

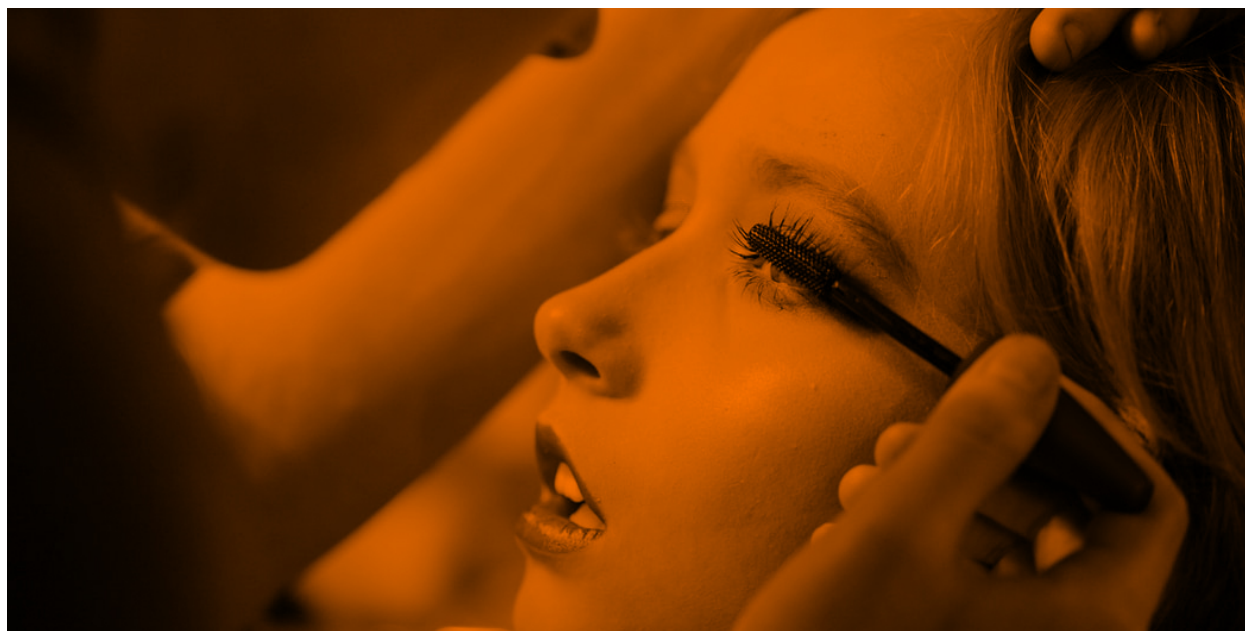
The work of trans inclusion

A case study of Amazon's Trans-Affirmative Action Program on the set of *Transparent*

By Bretton Fosbrook and Sarah Kaplan

Introduction

Responding to a rising tide of visibility and acceptance of trans and gender nonconforming people, organizations have begun to acknowledge the discrimination trans people face at work.¹ The 2015 U.S. Transgender Survey found the unemployment rate for transgender people to be three times higher than the general workforce in the United States, and four times higher for transgender people of color.² For employed transgender people surveyed, researchers found more than three-quarters experienced workplace discrimination, everything from verbal harassment to sexual violence. Companies from IBM to Salesforce have been quick to respond to the calls for greater transgender inclusion by promoting their workplace inclusion practices, including non-discrimination policies, transition guidelines, washroom policies, and trans-inclusive medical benefits coverage.³



While these efforts are a good way to begin improving the working conditions for trans and gender nonconforming employees already within an organization, there are many obstacles that continue to prevent transgender people from entering organizations. These obstacles are the result of historical inequalities due to discrimination including stigma and negative stereotypes about how 'men' and 'women' ought to look.⁴

The acclaimed Amazon Studios television series *Transparent* is one workplace that has attempted to overcome the obstacles faced by transgender people that prevent them from being hired and thriving at work. As a model for transgender workplace inclusion, *Transparent's* Trans-Affirmative Action Program differentiated itself by making significant efforts to address the structural barriers and discrimination trans and gender nonconforming people face while seeking to obtain and sustain safe and respectful employment.

