



Workplace Guidance Note for LGBT Inclusion



Introduction

Diverse firms consistently outperform less diverse rivals in terms of revenue, earnings, and employee happiness. However, maintaining diversity by employing people from all backgrounds is unsustainable without an inclusive culture that genuinely accepts everyone for who they are and motivates everyone to achieve at work. Today, success in business depends on ensuring that initiatives to promote diversity, equity, and inclusion in the workplace include those who identify as lesbian, gay, bisexual, transgender, and queer (LGBTQ).

Over the past 15 years, LGBTQIA+ rights have made significant progress, with several corporations in the West playing a significant role in influencing public opinion and fostering LGBTQIA+ diversity in the workplace. The majority of these initiatives have focused on creating employee resource groups (ERGs) as well as equal HR rules and benefits. According to the Human Rights Campaign's annual Corporate Equality Index 2020, 65% of all reviewed companies received a perfect score of 100 as a result of their efforts towards these initiatives. The results for big businesses are even more encouraging: the average rating for Fortune 500 corporations that were reviewed is 90%. Nearly all (98%) of these businesses have non-discrimination policies in place with regard to gender identity as well as sexual orientation.¹

This is significant progress compared to a generation ago. In India, after the decriminalisation of Section 377 and the passing of the Transgender Persons Bill, many companies are keen on hiring LGBTQIA+ candidates. However, despite these efforts, a majority of LGBTQIA+ employees do not feel completely included in the workplace. According to Premilla D'Cruz, Professor of Organisational Behaviour at the Indian Institute of Management Ahmedabad, most organisations have neither embraced gender inclusion nor made special efforts towards hiring members of the LGBTQIA+ community. She claims that management frequently assumes that there are no LGBTQIA+ workers and therefore, does not have any rules to support individuals who choose to be open about their gender identity or sexual orientation.²

¹ <https://www.bcg.com/publications/2020/inclusive-cultures-must-follow-new-lgbtq-workforce>

² <https://www.outlookindia.com/business/gay-and-happy-with-in-dia-inc-corporates-take-pride-in-an-inclusive-workplace-news-205954>

Importance of Inclusivity

There are multiple ways by which companies can gain from LGBTQIA+ inclusiveness, including widening the traditional talent pool and reaching a younger, gender-neutral customer base. You need variety to create innovative teams and organisations. Diversity stimulates the quest for new viewpoints and boosts creativity, which improves problem-solving and decision-making. Diversity can also increase the profitability of companies and foster unrestricted discovery. Employers that embrace LGBTQIA+ employees gain the respect and support not only of that community but also other minority groups who see the initiatives as the sign of a more inclusive workplace. LGBTQIA+-inclusive companies have a higher proportion of international revenues, indicating that they can more effectively tap into global markets and supply chains. Inclusive companies also outperform their peers by 80%.

The LGBTQIA+ workforce of today has seen a significant generational transition in terms of how they define themselves and what they can anticipate from workplace inclusion. Particularly among younger generations, the LGBTQIA+ workforce is much more intersectional, diverse, and more likely to include women, transgender employees, and persons with a wider range of sexual orientations. Additionally, heterosexual Gen-Z and millennial employees, who will soon make up the majority of the workforce, also care deeply about the inclusion of queer and trans* persons and are more likely to advocate for this inclusion than previous generations. In that light, there are clear benefits for companies that get it right: improved financial performance, stronger innovation, less attrition, and a more engaged workforce.



Important Terms

Diversity: All the ways in which people differ:

- 1) **Equity:** Fair treatment, access, opportunities, and advancement of all people. One's identity cannot predict the outcome.
- 2) **Inclusion:** A variety of people have power, voice, and decision-making authority.
- 3) **Gender:** The attitudes, roles, behaviours, experiences, and feelings that a given culture associates with a person's biological sex. It influences how we perceive ourselves and each other, how we act and interact, and the distribution of power and resources in society. Gender intersects with other factors that drive inequalities, discrimination, and marginalisation, such as caste, religion, ethnicity, socioeconomic status, ability, age, geographic location, and sexual orientation.³
- 4) **Sexuality:** Sexuality can be understood as the experience of knowing and expressing oneself. Sexuality is experienced and expressed through thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, roles, and relationships. While sexuality can include all these dimensions, not all of them are always experienced or expressed. Sexuality is influenced by the interaction of biological, psychological, social, economic, political, cultural, ethical, legal, historical, religious, and spiritual factors.⁴
- 5) **Sexual orientation:** A component of identity that includes a person's sexual and emotional attraction to another person and the behaviour that may result from this attraction.⁵
- 6) **Gender identity:** An individual's deeply felt, inherent sense of being a boy, a man, a girl, a woman, or any other gender (e.g., genderqueer, gender non-conforming (GNC), non-binary, agender), which may or may not correspond to a person's sex assigned at birth or to a person's primary or secondary sex characteristics.⁶
- 7) **Ally:** An ally is someone who stands up for, supports, and encourages the people around them, especially people from marginalised sections of society.

