Creating Inclusive Workplaces for LGBT Employees in India

A Resource Guide for Employers

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FOREWORD

"The need to embrace diversity in terms of promoting greater gender equality in the workplace and ensuring greater opportunities for under-represented and marginalised groups is generally well understood by corporate India. Leading companies – both large local companies and western multinationals operating in India are beginning to recognise the business benefits too – namely, the direct link that diverse teams and inclusive work environments can have on productivity and performance.

Despite this progress however, the subject of sexual orientation and LGBT has largely been overlooked. Regarded by many as a subject that has no place for discussion in the workplace and shrouded in taboo and stigma, companies - both local and international, have steered away from including this on their corporate diversity agenda. Indeed in a country where homosexuality has until very recently been considered a criminal offence, there has been an understandable nervousness, particularly on the part of Western multinationals, about whether and how to address this subject.

However, with the tide of change happening (as evidenced by changes in legislation and the emergence of a more visible LGBT community) - not just in India but across Asia, Community Business believes that companies can no longer ignore this issue. Significant challenges exist for LGBT professionals in India, preventing many from being open in the workplace and limiting their ability to contribute their full potential. More importantly, we believe that companies have a leadership role to play in challenging mindsets and creating a more safe and open environment for LGBT individuals in India.

In compiling this report, we do not claim to be an authority on all issues relating to LGBT in India. India is a vast and diverse country and attitudes towards this subject and experiences of LGBT individuals vary vastly. The disparity between urban and rural India and nuances of the structured class system add further complexities to understanding this topic more fully.   However in shining a light on the subject of sexual orientation and gender identity, our intention is to provoke a new conversation and encourage more open dialogue on this important topic as a way to facilitate greater understanding and bring about positive change.

This publication is specifically designed for those companies looking to address the needs of their LGBT employees in India for the first time. It highlights the business case, provides an overview of the Indian context and sets out some recommendations for companies to follow. We hope it will be instrumental in driving the adoption of best practice by companies in India.

We would like to thank our sponsors Goldman Sachs, IBM and Google, for partnering with us in this work and taking the lead on this subject - both specifically in India and the wider Asia region.   We would also like to thank all those who have contributed to this research, including members of our Advisory Group, participants in our corporate stakeholder engagement sessions and the companies who have shared case studies of work they are doing in India.

We hope this publication will be a valuable resource and look forward to continuing to work with companies in India to promote workplace environments that are inclusive of all."

Kate Vernon
Managing Director and Head of Diversity & Inclusion
Community Business

FOREWORD

Goldman Sachs

"We are proud to be a sponsor of the Community Business study entitled 'Creating Inclusive Workplaces for LGBT Employees: 'A Resource Guide for Employers in India'.

The report looks at some of the challenges faced by Lesbian, Gay, Bisexual and Transgender (LGBT) employees in India from a historical, legal, and work place perspective, and provides some practical suggestions on what companies in India can do to make their workplaces more inclusive.

At Goldman Sachs in India, our policies aim to treat all employees equally, irrespective of sexual orientation, and our benefits apply wherever possible to same sex partners, as they would to opposite sex partners. We host training events to further educate our employees on how to be inclusive of LGBT people in the workplace and we have an active LGBT Network which runs several events throughout the year that are open to all of our people, helping to build greater visibility around our LGBT population and any potential challenges they may face in the workplace.

We hope that this guide will help us learn from some of the best practices that companies are already pursuing in India, and that this serves as a starting point for discussions on what each one of us can do to foster an inclusive environment for LGBT people.

We have over 4000 employees in our Bangalore and Mumbai offices and over 300 employees have voluntarily signed up to be straight allies of the GS India LGBT network. It is crucial for India as an emerging economy to fully explore the potential of its LGBT population and for companies to have inclusive policies that enable their employees to be able to bring their whole selves to work. We firmly believe that creating an inclusive environment for people in all aspects of society is critical to the success of corporate India.

Our success depends on our ability to attract, retain and develop the best talent and to build a culture where our people can reach their full potential. It is really important for our people to feel like they can bring their whole selves to work because if they do they will be happier and more productive. Our out employees and our straight allies appreciate and respect the fact that Goldman Sachs is not just one of the organizations that addresses issues related to LGBT but has always strived to be a leader. We have no doubt that a more diverse environment where differences are not only accepted but also valued will lead to a more profitable firm."

Lisa Donnelly
Co-Head of the Operations Division in Bangalore
and MD Sponsor of the GS India LGBT Network
Goldman Sachs

FOREWORD

"At IBM we are proud of our long history of honouring, valuing, and promoting diversity and inclusion in our workforce. For IBM, diversity is a defining and measurable competitive advantage and we consciously work to build diverse teams to better enable us to drive the very best results for our clients.

References to sexual orientation have been a part of our diversity and inclusion policies for over 20 years. In fact, IBM was one of the very first companies to globally and publicly formalise its commitment to our Lesbian, Gay, Bisexual and Transgender (LGBT) employees, including sexual orientation in our Manager's Handbook in 1984 and subsequently adding LGBT inclusion into our Equal Opportunity Policy.

Today, we seek to build on those groundbreaking efforts – celebrating and expanding an inclusive workplace where LGBT employees are valued, empowered to think freely and encouraged to express themselves fully. This culture frees our colleagues to think creatively, producing dramatic and innovative outcomes for our clients. This environment is also recognised and honoured by outside organisations, earning IBM the top score in the US Human Rights Campaign's Corporate Equality Index for seven years in a row and the number 1 ranking in the UK's Stonewall Workplace Equality Index in 2010.

We are delighted to be partnering with Community Business to raise awareness of LGBT issues in the workplace as we work on expanding our efforts in Asia. By working together to produce this LGBT Resource Guide for Employers we hope to encourage more companies to review their workplace policies and practices and drive positive change for the LGBT community in India."

Vanitha Narayanan
Executive Sponsor – LGBT (India/South Asia)
Managing Partner – IBM Global Business Services

SECTION 1:
SEXUAL ORIENTATION AND GENDER IDENTITY – A BUSINESS ISSUE?

Why LGB and T?

L, G and B stands for Lesbian, Gay and Bisexual and refers to sexual orientation. T stands for Transgender and refers to gender identity. So why do these two topics (and groups of people) get put together? Leading diversity specialist, Mark Kaplan, provides the following explanation:

"While not the only reason, it is likely because the common stereotypes for gay men and lesbians suggest that each is like or wants to be the other sex, and thus lesbians, gays, bisexual and transgendered people are seen as essentially the same. Because of this, sometimes these groups combine efforts and push for equal treatment based on both sexual orientation and gender identity. However these are two distinct and different aspects of diversity, each with its own set of challenges. Transgendered people's experience has to do with their gender identity. Gender identity refers to how one experiences and expresses gender and biological sex. Sexual orientation refers to how one is oriented in love/romantic relationships. We all have a sexual orientation – whether it be heterosexual, homosexual, bisexual or asexual. And we all have a gender identity."

For more clarity around terminology used when speaking about sexual orientation and gender identity please see Appendix 1.

Why Should Businesses Care?

Over the last two decades India has emerged as one of the most rapidly developing economies globally and has made significant strides towards adopting a free market model after decades of socialist state planning. Multinational companies across a wide range of sectors have entered India and have steadily ramped up the scale of their Indian operations. Through this period of economic liberalisation, Indian companies have also gained in global competitiveness, especially in the resources, banking and services sectors.[1]

Indian companies now have to compete in an interconnected world with global companies that have increasingly tapped into the strength of their workforce diversity, including LGBT individuals. This includes competing in the marketplace and also competing to attract the best talent to their organisations. In addition, several Indian companies are emerging as multinationals in their own right and in so doing are recognising the growing requirement to adopt global best practices for diversity and inclusion.

In India, workplace attitudes towards employees' sexual orientation or gender identity have typically followed a "don't ask, don't tell" pattern. These issues have largely been seen as private, best left out of the workplace. However, the Indian LGBT community has become more emboldened in recent years, with organisations such as Mingle (Mission for Indian Gay & Lesbian Empowerment) and the Equal India Alliance calling for greater equality for LGBT individuals. This influence is beginning to be felt in the workplace too.

There is a growing body of international research to support the business imperative for creating diverse and inclusive workplace. The business case for embracing diversity is becoming well understood in India too. But how does this apply to the subject of LGBT and why should businesses in India be concerned about this issue?

Diverse and Inclusive Workplaces are Good for Business
An understanding of the business relevance of LGBT issues to the workplace starts with the recognition that a diverse and inclusive business environment is directly linked to enhanced business performance. For a workplace that embraces diverse talent and enables people to bring their whole selves to work will secure competitive advantage and position itself as an employer of choice. With a changing legal environment both in India and globally, there are legal reasons why companies should address LGBT issues in the workplace and managers should be aware of the risk management issues. However the more compelling business case relates to the direct impact that creating more inclusive workplaces for LGBT employees has on productivity and performance, attraction and retention and market share.

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Productivity and Performance

The most compelling driver for companies to address this subject is the positive impact of creating an open, respectful and safe environment for all employees – and the impact this has on productivity. Although very little research has been done in India, research in other countries shows that productivity suffers significantly when LGBT employees cannot be open about their sexual orientation or gender identity in the workplace. This can lead to a deficit of trust with colleagues, which has the potential to undermine the effectiveness of the organisation itself. According to a study by Human Rights Campaign (HRC), the largest civil rights organisation working to achieve equality for lesbian, gay, bisexual and transgender Americans, 54% of LGBT employees who are not open to anyone at work report lying about their personal lives.[2]

According to Stonewall, an organisation working for equality and justice for lesbians, gay men and bisexuals in the UK, 'concealing sexual orientation at work reduces productivity by up to 30 per cent.'[3] Similarly a study by Catalyst in the US found that LGBT employees who work in organisations with employee networks, resource groups and/or mentoring programs are anywhere from 7% to 16% higher in their workplace experience scores.[4] Feeling safe to be out at work is critical to being able to build important workplace relationships.