Transparent's Trans-Affirmative Action Program

Transparent is a Golden Globe winning dramatic comedy, which aired its fifth and final season in 2019, about a parent—played by actor Jeffrey Tambor—who comes out as a transgender woman at the age of sixty-eight. This show is remarkable not only for the way it has helped to centre onscreen trans people previously at the margins, but also for the way the creator sought to recruit and retain transgender talent, a practice that has galvanized the wider public. Instituted by creator Jill Soloway in 2014 after the pilot was picked up by Amazon Studios, the Trans-Affirmative Action Program is a potential model for transgender workplace inclusion.

The Trans-Affirmative Action Program aimed to hire, train, and support trans people at every level of the production—from producers and actors to writers and directors—showing the systemwide effort that must be undertaken to make workplace inclusion effective. Numerous social and structural barriers impact the ability of transgender people to obtain employment. These include employer practices such as refusing to use the employees' preferred pronouns and names in the workplace and on formal documents and government policies such as placing restrictions or limitations on transgender people from changing government-issued IDs.⁵ Moreover, there are additional structural barriers that threaten employment stability because of access to trans-affirming healthcare, housing and services discrimination, bullying and isolation, and lack of social support from family due to identity stigma.⁶ Addressing the barriers transgender people faced when trying to access and maintain stable employment became a driving force behind the Trans-Affirmative Action Program. It may also provide a guide for other companies interested in doing the work of trans inclusion to follow.

Soloway wrote the *Transparent* pilot after their (Soloway identifies as nonbinary and uses they/them pronouns) own parent came out to them as transgender. Since Soloway knew little about the transgender community when they wrote the pilot, they sought to educate themselves and tell the story of their transgender parent as respectfully as possible by collaborating with members of the transgender community. There is a long history of the misrepresentation of transgender people in Hollywood films, representations that have framed the expectations of how trans people look and behave.⁷ Portrayals of transgender people in film often depict them as pathologized, victimized, or caricatured. With few exceptions, cisgender people have been cast to play transgender people over other equally capable but less well-known transgender actors. Even Soloway's decision to cast Jeffrey Tambor instead of a transgender woman, a decision they attribute to their initial ignorance on the matter, has been subject to scrutiny by the transgender community.⁸

Over the last four seasons, Soloway's team employed over 80 trans people, including producers Rhys Ernst and Zackary Drucker, trans activists whom Soloway consulted on how to

authentically portray trans people on camera. There were transgender people present as decision-makers in the writing room, on the production staff, and as directors and cinematographers. However, as the *Transparent* team learned, hiring and enabling transgender people to thrive at work forced changes to the underlying hiring and employment structures at Amazon Studios, presenting opportunities, as well as significant obstacles to creating work environments that better supported everyone, not just transgender and gender nonconforming people.

Building the employment pipeline for trans people

The *Transparent* team took concrete actions to include and advocate for transgender people who had never been granted access in the production and creation of a television show in Hollywood, paving the way for other productions to follow. First, Soloway appointed the trans activists Ernst and Drucker as decision-making “collaborators” on the project, building a non-hierarchical decision-making team to guide the operation. Once on board, Ernst and Drucker, regulars in the indie film circuit, started to contact trans and gender nonconforming people from their networks about employment opportunities on set at *Transparent*, much like standard Hollywood practice. However, their networks were made up of communities that have been historically excluded from Hollywood: trans media makers and artists at OUTFest, an LGBTQ film festival based in Los Angeles, and in the Los Angeles transgender community more broadly.

Additionally, Drucker and Ernst built relationships with the LA LGBT Center, a community hub for trans and gender nonconforming people. They advertised for positions on the *Transparent* set, and received resumes from an LA LGBT Center group, the Trans Economic Empowerment Project (TEEP).⁹ As the production of *Transparent* began, Drucker and Ernst realized that they not only needed to hire trans talent, they also needed to build mentorship opportunities to create a longer-term pipeline to train future trans media makers. They collaborated with filmmaker Ava DuVernay’s Evolve Entertainment fund, which was developing a community college training program for lifelong residents of LA from working class families who were taking classes in television and film production.¹⁰ This funded internship provided opportunities not only on the *Transparent* set, but also with the director Ryan Murphy, who would go on to create the hit television series *Pose*.

