become aware of their gender identity, or when an individual transitions at an existing job. While all areas deserve attention from civil rights enforcement agencies, this study focuses exclusively on the review of applications because most variables can be controlled and significant financial resources are required for other types of testing. It is likely discrimination occurs at even higher rates during the interview process and/or once a transgender person is in the workplace, and OHR encourages other enforcement agencies to conduct studies in these areas.

This report provides further evidence of the challenges transgender people face in securing employment, and can play an important role in future discussions on how to reduce employment discrimination against this community. It is important to remember that District civil rights laws prohibit discrimination based on gender identity or expression, and that transgender job seekers in jurisdictions without protections may experience even higher rates of discrimination. More information on the effects of employment discrimination on the transgender community can be found in the aforementioned National Gay and Lesbian Task Force and National Center for Transgender Equality survey report, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey."

Prior Research

Several employment discrimination testing projects were particularly informative in crafting this testing project, although most research is on employment discrimination based on sexual orientation, not gender identity.

Existing Sexual Orientation Research

András Tilcsik's 2005 study, one of the first large-scale, national correspondence tests on employment discrimination based on sexual orientation, used equally qualified applicants. Tester applications listed volunteer experience in campus gay pride organizations to signal sexual orientation, and control applications included volunteer involvement in a "leftist" organization to control for an employer who preferred or did not prefer political activism. While involvement in these groups was not mentioned in cover letters, the skills gained from the experience were linked to the job duties and required skills of the position to justify their inclusion. Tilcsik received an overall response rate of 9.35 percent after submitting 3,538 resumes for 1,769 job postings, and found tester applicants were about 40 percent less likely to receive an interview than equally qualified control applicants.

In 2012, the Equal Rights Center (ERC) and Freedom to Work completed a similar national correspondence test by sending 100 pairs of resumes to federal contractors, with the tester applications signaling sexual orientation through leadership in a lesbian, gay, bisexual and transgender (LGBT) organization. The control applications were matched with leadership in a feminist organization. This test differed from Tilcsik's in that cover letters were only sent when required by the employer, and the tester applications were designed to be more qualified, with higher GPAs and stronger work experience than the control applications. The study received a response rate of 17 percent, and found four tests in which the less-qualified control applicant received a call-back and the more-qualified tester application did not, leading to a discrimination rate of 23.5 percent. As a result of its testing project, Freedom to Work filed a civil rights suit against Exxon, an employer that allegedly discriminated against a tester application.

⁵ A correspondence test involves submitting pairs of similar resumes to an employer, where the only significant variation is the protected trait being studied. Responses to the various resumes can be measured, and variations in response attributed primarily to the protected trait.

⁶ Response rate was determined by the number of times he received at least one callback for a given job divided by the total number of jobs applied for.

Existing Gender Identity Research

The first publicly known correspondence test for employment discrimination based on gender identity was conducted by Nujavi Bardales, a California graduate student, in 2013. All applications were equally qualified, and gender identity was signaled twice in each tester resume: once through the applicant name and once through volunteer activities (Table 1 displays the variations between the tester and control applications). All 109 positions

TABLE 1: RESUME CHARACTERISTICS IN BARDALES TESTING

TREATMENT (TRANSGENDER)

CONTROL (CISGENDER)

Female-sounding preferred name with male-sounding legal name	Female-sounding name
Served as counselor for transgender group in college	Served as counselor for women's health group in college
Served as peer counselor for male-to-female peer counseling group	Served as peer counselor for young girls counseling and mentorship group

tested were located in urban areas in Texas, and only resumes (not cover letters) were sent to employers. The test's overall response rate was 37.6 percent, and Bardales calculated a statistically significant 31.7 percent level of discrimination against the tester applications.xi

The only known in-person employment test for gender identity discrimination was conducted in 2008 by Make the Road NY. In this test, matched-pair testers were sent to various retail stores in Manhattan to apply for positions. While cisgender testers received 11 job offers from the

24 employers tested, transgender testers received only two offers. In only one case was a transgender tester hired and the cisgender tester not hired. The discrimination rate against the transgender applicants was calculated at 42 percent, xii and Make the Road NY filed two lawsuits as a result of the tests. Notably, the transgender testers reported that employers generally did not make blatant discriminatory comments, making it difficult for actual applicants to identify when discrimination might be a factor in hiring decisions. xiii

Testing Methodology

OHR tested for discrimination based on gender identity using a correspondence test across the following employment sectors: universities, grocery stores, hotels, retail stores, restaurants, and a random sampling of administrative jobs posted on DCjobs.com.7 The test built on the methodological strategies used by the ERC's correspondence test on sexual orientation and Bardales' correspondence test on gender identity. The correspondence test used four applications for each job tested, with two applications signaling the applicant was transgender or gender non-conforming (the tester applications), and two applications without indicators signaling a particular gender identity (the control applications). The tester applicants were constructed to be more-qualified than control applications by having higher GPAs, more work experience, and having attended colleges that were ranked higher than or equal to the colleges the control applicants attended.8 While the tester and control applications varied slightly in other respects to avoid detection, differences were controlled for as much as possible. Therefore, when a control applicant received a callback but a tester applicant did not, it could be inferred that discrimination based on gender identity was likely.