Tracy Ann Curtis, Principal Consultant of TAC Global, reminds us:

> "We all wake up everyday and want to perform at our best – this is a basic human need – it exists in all of us. Each of us deserves to live in this light. It is a birth right and not dependent on anything else. We all have needs for meaningful work, contribution to the enrichment to our community, purpose, meaning and to belong. To ensure high performance, organisations need to cultivate environments which allow each of us, regardless of our diversity - to contribute our best selves – and this is what leads to highly productive and innovative work places."

Attraction and Retention

A commonly agreed statistic is that an estimated 5 - 10% of any working population is likely to belong to the LGBT community. According to Parmesh Shahani, who heads the Godrej India Culture Lab and is the author of Gay Bombay: Globalization, Love and (Be)Longing in Contemporary India:

> "LGBT people are talent to be pursued and they don't like working with companies that discriminate."

It has become increasingly important for companies to be able to show both a favourable reputation and a solid track record of inclusive practices. This is important, not just to attract this increasingly visible segment of the workforce but also to appeal to the unknown number of employees who may have LGBT family members or friends and want to be associated with a company that demonstrates support and respect.

- **War for talent**
  In an environment of heightened competition for talent and upward pressure on wages (especially in the services and information sector where India has gained global competitiveness), companies doing business in India risk losing out if they do not start updating their diversity policies and demonstrating greater inclusiveness towards the LGBT population. Companies that are not at the forefront of this change will be at risk of losing top talent to companies that openly welcome and create a space for diverse employees – regardless of their sexual orientation and gender identity.

  > "As an LGBT expat in India my biggest challenge was adapting to a society with different cultural norms from my home country. The fact that my firm has an equal stance with regard to LGBT inclusion in India as it does globally played an overriding role in my decision to take an assignment here."
  > Anonymous LGBT employee working for a multinational company in India

- **Demands of Gen Y**
  This argument is even more compelling if one applies a generational lens – and in particular considers the characteristics of Gen Y. At an estimated 426 million, India's Gen Y (those born between 1980 and 1990) makes up more than half of the population and is the largest Gen Y population in the world.[5] Many companies are aware that the attitudes and aspirations of this new generation of workers are vastly different from those of their predecessors. Growing up in the country's first wave of broad and dynamic economic development, Indian Gen Y is keen to participate in the country's growth and take the country forward. They have been described as a "demanding workforce - dynamic, ambitious, optimistic, embrace change, have a clear sense of direction, business savvy, technologically capable and connected." They also value diversity and are more open about issues such as sexual orientation and gender identity. As companies recognise that the success of their business hinges on their ability to fully engage their younger employees, they are being driven to adopt a more open and inclusive approach – and this extends to the subject of LGBT.

  A survey conducted by Mingle in India also makes the link between a more open environment for LGBT employees and attraction and retention. Findings in its LGBT Workplace Survey Report 2012, highlight that openly gay employees have greater trust in their employers, are more likely to have entrepreneurial aims in the future, have greater satisfaction with their rate of promotion, feel more loyal to their organisation and are more likely to continue with the same company for a greater period of time - as compared to their closeted counterparts.[6]

Market Share

Various studies have documented the financial opportunity presented by the LGBT market internationally. This potential is now beginning to be recognised in India.

> "Worldwide, pink money is valued in billions of dollars across a variety of sectors. It is high-time India cashed in." [7]

Often cited as being wealthy with large disposable incomes, the LGBT sector is seen by many as a lucrative target market. As one commentator observes:

> "Gay men are the biggest spenders on lifestyle products. They have maximum disposable incomes and do not hesitate to pay a bit extra if their needs are addressed." [8]

While the fight to gain acceptance for LGBT in India continues, savvy marketers and entrepreneurs are awakening to the opportunities presented by "pink money":

> "If there is a market for the pink dollar and pink pound, then it is time for pink rupee in India to make its presence felt." [9]

As India's LGBT population becomes more secure in their identity - and thus more visible - this community will constitute a significant prize for companies to target. According to K. D. Das, a professor at Jawaharlal Nehru University's Centre for Economic Studies and Planning in New Delhi, the pink economy in India will really take off when legal issues are completely settled.

> "Thousands of middle-class gays will come out of the closet and enterprises will mushroom.
> No one wants to miss out on the opportunity to develop a tailor-made strategy to make money."[10]

Research also shows that the LGBT market is highly brand conscious and demonstrates high degrees of loyalty. Companies that have progressive policies towards LGBT employees therefore have the opportunity to differentiate their brand and access an engaged, loyal market and command a greater share of this community's growing spending power.

Legal Compliance

Homosexuality has only recently been decriminalised in India and although the Indian Constitution makes some provision, there is no directly applicable anti-discrimination law to protect LGBT employees in the workplace. Compliance with the law is therefore not a key driver for companies in India to address the needs of LGBT employees. However the legal framework in this area continues to evolve and regardless of domestic developments on this front, companies in India cannot remain immune to international influence where laws on this subject are often more clearly developed and articulated. Global companies in particular are recognising the importance of treating their LGBT employees with dignity and respect and these values - which are often enshrined in their policies, are being extended to their operations outside of their home countries. This is forcing the debate in India and local companies that fail to keep pace with these developments run the risk of losing out to their more progressive and liberal global competitors.

Reputation and Risk Management

Whilst legal compliance may not be a key driver for companies in India to look at this subject, concerns about reputation and risk management should be. Indeed employers in India that do not take steps to introduce their own LGBT policies and educate their employees, run the risk of severe embarrassment, damage to their corporate reputation and with it the potential loss of customers. A number of companies who have failed to educate or sensitise their managers on matters relating to LGBT have been exposed and suffered the consequences.

> According to one documented case, a group of Indian employees at a top Indian software firm made offensive gestures towards the male director of an overseas customer firm who happened to mention his same-sex partner in the course of a conversation. The Indian company faced significant damage to their public image in the market, and ultimately lost a potential $10 million deal due to this behaviour.
>
> In another instance a group of Indian employees on site at a customer location in the US, found out that one of their fellow coworkers was gay. They harassed him as a group with improper and abusive language and forcefully threw him out of the department. This was not only blatant bullying and harassment, but also potentially constituted grounds for civil lawsuits incriminating the employer's local subsidiary's inability to prevent LGBT discrimination. This created a major rift between the US customer and the Indian company.[11]

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Organisations that do not have a culture of respect and equal treatment for all employees, and clear policies in this regard, need to be aware that they may be vulnerable to legal action while operating in countries outside of India.

In concluding the business case and persuading business leaders to take proactive steps to create open and safe working environments for LGBT employees, it is worth highlighting some of the potential costs of not addressing the needs of LGBT employees.

Cost of Ignoring Needs of LGBT Employees

Prejudice always has a human cost, but there is also a bottom line cost for employers. Discrimination, harrassment and bullying in the workplace can lead to low self-esteem, demotivation, stress, anxiety, depression and even litigation. The organisational costs of this can include low staff morale, increased absenteeism, decreased productivity, recruitment and retention problems – all of which impact the profitability of the company.

Yet ultimately, the business case for creating inclusive workplaces for LGBT employees in the fundamental truth highlighted by gay rights activist and the editor of India's first gay magazine, Ashok Row Kavi:

> "Your sexuality is just another facet of your personality. It is like the colour of your skin or the colour of your hair. It tells you who you are, but does not tell you what you are capable of doing."

Mark Kaplan, president of The Dagoba Group, a US-based development and training firm that has offered consultancy services regarding LGBT equality to multinationals with operations in India sums it up this way:

> "LGBT inclusion in the workplace is not about people's sexual lives. It is instead about their identity and the extent to which they will be included if they are open about themselves in the same way heterosexuals are."[12]

As companies consider whether to address the subject of LGBT inclusion in their organisations in India, Connie Wong, founder and managing director of CSW Associates Inc, a leading global consulting firm on workforce issues, provides this challenging perspective:

> "Global business leaders must accept all the complications and challenging issues that surface if they are authentic with their efforts to build a truly inclusive work environment. You cannot rank someone else's inclusion...you cannot say gender is critical, culture is critical but LGBT… complicated so let's put it aside. As business leaders you are either in the game of true inclusion or not...you are in 100% or not...there is no middle ground."

SECTION 2:
THE INDIAN CONTEXT

Overview

It is difficult to accurately ascertain the number of LGBT individuals in any population. This is particularly true in a country such as India, where there is a lack of openness and sensitivity around this subject is high. Estimates vary widely - from 2.5 million gay men quoted by the government to the Supreme High Court[13] to as many as 100 million quoted by some sources. However, if one takes the internationally accepted figure of 5-10% of an adult population, the number of LGBT individuals in India is likely to be in the region of 42-84 million.[14]

The legal status of India's LGBT community has long been linked to Section 377 of the Indian Penal Code, a legacy of British imperial rule, which criminalises what is termed as 'carnal intercourse, against the order of nature'. This provision was struck down by the Delhi High Court in a historic judgment in July 2009. Since then same sex behaviour among consenting adults in private has effectively been decriminalised in the eyes of the law.