Transparent became the first television series to hire transgender writers full-time for the writing room, something that is only unremarkable now that Hollywood has a cohort of trans writers and directors producing television and movie content. When Soloway originally wanted to hire trans women not just as consultants but also for the writer’s room, they had difficulty finding trans women who had the professional experience required by the production studio. Instead of concluding there were no qualified trans women, Soloway recognized the employment barriers, exploitation, and resistance trans women have historically faced when trying to write for major studios. To remedy the lack of trans women trained for television, they altered the recruitment process, first soliciting short stories from trans women. They then selected six trans women from the applicants and provided them with a weeklong writers’ room workshop in order to get them up to speed on how to write for television. After the workshop, Soloway invited the artist and writer Our Lady J to be the first full-time trans writer to be added

to the writer's room. Other trans and gender non-conforming writers were later added. In an interview with *The Observer*, Our Lady J applauded Soloway for creating opportunities for trans people that did not amount to tokenism, a term used by sociologist Rosabeth Moss Kanter to describe the hiring of individuals from underrepresented minority groups in order to give the appearance of being diverse.¹¹ "I constantly found myself going to lunch with writers or producers and talking for an hour about my life and it would be like, 'thanks so much for all the info, see you,' and I'd think, 'I just gave you thousands of dollars of information and now you're not going to hire me,'" said Our Lady J recounting her experience before *Transparent* to *The Observer*.¹² She recommends that companies interested in producing trans content must involve and invest in financially compensating trans people in order to avoid exploitation.

Fostering an inclusive work environment meant more than hiring and training transgender people. Ernst and Drucker also created and ran a Trans 101 training program for all employees on the set of *Transparent*. As part of this, they purchased over 200 copies of transgender activist Julia Serano's *Whipping Girl: A Transsexual Woman on Sexism and the Scapegoating of Femininity*, a book that connects transphobia to sexism, and links transgender activism to larger threads of the feminist movement. *New York Times* opinion columnist Jennifer Finney Boylan also served as a trans consultant on the show. In the writing room they read a 'Daily Trans News Digest' compiled by an assistant to stay up-to-date on debates within and news impacting the trans community. Moreover, Ernst, Drucker, and Soloway created social events in order to build community across the set between transgender and cisgender people. The ability to freely express oneself and respect others were goals, so the team began each production with a sharing circle, sometimes including rabbinical blessings, in order to create safety amongst employees.

Barriers to accessing safe and secure employment

As the *Transparent* team took concrete actions to create employment pipelines for transgender communities, they confronted barriers to employment that many transgender people faced. In order to understand how to create an inclusive workplace, they also had to recognize that the barriers to employment that transgender people face are unequally distributed. This meant many of the standard hiring and decision-making practices, often inadvertently, excluded the most marginalized transgender people. Job requirements often include university degrees and relevant professional experiences that marginalized trans people lack. Through the expertise of Ernst and Drucker, Soloway learned that if they wanted to make an impact in the transgender community, they would have to acknowledge that many trans people lack the structural supports necessary for stability, a requirement on a demanding production set.

Ernst and Drucker aimed to balance the needs of marginalized trans populations related to job training with the demands of Hollywood productions requiring long hours and little room for error. Drucker acknowledged that many in the trans community have histories of trauma that may threaten these core building blocks. Queer and transgender youth disproportionately make up the homeless population in North America.¹³ Estimates suggest that LGBTQ youth make up as much as 40% of the homeless population, whereas approximately five to ten percent of youth identify as LGBTQ.¹⁴ According to the Public Health Agency of Canada, family conflict is the main reason that queer and transgender youth are on the street.¹⁵ This means

that a higher percentage of the trans community have lost the structural supports required for job security—a stable home environment, and an ability to deal with interpersonal conflict. Much of the work that Drucker and Ernst needed to do was to provide skilled conflict resolution and mental health support. For many trans people, including Drucker, they never imagined being “fit” for a legitimate job because there have historically been no role models and many cannot imagine being given an opportunity in a sector where they were set up to succeed. This meant that Drucker needed to be mindful of how trauma has influenced the emotional reactions from trans people who believe they are not meant to be employed. The *Transparent* team did their best to provide support to battle the exclusion and isolation that trans people have historically faced.