Creating Applicant Profiles

Previous correspondence tests have shown discrimination based on race, ethnicity and age, and therefore researchers note the importance of controlling for race^{xiv}, ethnicity^{xvi} and age^{xvii xviii} when testing for other traits

- 7 Tested employers were chosen by an independent consultant searching for open positions in the District of Columbia that appeared to fall under OHR's jurisdiction. DC government jobs were not tested because the initial application review is computerized and a response required before applications are reviewed by personnel.
- 8 In its manual "Employment Testing for Civil Rights Enforcement," the Legal Assistance Foundation of Chicago (LAFC) notes that correspondence testing for research purposes alone should use equally qualified applicants so responses to tester applications versus control applications can be tested for statistical significance. Correspondence testing for enforcement purposes, however, requires tester applicants that are slightly more qualified than control applicants. When the less-qualified control application receives a callback from employers but the more-qualified tester application does not, enforcement action is possible.

to ensure the variable trait (ie, gender identity) can be isolated as the influencing factor. Therefore research suggests signaling that all fictitious applicants are white and young, both to elicit a high response rate (and thus more tests with usable data), and to control for discrimination against protected traits that are not the subject of the test. This can be done through careful use of names, educational backgrounds, and addresses.

In this study, all applicants were given Anglo-American names to control for race and ethnicity, and were assigned addresses in the racially diverse DC neighborhood of Petworth to control for discrimination based on perceived race or place of residence. All applicants were listed as having graduated from local community colleges and universities, and all between the years of 2009 and 2012 to control for perceived age. Additionally, each applicant was assigned an email address and a local phone number so responses from potential employers could be documented.

Making Tester Applications More Qualified

All applicants met minimum requirements for the positions, however tester applications were assigned one to two more years of work experience and/or .1 to .3 higher GPAs than the control applications. The tester applications (cover letter and resume) were written first and used as models for the control applications to ensure all applications included key words from the job posting. The writing style and quality of cover letters were consistent across all applications, but tester resumes were more visually appealing and better organized than control resumes.

Community colleges used were the University of the District of Columbia, Northern Virginia Community College, and Montgomery College (in Rockville, MD). To ensure tester applicants were designated as more qualified, they were listed as attending the higher-ranked community colleges, alternating between Northern Virginia Community College and Montgomery College.¹⁰ The

- 9 Applicants were not listed as attending private four-year universities within the District because those universities were among the employers tested.
- 10 According to State University Community College Rankings in April 2015, Northern Virginia Community College and Montgomery College were both listed within the top 500 ranked community colleges, whereas the University

control applicants were listed as having attended any of the three community colleges. When control applications listed the highest-ranked community colleges, the tester applications listed University of Maryland or Virginia Tech, which ranked higher than any of the community colleges.¹¹ For job postings that required more than a community college degree, attendance at these two universities was rotated among all the applicants to ensure both control and tester applicants met the minimum qualifications.

Signaling Gender Identity

Four different gender identity signals were developed for use on tester resumes and cover letters. Two disclosure methods involved reference to the applicant's current or former legal name, using names that are commonly associated with a specific gender (as done in Bardales' test). For Mary Fitzgerald, a transgender woman applicant, her legal name of Mark was put in parenthesis at the top of her resume and cover letter. For Ryan Scott, a transgender man, his former legal name was listed on his resume as "Worked under my former legal name, Clara Scott." This acknowledgement was placed in the previous work history section and was listed directly below the name of his previous employer in bold and/ or highlighted script. His cover letter also mentioned he worked at a previous position under his former legal name, Clara Scott.

The other two tester applications signaled gender identity through work or volunteer history. Chris Reynolds, a transgender male applicant, listed employment at the National Center for Transgender Equality (NCTE) in his resume. In his cover letter, when describing his work at this position, it was stated he used his skills to support his "personal passion for the cause of transgender rights" to emphasize his personal stake in transgender advocacy and further signal his gender identity. For each job applied to, a position at NCTE was chosen demonstrating specific skills and work experiences required for the opening to justify its inclusion on the resume. This was meant to mitigate any employer bias against the applicant for being "overly political" by "needlessly" highlighting his gender identity, a concern raised by Tilcsik.¹²

of the District of Columbia was not. Northern Virginia Community College was ranked at 210 and Montgomery College at 436.

- 11 In April 2015 US News and World Report ranked the University of Maryland at 62 and Virginia Tech at 71.
- 12 As Tilcsik points out in his study, this could lead to discrimination on the grounds of political activism rather

Skylar Richardson, the only gender non-conforming applicant, had a resume listing volunteer experience as a Gender Non-Conforming Support Group Counselor at the Transgender Education Association (a local transgender education and support organization), where they "organize events and serve as a peer counselor for other genderqueer and gender non-conforming individuals." The same language and volunteer experience was included in their cover letter, along with a sentence at the end stating, "Please note that I prefer to be referred to by gender-neutral pronouns (e.g. "they," "them," and "theirs")."