Despite this important development, sexual orientation and gender identity continue to be issues that are not openly discussed in Indian society or the workplace. Despite a considerable population of sexual minorities, most people in India, from across socio-economic strata, claim to not know any lesbian, gay, bisexual or transgender (LGBT) individuals. As a result, homophobia and misinformation is widespread and LGBT individuals are often disempowered politically, economically, and socially. This includes being subject to harassment at the hands of law enforcement authorities and there are many documented cases of such abuse. In addition, strong traditional family values among Indian society (even across diverse religious groups) mean that LGBT individuals may be forced to conform to traditional gender roles, including heterosexual marriage. Certainly the experience for most LGBT individuals in India is that they are stigmatised to a point where they are forced to deny the core of their identity and vital dimensions of their personality.

Nevertheless, social attitudes towards LGBT individuals are slowly changing - particularly in urban areas, with a small group of LGBT activists, as well as NGOs, becoming more vocal in asserting their rights. Popular culture has also influenced the acceptance of the LGBT community in India. Media, Bollywood and other forms of popular culture are changing social acceptance on a macro level and this has impacted change at a personal level and in the corporate world. Today a handful of leading multinational and large local companies are pioneering corporate initiatives around sexual orientation and gender identity.

The Cultural Context

Public discussion of homosexuality in India has been inhibited by the fact that sexuality in any form is rarely discussed openly. For many parts of Indian society, LGBT identity is perceived as a foreign evil – with the common held belief that LGBT individuals did not exist in Indian history and culture but for Western influence. This is despite there being plenty of religious, cultural and literary references to same-sex love in Indian history.[15] Indeed, some view homosexuality as "unnatural", a "perversion" or a "disease". [16] With sex education largely unavailable in the Indian school system and a lack of responsible reporting on the topic in the media, these discriminatory views continue to prevail and influence the conversation in present day India.

There is one subset of the LGBT community which occupies a prominent, though marginalised and misunderstood role in Indian society; this is the transgender community in India, known as 'hijras'. Although they are sometimes called upon to offer blessings during auspicious family occasions like weddings and at births (in exchange for money), in all other aspects of life, they are not only ignored but generally ostracised by society.

> "It's an age-old custom in India to have hijras bless childbirths, weddings, housewarmings and other auspicious occasions. The eunuchs are believed to possess occult powers, and their blessings - and curses - are both considered potent."[17]

According to transgender and human rights activists, discrimination has prevented most hijras from obtaining education, jobs and housing. The vast majority live in slums and, with limited job opportunities have resorted to sex work or begging. According to a recent article in The Global Post:

> "They weave in and out of Mumbai's traffic or come onto the women's compartments of local trains, clap loudly and take money in exchange for a blessing."[18]

Role of Family

Despite the recent changes in the legal outlook towards same sex behaviour in 2009, the social acceptance of the LGBT community in India remains low. India has long had a deeply conservative and patriarchal culture – characterised by strong family pressure and alienation of those who deviate from established tradition of gender roles or sexual orientation. Sexuality as a whole is regarded as a taboo discussion in the Indian family discourse, where mention of the topic within the typical Indian family setting is likely to result in disregard and silent reprimands.

The treatment of homosexuals in India can be linked to traditional Indian family values, which tend to be deeply conservative and disapproving of sex outside of marriage. Family is an important part of Indian culture and the institution of marriage is seen as strengthening family values. Indian families have traditionally been collective and hierarchical in their nature with the joint family setup (where several generations of a family co-habitate and the eldest member is the head of the household) still widely prevalent. All of this excludes discussion of homosexuality.

As a result, LGBT individuals are generally 'invisible' in Indian family and public life and issues such as arranged marriage, discrimination, social stigma and ostracism against sexual minorities are still very much a reality. Reports of LGBT individuals being encouraged or coerced into heterosexual unions, suffering mental and physical abuse, and committing suicide in India are not uncommon.

Influence of Religion

Religion and faith play an important part in the lives of many Indians. Among the religions that originated in India, including Hinduism, Buddhism, Jainism and Sikhism, teachings regarding homosexuality are less clear than among the Abrahamic traditions (Judaism, Christianity and Islam), and religious authorities voice diverse opinions. That said, most of these faiths oppose sex outside of marriage, which implies that marriage as an institution exists for the purpose of procreation. Even if one accepts that gay couples can have and raise children, as long as same-sex marriage is legally and socially unavailable, gay sex will by definition exist outside of marriage and be considered unacceptable in a religious sense.

With 80.6% of the population in India being Hindus, Hindu traditions and beliefs have a strong impact on Indian society. Ancient Hindu law books, from the first century onward, categorise non-heterosexual sex as impure. The original scriptures of Hindu teachings, the Vedas,[19] also make reference to a third gender known as hijras (transgender), who is neither female nor male. Some experts see this third gender as an ancient parallel to modern LGBT and/or intersex identities. However, this third sex is usually viewed negatively as a pariah class in ancient texts. [20]

It should be noted that before colonisation of large parts of India by the British and Portuguese, Hindus tended to be more open about sexuality in general and discussion of sex was not treated as a social taboo to the extent that it is today. European colonisation, including the arrival of Christianity, introduced much more conservative views of sexuality that percolated into common public opinion, and remain prevalent to this day.[21]

Today, religious leaders continue to have an influence on the LGBT debate. According to LGBT advocacy group, Mingle:

> "Religious leaders in India have not been forthcoming yet in embracing the LGBT community. After the Section 377 judgement of the Delhi High Court, faith leaders of various religious groups held a press conference in New Delhi condemning the Court's decision."[22]

This is the mainstream religious opinion. However, various Christian, Hindu and Muslim leaders have also expressed cautious support for the judgement indicating that that there is a level of religious acceptance on this subject too.

Gradual Change in Attitudes

Attitudes towards the LGBT population in urban India are gradually changing. The 2009 landmark Delhi High Court decision has been instrumental in bringing the subject more into the open and facilitating public debate. Several of the larger Indian cities have begun holding pride parades, which have become annual events and participation has been increasing year on year. There are some relatively open gay scenes in major cities such as New Delhi, Mumbai, Bangalore and Kolkata. A few magazines, e-zines and e-bookstores targeted at the LGBT community have started up and an increasing number of non-governmental organisations dedicated to the promotion of LGBT issues are emerging. The LGBT community itself has also become increasingly vocal and articulate in asserting its rights - over 300 people gathered in New Delhi in celebration of the two year anniversary of decriminalisation of consensual same sex behaviour. However, as one report noted 'many of those who attended chose to hide behind masks for fear of being recognised and ridiculed at home and at work.' [23]

While the transgender community continues to face discrimination, there have been some social and legal gains in recent years.   For example, the Unique Identification Initiative in India - a nation-wide initiative by the Government to issue unique identity numbers to all Indian residents – has included 'transgender' along with 'male' and 'female' in the gender identification column. The census and the election identity card also includes a column for 'Others' under gender.[24] These are signs that the Government is beginning to formally recognise sexual minorities in Indian society.

It should be remembered that India is a vast country where 70% of the population live in rural areas. Whilst the situation is gradually improving in urban areas, the vast majority who live in semi-urban and rural India generally live in a much more hostile and isolating environment.

Role of the Media

India has a large and vibrant media industry which is one of the fastest growing globally. The Indian media sector is expected to grow at over 12% annually and reach a total size of US$ 21,666 million by 2015.[25] Mainstream media is extremely influential in shaping public opinion in India. In recent years, this has become even more apparent through the growth of multiple television entertainment and news channels in regional and vernacular languages. In addition, Bollywood is the largest film industry worldwide in terms of the number of films released annually. Traditionally, Indian televised and film entertainment has been based on themes of traditional family life and values. However, with the emergence of films such as 'Dostana' and 'My Brother Nikhil', there is increasing portrayal of LGBT characters in Bollywood and greater coverage of LGBT related issues in the wider mass media. This is having a significant impact in terms of creating a greater level of openness and perhaps acceptance. Indeed, since the 2009 Delhi High Court decision decriminalising homosexual behaviour, mainstream media outlets have increasingly been focusing on LGBT related storylines to increase awareness of this issue. At the very least it is creating a forum for more discussion.

Summary History of Evolving Cultural Attitudes

The table below provides a summary history of evolving cultural attitudes towards LGBT in India.

Traditional Indian History and Culture	• Ancient India's acceptance and accommodation of many forms of eroticism within its culture, including homoeroticism, is well documented in early Sanskrit writings, art and architecture.
	• References to homosexuality and transgender identity in Vedic texts such as the Kama Shastra and Mahabharata are among the oldest in the world, and scriptures like the Bhagavata Purana date their compilation to approximately 3000 B.C.
Colonial Influence	• Section 377 is imposed by British Viceroy of India, Babington Macualey, in 1860.
	• Criminal Tribes and Castes Act in the same period curbs and marginalises transgender individuals and dancing males from the social and cultural scene.
Post Colonial India	• Suppression of homosexuality and total invisibility of any LGBT community in public life.
1980-1990	• Slow and steady movement among the middle class in reclaiming their heritage and identities.
	• Informal groups, parties and networks start gathering in different cities.
	• The first South Asian LGBT organisation 'Trikone' is started in California in 1986.
1990-2000	• India's first gay magazine 'Bombay Dost' is launched (1990).
	• The media glare propelled by the launch, brings homosexuality into the public mainstream discourse.
	• Within a decade (1990-2000), three Bollywood mainstream films have a Transgender as a protagonist – some bad, some good and some evil.
	• Deepa Mehta's film 'Fire' depicting a relationship between two women is released.
	• India's first gay organisation, The Humsafar Trust, set up by leading gay activist, Ashok Row Kavi is registered in 1994, providing a drop-in centre and counseling for the gay population.
	• 1996: Jun Stree Sangam organizes the First National Gathering of Women who love Women in Mumbai. Thirty women attend, primarily from Delhi, Bangalore, Pune and Mumbai.
	• First ever pride walk in India – Rainbow Pride Walk takes place in 1999 in Kolkata.
2000-2012	• Pride Marches take place in Mumbai, New Delhi, Kolkata, Bangalore, Chennai, Bhubaneshwar.
	• Bollywood embraces the LGBT agenda with films like 'Dostana' , 'My brother Nikhil'.
	• First mainstream India TV soap opera with gay characters appears: "Maryada: Lekin kab tak".
	• Various LGBT initiatives are introduced: o Azaad Bazaar–first LGBT store o Queer Ink–first queer distribution and publishing o Solaris Pictures–LGBT film production & distribution o Alternative Law Forum–legal services for marginalized groups including LGBT

The Legal Context [26]

The legal debate around homosexuality in India has centred on the overruling of Section 377 of the Indian Penal Code. This law was introduced to India in 1860 by Lord Macaulay during British colonial rule and effectively brands all practising homosexuals as criminals. Ironically, this law has endured in India's post-Independence era – long after the reform of the English law in Britain by the Sexual Offences Act in 1967.