Transphobia also presents considerable barriers to employment even for those who are not initially economically marginalized, especially for trans women. Survey research between 1996 and 2006 compiled by the Human Rights Campaign shows that at least one in five trans people reported experiencing employment discrimination, including being fired, denied a promotion or being harassed.¹⁶ However, this analysis did not include trans people who face discrimination while seeking employment. Trans people exist in the Hollywood production circuit but entered before their transitions, and have experienced discrimination since their transition. There are many stories of riggers and grips and camera operators who were already employed in Hollywood who simply stopped receiving calls once they transitioned.

In addition to the discrimination and transphobia that trans people face when seeking employment, there are a number of structural barriers that diminish the ability of trans people to access employment. For example, workers in the entertainment industry have historically been represented by the International Alliance of Theatrical Stage Employees (IATSE), a union that is more than one hundred years old. And though unions have the potential to be a space to protect the rights of transgender employees—according to the American LGBTQ labour non-profit and AFL-CIO constituency group Pride at Work, union contracts provide one of the only places for legal protections against employment discrimination faced by transgender people in 33 states—unions have traditionally been male-dominated spaces. In Hollywood, most skilled set workers, including riggers, make-up artists, and hairstylists, are hired from the IATSE membership, a relationship governed by a contract with the production studios and the union. This became a problem for the *Transparent* team when they began trying to hire transgender workers above entry-level, non-unionized contract workers. To solve this, Drucker and Ernst worked in collaboration with the union to begin hiring trans workers into the union. However, adding more trans make-up artists and riggers came as the result of an organized effort to put pressure on the union and demand for more training on the needs of trans and gender nonconforming people.

Doing the work of inclusion benefits everyone

The Trans-Affirmative Action Program meant that the *Transparent* set became an inclusive space that benefited everyone. On the *Transparent* set, there were many unexpected allies. There were over 80 trans and gender nonconforming people who worked on the show in crew positions or had speaking roles on the show. Additionally, hundreds of trans actors worked as

extras. Unionized transport workers who brought trans actors to different set locations had the opportunity to interact with their trans colleagues and talk about trans issues.

Many trans and gender nonconforming people on set felt like they were in a workspace where they could be themselves and not face repercussions. A recent study on transgender workplace discrimination at Stanford University observed that transgender people often had to compromise their authenticity at work in order to “fit in” and avoid discrimination or “maintain their authenticity” and face discrimination.¹⁷ Principles of inclusion guided the set and created an environment where people could be themselves. *Transparent* workers became very popular at dinner parties as the show's popularity rose. This meant there were more opportunities to create allies because coworkers were invested in their trans coworkers and their experiences, and wanted to educate others. During the fourth season, the person responsible for snack services disclosed his Muslim faith, something he had never told his coworkers. He said he came out as Muslim because he felt the set was accepting. The optimism on the set of *Transparent* created a work environment where coworkers felt connected to the mission personally. Many on the *Transparent* set felt the potential “tipping point” of the status quo was coming, and that marginalized communities including trans people and people of color were going to be able to tell their own stories in Hollywood. Currently 96 percent of film directors are cisgender men, and 94 percent of Hollywood executives are white.¹⁸ Though there is much work to be done, Drucker believed that getting trans people into the room, and enabling them to stay, is how workplace change will happen.

Getting things 'right'

While the *Transparent* set made significant progress on implementing a trans inclusion strategy driven and led by trans and gender nonconforming people, the team still faced obstacles. Even if a company works to prevent discrimination and harassment through its policies and practices, it does not mean that harassment or discrimination will not arise from peoples' behaviour within the organization. This situation befell the *Transparent* set. In February 2018, after four seasons, lead actor Jeffrey Tambor, who was a cisgender actor playing a trans woman, was fired from *Transparent* following a company investigation into two sexual harassment allegations from transgender women on set, Van Barnes, Tambor's former assistant, and co-star Trace Lysette. Since the allegations of sexual harassment, many voiced concern about Soloway's ability to support the trans community. Publicly, Tambor was quick to claim that the allegations of harassment were due to the blurred lines and “politicized atmosphere” of the *Transparent* work environment, and anger over his casting as a trans character.¹⁹

