



LGBTIQ+ inclusion at the workplace

Basic Guide to building diversity and inclusion in Indian workplace with specific focus on gender and sexuality

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Purpose of this document:

This document is aimed to serve as a simple guide for employers to make their work places inclusive to the LGBTIQ+ (Lesbian, Gay, Bisexual, Transgender, Intersex and Queer +) population. Reading this document will give you an insight into:

- Need for LGBTIQ+ Inclusion in workplaces
- Indian cultural and legal context
- How to build an LGBTIQ+ inclusive workplace
- Contact details of key resource persons/organizations
- References to good reads
- Basic concepts around gender and sexuality ([Appendix 1](#))

Note:

** This document is a starting point to LGBTIQ+ inclusion. It is recommended to contact the resource persons/organizations before one looks at LGBTIQ+ inclusive workplace so that a right and sustainable approach is adopted.*

**In case you are not conversant with the terms LGBTIQ+ and the basics of gender and sexuality, you are requested to read [Appendix 1](#) before reading this document any further*

Introduction

Consider this: Ramesh was being given a farewell when he was transferred to another location. It was quite sentimental as the group was close, and as everybody gave speeches, Ramesh was moved to tears. Noticing that, Shahana, trying to console him, said in an attempt at light humour, “Arre! You are crying! Be a man! Gay ho kya (are you gay)?” Most of the team, including Ramesh, burst out laughing but the one gay person in the team, Aditya had to try hard to laugh and look as if nothing hurtful was being said, though he cringed and wondered if there would ever be a time when he could be himself? As it was, he was already struggling with family acceptance and now being laughed at in the workplace. All he could do was pretend.

This little vignette is representative of the struggles and the dilemma which, if statistics are to be believed, approximately 10% of our workplace employees who belong to the LGBTIQ community go through, and in a larger sense, so do people with other diversity factors. (You can refer to [personal stories](#) and [Satyamev Jayate episode](#) to know journeys of LGBTIQ+ individuals)

Like in the story above, it does not take intentional hostility towards any gender or sexuality to make a workplace oppressive. We do tend to carry our biases, apprehensions, misinformed sense of humour etc. into the workplace, especially in the small and everyday details – like making fun of a movie star’s gender non-conformance, or saying “That’s so gay!” for something we find silly that unfortunately belittles both queer people and sexual assault. Needless to say, if this continues, it may lead to people like Aditya leaving the organization for no other reason, except the feeling of being excluded if not targeted. While this more than outlines the need for building an LGBTIQ+ inclusive workplace, there are specific needs which are outlined below.

LGBTIQ+ stands for Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (‘+’ tells us there are many more). These are some of the prominent identities out of the many terms used by individuals having a different sexual orientation or gender identity from the mainstream.

Work place exclusion/discrimination of Queer (LGBTIQ+) individuals typically happen based on the key concepts of Gender (when someone identifies differently from their biological sex), Gender expression (when someone’s mannerisms differ from the societal norms) and Sexuality (when someone’s sexual attraction is different) . So it is important for everyone to understand these terms and sub definitions when framing policies and guidelines for work-space inclusion (Refer to [Appendix 1](#) for a better understanding of these and other relevant terms).