The Law - Section 377

Section 377 of the Indian Penal Code reads:

> 377. Unnatural Offence: 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.
> "Explanation- Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section."

The law makes it a crime to engage in 'carnal intercourse against the order of nature'. This has been interpreted by the judiciary to include all sexual acts other than penile-vaginal intercourse. This includes anal intercourse, oral sex, and even mutual masturbation. In practice, the law has been enforced almost exclusively against homosexuals and other sexual minorities and commonly used as a tool to threaten and harass LGBT persons.[27]

LGBT Activism

Over the last decade, LGBT activists, the most prominent and influential of which has been the Naz Foundation, a New Delhi based NGO working on HIV/AIDS and Sexual Health since 1994, have worked to overcome this law.
In 2001, in a case that became known as *Naz Foundation v. Union of India (2009)*, the Naz Foundation filed a writ petition in the Delhi High Court.

> "The petitioner claims to have been impelled to bring this litigation in public interest on the ground that HIV/AIDS prevention efforts were found to be severely impaired by discriminatory attitudes exhibited by state agencies towards gay community, MSM or transgendered individuals, under the cover of enforcement of Section 377 IPC, as a result of which basic fundamental human rights of such individuals/ groups (in minority) stood denied and they were subjected to abuse, harassment, assault from public and public authorities." [28]

In bringing the case to the court, the organisation challenged the constitutional validity of Section 377, claiming that the law was in violation of the fundamental right to equality and non-discrimination as enshrined in the Indian Constitution. A bench comprising Chief Justice B C Patel and Justice Badar Durrez Ahmed dismissed the petition in 2004, subsequent to which the petitioners approached the Supreme Court. The Supreme Court directed the High Court to examine the matter, deeming it worthy of consideration. Consequently, the Delhi High Court considered the petition. [29]

Decriminalisation of Homosexuality

On 2 July 2009, the Delhi High Court made a landmark decision to overrule the provisions of Section 377 of the Indian Penal Code. Delhi's High Court ruled that the 148 year old colonial law outlawing homosexual acts was discriminatory and a violation of fundamental rights. The ruling stated broadly:

> "In the Indian Constitution, the right to live with dignity and the right of privacy both are recognised as dimensions of Article 21. Section 377 IPC denies a person's dignity and criminalises his or her core identity solely on account of his or her sexuality and thus violates Article 21 of the Constitution. As it stands, Section 377 IPC denies a gay person a right to full personhood which is implicit in notion of life under Article 21 of the Constitution."

Specifically the Court held that criminalisation of homosexual intercourse between consenting adults in private was in violation of the Constitution's guarantees of dignity, equality, and freedom from discrimination based on sexual orientation as provided for in Articles 14, 15, 19 and 21.

Gay rights activists all over the country welcomed the ruling, describing it as "India's Stonewall". According to Shubha Chacko, director of Aneka, an NGO in Bangalore:

> "This judgement is historic as it places the issue squarely within the framework of human rights as enshrined in the Indian Constitution. Mainly Articles 21 [Right to Protection of Life and Personal Liberty], 14 [Right to Equality before Law] and 15 [Prohibition of Discrimination on Grounds of Religion, Race, Caste, Sex or Place of Birth] of the Constitution."

An Ongoing Dialogue

The ruling has not been universally accepted and there have continued to be appeals against the decriminalisation of gay sex, including opposition from some religious leaders.

However, in response to such appeals, the Supreme Court has observed that homosexuality should be seen in the context of a changing society. It stated "these things should be seen in the light of changing times where phenomena of live-in relationship, single parents and artificial fertilisation have become normal." It also pointed out that "many things, which were considered immoral twenty years back, have become acceptable to society now." [30]

On 23 February 2012, the Union Government through the Home Ministry replying to a Supreme Court observation, told the court that it was opposed to the decriminalisation of gay sex. "This is highly immoral and against the social order," the Home Ministry told the Supreme Court. Further it said that India's moral and social values were different from other countries, and therefore, the nation should not be guided by them. [31] The Union Government however reversed its stand due to public pressure on 28 February 2012, asserting that there was no error in decriminalising gay sex.

As things stand today, the Union Government has fully accepted the Delhi High Court verdict, decriminalising consensual gay sex between adults in private.[32] However, there remain several grey areas concerning how this decision impacts broader social recognition of the LGBT community.

Impact of 2009 Judgement

The 2009 judgement is described as triggering 'a euphoric response' from the LGBT community, validating and asserting their position in Indian society. This event is seen by many to be a turning point for India's LGBT community and is expected to play a crucial role in re-shaping mindsets regarding sexual orientation in India going forward.

> "What the Naz judgement also triggered was a wider conversation on LGBT rights in living rooms, offices and tea shops across the country. LGBT persons were out of the closet and literally onto the front pages of all Indian papers and news channels. It's very rare for a judgement to have such an instantaneous social impact as to actually begin a national conversation."[33]

Leading gay rights activist and the editor of India's first gay magazine, Ashok Row Kavi welcomed the judgement, but was pragmatic in his assessment:

> "The social stigma will remain. It is [still] a long struggle. But the ruling will help in HIV prevention. Gay men can now visit doctors and talk about their problems. It will help in preventing harassment at police stations,"

The tangible impact of these legal decisions in relation to issues such as employment, housing facilities, insurance schemes, public welfare and transfer of property for LGBT individuals remains unclear. There is no specific anti-discrimination law to protect LGBT individuals and India's Marriage Law does not recognise union between same-sex couples.

LGBT Rights

Indeed, the LGBT advocacy group, Mingle highlights that although the Delhi High Court judgement paved the way for decriminalisation, equal legal rights are far from achieved for India's LGBT community.

> "Employment non-discrimination, civil partnerships, adoptions, surrogacy, hate crimes, homophobic harassment and a whole range of other issues are also in the realm of ambiguity (since there is no law limiting their scope to heterosexuals) and subject to lawsuits." [34]

The ambiguity lies in the fact that although there is no specific anti-discrimination law to protect LGBT individuals, Article 15 (1) of the Constitution of India prohibits discrimination on grounds of sex and Article 21 provides for right to life and personal liberty. Certain acts of discrimination towards the LGBT community may therefore be interpreted to be in violation of these terms.

In response to this lack of clarity and in the attempt to directly support the LGBT community, Mingle has compiled a short LGBT Legal Guide which is available for download on its website.[35] This provides answers to a number of the most commonly asked questions received by its legal team from LGBT individuals.

Summary of Legal Provisions Governing LGBT Rights in India

Is consensual gay sex legal in India?	Yes (since 2009)
What is the age of consent in India?	18 years or above
Are there anti-discrimination laws for LGBT individuals in employment?	No
Are there anti-discrimination laws for LGBT individuals in the provision of goods and services?	No
Are there anti-discrimination laws for LGBT individuals in all other areas (incl. indirect discrimination, hate speech)?	No
Is same-sex marriage recognised?	No
Is there recognition of the legal rights of same-sex couples?	No

Key Issues for LGBT Individuals in India

Against the cultural and legal context described in the previous section, it is clear that LGBT individuals in India face a number of challenges – both in the wider community and in the workplace. Given the vastness and diversity of India, both as a country and as a society, it is dangerous to make broad generalisations about the experiences of LGBT individuals in India. The experience of a gay professional in cosmopolitan Mumbai, will be widely different from a lesbian woman in rural India. There are many complexities within the structure of Indian society and Community Business does not claim to be the authority on all the issues for all segments of the LGBT population in India. More research in this area is clearly needed. However, in the interest of facilitating a greater understanding of LGBT issues in the Indian context, in this section we give an overview of some of the general challenges faced by the LGBT community in India.

General Challenges

A taboo subject

One of the most fundamental challenges facing LGBT individuals in India, is that homosexuality is generally considered a taboo subject - both by Indian civil society and the government.[36] As stated earlier, India as a society is deeply conservative and tends to be bound by tradition, and as such, there is little open discussion of sexual matters of any kind at any level. With virtually no public education and little open discourse to facilitate greater understanding of the issues, homosexuality is either ignored, covered up, or treated as a disease.[37]

Culture of ignorance and social stigma

Certainly this sense of taboo means that the level of understanding and education on sexual orientation and gender identity is very low. India can be described as being characterised by a 'culture of ignorance' on this subject. Homosexual behaviour is regarded by many as 'abnormal' and as such something that is either unacceptable or needs to be 'fixed' or 'cured'. Consequently LGBT individuals face social stigma and are often ostracised from society. According to a report by the BBC, the situation is worse for lesbians:

> "In a largely patriarchal society, lesbians bear the brunt of social ostracisation and the law more than gay men. In many states, lesbians have taken their lives after facing harassment at home and outside."[38]

Family expectations

Much of the social stigma and taboo surrounding the subject of LGBT in India stems from traditional family values and strong family and social expectations. Social pressure to get married and have children permeates all aspects of Indian life.