For tester applications in which gender identity was conveyed through employment or volunteer work, control applications were assigned similar employment or volunteer work at organizations that were not focused on LGBT advocacy (such as food banks and animal rescue organizations).

Grouping Applications

Two tester applications and two control applications were sent to each job posting tested. Each group of four applications consisted of one tester application with gender identity conveyed through the applicant's current or former legal name and one tester application with gender identity conveyed through the applicant's work or volunteer history. This method was used to test not just gender identity discrimination, but also which mechanism of disclosure, if any, led to higher rates of discrimination. Furthermore, as Bardales noted in his study, it is difficult to know if the average employer understands the ways transgender identity is signaled. Sending both signals to each employer increased the likelihood that employers would identify as least one tester application as belonging to a transgender or gender non-conforming person. While sending both signals in the same application (former name and work history, for example) would also have had this effect, the risk of being exposed as a test may have increased.

Employers were sent one of two groups of applications as seen in Table 2. Sample cover letters and resumes can be found in the Appendix.

than gender identity. By emphasizing the transgender applicant's role in the organization as essential training for their ability to perform the job applied for, rather than having them perform a trivial role and emphasizing the organization's political aims, bias based on political activism was mitigated.

TABLE 2: APPLICATION GROUPS SENT TO EMPLOYERS

GROUP 1					
APPLICANT	FIRST NAME	GENDER AND GENDER IDENTITY	GENDER IDENTITY SIGNAL ON RESUME	GENDER IDENTITY SIGNAL IN COVER LETTER	
А	Mary	Transgender Woman	Current and legal name on top of resume	Current and legal name used in cover letter and signature	
В	Chris	Transgender Man	Work experience at transgender organization	Stated he used his skills to support passion for transgender rights	
С	Susan	Cisgender Woman	N/A	N/A	
D	Thomas	Cisgender Man	N/A	N/A	

GROUP 2					
APPLICANT	FIRST NAME	GENDER AND GENDER IDENTITY	GENDER IDENTITY SIGNAL ON RESUME	GENDER IDENTITY SIGNAL IN COVER LETTER	
E	Skylar	Gender Non- Conforming Person	Volunteer experience at transgender organization as gender non-conforming support group counselor	Volunteer experience as counselor and stated preference for gender- neutral pronouns	
F	Ryan	Transgender Man	Former name listed in work history	Stated he used former name in previous work experience	
G	Sean	Cisgender Man	N/A	N/A	
Н	Sarah	Cisgender Woman	N/A	N/A	

Submitting the Applications

Only recently posted jobs were applied to in an effort to submit all four applications before the job posting closed. For positions at large companies, tester applications were sent one day apart and both control applications were sent the next day. For job positions at small organizations or departments where a relatively small number of applicants was likely, one tester application was sent, followed two days later by the second tester application. Both control applications were sent one day after the second tester application was sent, several hours apart.¹³ Sending both tester applications before control applications ensured employers could not claim

tester applications were sent too late. No replies to employers were sent, nor did applicants have any contact with employers except to submit their applications, with one exception. This was done in order to standardize the tests and control for traits that can sometimes be identified by voice (such as gender identity, race, etc.). The one exception was in the case of one employer who contacted all applicants numerous times. All responses from employers were logged, including date of the response, method of communication, type of response, and whether the employer made reference to the applicant's gender identity.

¹³ Tester applications were spaced two day apart in an attempt to avoid the test being detected, as receiving two applications from identifiable transgender applicants is probably a rare occurrence in small organizations, and receiving them back-to-back even more so.

¹⁴ In this case, one email response was sent from the transgender woman to see if the employer would continue to offer her an interview after receiving the control applications. The employer did continue to offer the tester an interview, and was counted as a test where no discrimination was found.

Building Resumes

Resumes and cover letters were of high-quality to encourage a high response rate. Posted job requirements and duties were reworded and included in the applications so employers understood the requirements were met. Applicants' previous work experience was also similar to the position being applied for. For instance, open positions at universities often listed that previous experience in a similar position in an academic environment was desirable but not required. In these instances, all applicants were listed as holding similar positions at other local universities. Additionally, cover letters were submitted with each application, regardless of whether they were required for the position.

