

DIVERSITY MANAGEMENT IN INDIA: TOWARDS INCLUDING LESBIAN GAY, BISEXUAL+ AND TRANSGENDER EMPLOYEES

Assist. Prof. Dr. Nidhi S. Bisht

Management Development Institute Gurgaon, India

ABSTRACT

Organisations, irrespective of their size, sector, or location, are expected to manage workplace diversity and progress toward including lesbian, gay, bisexual and transgender (LGBT)+ employees at work. Although in the absence of any anti-discrimination law, legal compliance is not a key driver for companies in India to adopt LGBT+ friendly policies at work, a few companies in India, particularly multinationals, have started considering LGBT+ employees in their diversity management agenda. These companies recognise the importance of treating LGBT+ employees with dignity, thus mitigating the risk of losing their talent to other progressive and liberal competitors'. Given that workplace experiences cannot be discussed without looking at the broader national context, the article provides a selective overview of the LGBT+ rights movement in India and then describes actions taken by some organisations in managing LGBT+ diversity at work. We close the article by suggesting measures for leveraging LGBT diversity at work by focusing on inclusion, thus going beyond rhetoric.

***Keywords:** LGBT+, India, diversity, inclusion*

INTRODUCTION

Over the last decade, millions of LGBT+ people worldwide have benefitted from various country or state-level legal reforms. On September 6, 2018, the Supreme Court of India, too, read down the 158-year-old legal position of Section 377 of the Indian Penal Code, which criminalised sodomy, precisely carnal intercourse. In a historic judgment, observing homosexuality as a natural variant of sexuality, the Supreme Court of India stated that the archaic law violated the fundamental rights of individuals guaranteed by the Indian constitution. The changed legal position of Section 377 meant that consensual same-sex relations between adults were no longer a criminal offence in India.

Section 377 was introduced in India in 1860, when it was a British colony, like most other British colonies, which also had some version of Section 377 in their penal codes. While Section 377 did not criminalize gay identity, it criminalized sexual acts, which in a way, was seen as criminalizing the majority of homosexual individuals, if not all [1], [2]. Heralding new beginnings, while the legal reform of reading down Section 377 is a pivotal moment, any Indian law or

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