> "The pressure to get married comes from everyone around you - starting with your parents right to even work colleagues. Indian society dictates that getting married is the ideal way of life, so being gay is an uphill struggle."[39]

Homosexuality is considered by many as a threat to the stability of family life and the institution of marriage - long regarded as essential to the fabric of Indian society.[40] This feeling can be so strong that adolescents who do not fit into established gender-roles are often punished – sometimes violently.   A support group called Sappho in Calcutta which has set up a helpline for lesbians, reports:

> "Most of the women who call in say they have been forcibly married off by their parents. When they tell the truth, they are thrown out of their homes by their spouses, parents and relatives. Most of these hapless women suffer from extremely low esteem and say that something is gravely wrong with them."[41]

The result is that many LGBT individuals conceal their identity, even to the people closest to them. Many lead double lives, even entering heterosexual marriage in the desire to satisfy and fulfill family expectations. According to Ashok Row Kavi:

> "80 per cent of homosexual men in India are married to women and many continue to fulfil time-honoured roles in their extended families. Men from traditional families, especially in poor rural areas, are pressured to marry because it delivers their family a lucrative dowry." [42]

Lack of visibility

Enshrouded in shame and taboo, the LGBT community has long remained an invisible part of Indian society. Although this is gradually changing, particularly for the male homosexual community in urban areas, lesbians in India suffer particularly in this regard. As one commentator observes:

> "Lesbians in India are conspicuous by their lack of visibility in mainstream society... Lesbian invisibility has become a deep-seated feature of society and has had a deterring effect on the formation of a lesbian community: as opposed to the visible male homosexual community, lesbian networking has largely taken shape on the peripheries of society's consciousness. This is partly due to the strong patriarchic undercurrents, the male supremacy and the homophobia that have shaped women's lives in India, [and as a result] lesbians have remained largely invisible, waiting in the shadows and hoping for change." [43]

Isolation

Given the low level of education and awareness on the subject, poor understanding by family members and a lack of cultural willingness to discuss issues relating to sexuality, many LGBT individuals in India experience isolation and loneliness. There are few counseling or external services to support LGBT individuals, so many are unable to seek advice or share their experiences with others. Without such support, many LGBT individuals suffer what may be described as a 'self-stigma', internalising the negative attitudes that surround them and seeing themselves as 'freaks' or as immoral. This in turn can lead to issues of poor confidence, low self-esteem, depression and even suicide. An article entitled 'Gay Life in India' reports:

> "The barrage of heterosexist images that gays are inflicted with, at school, the work-place, the home, the mass media, religion and so on, results in a profound self-hatred which, being internalised and constantly reinforced, is almost beyond repair for most. Some are driven to suicide, some to terrible depression and mental trauma and most others succumb to family pressure to get married."[44]

Discrimination and abuse

Homophobia is described as being prevalent, even rampant, in many parts of India and LGBT individuals face various forms of discrimination. Lack of recognition of same-sex partnerships, means that same sex couples are often treated unfairly in many aspects of daily life, whether it be securing a loan from a bank or buying a house. According to Mingle, in many instances LGBT individuals are subject to direct abuse:

> "The Indian LGBT community often finds itself wanting in professional medical help on account of prevalent homophobia in the medical community that results in adverse situations with alarming frequency. Young gay men and women often find themselves at the mercy of unethical psychiatrists who indulge in the highly controversial and harmful practice of "conversion therapy", counselors are often not trained to deal with LGBT issues, patients of STDs are forced to hide their sexual orientation from their doctors and transgender people who wish to undergo surgery face enormous challenges." [45]

For much of the transgender community, unequal access to public services is particulary apparent. According to one report:

> "Bias and mistreatment are said to pervade medical establishments and other official institutions in India. For transgender individuals access to decent education,[46] housing and welfare is limited."[47]

Transgender individuals also face more complex legal issues, including in matters affecting basic identity issues such as identification documents like a birth certificate, passport or ration card. As a result, they are excluded from exercising various citizenship rights.

Many LGBT individuals are seen to be disadvantaged in the political and economic arena as well. According to the same report:

> "LGBT individuals are vulnerable to falling victim of arbitrary and brutal state actions in the form of harassment, violence or abuse. Most transgender individuals cannot vote, rent property or open a bank account as they would be required to indicate their gender." [48]

Workplace Challenges

The challenges outlined above relate to the general challenges that LGBT population face in India. In gathering the content for this publication, Community Business also wanted to understand some of the specific issues facing LGBT professionals in the workplace.

Views of Employers

Community Business held corporate stakeholder engagement sessions in Mumbai and Bangalore, conducting facilitated discussions with 29 corporate representatives from a total 18 different companies. Participants were predominantly local human resources representatives from multinational companies operating in India but also included a few representatives from local Indian companies. As this is a relatively small sample, it should be noted that the views shared are not necessarily the views of the entire corporate sector in India, however they provide some insights into the kind of challenges employers think their LGBT employees face in the workplace in India.

Lack of corporate attention – simply not on the agenda

The most fundamental challenge raised by participants in these sessions was that the subject of LGBT is simply not on the corporate agenda and does not receive leadership attention. For the most part matters relating to sexual orientation and gender identity are not recognised as being a workplace issue and as a result there is a lack of apparent corporate support. For example, there is no reference to LGBT in corporate policies – either in terms of a public statement of commitment to respecting and valuing LGBT employees, or in terms of specific provisions to protect them in the workplace. Few companies have processes to deal with sexual orientation and gender diversity issues in the workplace and there is no external body to refer to in case of discrimination, harassment and rights violation. This was seen as a reflection of the wider context of Indian society, where open discussion of matters relating to sexual orientation or gender identity remains largely a taboo. Certainly the business case, or relevance, for addressing these issues does not seem to be generally understood.

Lack of openly LGBT role models

Against the backdrop of taboo and social stigma in India, it is perhaps not surprising that another key challenge highlighted by participants was the lack of role models. Few could name an open LGBT leader in their organisation and all agreed that the number of open LGBT executives in the Indian corporate world is very small. However, role models were seen as an important catalyst in creating a culture of greater openness and acceptance as well as challenging mindsets. They were also recognised as being important in terms of sending the message to more junior LGBT employees (who may still be concealing their identity), that being open about ones' sexual orientation or gender identity does not limit career progression.

Concern about 'coming out'

Participants expressed the view that LGBT employees in India are concerned about disclosing their identity. Given the lack of awareness, understanding and tolerance towards homosexuality, they recognised that many LGBT individuals may be wary of the negative impact of 'coming out' - how it might impact their relationship with colleagues and affect their career advancement. There are also concerns that coming out at work will mean that the information goes back home. The result is that many conceal their identity and very few are open to their colleagues or managers. With few LGBT employee networks and forums for open discussion in Indian workplaces, LGBT employees have limited opportunities to connect with other LGBT individuals for support.

Lack of diversity awareness training

Participants highlighted that one of the consequences of companies not paying attention to issues relating to LGBT in the workplace, is that there is little awareness training for employees on diversity issues relating to sexual minorities. To date companies do not seem to be taking a role in raising awareness and understanding on this subject by incorporating it into their wider diversity curriculum. In failing to do so, companies may be overlooking opportunities to counteract discrimination, bias and prejudice occurring in their workplaces – and thus missing an opportunity to ensure greater productivity from their diverse talent pool.

Discrimination – direct and indirect

Some participants shared the belief that many LGBT employees face direct discrimination in the workplace, including harassment and avoidance from colleagues and superiors as well as gossip and open ridicule. They also acknowledged that given the lack of recognition for same sex partners, LGBT employees do not enjoy equal access to certain benefits such as medical insurance and pension benefits. However, many of the forms of discrimination were seen as indirect, in the form of a pervasive culture of silence that denies LGBT individuals acceptance and visibility and one that for the most part, expects LGBT employees to behave as if they were heterosexuals.

View of LGBT Employees

In exploring the views of LGBT employees, Community Business has referred to a recent survey, conducted by Mingle. The report, entitled: *'Out' Number in India, LGBT Workplace Diversity and Inclusion Survey 2011-2012,* [49] was published in February 2012 and is the first of its kind for India.

Designed to 'gauge the workplace environment vis-à-vis gay and lesbian employees in the Indian corporate workplace', the study was targeted at LGBT employees in the finance, software & IT services and engineering sectors.

Source: Mingle, 'Out' Number in India, LGBT Workplace Diversity and Inclusion Survey 2011-2012

Key Findings from the Survey
The key findings from the survey provide 'a glimpse' of the workplace environment in India from the perspective of LGBT employees'. [50]

- **Coming out at work -** The Survey reveals that among LGBT employees, a vast majority remain closeted at work, even though many more are out to their families and friends. LGBT employees are least open about their sexual orientation to their managers.

- **Fear of name calling and retaliation –** Nearly a third of respondents report facing harassment in the workplace. As many as 80% report hearing homophobic comments, jokes or anti-gay rhetoric at their workplace.

- **Workplace productivity -** Half the respondents believe that their being closeted or facing harassment has a direct or indirect impact on their workplace productivity.

- **Employee interactions -** Half of respondents say they do not know any other LGBT person in their workplace. At the same time the majority say they would like to attend LGBT related events and be part of an employee resource group or network if their organisation provided them with the opportunity.