The sexual harassment allegations on set were crushing to the *Transparent* team because they contradicted their self-image about how they managed their sets differently, and more mindfully, than other places in Hollywood.²⁰ Many trans community members were shocked and horrified that the initial public reaction was skepticism about the harassment claims from Barnes and Lysette. Many women expressed frustration that while the MeToo movement was “finally exposing the powerful men” it had “the unintended intention” of setting back trans representation in Hollywood.²¹ “Don't let the trans community suffer for the actions of one cis male actor,” demanded Trace Lysette in her public statement detailing the accusations

released to the *Hollywood Reporter*.²² She called on Amazon “to make another bold affirmative move to our communities” and “remove the problem and let the show go on.” Writing for the *Huffington Post*, *Transparent* co-star Alexandra Billings asked readers to separate Barnes and Lysette’s trans identities from the harassment, rhetorically questioning if the situation would be different if cisgender women had accused Tambor of harassment.²³ To move forward from the situation, Billings believed that organization and individuals must “recognize exactly what is going on, name it, admit it freely, acknowledge the wrongdoing, and then ask what can be done to heal.” In their 2018 memoir *She Wants It*, Soloway confessed to also initially questioning the allegations made by the victims. “How could this happen on my show, too?” they exclaimed. In a public statement from Amazon, Soloway ultimately recognized Van Barnes and Trace Lysette for their courage in speaking out, what Soloway called “an example of the leadership this moment in our culture requires.”²⁴ In the same statement, Soloway recognized the trans community “who have supported our vision for *Transparent* since its inception” and apologized for “the pain and mistrust their experience has generated in our community.”

Within months of the allegations, Amazon conducted a workplace investigation, confirmed the harassment claims by Barnes and Lysette were valid, and promptly let Tambor go. Since that time, due to the work of trans activists, it is unthinkable in Hollywood to cast a cisgender actor as a trans character. Although *Transparent* entered its final season in fall 2019, one that did not feature Tambor’s character, the legacy of the Trans-Affirmative Action continues. *Transparent* became an entry point into Hollywood for many trans people, who continue to act, direct, and provide general production assistance to film and television productions. There are television shows like Ryan Murphy’s *Pose* that frontline transgender women of color as actresses, and in 2019, held the superlative of featuring the largest transgender cast in Hollywood, as well as having the actress and producer Janet Mock become the first transgender woman of color to write and direct a television episode.²⁵

The authors would like to thank Zackary Drucker and other members of Transparent team members for making time to be interviewed for this case study.

Appendix A: Glossary of terms

Derived from the 2014 Ontario Human Rights Commissions' *Policy on preventing discrimination because of gender identity and gender expression*:

The words people use to describe themselves and others are very important. The appropriate terms can affirm identities and challenge discriminatory attitudes. The inappropriate ones can disempower, demean and reinforce exclusion. While these terms and explanations are considered current and appropriate at the publication of this policy, their meaning and use can evolve and change over time. Generally, when in doubt, asking a person how they self-identify is the most respectful approach.

Sex: The classification of people as male, female or intersex. Sex is usually assigned at birth and is based on an assessment of a person's reproductive systems, hormones, chromosomes and other physical characteristics.

Sex and gender: Whereas "sex" is a person's physical characteristics, "gender" is about what it means to identify as a man, woman or something different in society. It is the expectations and stereotypes about behaviours, actions and roles linked to being a "man" or "woman." Social norms related to gender can vary depending on the culture and can change over time.

Gender binary: A social system whereby people are thought to have either one of two genders: man or woman. These genders are expected to correspond to birth sex: male or female. In the gender binary system, there is no room for interpretations, for living between genders, or for crossing the binary. The gender binary system is rigid and restrictive for many people who feel that their natal sex (sex they were labelled with at birth) does not match up with their gender or that their gender is fluid and not fixed.