³ <https://nazariyaqfrg.wordpress.com/2017/05/24/terminology-gender-sexuality/>

⁴ <https://nazariyaqfrg.wordpress.com/2017/05/24/terminology-gender-sexuality/>

⁵ <https://www.apa.org/pi/lgbt/programs/safe-supportive/lgbt/key-terms.pdf>

⁶ <https://www.apa.org/pi/lgbt/programs/safe-supportive/lgbt/key-terms.pdf>

National and International Laws, Policies, & Conventions

1) Transgender Persons Protection of Rights Act and Rules:

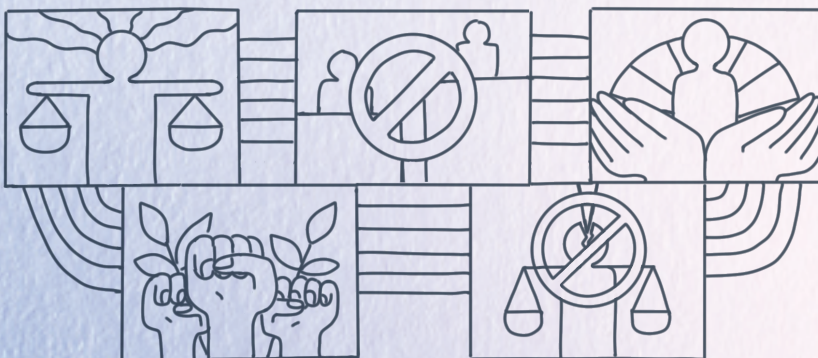
Transgender Persons (Protection of Rights) Act, 2019 and Rules, 2020 ('The Transgender Act') aims to end discrimination against transgender persons in accessing education, employment, and healthcare.

2) UN Free & Equal Global Business Standards:

In order to assist the business community in combating discrimination against LGBTQIA+ people, the United Nations Human Rights Office has created five standards of conduct. Governments alone cannot end violence and prejudice against LGBTQIA+ individuals. Businesses have the power to promote equality and respect in the workplace as well as in the communities where they and their business partners do business. The UN Guiding Principles on Business and Human Rights serve as the foundation for the standards, which were developed in partnership with the Institute for Human Rights and Business. They also incorporate feedback from hundreds of businesses operating in a variety of industries.

The five standards are:

- 1) Respect human rights
- 2) Eliminate discrimination
- 3) Provide support
- 4) Eliminate other human rights violations
- 5) Act in the public sphere



1) Sustainable Development Goals (Goal 5: Achieve gender equality and empower all women and girls):

Even though the Sustainable Development Goals (SDG) does not specifically address sexual orientation and gender identity issues, SDG applies to everyone. All private and public spaces should ensure that “all” women and girls are equally treated.

1) Yogakartya Principles of 2006 (Principle 12: The right to work):

Everyone has the right to decent and productive work, just and favourable conditions of work, and protection against unemployment without discrimination on the basis of sexual orientation or gender identity.

Hiring

An inclusive hiring process actively acknowledges diversity and welcomes a variety of skills and viewpoints that applicants bring to the company; it's not just about checking a box by hiring people from under-represented backgrounds or people with disabilities.



1) Show your PRIDE:

If you are an inclusive organisation and work with or want to work with LGBTQIA+ persons, do not hesitate to show your PRIDE. Your website, campaign materials, programmes, etc., should showcase that you are a company which supports diversity and inclusion. You can also add information about inclusivity to your mission statement and career sites.

2) Inclusive language in job descriptions (JDs) and interview processes:

Your JDs should contain inclusive language. Some of the points to consider before posting your JD would be:

- 1) Gender-neutral language in the description and the application form ('they' instead of 'he'/'she').
- 2) Mindful of difficult words/jargon: Be mindful of neurodivergence and cognizant of the abilities of candidates.
- 3) Usage of local words: Sometimes using local languages along with industry jargon might be useful.
- 4) Algorithm bias: Be mindful of algorithms. When forms are selected automatically based on few select algorithms, it might lead to the exclusion of a large number of candidates.
- 5) During the interview, ensure that you are using the right pronoun and the right name. Be mindful that many trans* and GNC persons do not prefer using their "legal name" and use a name that they have chosen for themselves.