SECTION 3:
CREATING INCLUSIVE WORKPLACES FOR LGBT EMPLOYEES

An Approach for India

Many western companies and local enterprises in India have so far failed to recognise the growing business case for greater inclusion towards LGBT employees. As a result many senior managers may be ignoring issues relating to sexual orientation and gender identity in their workplaces. With laws changing and mainstream media giving greater visibility to LGBT issues, India's culture is slowly changing and those in the LGBT community are increasingly asserting their rights. Recognising these changes, a number of leading multinational and large Indian companies are embarking on a pioneering journey to create more inclusive workplaces for LGBT employees in India.

To support these companies and encourage new companies to take steps towards LGBT inclusion in their organisations, Community Business has compiled a set of recommendations. Originally compiled and developed for its work with companies in Hong Kong, Community Business has reviewed and validated these recommendations from an Indian perspective.

How the recomendations have been compiled:

1. **Drawn from international best practice**
    Community Business started by sourcing criteria from international LGBT indexes such as HRC's Corporate Equality Index[51] and Stonewall's Workplace Equality Index,[52] taking into account not just the current versions but earlier ones too. In addition Community Business reviewed Out & Equal Workplace Advocate's '20 Steps to an Out & Equal Workplace' [53] and the '10 Equality Principles'. [54] These were combined to form a consolidated list of recommendations.

2. **Reviewed and localised for India**
    Community Business, its sponsors and members of its Advisory Group reviewed these recommendations, removing those that were considered duplicates, not appropriate or too early for India, categorising, localising and rewording the statements as necessary.

3. **Validated by local stakeholders**
    The proposed list of 18 recommendations in 8 categories were reviewed by participants at two separate corporate stakeholder engagement sessions facilitated by Community Business in April 2012. The role of participants was to assess how important and how realistic they considered each recommendation to be for their company operating in India.

As a result of this process we believe that we have developed a set of recommendations that are appropriate and regionally relevant for companies operating in India. The recommendations fall into the 8 categories listed below:

1. Equal Opportunity Policies	**5. Corporate Culture**
2. Diversity Training	6. Market Positioning
3. Diversity Structure	7. Monitoring
4. Benefits	8. Community and Advocacy

These categories and recommendations were originally compiled by Community Business for its LGBT Resource Guide for Hong Kong. Although reviewed from an Indian perspective, the categories and their order have been maintained for consistency.

It is recognised that the majority of companies in India are at the early stages of their diversity journey and may be looking at this topic for the first time. These companies are encouraged to focus on the categories highlighted in bold and we have paid more attention to these areas in the following section. Companies further along on their diversity journey are encouraged to take the lead on some of the more advanced recommendation areas and in so doing differentiate their workplaces as great places to work for all employees – including LGBT professionals.

Please note, we have referred to LGB and T throughout rather than just LGB. This is because we want to encourage as comprehensive an approach as possible. However, some companies may not feel ready to focus on transgender issues, but should seek to follow the recommendations with relation to their lesbian, gay and bisexual employees.

Recommendations for Employers*

The symbol ' ▶ ' denotes those recommendations that were deemed both important and realistic by the majority of participants in the local stakeholder engagement.

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1. EQUAL OPPORTUNITY POLICIES

▶ Ensure equal opportunity policy for India includes 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 in India

▶ Develop policy and procedure in India for handling LGBT related bullying and harassment or workplace grievances and complaints

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Ensuring a comprehensive policy that includes issues relating to sexual orientation and gender identity or expression is a critical starting point for any company looking to create safe and productive working environments for LGBT employees in India. Given that the level of understanding of issues relating to LGBT is generally low and to avoid misunderstanding or confusion, it is advisable for companies to define the specific terms used in the policy, such as 'sexual orientation' (a person's physical and/or emotional attraction to someone else) and 'gender identity and expression' (a person's internal sense of gender, which may or may not align with the gender assigned at birth, as well as how a person behaves, appears or presents oneself with regard to societal expectations of gender). Appendix 2 of this guide which provides a list of LGBT terminology and definitions and has been reviewed from an Indian perspective, should be useful in this respect.

*The content for this section has largely been drawn from Community Business' LGBT Resource Guide for Hong Kong, but where appropriate has been adapted for India.

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Particularly in the Indian context, where there is no anti-discrimination law to protect LGBT employees in the workplace, companies can take steps to create a safe working environment and reassure their LGBT employees by including a 'grievance handling mechanism' in their policy for employees who believe they have been a victim of discrimination or harassment or who have witnessed such events. To the extent possible, the policy should provide anonymity for the employees involved. LGBT employees who are not open about their sexual orientation will fear filing an issue if it is possible their sexual orientation will be revealed and possibly used against them.

Furthermore, companies in India looking to use their equal opportunity policy to make a positive impact on their company culture should strongly consider how the policy is communicated. Best practice companies in India share their policy with new employees during the induction process, often with senior leaders joining the discussion to emphasise the importance of the policy. Many companies also include the policy in relevant training materials, on their external website. Indeed, companies should not under-estimate the impact that publishing an inclusive policy statement can have in attracting talent - particularly Gen Y who value diversity and inclusion more than previous generations. Leading diversity trainer, Mark Kaplan says that companies with a do-nothing approach risk facing the loss of a wider talent pool.

"If your company does not have inclusive policies, you risk turning away not just potential LGBTs, but also heterosexual employees. In this era of globalisation, an increasing number of candidates, whatever their orientation, look at such policies because those speak volumes about your firm's overall work environment."

CASE STUDY 1

Organisation: British Council

Equal Opportunity Policy
With overseas networks in 233 locations in over 100 countries and territories, embracing diversity is an essential part of the British Council's culture and work. In India alone, the British Council has nine separate offices which employ a diverse group of employees – including LGBT individuals. To ensure the safety of all its employees and promote an inclusive workplace, the British Council believes it is essential to lead with a strong, clear and thorough equal opportunity policy.

A short excerpt of British Council's equal opportunity statement reads:

*"Our Equal Opportunity Policy commits us to ensuring that there is no unjustified discrimination in the recruitment, retention, training and development of staff on the basis of age, disability, **gender including transgender**, HIV/AIDS status, marital status including **civil partnerships**, pregnancy and maternity, political opinion, race/ethnicity, religion and belief, **sexual orientation**, socio-economic background, spent convictions, trade union activity or membership, work pattern and on the basis of having or not having dependants or any other irrelevant grounds."*

British Council's policy statement mentions sexual orientation and transgender specifically, along with other key terms important to LGBT employees such as civil partnerships. Being specific and clear is essential. LGBT employees who are not open about their sexual orientation or gender identity will rarely inquire further about policies that are unclear for fear of discrimination. The policy goes further and clarifies what areas the policy applies to – recruitment, retention, training and development – giving further clarity.

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Other important sections of British Council's equal opportunity policy include:

- **Relevant legislation:** British Council includes mention of the most relevant equal opportunity and discrimination legislation, noting their organisation's compliance.

- **Responsibility:** The policy states who is responsible for keeping the policy updated and how to contact this person or department.

- **Important definitions:** Definitions are provided for important terms such as bullying, harassment and discrimination.

- **Communication of the policy:** The policy is made available on the web and internet, as well as during induction process and in other relevant training materials.

- **Grievance handling mechanism and whistle blowing policy:** This section outlines the process for reporting discrimination or harassment and reassures the employee that there is no penalty for filing a report and that it will be kept confidential.

The policy is global in nature and only in countries where regulations are stricter (not less) is the policy adjusted. This means that employees in India are treated exactly the same as employees around the world. British Council believes this is crucial because it communicates to all employees in India that the values of treating colleagues fairly and with dignity and respect are universal.

In addition to this the EO&D training is mandatory for all regular, temp staff and staff of outsourced agencies. The EO&D training includes a module on LGBT.

"It is hugely important for the British Council to treat all people equally and this is core to the British Council values. We have an Equal Opportunity policy and we do not discriminate on account of age, sexual orientation, disability, gender, religion, ethnicity and race internally or through our work.

We have ensured sensitisation of staff towards LGBT community by creating a platform for awareness building and discussions on this agenda."

Rob Lynes
Country Director, British Council

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CASE STUDY 2

Organisation: Accenture

Equal Opportunity Policy

Accenture India understands that an equal opportunity policy can be a powerful tool to encourage inclusive behaviour in their company. Further, Accenture realises that the policy is most effective when it is being communicated widely and frequently to its employees, reinforcing its commitment to diversity and inclusion and its expectation of employees.

Accenture's Equal Opportunity Policy, which includes reference to sexual orientation and gender identity, is communicated to employees in a number of different ways:

- **Employee orientation:** New employees are required to join a three hour orientation during which they are made familiar with all of Accenture's policies and programmes. A section of this orientation is dedicated to the firm's equal opportunity policy and specific issues relating to LGBT inclusion. Employees are shown where they can access the policy (online) as well as the company's grievance handling policy.

- **Senior manager training:** All senior managers must take a four hour training module called "Leading a Diverse Workforce". This makes frequent reference to Accenture's Equal Opportunity Policy, its importance and how it can be used.

- **Diversity and inclusion training modules:** Started in 2011, Accenture India has developed short diversity and inclusion training modules. One of these training modules looks in detail at issues relating to LGBT and all of the modules direct employees to the company's equal opportunity policy.

Accenture India has seen a marked change in corporate culture since the introduction of the diversity and inclusion training module, signalling the importance of explaining the details of the policy and sharing it as frequently as possible.

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2. DIVERSITY TRAINING

▶ Provide diversity training to all employees in India, with specific reference to LGBT issues

As highlighted in the key issues section of this report, one of the biggest challenges around this topic is that the level of understanding and awareness of matters relating to sexual orientation and gender identity is very low. With minimal public education and few openly gay role models there are limited opportunities for Indians to learn about this subject. The result is widespread misinformation and prejudice. In order to combat this, best practice companies in India have introduced in-depth training programmes to raise awareness of LGBT issues.