For open positions with required qualifications that could not be fulfilled through work history at a single job (such as when both event planning and administrative work experience were required), two different jobs were listed to cover all necessary qualifications. Similarly, for tester

TABLE 3: COMPLETED TESTS

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SECTOR TESTED	POSITIONS TESTED (NUMBER)	EMPLOYERS TESTED (NUMBER)	APPLICATIONS SENT (NUMBER)
TOTAL	50	38	200
Universities	10	5	40
Grocery	2	2	8
Hotels	4	4	16
Retail	4	4	16
Restaurants	11	4	44
Administrative (DCjobs.com)	19	19	76

applications that signaled gender identity through work or volunteer experience, including the necessary qualifications for a given job posting sometimes required adding an additional position in their work histories. In these cases, control applications were given prior positions at two places, one based in the work sector desired and the other at a food bank. For job postings in which length of work experience was listed as a significant qualifying factor, all applications listed just one long-term position that was similar to the advertised position. No applicant had a gap in employment, either between positions or after college graduation.

Employers Tested

Tests were conducted across a wide range of employers and sectors, with a focus on entry-level positions, given employers are more likely to hire from outside their company for those positions. Universities were the first sector tested given they are the largest employer in the District (with the exception of federal entities, which OHR does not have jurisdiction over). Two positions were applied for at each university tested (using a different applicant group for each position).

Employers were also tested in four lower-paying sectors: grocery, hotel, retail, and restaurant. Grocery stores and restaurant chains proved difficult to test as many required in-person applications or valid Social Security numbers. Due to this limitation, only two local grocery chains were tested. Many restaurant chains did not allow applicants to provide their preferred names in addition to their legal names through the online application form, but the additional application materials still included this information. Lastly, a random sampling of administrative positions posted recently on DCjobs.com was tested. Positions were selected in the order they were posted as long as the employer appeared to be under OHR's jurisdiction. The administrative sector was chosen because it is generally an entry-level sector.

Across the sectors, some positions closed before all applications could be submitted. Only tests with all four applications successfully submitted were considered in the findings (see Table 3).

Findings

Response Rate

In 21 of the 50 completed tests shown in Table 3, at least one applicant received an interview offer, for an overall response rate of 42 percent. Applicant Group One received at least one interview offer in 13 tests, and Applicant Group Two received at least one interview offer in eight tests. Only tests that received at least one interview offer were considered in the analysis (hereafter referred to as "successful tests").¹⁵

Overall Discrimination Rate

In 10 of the 21 successful tests, employers appeared to prefer at least one less-qualified applicant perceived as cisgender over a more-qualified applicant perceived as transgender, indicating a **discrimination rate of 48 percent** (see Table 4).¹⁶ As Table 5 shows, a test was marked as discriminatory when an applicant perceived as cisgender received an interview offer and one or more of the applicants perceived as transgender did not, or when an applicant perceived as transgender was contacted significantly later (11 - 18 days) than an applicant perceived as cisgender.¹⁷ Even without marking as discriminatory tests where an employer contacted the tester applicant much later, **33 percent of employers**

- 15 Although some researchers have argued non-responses to both resumes should be counted as fair treatment, the majority agree non-responses should be set aside as the lack of response could be due to many unobservable factors such as hiring an internal candidate, termination of hiring, fluctuations in the labor market, etc. Accordingly, the standard treatment of non-responses to both resumes is to remove them from the calculation of potential discrimination.
- 16 Discrimination rate calculated as the number of tests indicating potential discrimination divided by the number of successful tests.
- 17 Applicants perceived as cisgender that were contacted well before applicants perceived as transgender were presumably the preferred applicants. In real-life situations in which the preferred applicants continued to engage in the application process (unlike in these tests, in which the applicants did not respond to any communications from employers), the last applicant may never have received a request for an interview.

in successful tests offered interviews to one or more less-qualified applicants perceived as cisgender while not offering an interview to a more-qualified applicant perceived as transgender. These findings suggest a high rate of discrimination based on gender identity during the initial application stage that is on par with the employment discrimination rate self-reported by transgender individuals across the nation.

Discrimination Rate by Gender and Signaling Method

The transgender man with work experience at a transgender advocacy organization (applicant B) received the highest individual rate of discrimination at 69 percent of successful tests in which his application was included, as seen in Table 6. The transgender woman who included her current and legal name on the resume (applicant A) had an individual discrimination rate of 15 percent, and the gender non-conforming person with volunteer experience at a transgender organization and instructions on pronoun usage (applicant E) had an individual discrimination rate of 12.5 percent. The transgender man whose former name was included in his work experience (applicant F) was not discriminated against in any successful tests.

There could be several explanations for the wide variation among the individual rates of discrimination: (1) employers may have missed or misunderstood the gender identity signals used for certain applicants; (2) employers may have preferred certain genders or gender identities; (3) employers may be less likely to hire individuals with work experience in the transgender movement. Further research is needed to determine the cause(s) of the variation in individual rates of discrimination.

Discrimination Rate by Sector

There appeared to be discrimination in 67 percent of successful tests at restaurants, making it the sector with the highest rate of discrimination. Additionally, 50 percent of successful tests in the administrative and retail sectors appeared to be discriminatory. It's important to note that because of the small sample size, it is difficult to determine whether the trend in sectors would be similar in a larger study.