3) Equality vs. equity:

We all want equal workspaces. But have you heard of the word 'equity'? Equality aims for equal access to opportunities and support for all social groups. To attain a greater fairness of outcomes, equity goes a step further and refers to providing various degrees of support based on need. For instance, we all know that some people belonging to the LGBTQIA+ community or people with disabilities have been excluded for a long time because of several hurdles. Therefore, it is important to make "special" efforts to ensure the participation of all marginalised persons in your organisation.

4) Multi-level interview committees:

Who sits for the interviews? Is it always higher management? Ensure that there are multi-level hiring committees that will look at different aspects of a candidate. For instance, a candidate might be very vocal about their needs and skills, whereas some people who have been marginalised for a long time might not be as vocal. Try out different mechanisms to understand the skills that a person possesses.

5) Focused recruitment drives for queer and trans* persons:

Where are you posting your job? Is it always on the same platform? If you want your organisation to be inclusive and diverse, start reaching out to organisations working on LGBTQIA+ rights.

6) Transparency:

Above all, be transparent about your selection process and hiring. For example, at Nazariya, we ask for the caste and religion of a candidate. We only hire queer women and trans* persons. There are candidates who ask the reasons behind these questions. We clearly inform them about equality vs. equity and that people from marginalised castes, religions, abilities, etc., will receive extra points. However, the other selection process, i.e., the interview process, is similar for all.

DO NOT ASK THESE QUESTIONS DURING INTERVIEWS:

- 1) You don't look trans*.
- 2) When did you realise that you are a lesbian/gay/GNC, etc.?
- 3) Do you have a partner?
- 4) How did you look earlier?
- 5) Have you always known you are trans*/lesbian, etc.?
- 6) What is the status of your surgery?

Infrastructure

- 1) **Toilets:** A significant infrastructural obstacle preventing trans* people from working is the restroom; trans* people often experience harassment and discrimination because of their preference to use a particular restroom. Building gender-neutral restrooms and giving transgender persons access to the restroom of the gender they identify with are all good options for organisations seeking to create an inclusive workplace for transgender people.

Discrimination is when you prevent trans* people from using restrooms of the gender they identify with. Additionally, while designing restrooms, businesses should take non-binary employees' needs and demands into account.



This toilet may be used by any person regardless of their gender identity, expression, or ability

इस शौचालय का उपयोग कोई भी व्यक्ति अपनी जेंडर पहचान, अभिव्यक्ति या क्षमता की परवाह किए बिना कर सकता है

All Inclusive
Toilet

सभी के लिए
शौचालय

An all-inclusive restroom poster/signage
created by Nazariya for NMRC

- 2) **Dress codes:** Many businesses still enforce a dress code for employees. These dress standards don't apply to employees who identify as non-binary or gender-fluid because they are based on a binary view of gender. Employees are expected to follow societal norms of what is expected, appropriate, and the like in response to regulations like these. A key component of self-expression of gender is clothing. Guidelines regarding any dress codes should be established after consulting with the staff in order to foster an environment where employees feel comfortable being themselves.

Box - Virgin Atlantic, a British airline, updated its uniform policy to be more inclusive. No longer compelled to wear gendered uniforms, crew, pilots, and ground crew are now free to wear whichever clothing best suits them. The policy modification is a component of a broader easing of the airline's standard regulations. Virgin Atlantic stopped requiring female employees to wear makeup in 2019 and started allowing them to wear pants and flat shoes. It was also the first airline in the UK to permit visible tattoos earlier in 2022. Along with the requirement for inclusion training, pronoun badges are now available for staff members.

- 3) **Employee resource groups:** Employee resource groups (ERGs) are established at work to foster a diverse working culture. An ERG's main goal is to assist the community by listening to them, finding solutions to their problems, and bringing forth suggestions to management. It is that area of the workplace where employees feel free to speak openly, consult, make suggestions, and bring up problems that directly affect them.

Effective ERGs aid firms in comprehending and monitoring the application and accomplishment of their policies. ERGs also enable firms to succeed commercially while assisting community members. An organisation's workplace cannot be truly inclusive if its ERG is not functional.

Establishing an ERG

- 1) **Organisational support:** Does your organisation have a mandate for the establishment of such groups? Management should be open to establishing such groups in your company.

- 2) **Mission and vision of the group:** Write the mission and vision of your ERG clearly. Initial objectives can include concentrating on the employer's LGBTQIA+-related policies and making suggestions for improvement in that area, as well as assessing how inclusive the organisation's diversity training programmes are regarding LGBTQIA+ people. Create a rough plan and a budget to achieve your objectives.

- 3) **Membership:** Membership should be open to all. However, special emphasis should be on people who are marginalised.

- 4) **Training sessions:** Regular training sessions should be organised to build the capacities of ERG members on topics such as gender, masculinity, sexuality, intersectionality, and leadership ethics.