Need for LGBTIQ+ Inclusion in workplaces



- 1. Diversity Inclusion is a business imperative:** A workplace that constitutes diverse talent and allows people to bring their whole selves to work is at a competitive advantage because there is a direct linkage of diversity to enhanced business performance. *For example, The Mckinsey diversity report, 2015, indicates gender-diverse companies are 15% more likely to outperform their peers and ethnically-diverse companies are 35% more likely to do the same.*
- 2. Diversity brings innovation which is a business imperative today:** Disruptive innovation cannot happen without a paradigm shift in thinking. Difference of ideas cannot come from the same type of people who originate from the same place, raised in the same cultural context.
- 3. Productivity:** Given that most of the LGBTIQ+ of the workplace is an “invisible” population, at least in the current situation, it becomes very difficult to gauge if the organization is fostering a hostile environment for LGBTIQ+ with an unconscious bias, or silent discrimination happening. A workforce that is aware and sensitized towards the LGBTIQ+ community allows people to be who they are (irrespective if they come out or not), and perform to their fullest capacities. There are many studies and [surveys](#) which reaffirm this fact.
- 4. Intersectionality of different diversity groups:** Given every individual is representative of multiple diversity groups (for e.g. a woman who is a lesbian and also a millennial), by being inclusive to LGBTIQ+ , organizations are ensuring they are catering to multiple affinity groups given gender and sexuality is integral to each human being. Another example of intersectionality is the millennial social group, which will soon be the largest employable social group. Millennials are more likely to be open about friends and family members who are LGBTIQ+. Millennials who are LGBTIQ themselves are more self-confident and self-aware. For both these segments, an

organization which is openly visible as being a supporter of LGBTIQ+ rights, with the right policies, becomes an organization of choice.

- 5. The LGBTIQ+ Marketplace:** In mature markets outside India, the LGBTIQ+ population is already seen to be a lucrative market for financial opportunity. In these markets we are already seeing targeted marketing for segments such as Travel-Tourism, Apparel and Fashion, healthcare and well-being products, consumer goods etc. Organizations can no longer assume that their customers, clients, vendors or suppliers are straight or cis-gendered and therefore awareness on this subject is important as it has direct business impact

Indian socio cultural and legal context

There are very few leaders who are out as LGBTIQ people in Indian corporate organizations, government or society at large. Internationally, there are now a number of highly successful leaders both in industry and in government who are out as LGBTIQ+ people, including such stalwarts as Tim Cook of Apple, former CEO of BP John Browne and in the government, premiers of Iceland, Luxembourg and elsewhere. In the Indian context, for the most part, there is limited public acknowledgement of LGBTIQ+ corporate leaders, let alone in the government.

For decades, there has been a solid silence on this topic in corporate and policy circles, and while it is addressed a bit more in recent times, there is still enormous progress to be made in understanding LGBTIQ+ issues and ensuring a more inclusive workplace and society. Lesbian, gay, bisexual, transgender, intersex and other queer (LGBTIQ+) people in India face major legal and social difficulties not experienced by non-LGBTIQ+ persons.



The results of MINGLE's [Indian LGBT Workplace climate survey 2016](#) reaffirm the prevalence of harassment and homophobia/transphobia at Indian workplaces. As per the survey, more than half of LGBT Indians could be legally fired from their jobs for being LGBT. Only a small minority 4%, are covered by same-sex partnership benefits and 40% reported having faced some form of harassment.

In the face of such hostility, ignorance and lack of inclusion, coming out (refer to appendix) as a queer person and being fully free to be themselves, like every other person, therefore becomes a very difficult task. It is imperative that corporates take active steps to ensure a comfortable and inclusive working environment, to give the individual a safe place where they can be themselves and perform to the best potential

“The survey also reaffirms the perception that openly LGBT employees are better contributors and feel safer at the workplace compared to those who are closeted. The survey shows that openly LGBT employees- as compared to their closeted counterparts- have greater trust in their employers, have greater satisfaction with their rate of promotion, feel more loyal to their organization and are more likely to continue with the same company for a longer period of time” [quoted from the report]. These are compelling statistics for organizations to take action on.

What is Section 377 and how does it impact inclusion of LGBTIQ+ at workplace?

IPC 377 reads as: "377. Unnatural offences—Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine"

Interpretation/inference for corporate workplace: Section 377 is about the act of intercourse and not about identity or personality of the individual. Workplace focus on identity and personality of an individual, and does not directly/indirectly foster the act of intercourse. Therefore, supporting LGBTQIA+ people will not put an organization in a position antagonistic to the current law.

NALSA Judgment by Supreme Court of India & More...