TABLE 4: INTERVIEW OFFERS AND POTENTIAL DISCRIMINATION

SECTOR TESTED	TESTS RECEIVING INTERVIEW OFFER	TESTS INDICATING POTENTIAL DISCRIMINATION	DISCRIMINATION RATE
TOTAL	21	10	48%
Universities	3	1	33%
Grocery	0	0	N/A
Hotels	2	0	0%
Retail	2	1	50%
Restaurants	6	4	67%
Administrative (DCjobs.com)	8	4	50%

TABLE 5: TESTS INDICATING POTENTIAL DISCRIMINATION BY SCENARIO

SCENARIO INDICATING POTENTIAL DISCRIMINATION	NUMBER OF TIMES SCENARIO OCCURRED	APPLICANTS SUBJECTED TO POTENTIAL DISCRIMINATION	SECTOR(S) OF POTENTIAL DISCRIMINATION
2 cisgender applicants and 0 transgender applicants invited to interview	1	A and B	Administrative
1 cisgender applicant and 0 transgender applicants invited to interview	1	A and B	Restaurant
		E	University
2 cisgender applicants and 1 transgender applicant invited to interview	3	В	Restaurant
		В	Administrative
1 cisgender applicant and 1 transgender applicant	2	В	Retail
invited to interview		В	Restaurant
2 cisgender applicants received an invitation to		В	Restaurant
interview significantly earlier (11 – 18 days) than	3	В	Administrative
1 transgender applicant		В	Administrative

TABLE 6: TESTS INDICATING POTENTIAL DISCRIMINATION BY APPLICANT

APPLICANT	GENDER AND GENDER IDENTITY	GENDER IDENTITY SIGNAL ON RESUME	GENDER IDENTITY SIGNAL IN COVER LETTER	DISCRIMINATION RATE BY APPLICANT
А	Transgender Woman	Current and legal name on top of resume	Current and legal name used in cover letter and signature	15% (2 tests indicating discrimination, 13 successful tests)
В	Transgender Man	Work experience at transgender organization	Stated use of skills to support passion for transgender rights	69% (9 tests indicating discrimination, 13 successful tests)
E	Gender Non- Conforming Person	Volunteer experience at transgender organization as gender non-conforming support group counselor	Volunteer experience as counselor and stated preference for gender- neutral pronouns	12.5% (1 test indicating discrimination, 8 successful tests)
F	Transgender Man	Former name listed in work history	Stated he used former name in previous work experience	0% 0 tests indicating discrimination, 8 successful tests)

Conclusion

"Statistical and anecdotal evidence tells us transgender and gender non-conforming people are experiencing employment discrimination at very high rates, and this testing project confirms that unfortunate truth. It's vital that government, the business community and advocates work together to end this chronic injustice." — Mónica Palacio, Director

While the rate of discrimination uncovered in this report is high (and unacceptable), the actual employment discrimination rate against transgender people is likely higher – perhaps substantially so. The tester applicants used in this study were perceived as white and young, and it is documented that transgender applicants of color and older transgender applicants experience higher rates of discrimination. Applicants were also well-educated with no gaps in their employment history; both accomplishments that are often unrealistic for a community commonly discriminated against not just in employment but also in other sectors such as schools and housing. Furthermore, this study only tested employers in the District, a jurisdiction which expressly prohibits employment discrimination based on gender identity or expression, unlike the majority of jurisdictions in the nation. In short: OHR's tester applicants were privileged in all areas except for their perceived gender identity, and still faced high rates of discrimination.

Despite the high discrimination rate revealed in this report and surveys indicating disturbing levels of employment discrimination against the transgender community, OHR receives only a handful of employment discrimination cases based on gender identity or expression each year. While multiple factors contribute to so few cases being filed – including distrust of government and unfamiliarity with enforcement processes – perhaps the most significant is an inability to clearly identify discrimination when an applicant is denied an interview or job offer. Applicants are often deterred from filing complaints for suspected discrimination because they have "little or no information regarding the applicant pool, which person got the job, or why they were not hired." xix

This knowledge gap speaks to the importance of enforcement agencies conducting testing in underreported areas and for initiating enforcement actions when discrimination is found. Additionally, testing informs policymakers and the general public of the magnitude of discrimination against the protected class, and encourages employers to take proactive steps to eliminate discrimination from their hiring practices in case of future testing. This fulfills civil rights enforcement agencies' dual role of educating the public on discriminatory hiring practices and preventing discrimination by encouraging employers to minimize the effects of conscious or unconscious bias in their hiring practices.

OHR hopes this report encourages other enforcement agencies to focus attention on discrimination based on gender identity or expression, and to conduct testing that further informs government and policymakers of the challenges transgender people face. OHR also commends the District's transgender community for its advocacy, courage and optimism, as it works to create a more just city and nation.