Policies

- Include non-discrimination against people with diverse gender identities and sexual orientation.
- Prevention of sexual harassment at the workplace should be a gender-neutral policy.
- Company insurance should cover same-sex partners and gender affirmative surgery (GAS).
- Maternity and paternity leaves should include same-sex partners. It should also include adoption. ‘Maternity’ and ‘paternity’ leaves can be relabelled ‘parental’ leave. Bereavement policy should include the passing away of domestic and same-sex partners (or pets, other loved ones, people in an individual’s circle of trust—who they consider family and not just blood relatives).
- Senior management plays a major role in setting the tone and moulding the organisation’s culture.
- Introduce a full-time Special Diversity and Inclusion Officer to focus on building and maintaining an inclusive workplace.
- The annual appraisal process should encourage all associates to share the diversity and inclusion activities that they have been involved in.
- Conduct regular sensitisation programmes for all employees.
- Provide orientation to employees on benefits, policies, and processes.
- Effective diversity and inclusion (D&I) strategies must be grounded in intersectionality. In addition to sexual orientation and gender identity, there are numerous other identities such as caste, religion, ability, and ethnicity that need to be considered.
- The signatures of all employees (and not just queer or trans* persons) should include their pronouns.

Trans*-friendly HR policies and practices

- **Name and pronouns:** Ask the individual their name and preferred pronouns and refer to the individual using the same, even if this is different from that mentioned as the birth name in their documents or what you perceive based on their voice, appearance, etc.
- **Indicating ‘transgender’ in the recruitment form:** The person may choose to identify as male/female/transgender person at the time of recruitment; go with what they choose and do not insist on gender assigned at birth. It is

recommended to have a blank column against gender to indicate preferred terminology. Please indicate that the organisation is open and inclusive to all forms of gender next to the gender column.

- **ID card:** Use the name and pronouns that an individual wants to be addressed with.
- **Personnel files:** Keep them confidential. Don't disclose such details as 'past name' or 'real gender identity'.
- **Induction/introduction:** During the induction and introduction process, there is no need to disclose 'past name', 'real gender', etc. Introduce the person the way they would want to be introduced. To this end, HR can have a discussion with the candidate beforehand.

Office Culture/ Language

The fear of coming out is constant in the absence of a culture where everyone feels secure, welcome, and valued for who they are. Concealing who they are is a significant drain on the energies of LGBTQIA+ people. The absence of the fear would allow them to be their best selves at work and feel comfortable within the office space.



How can your company foster a climate where LGBTQIA+ staff members feel secure enough to come out? To create a workplace that values every employee for who they are, deliberate, intentional action is needed. Here are some actions you can take right away:

- 1) **Check the internal bias of the organisation:** Does your organisation understand diversity? Do your policies reflect diversity? Or do you assume that the default is a cis-heterosexual person from the upper caste and class? Rethink and reanalyse the internal bias of the organisation. A training on internal bias can also be conducted to this end.
- 2) **Non-discrimination policy:** Do you have a non-discrimination policy? If yes, do check if your policy is inclusive of all marginalised persons.
- 3) **Organisation communication:** Get your communication strategies and materials reviewed by an expert. Are there any options for those who do not identify with the gender binary? Your public areas present a chance for inclusion as well. For many people, using the restroom is a routine activity, but for someone who identifies as GNC, it can be anxiety-inducing. Having a restroom that is gender-neutral can really help.

Similarly, do you celebrate heterosexual marriage as a part of office functions? Have you thought about same-gender couples who have no space to celebrate their relationship? It is time to rethink unofficial workplace culture practices as well!

- 4) **Diversity training:** Ensure that even top leadership is part of diversity training sessions. Sometimes, queer and trans* persons face alienation from people who are not in their team. Make sure that you organise training sessions for employees at all levels of the organisation.
- 5) **Language:** Language plays an important role in workplace culture. Instead of terms such as 'husband', 'wife', 'girlfriend', and 'boyfriend', you can use the word 'partner'.

Phrases like *"This is so gay"* or *"Sunita was a boy earlier"* should be avoided.

Instead of collective terms such as *'guys', 'girls', 'boys', 'ladies', and 'gentleman'*, use words like *'all', 'everyone', 'folks', and 'friends'*.

It is not easy to implement and create a safe working space for all individuals. However, our efforts in creating that space should be intentional and goal-oriented. An inclusive workspace will enable many persons to come out as LGBTQIA+ which will, in turn, be very beneficial for their mental well-being.



<https://thenazariyafoundation.org/>

Email- info@nazariyaqfrg.org

Helpline no- 91 9818151707



nazariya.qfrg



Nazariya: A Queer Feminist Resource Group



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