In a path-breaking judgment in April 2014 (and re-clarified in July 2016), the Supreme Court of India has affirmed the constitutional rights and freedoms of transgender persons, including those who identify as third gender and those who identify in a gender opposite to their biological sex, i.e., persons, assigned female sex at birth, identifying as male and vice-versa. It affirmed that the fundamental rights granted under the Constitution of India will be equally applicable to transgender people, and gave them the right to self-identification of their gender as male, female or third-gender (without the need for an SRS certificate). More info regarding this judgement can be found [here](#) and [here](#). Moving forward on this, The upper house of Indian Parliament, Rajya Sabha, has already [passed](#) a private member bill in April 2015, viz. "Rights of Transgender persons Bill, 2014" and the same is under consideration in the lower house, i.e. Lok Sabha currently. It is just a matter of time before it becomes legally binding on organizations to work on transgender inclusion and to be compliant with the above judgements.

Any inclusive workplace should not discriminate on account of identity or personality of an individual, hence organizations should focus on LGBTIQ+ inclusion.

With this context, points to keep in mind while creating an LGBTIQ+ inclusive workplace

1. **Sexual orientation (the gender I am attracted to) is different from gender identity.** Therefore, transgender people may be straight, lesbian, gay, bisexual or asexual, and the term transgender is used to encompass a broad category of individuals.
2. **Not all transgender individuals go through surgeries (transition). It is a personal choice.** Some may choose partial surgeries or cosmetic augmentations but avoid invasive procedures, while others have a combination of them or hormonal therapies, or live in their bodies as is while expressing their gender.
3. **Invisibility: Sexual orientation/gender is a hidden diversity** People's gender and sexuality is not a matter of speculation. Please do not gossip about anybody's orientation or identity. Only the individual has the right to determine and define their sexuality and gender identity.

Overall, it is important to keep in mind that the people who fall into any of the above definitions are an individual like you and me and being LGBTIQ+ is one aspect of their journey (important nevertheless). The person is looking for a respectful workplace where individual merit and potential is valued.

What is an ideal LGBTIQ+ inclusive workplace?

1. **Where a person is NOT compelled to hide their sexual orientation:** They should feel safe to tell about their life just like how a heterosexual man talks about his wife, kids or the weekend family activity they were enjoying. Confidentiality on aspects of gender and sexual orientation should be ensured by the workplace.
2. **Where everyone respects the 'Gender identity' of others,** addresses them in the way they wish to be addressed and allow them to choose the compartment they feel most comfortable with in cases of gender segregation, such as rest rooms or hotel rooms.
3. **Where a person is NOT mocked, judged, targeted or discriminated just because their natural gender expression doesn't match with traditional expectations of the society/peers.** A point to be noted is Gender expression of a person, need NOT be anything to do with their sexual orientation (For example. there exist many effeminate straight men, macho gay men, tom boy straight women etc.)
4. **Where the communication/language used is "gender" neutral:** Using partner instead of husband or wife; using the singular they in day to day working is basic to an inclusive workplace. Education around this could be built during the sensitization sessions.

How do you build an LGBTIQ+ inclusive workplace?

As you may have realized based on the above points, the core of building an LGBTIQ+ inclusive workplace is about building a respectful workplace where each individual is given the freedom to be themselves.

Some of the ways in which this can be done is as follows:

Senior management buy in:

Ensuring that there is top management commitment to LGBTIQ+ inclusion is an absolute essential and the first step to building workplace inclusion. Their understanding, awareness and buy in is imperative and can be done through creating awareness amongst them first. It is also important for them to actively champion and support the endeavor by extensively talking about it in external and internal forums. Appointing an executive sponsor representative of senior leadership (not from HR) could be a way to ensure this.

A key part of corporate sponsorship is the sensitivity to speak of LGBTIQ+ people as part of 'us' and be inclusive from the top, rather than speak of 'them' and othering part of the organization.