November 2015, District of Columbia

About the Project Coordinator

Ari Pomerantz has worked for years as a transgender advocate, organizing with and helping to support transgender people, many of whom are experiencing houselessness, incarceration, and/or navigating government systems as HIV positive individuals. Ari grew up in Washington, DC and moved home after college to work at Transgender Health Empowerment at the Tyra Hunter Drop-in Center, assisting in facilitating groups and helping transgender people fill out job applications at the center. Ari worked with LGBTQ youth at SMYAL (Supporting and Mentoring Youth Advocates), collaboratively developing and running a political education and community organizing program focused on combatting the structural forces that lead to LGBTQ homelessness and shelter discrimination in the city. Most recently, Ari worked as a peer educator and advocate at HIPS (Helping Individual People Survive). While there, Ari worked as an advocate in medical appointments, helping to ensure that HIV positive trans people who are houseless, and/or returning from incarceration are able to access high quality and affirming medical care.

Note from the Project Coordinator

"I initially joined this project because I've seen and heard countless experiences from friends and people in my community about the many ways we experience employment discrimination. From stories of friends submitting timely applications for open positions, who are then told when they show up for an interview that the position is already taken (despite evidence to the contrary), to stories of friends being told the employer does not hire "people like you" or that they would have to dress in inappropriately gendered clothing to work there.

Throughout this process, I was reminded that this report supports our own knowledge of the extreme injustice we face when looking for work to support ourselves and thrive, but that it cannot document the many ways we as transgender people are more than the discrimination we face. We are not solely victims, but agents of change and decision makers in our own lives. While our numbers of reported discrimination cases at OHR may appear low, that is not due to any lack of self-advocacy. We argue, we sue, we complain, document discrimination, work together to support each other, and find ways to heal from injustice. We give advice to one another on how and where to find work and

get help with job training. We discuss issues of job discrimination and organize ourselves to advocate for change.

I hope this study will be put to use as a vital step in making sure all trans people have access to dignified and sustaining employment in the city. We need to build from our trans communities' own leadership, ideas and knowledge about creating comprehensive work opportunities and put resources into the welfare and social programs that support us in combatting all the negative consequences of poverty and under/unemployment. OHR provides free access to legal help to fight transgender discrimination in the city, and I hope that through this incredible work – in addition to equal access to well-funded supportive programs and the creative development of long term, living wage jobs for transgender people - our city will be a place that supports the wellbeing and economic abundance of all transgender people here."

Endnotes

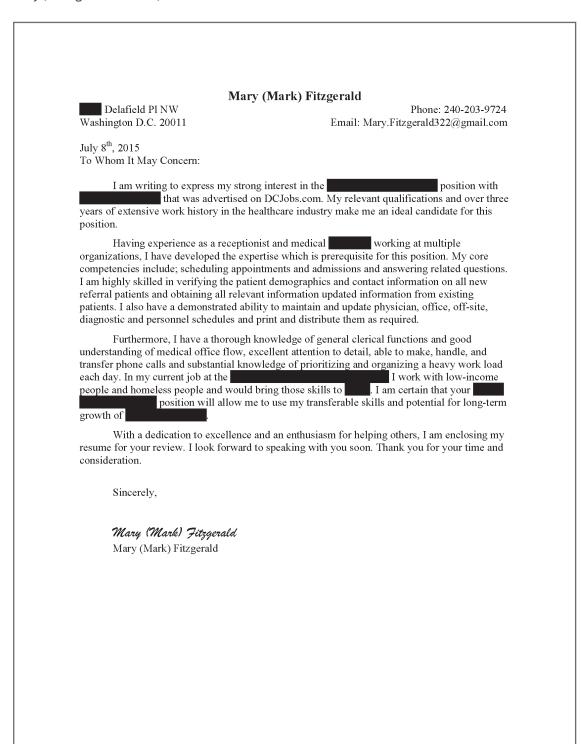
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Appendix

Group 1, Applicant A: Sample Cover Letter

Mary (Transgender Woman)



Group 1, Applicant A: Sample Resume

Mary (Transgender Woman)

Mary Fitzgerald (Legal Name: Mark Fitzgerald)

Contact: Phone: 240-203-9724

Email: Mary.Fitzgerald322@gmail.com

Address: Delafield Pl NW Washington D.C. 20011

Education: B.A. Communications Major

Virginia Tech, Blacksburg Virginia Graduation: 2010, GPA: 3.8

Experience: , Washington D.C.

Medical May 2011-Today

- Monitor and update all patient scheduling in coordination with physicians.
- · Meet and greet all patients professionally and courteously.
- Respond to and resolve all patient service requests and inform patients of clinic protocols
- Coordinate appointment schedules with all relevant facility departments.
- Monitor all medical callbacks and responsible for answering and directing all
 calls.
- Scan and store all patient insurance documents and medical history records with accuracy and confidentiality.
- Register new patients and continuously update patient contact, demographic, and other information

Zip Car, Washington D.C.