At a minimum, companies are advised to include training on LGBT issues as part of their company's wider diversity and inclusion training sessions. However, given the specific challenges around the lack of visibility of this topic, companies are strongly encouraged to hold separate sessions to address issues relating to LGBT too. These should explore both the relevance to the workplace, as this is often poorly understood, and the various ways in which LGBT individuals experience discrimination.

When creating an awareness training programme companies should start with the basics – taking the time to define and clarify key terms and definitions. Companies have shared that a big road block to more candid and open discussions on LGBT is that employees are not familiar with the terminology and uncomfortable with the language they should use. Companies are also advised to pay close attention to how they position these training programmes – particularly as many may be wary of attending for fear of stigma. Positioning the training as essential to the company's business success or as essential to leadership development is likely to gain more interest and overcome such issues. Asking senior leaders to demonstrate their support and encouraging all employees to participate will also reinforce the importance of the training.

Some of the ways leading companies in India are introducing LGBT training include:

- **Induction training:** Having new hires join a 1-2 hour diversity training module when they first join the company is an effective way to get buy-in from an early stage.

- **Annual training:** Requiring employees to attend a minimum number of diversity training sessions per year. This can help remove the stigma.

- **Awareness sessions:** Inviting LGBT speakers or advocates to share with employees their personal experiences. Awareness sessions work particularly well at taking employees beyond 'awareness' and 'changing mindsets'.

- **Management training:** Positioning diversity training as essential to effective management and leadership development and creating thorough training sessions specifically for senior managers, middle managers and high potentials.

- **Reverse mentoring:** Introducing reverse mentoring programmes where a senior manager is mentored by a more junior, LGBT individual. The objective is to expose the senior manager to some of the challenges faced by an LGBT employee so that they better understand the issues and can become an ally or supporter of change.

CASE STUDY 3

Organisation: IBM

Diversity Training
As a global leader in diversity and inclusion, IBM considers training and educating employees to be a key component of IBM's strategy. In 2011, IBM's Global LGBT Council, which includes representatives from around the world, developed a diversity training programme for senior leaders in India in the form of LGBT Roundtables. These events are hosted by a senior LGBT executive, bringing together IBM managers for a candid discussion of diversity and inclusion and the sharing of personal perspectives and experiences. These sessions help participants understand why LGBT inclusion is important and what role they can play in making LGBT employees in India feel valued and welcomed in the workplace. To date, more than 100 people managers in India have gone through the programme.

In addition, IBM employs a global reverse mentoring programme to sensitise managers towards issues relating to LGBT employees in the workplace. Teams of LGBT employees in India have been matched with senior leaders as a way to raise the awareness of influential senior leaders to the experiences of LGBT employees at IBM India.

The company believes that the training programmes are essential to developing the leadership skills of its managers. IBM management is expected to be more open minded and supportive of diverse approaches and perspectives in the way they manage their business units and these training programmes help them achieve this goal.

"Our commitment to LGBT/diversity training in 2012 has been transformative for IBM India in terms of creating a change in mindset on addressing LGBT in the workplace. We believe that the strong and vocal support from senior leaders throughout IBM is a key reason why the training programmes have been well attended and successful in making a strong impact on the company's workplace culture."

Kalpana Veeraraghavan, IBM Workforce Diversity Manager, Human Resources

CASE STUDY 4

Organisation: Cisco

Diversity Training
In looking to roll out a host of new initiatives aimed at creating a more inclusive workplace for LGBT employees in India, Cisco turned to reverse mentoring to help educate some of its senior managers and turn them into allies that could help champion the cause of diversity to the entire organisation. First, Cisco was able to identify LGBT employees through an extensive training programme that it rolled out earlier in the year. Some employees, encouraged by the training programme, volunteered to be a part of future initiatives. Next, willing managers were identified via one-to-one conversations where mangers were invited to join a reverse mentoring programme.

After a short introduction and induction process, the pairs spent 2-3 hours per month together, with the LGBT mentor sharing his or her work and life experiences with the senior manager. After each meeting, a programme manager would meet with the group to learn how things were progressing and make sure the pairs had a clear agenda for the next meeting. To close out the relationship, Cisco held a forum where the senior leaders were given a chance to share what they had learned through this relationship with the entire organisation.

Cisco believes that the reverse mentoring programme is a highly effective way not only to gain buy-in and support from senior leaders but also to change mindsets. It hopes these efforts will create a more trusting and open corporate culture which in time will help employees feel safe setting up and joining an LGBT employee network at Cisco India.

3. DIVERSITY STRUCTURE

▶ Ensure there is a person, team or working group with responsibility for addressing LGBT issues

▶ Establish and support an LGBT employee network in India - where there is interest

▶ Identify an executive sponsor for LGBT issues in India

If companies are serious about leveraging diversity and inclusion to make their companies more competitive, ad hoc and sporadic inclusion efforts will not work. It is important to set up an internal structure for the way LGBT inclusion is encouraged to ensure it is done strategically and consistently across the organisation. For most companies in India, this process will begin with the human resources department, learning and development office or diversity office. This often depends on the size of the company and how much resources the company has to put behind this effort. It is essential to assign responsibility and create an agenda with clear expectations. This ensures that LGBT issues are championed and that people who are interested in supporting the initiative have someone to go to for further information. Where possible, the person or team should not just be responsible for handling LGBT related issues but also to promote LGBT diversity to the entire company.

In recent years, and particularly in the wake of the decriminalisation of homosexual behaviour in July 2009, there has been a growing emergence of LGBT employee networks in India. These networks often, but not always, result from a joint effort between management and employees to organise around the topic of sexual orientation and gender identity. For most companies in India with an LGBT employee network, work to create an inclusive workplace had already been started in the form of more inclusive policies and training programmes that include LGBT. With this initial work done, employees feel safe enough to approach management and enquire about the creation of an LGBT employee network. Regardless of how the network is started, an LGBT employee network can be very beneficial to employees and companies.

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. It is typical for networks to help update policies related to diversity and inclusion, give advise on sensitive inclusion issues and help organise diversity related events for the entire company.

The success of an LGBT network is ultimately dependent on the support offered by the company and the openness of the wider corporate environment. A senior leader acting as an 'executive sponsor' to the employee network can help raise awareness of network events, secure funding and help give strategic direction.

CASE STUDY 5

Organisation: Infosys

Diversity Structure
When launching its employee network for LGBT employees in India, Infosys discovered first-hand the tremendous benefits that come with allowing employees to form resource groups around areas that interest them.

Infosys employees from the LGBT community approached the Diversity & Inclusion (D&I) office and suggested the creation of an employee network focused on LGBT inclusion. Since then, the D&I office at Infosys conducted several focus group discussions and participated in external forums to understand how they can help employees setup the network.

It was important that the organization was sensitive towards LGBT inclusion. The Infosys Gay Lesbian Employee and You (IGLU) employee network was launched in 2011 and quickly began to make its mark. Training materials in the organisation and policies were updated to include issues related to sexual orientation and gender identity. Events organised by the employee network were subsequently shared on the company intranet – some of them receiving thousands of views and hundreds of positive responses commending the company for its work to create a more inclusive workplace for LGBT employees. IGLU has also given Infosys a way to communicate directly with its LGBT employee population.

More generally, Infosys feels that IGLU has led to an increase in understanding of the importance of diversity and inclusion in the workplace – especially towards LGBT individuals – and is proud to support this essential programme in their workplace.

"IGLU represents our openness and commitment to employees from the LGBT community. It reinforces our values of fairness, integrity and transparency towards all our stakeholders. IGLU is a transformative effort to align ourselves with needs of our employees as well as to retain our commitment as an employer of choice."

Richard Lobo
AVP & Head - Employee Relations, Infosys Limited

CASE STUDY 6

Organisation: Goldman Sachs

Diversity Structure
Setup in 2009, Goldman Sachs' India LGBT Employee Network now has more than 300 members, most of whom consider themselves 'straight allies'. Much of this success can be attributed to Goldman's robust diversity structure, which provides strong leadership and support to network organisers and members.

In 1990, Goldman Sachs formed the Firmwide Diversity Committee (FDC) to support and promote an inclusive work environment that recruits, retains, develops and rewards the best and brightest individuals and successfully supports a diverse workforce. The Firmwide diversity committee is chaired by the CEO . In 2011, Goldman Sachs launched the India Diversity Committee. The IDC is co-chaired by the Bangalore CEO and India CEO and Chairman.

Starting from the top, one of the banks Managing Directors acts as the network sponsor. The sponsor's role is to be a visible advocate and promote the network throughout Goldman Sachs. Next, two senior managers act as co-chairs and provide strategic support to the network. At present, one of the co-chairs is a straight ally and the other is LGBT. This is intentional and reminds employees that the network is not just for LGBT employees, but for allies, supporters and people who are interested in learning more. Goldman Sachs' Office of Global Leadership and Diversity, which sits under Human Capital Management, supports and helps to manage the LGBT Employee Network and organises regular diversity training sessions for employees.

New hires at Goldman Sachs India go through a one hour session on diversity and inclusion. At these sessions, the heads of the all the employee networks attend so that the new hires can sign up for the networks. It also helps to put a face to the networks and the Office of Global Leadership and Diversity. Additionally, all employees are required to attend at least two hours of diversity training or awareness sessions during the year. The LGBT Network and Office of Global Leadership and Diversity in collaboration with Goldman Sachs University organise numerous LGBT related events throughout the year, giving employees plenty of opportunities to learn about LGBT issues. The network has its own website and newsletter which it uses to share upcoming events and ways that employees can create a more inclusive workplace for LGBT employees.