Sensitization/awareness/education:

One of the biggest challenges with LGBTIQ+ is the level of awareness and understanding of matters related to sexuality and gender is very limited. Therefore, the first step is to create awareness on the subject on the whole.

Communication and awareness needs to be done on a sustained basis, and some of the ideas to drive this could be as follows:

- ✓ **Communication:** Use town halls, social media, internal mailers, newsletters, posters, signage, intranet pages etc. to communicate to all employees about how the company values and supports its LGBTIQ+ employees and is strongly committed.
- ✓ **Induction training:** Having a module specifically focused on gender and sexual orientation at the time of orientation for new joiners
- ✓ **Sessions by the affinity group:** Inviting LGBTIQ+ speakers or advocates to share with employees their personal experiences.
- ✓ **Reverse mentoring:** Introducing reverse mentoring programs where a senior manager is mentored by a more junior, LGBTIQ+ individual.
- ✓ **Volunteering:** Having employees volunteer with NGOs/groups which work with sexual minorities is an excellent way of creating awareness on the subject
- ✓ **Creating "go to" persons and champions:** Creating employee champions who could talk about gender and sexuality and could be go to people within the organization for information could ensure access, especially for people who want to talk through sensitive things with respect to LGBTIQ+.
- ✓ **Use informal settings, movies, gatherings and fun activities to create awareness.** This ensures it is fun and there is greater engagement and participation. Activities which promote the breaking of gender stereotypes could be also used as an effective way to build understanding of alternate gender and sexuality

Policies:

- ✓ **Ensure equal opportunity policies** include sexual orientation and gender identity or expression.
- ✓ **Prohibit discrimination based on sexual orientation and gender identity or expression** as part of written employment policy statement.
- ✓ **Develop policy and procedure in India for handling LGBTIQ+ related bullying** and harassment or workplace grievances and complaints
- ✓ **Review policies for gender and sexuality neutrality. Keeping to gender neutral pronouns and words (Use 'partner' and 'they', for example)**

To the extent possible, the policy should provide anonymity for the employees involved. LGBTIQ+ employees who are not open will fear filing an issue if it is possible their identity will be revealed and possibly used against them.

Diversity Structure:

- ✓ Appoint an executive sponsor who is the chief spokesperson for LGBTIQ+ issues
- ✓ Ensure there is a person, team or working group with responsibility for addressing LGBTIQ+ issues.
- ✓ LGBTIQ+ network:
 - For most companies in India with an LGBTIQ+ employee network, work to create an inclusive workplace had already been started in the form of more inclusive policies and training programs that include LGBTIQ+
 - With this initial work done, employees feel safe enough to approach management and enquire about the creation of an LGBTIQ+ employee network.
 - **Purpose:** Such networks provide not only a support mechanism for employees who share common interests or concerns, but equally important a forum or channel to express views or raise issues of concern to the company.

Benefits:

- ✓ Extend existing benefits to employees in India having same-sex partners regardless of the employee's marital status, sexual orientation, gender expression or gender identity. Benefits may include leave benefits (maternity, paternity, adoption, bereavement etc), medical and life insurance.
- ✓ Extend support, counseling or mentoring benefits to ensure that they are equipped to handle LGBTIQ-specific needs. Situations that might affect the mental well-being of queer employees could be: coming to terms with their sexuality and/or gender identity, coming out to family, handling marriage pressure, relationship issues.

Journey of progressive realization:

- ✓ One must remember that building a culture of inclusion is a journey and does not happen immediately – the key to success is relentless focus on implementation and constant monitoring of success

- ✓ **Constant monitoring and improvement:** One could use anonymous surveys to check the overall pulse of the organization with respect to inclusion of gender and sexuality

Specific details to keep in mind in case of transgender inclusion:

- ✓ **Name and Pronoun:** Ask the individual what would be the preferred name and the preferred pronoun and refer to the individual using the same, even if this is different from what is mentioned as the birth name/noun in the documents, or what you perceive based on their voice, appearance etc.
- ✓ **Keep conversation gender neutral as much as you can.** Simple techniques are to use the person's name and neutral pronouns such as 'they'
- ✓ **Indicating transgender in the recruitment form:** The person may choose to identify themselves as male/female/transgender at the time of recruitment – go with what they choose, do not insist. It is recommended to have blank column against gender to indicate preferred terminology. Please indicate that the organization is open and inclusive to all forms of gender next to the gender column.
- ✓ **Use of washroom/any other facilities:** While you could have a gender neutral washroom, please show the facilities as they exist and ask what they would prefer to use, as they may have specific biological needs. Do not insist that the individual should use the washroom coded for their expressed gender.
- ✓ **Process for transition within the company:** While it is good to establish a set process for persons who transition their gender identity during their employment tenure, there should at least be a medium to provide assistance on a case-to-case basis. The assistance with procedural aspects may include gender, name, email id changes in HR systems. The person may sometimes wish to discreetly move to a new team/location. If they wish to remain in the same role, then there should be sensitization for their teams about usage of new name and gender pronouns.
- ✓ **Asking about the aspect of being transgender (are you FTM/MTF, transition process, have your parents accepted you, sexual orientation etc.):** Let the individual bring it up, do not emphasize on any of these aspects. Open questions such as, "Is there anything about you that you feel we should know about you?" are OK. Please paraphrase responses with empathy but do not ask questions just out of curiosity
- ✓ **Asking about special needs/ any workplace accommodation requirements:** If the individual especially during the interview process does not talk about the transgender aspect at all and you want to know if there is any special accommodation required for their needs, ask that in specific – ***Do you need any special accommodation at work to do your work well?*** Take their response as what is required to be done. In case you will not be able to accommodate something, please share that with the candidate and discuss on a possible solution.

Overall: As one may have inferred, LGBTIQ+ inclusion is not very different from inclusion of any other affinity group. The core concepts of respect, compassion and understanding remain as relevant to this form of inclusion as to any others.

References:

This section provides contact information of key resource persons/organizations working in the space of LGBTIQ inclusion. The collective experience of individual listed below is 30+ years in this space.

Organizations which work in this space (In alphabetical order) – the resource person mentioned against each of these organizations are also key “go to individuals”:

| Organization | Find out more on | Contact Person | Coordinates |
|-----------------------|---|------------------|--|
| Inner Sight | http://www.innersight.in/ | Mahesh Natarajan | 9886910917/ mahesh@innersight.in |
| Solidarity Foundation | http://www.solidarityfoundation.in/ | Shubha Chacko | 8197771372/ shubha.chacko@gmail.com |
| Swabhava | http://swabhava.org/ | Vinay Chandran | 9844181294/ vinu228@yahoo.com |

Go to Individuals: These individuals work with corporates/NGOs in the space and are strong allies/representatives of the affinity group (In alphabetical order)

| Name | Email | Phone |
|-------------------------|-----------------------------------|------------|
| Amrita Chanda | amrita.chanda@gmail.com | |
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Note: It would be beyond the intent and scope of this document to mention the entire list of organizations in every city. For specific needs please feel free to reach out to the above people, they can provide local references and contacts.

References used to create this document:

1. <http://orinam.net/>
2. <http://goodasyoublr.blogspot.in/>
3. <http://www.outandequal.org/wp-content/uploads/2015/05/Community-Business-Inclusive-Workplace-India-2012.pdf>
4. <https://www.apa.org/pi/lgbt/resources/sexuality-definitions.pdf>
5. <http://www.mckinsey.com/business-functions/organization/our-insights/why-diversity-matters>
6. https://en.wikipedia.org/wiki/Timeline_of_South_Asian_and_diasporic_LGBT_history
7. <http://mingle.org.in/workplace-report-2016.php>

Appendix 1: Introduction to gender and sexuality

Work place exclusion/discrimination of Queer (LGBTIQ+) individuals typically happen based on the key concepts of Gender and Sexuality. So it is important for everyone to understand these terms and sub definitions when framing policies and guidelines for work-space inclusion.