Receptionist

May 2010-May 2011

- Interacted well with the public.
- Handled delicate situations, such as customer requests, special needs and complaints.
- Performed basic customer service functions such as answering and directing calls.
- Coordinated maintenance of the front desk reception area equipment, furniture, lighting, applications and brochures.
- Maintained a neat, tidy and pleasant appearance of the reception area.
- · Received and distributed faxes and mail in a timely manner.
- Scheduled meetings and appointments and updated office calendars.

Skills: Microsoft Word, Excel, Outlook, and PowerPoint. Windows as well as Mac.

Typing Speed: 70 WPM. desktop. Bilingual Spanish/English.

Protective of sensitive and confidential firm information.

Group 1, Applicant B: Sample Cover Letter

Chris (Transgender Man)

Chris Reynolds

Emerson St NW Washington, DC 20011 Email/Phone Reynolds.T.Chris@gmail.com/ (443) 297-9814

July 13th, 2015 Dear Management at

I recently came across your advertisement for a through the listed requirements and believe that my professional qualifications, work experience, and career aspirations make me a good candidate for the job. My resume is attached with this cover letter for your perusal.

I have four years of experience as a medical been associated with the Hospital. At my current job I am responsible for carrying out various administrative tasks. My key job responsibilities include, among others, the following:

- Scheduling appointments
- Attending phone calls
- Greeting visitors/patients and directing them to the appropriate room/floor
- · Handling various queries
- Making necessary entries of patient demographic and contact information in the data management software

In my current job, I have successfully demonstrated, and received appreciation for, the following skills:

- Problem solving skills
- Effective communication skills, both verbal and written
- · Decision making skills
- Ability to multitask
- Time management skills
- Computer skills
- · Working with homeless and underserved populations

Lastly, I have prior experience as a receptionist for the National Center for Transgender Equality where I demonstrated my ability to direct visitors and calls. I put these skills to use for my personal passion for the cause of transgender rights and equality.

An eye for detail, good memory, and a passion to serve customers to the best of my ability has helped me excel in my role. I aim to further hone my skills by becoming a part of your big setup, and believe my present skill sets will allow me to make a positive contribution to your operations. You can find more information about my academic qualifications and professional work experience in my resume. I hope a look at my resume will convince you to give me a chance to meet you and discuss my application further.

Sincerely,

Chris Reynolds

Group 1, Applicant B: Sample Resume

Chris (Transgender Man)

Chris Reynolds

Reynolds.T.Chris@gmail.com ___(443) 297-9814

Residence: Emerson St NW DC 20011

EDUCATION

University of Maryland: B.A. Major: Business Operations. Graduation: 2010 GPA: 3.8

WORK HISTORY

Hospital, Medical

from September

2011-Present, Washington, D.C.

- o Schedule the time and exams for patients
- o Perform registration procedures
- Enter information in system for appointment scheduling, rescheduling and cancellation
- o Perform pre-registration, faxes report, scan documents and punch clinical data
- Handle customer service associated requests, communicate preparations and handle call backs
- o Coordinate legal records requests and perform a variety of other clerical tasks
- O Answer incoming calls in a polite and expert manner
- Place calls to referring physicians for patients expressing complexity with scheduling
- o Identify patients with particular needs and solve problems accordingly
- Update account information including demographics and contact info at the point of scheduling
- Fax and scan documents

National Center for Transgender Equality, Receptionist from September 2010-September 2011, Washington, D.C.

- o Field and screened calls, specifically monitoring conference call phone lines
- Assured quality customer relations by receiving and directing visitors, responding to visitor inquiries
- O Created and filed departmental materials, including spreadsheets
- Tracked inventory and storage, completing preventive equipment maintenance requirements, calling for repairs
- o Updated staff calendars and set up appointments

Group 1, Applicant C: Sample Cover Letter

Susan (Cisgender Woman)

Susan Ackerman Address, Kansas Ave NW DC 20010 Phone: 703 672-0364 Email: Susan.Q. Ackerman@gmail.com July 13th, 2015 Dear position being offered by your medical When I first heard about the center I was very excited. This would be the perfect job for me because it coincides with my education and training. I have 3 years of experience in the medical field and would greatly appreciate the opportunity to further my career by becoming a member of your staff at Here is a summary of what qualifications I have to offer in this field. I have experience: • Making new and follow-up appointments for patients. Setting up and scheduling staff meetings. Handling problems as they arise in a fast, efficient and professional manner. Some of the problems I've dealt with include irate patients and ones needing to be worked in or patients coming in late for their appointments. Working with the homeless population as well as people of color and low-income populations. In performing basic office duties such as filing, answering telephones and greeting Updating and inputting demographic and contact information for clients My experience includes maintaining patient records, upholding confidentiality, and building good relationships between Hospital and patients. My team-orientated and positive attitude will surely make me a valued member of your organization. Please contact me at 703 672-0364, or email me at Susan.Q.Ackerman@gmail.com to set up an interview in which we can talk more about my background and experience. This way you can determine if I have the qualities you're seeking in an employee. Sincerely, Susan Ackerman

Group 1, Applicant C: Sample Resume

Susan (Cisgender Woman)

Susan Ackerman

Email: Susan.Q.Ackerman@gmail.com

Phone: (703) 672-0364

Address: Kansas Ave NW, Washington, DC 20010

I am a Medical professional with more than 5 years of experience; adept at working in fastpaced environments demanding strong organization, efficiency, and interpersonal skills; committed to exceptional customer service and driven by challenges; detail-orientated, resourceful and able to multitask effectively.