Gender norms: The gender binary influences what society considers "normal" or acceptable behaviour, dress, appearances and roles for women and men. Gender norms are a prevailing force in everyday lives. Strength, action and dominance are stereotypically seen as "masculine" traits, while vulnerability, passivity and receptiveness are stereotypically seen as "feminine" traits. A woman expressing masculine traits may be stereotyped as overly "aggressive," while a man expressing "feminine" traits may be labeled as "weak." Gender norms can contribute to power imbalances and gender inequality in the home, at work and in communities

Gender identity: Each person's internal and individual experience of gender. It is a person's sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person's gender identity may be the same as or different from their birth assigned sex.

For most people, their sex and gender identity align. For some, it does not. A person may be born male but identify as a woman, or born female but identify as a man. Other people may

identify outside the categories of woman/man, or may see their gender identity as fluid and moving between different genders at different times in their life.

Gender expression: How a person publicly presents or expresses their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways people express their gender. Others perceive a person's gender through these attributes.

All people, regardless of their gender identity, have a gender expression and they may express it in any number of ways. For trans people, their chosen name, preferred pronoun and apparel are common ways they express their gender. People who are trans may also take medically supportive steps to align their body with their gender identity.

Trans or transgender: An umbrella term that describes people with diverse gender identities and gender expressions that do not conform to stereotypical ideas about what it means to be a girl/woman or boy/man in society. "Trans" can mean transcending beyond, existing between, or crossing over the gender spectrum. It includes but is not limited to people who identify as transgender, transsexual, cross dressers or gender non-conforming (gender variant or gender queer). "Trans" includes people whose gender identity is different from the gender associated with their birth-assigned sex. Trans people may or may not undergo medically supportive treatments, such as hormone therapy and a range of surgical procedures, to align their bodies with their internally felt gender identity. People who have transitioned from one gender to another may simply identify as female or male. Others may also identify as trans, as a trans woman or a trans man. Some people may identify as trans and not use the labels "female" or "male." Others may identify as existing between male and female or in different ways beyond the binary of male/female.

Gender non-conforming/gender variant/nonbinary/gender queer: Individuals who do not follow gender stereotypes based on the sex they were assigned at birth. They may identify and express themselves as "feminine men" or "masculine women" or as androgynous, outside of the categories "boy/man" and "girl/woman." People who are gender non-conforming may or may not identify as trans.

Trans man and trans woman: A person whose sex assigned at birth is "female" and identifies as a man may also identify as a trans man (female-to-male FTM). A person whose sex assigned at birth is "male" and identifies as a woman may also identify as a trans woman (male-to-female MTF).

Transitioning: Refers to a host of activities that some trans people may pursue to affirm their gender identity. This may include changes to their name, sex designation, dress, the use of specific pronouns, and possibly medically supportive treatments such as hormone therapy, sex-reassignment surgery or other procedures. There is no checklist or average time for a transition process, and no universal goal or endpoint. Each person decides what meets their needs.

Cisgender and cisnormativity: Most people are “cisgender” (not trans); that is, their gender identity is in line with or “matches” the sex they were assigned at birth. Cisnormativity (“cis” meaning “the same as”) refers to the commonplace assumption that all people are cisgender and that everyone accepts this as “the norm.” The term is used to describe prejudice against trans people that is less overt or direct and more widespread or systemic in society, organizations and institutions. This form of systemic prejudice may even be unintentional and unrecognized by the people or organizations responsible.

Transphobia: The aversion to, fear or hatred or intolerance of trans people and communities. Like other prejudices, it is based on stereotypes and misconceptions that are used to justify discrimination, harassment and violence toward trans people.

Appendix A: Resources

Here are resources for individuals and companies interested in learning more about how they might better support trans and nonbinary people already in their organizations as well as recruit and retain trans and nonbinary people to their organizations.

Organizational guides

“Creating Authentic Spaces: A Gender Identity and Gender Expression Toolkit to Support the Implementation of Institutional and Social Change,” The 519, last revision 6 August 2015, <http://www.the519.org/education-training/training-resources/our-resources/creating-authentic-spaces>

“Model Transgender Employment Policy: negotiating for inclusive workplaces,” Transgender Law Center, last revision 2015, <https://transgenderlawcenter.org/resources/employment/modelpolicy>

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