Sex: refers to a person's biological status and is typically categorized as male, female, or intersex. At birth, infants are assigned a sex based on a combination of bodily characteristics including: chromosomes, hormones, internal reproductive organs, and genitals.

Gender: Gender refers to the attitudes, feelings, and behaviors that a given culture associates with a person's biological sex. Behavior that is compatible with cultural expectations is referred to as gender-normative; behaviors that are viewed as incompatible with these expectations constitute gender non-conformity or non-normative or gender queer

Gender Identity: refers to "one's sense of oneself as man, woman or transgender". When one's gender identity and biological sex are not congruent, the individual may identify as transsexual or as another transgender category

Gender Expression: way in which a person acts to communicate gender within a given culture; for example, in terms of clothing, communication patterns and interests. A person's gender expression may or may not be consistent with socially prescribed gender roles, and may or may not reflect his or her gender identity. For example, a heterosexual person can also exhibit gender-queer behavior (being a tomboy or effeminate etc.)

Some of the most commonly referred identities based on gender are (please note that this is not a comprehensive list):

Cisgender: When the gender identity matches the biological sex a person is born into, they are cisgender

Transgender: for a significant number of people their gender identity does not match their biological sex that they are born into. Such people are transgendered.

Within the transgender identity, some choose to identify purely as the gender they want, while others claim the trans- identity, such as **trans-man** or **trans-woman**.

Earlier, female-to-male (FTM) or Male-to-Female (MTF) was used to show the gender transition itself, but in recent times, the trans- identities are asserted more as the FTM/MTF identities emphasize the assigned gender rather than the identified gender.

Trans-woman and MTF people are generally more visible in Indian popular culture. Not all transgender individuals are Hijras. **Hijra** is a specific cultural/ social community of transgender people, mostly trans-women/ MTF. Hijra society has their own social norms, practices and customs. There are other such traditional society groups such as Jogappas and other groups as well.

Transmen and FTM people have typically been less visible and have traditionally not had the kind of social structures or cultural groups such as hijras.

Inter-sex: A person who is born with organs or body structures of partially Male and partially Female. They may grow up to identify with any gender.

SEXUALITY OR SEXUAL ORIENTATION

Refers to the sex of those to whom one is sexually and romantically attracted. Categories of sexual orientation typically have included attraction to members of one's own sex (**gay men or lesbians**), attraction to members of the other sex (**heterosexuals**), and attraction to members of both sexes (**bisexuals**). While these categories continue to be widely used, research has suggested that sexual orientation does not always appear in such definable categories and instead occurs on a continuum.

In addition, some research indicates that sexual orientation is fluid for some people; this may be especially true for women.

Queer: Queer originally meant anyone deviant. But this is reclaimed by the community to mean that anyone who does not adhere to some or more traditional norms of the society in their gender, sexuality or gender expression. A person may express that they are queer without necessarily identifying with other terms.

Asexual: A person who does not feel sexually attracted to anyone. Some of them may have romantic interest and some may not.

Coming out: refers to the process in which one acknowledges and accepts one's own sexual orientation and gender identity. It also encompasses the process in which one discloses one's sexual orientation or gender identity to others. The term closeted refers to a state of secrecy or cautious privacy regarding one's sexual orientation.

Cultural identities in India:

In South Asia, there are many cultural identities for gender or sexual non confirming individuals. A western perspective to gender or sexuality is mostly based on the individual but here in South Asia, the identity can be based on the group/sect/community they live in. A few such identities are Hijra, Aravani, Thirunangaigal, Khwajasara, Kothi, Thirunambigal, Jogappa, Jogatha, or Shiva Shakti. These individuals may only understand and tend to be comfortable identifying with these terms rather than the western defined terms such as Gay, Lesbian or Transgender. *While one may not understand all the terms, the bottom line: it is important to respect what the person likes to identify themselves as instead of forcing any definition on them*