Education

B.A. Major in Communications, 2012. GPA: 3.7, University of Maryland

Employment Overview

Hospital (Washington D.C.), Medical

June 2013 - Present

Washington Humane Society (Washington, DC), Receptionist, September 2012 – June 2013

Responsibilities

As Medical at Hospital

Assist with clinician training in coordination with human resources staff. Maintain and update all computerized client appointment schedules on a regular basis. Foster and sustain strong professional relationships with staff, clients and their families. Provide phone and clerical assistance to front office staff. Address all client questions and issues completely and efficiently. Register new patients. Input contact and demographic information and routinely update.

As Receptionist at Washington Humane Society

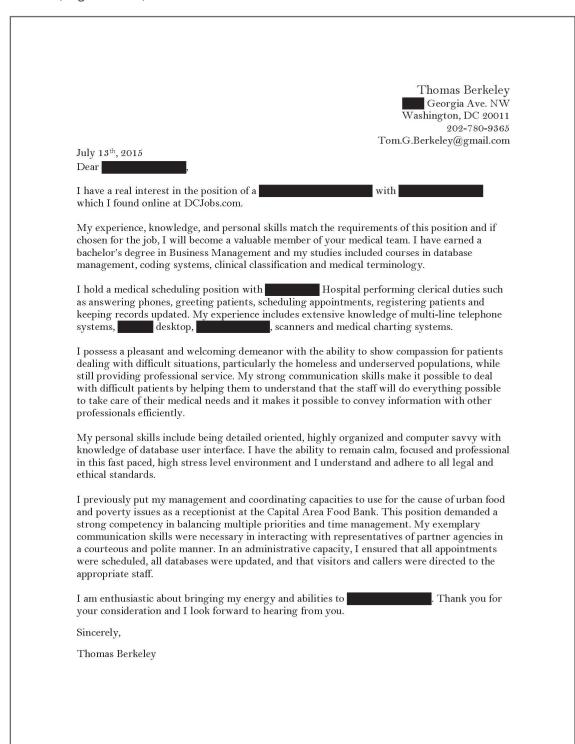
Answered, screened and directed inbound phone calls. Received and assisted clients and escorted them to correct destinations; offices, rooms or meeting rooms. Performed general secretarial duties, including – meeting scheduling, appointment set up, faxing and mailing. Took verbal and written messages and transmitted them to exact person/destination. Received and sorted mail, email, and electronic deliveries.

Skills

Microsoft Office Suite, desktop, and Outlook. Exceptional communication, English and Spanish bilingual capabilities.

Group 1, Applicant D: Sample Cover Letter

Thomas (Cisgender Man)



Group 1, Applicant D: Sample Resume

Thomas (Cisgender Man)

Thomas Berkeley Email: Tom.G.Berkeley@gmail.com Phone: (202) 780-9365 Georgia Ave. NW, Washington, DC 20011 Address: Objective Seeking a position as a with utilizing excellent customer care skills, scheduling abilities, and experience in the medical field to ensure the facility's success. Education B.A., Major in Management, 2011, GPA: 3.6 Virginia Tech, Blacksburg, V.A. Work Experience Hospital @ Washington, D.C. Office, 2012-Present I schedule, confirm, and reschedule patient appointments. I answer calls, take messages, and route to suitable staff. I verify client demographic, contact, and insurance information. I register new clients. I record changes to make sure patients are registered under their present health plan. I update provider program and availability. I communicate and interact with all departments effectively and competently. I maintain the patient privacy policy. Capital Area Food Bank @ Washington, D.C., Receptionist, 2011-2012 I interacted with representatives of partner agencies in a courteous and polite manner through the phone. I coordinated and maintained delivery and distribution schedules. I updated and filed partner agency data in all relevant databases and files. I updated staff calendars. I directed visitors to the appropriate staff members. I booked and organized appointment and meetings. I was in charge of replenishing all office supplies and maintain faxes, scanners, and printers and scheduled repairs as necessary. **Technical Qualifications** Microsoft Office Suite: Word, Excel, Power Point, Outlook. desktop, Familiar with a variety of operating systems, including Microsoft Windows, PC, and Mac. **Additional Qualifications** Strong command of English language and bilingual in Spanish. Quick learner and improver of policy procedures and aware of the need to retain confidentiality. Excellent interpersonal skills. On-time, committed, and flexible. Analytical and problem solving skills.

DISTRICT OF COLUMBIA OFFICE OF HUMAN RIGHTS

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