The current climate in India toward LGBT issues is only now becoming more open. However, the extensive efforts that Goldman Sachs has taken have made it easy for employees to learn about this topic and show their support as allies to the LGBT community.

4. BENEFITS

- Offer same benefits to employees in India to cover their same-sex partners regardless of the employee's marital status, sexual orientation, gender expression or gender identity

- Offer LGBT-specific benefits or support, such as counselling or mentoring to employees in India

Over and above compensation, the benefits that employers are able to offer their employees are often a key differentiator when it comes to choosing an employer. Employees around the world have also grown increasingly dependent on the companies they work for to provide them with benefits such as insurance and pension programmes – and this applies in India too. However, because of the lack of recognition of same-sex partnerships, many LGBT employees in India are denied the benefits that are extended to their married colleagues. This is an area of significant concern for LGBT individuals as it impacts not just financial benefits such as insurance and retirement benefits, but also extends to lack of eligibility for softer benefits, such as compassionate leave and relocation assistance.

Whilst leading companies recognise the importance of providing their employees with competitive compensation packages, very few companies have yet to extend benefits to same-sex partners in India. Indeed we were unable to identify a company that was willing to share a case study about the work they are doing in this area. It was highlighted that there are legal issues that can make this difficult as well as a lack of providers who are willing to provide the appropriate services. As companies seek to address this issue, some are identifying 'work around' solutions – such as paying for insurance claims directly rather than through an agent, to enable them to extend more equitable benefits to LGBT employees and their partners.

Extending benefits to LGBT employees and their partners is likely to be an increasingly important consideration for LGBT employees in India and a competitive differentiator for companies seeking to attract top talent. Companies are therefore encouraged to continue to explore what is possible in this respect.

Recognising that many benefits are geared to heterosexuals and their families, it is also recommended that companies take the time to consider the specific needs and interests of their LGBT employees. Companies may wish to consider an audit of all benefits and policies. In recognition of the challenges that LGBT individuals face, it is also strongly recommended that companies consider how they might be able to offer LGBT-specific support, such as counselling or mentoring to their employees in India.

5. CORPORATE CULTURE
•   Communicate to all employees in India about how the company supports and values its LGBT workforce
•   Engage with LGBT staff in India via: posters, emails or intranet pages, diversity meetings, etc

Ultimately, it is a company's overall corporate culture that will determine the effectiveness and impact of its LGBT inclusion initiatives. It is critical that the workplace environment is such that LGBT individuals feel respected and valued and able to bring their whole selves to work without fear of recrimination. This requires a demonstration of commitment to an open and inclusive work environment at the highest levels; it also calls for an embedding of these values at all levels of the organisation. Without the right corporate culture, any number of specific interventions in this respect are likely to have limited chances of success.

Connie Wong of CSW Associates Inc, emphasises that business leaders have a particular responsibility in setting the tone - particularly in markets such as India where the issue is seen as more sensitive:

> "Global leaders must insist on the demonstration of respectful behaviours toward all employees, including LGBT employees - irrespective of religious intolerance or cultural beliefs."

However, many companies struggle to achieve the workplace culture they are looking for. To help companies to make this pivotal step towards inclusiveness, the recommendations found under the corporate culture category encourage companies to live their commitment to diversity and inclusion – communicating to all staff how the company supports and values diversity, including its LGBT employees. As leading corporate diversity consultant, Brian McNaught says:

> "Companies need to ensure that their gay, lesbian, bisexual, and transgender employees feel welcome and valued for the unique contributions they can make. To communicate their goals of attracting and retaining the best and brightest gay and transgender employees they need to effectively advertise their commitment to valuing all diversity." [55]

As far as possible these communications should come 'from the top' with a company's senior leader mentioning equality issues as part of his or her regular communications. Indeed the engagement of senior leaders in championing the topic of LGBT diversity is critical in establishing the right corporate culture.

A company's LGBT employee network can play a role in crafting communications as well. The networks can support internal diversity newsletters by helping to develop content or reviewing content to ensure it is inclusive. Office supplies such as pens or notebooks with diversity and inclusion related branding can also be effective. Some companies, with the support of their LGBT employee network have developed small 'ally tents' that employees can place on their desks to show their support for LGBT inclusion efforts.

> "Coming out for any LGBT person is difficult, but the work done by the firm's LGBT Network ensured that people in the office respected gay co workers, relieving the stress of coming out."
> Anonymous LGBT employee working for a multinational company in India

It is important too that companies find opportunities to engage and communicate directly with their LGBT employees and networks, openly acknowledging their presence and inviting and valuing their contribution. Mindful of the sometimes unintentional ways that many LGBT employees experience discrimination in the workplace, all departments should make a conscious effort to ensure they develop activities that appeal to all segments of the employee base. It is important too to adopt language that is inclusive, using the word 'partner' for example, instead of 'husband' and 'wife', and to pay attention not to use phrases that might alienate certain groups.

CASE STUDY 7

Organisation: Cisco

Corporate Culture

Having senior leaders visibly support LGBT inclusion is extremely important to create a diverse and supportive workplace where employees feel comfortable bringing their whole selves to work. Cisco India understands this and in early 2012 set out to gain the support of local leaders for its LGBT inclusion work in India.

The company took a broad approach, asking all vice presidents in India to a one-to-one discussion to gather feedback and identify future diversity champions. Among other questions, the leaders were asked if they thought topics such as LGBT inclusion were important at Cisco. Whilst some needed to better understand the relevance and questioned "why should we be talking about people's sexual orientation in the workplace?" most of the managers recognised the link between encouraging greater openness and authenticity and employee engagement and productivity. In addition to gaining feedback, Cisco was also able to identify senior leaders that would help champion future LGBT inclusion initiatives.

Upon reflection, Cisco noted the importance of developing a strong business case before engaging with leaders. If leaders are not already receptive or supportive, it is imperative to be able to demonstrate the importance of greater inclusion – to the company and to the employees. For Cisco, the business case is clear: the more diverse sources of inspiration available, the more innovative and creative ideas will be.

CASE STUDY 8

Organisation: Google

Corporate Culture

Diversity is an essential component of Google's corporate culture and as a founding principle, is built into the way Google does business around the world. Even in markets where diversity issues such as sexual orientation and gender identity are considered taboo subjects, Google is resolved to create an inclusive workplace where all Googlers feel comfortable bringing their whole selves to work.

Google's employee resource group for LGBT employees, warmly named "Gayglers," was originally setup in 2007 in the United States as a way to encourage diversity and promote the inclusion of LGBT employees. In 2010, after much success, Google felt the time was right to expand the network to other countries in Asia, including India.

On a global level, when Google India first began to expand its diversity and inclusion (D&I) work beyond gender, its proposal to introduce LGBT inclusion was met with doubt because of the absence of "out" LGBT employees in the country. While there were several LGBT employees in India who were active on the global mailing list of the international LGBT employee resource group (ERG), Gayglers, they were not fully out in their workplaces in India.

Ultimately, Google decided that the issue could not be ignored simply because it might be difficult. Rather, LGBT inclusion in India, as elsewhere, was viewed as a "non-negotiable"; an imperative for Google's approach to building truly inclusive workplaces. By the time programmes got off the ground in India in 2010, a clear message was circulating that there was in fact a need, not only from senior management, but from the local employees as well.

Google engaged broadly with regional business leaders and local experts to ensure initiatives and programmes were appropriate to the local market and sensitive to the issues that LGBT employees were facing in India. Information about LGBT issues and Google's efforts to create an inclusive workplace was made accessible online and communicated to all employees.

The "Gayglers" group in India has grown tremendously in size since its conception two years ago, and boasts a growing membership of 'straight allies'. Over 40 Google employees, along with friends and family, attended the 2011 Bangalore Pride Parade – proudly wearing their company shirts. Employees in India have even created an internal resource guide, which provides information around how employees and managers can play an LGBT-inclusive role at Google. These efforts have affirmed Google's commitment to inclusion and have helped this leading technology company continue to attract top talent from around India.

"Google strives to be a company where each Googler can be exactly who they are at work. We believe that a diverse workforce is important to bring about innovation and creativity in thought and cater to our users who come from all walks of life.

The Gayglers India network is one of our most active and engaged employee resource groups. Our initiatives are aimed towards creating an inclusive work environment, by sensitising our employees and increasing awareness on LGBT issues."

Keerthana Mohan
Diversity & Inclusion Manager, Asia Pacific, Google

6. MARKET POSITIONING

- Engage in respectful and appropriate marketing to the LGBT community in India

Looking beyond the workplace, it is important for companies to think about how they approach the wider LGBT community in the external marketplace in India. Indeed the external LGBT community can present an enormous opportunity for companies – whether it be for recruitment or business purposes.

From a business perspective, the LGBT community in India represents a significant and increasingly visible market segment. As highlighted on page 8 under Market Share as the LGBT community becomes increasingly open, the opportunities for developing products and services to capture the 'pink rupee' are likely to increase. As companies consider how they can focus their marketing efforts and capture the market share of the LGBT community, it is important to do so in a way that is respectful and appropriate.

However, many companies interviewed for this publication were of the opinion that the corporate sector, and Indian society as a whole, is not yet ready for large scale marketing aimed at the LGBT community. Although a number of small niche companies and entrepreneurs are beginning to embrace the opportunity to target products and services at LGBT individuals, for the most part multinationals do not feel it is appropriate to venture into this field. Nevertheless, a few companies are making an early foray into exploring opportunities, in particular in the business to business sector.

<div align="center">**CASE STUDY 9**</div>

Organisation: IBM

Market Positioning

India is still in the nascent stage in terms of societal acceptance of LGBT inclusion. The LGBT population, estimated to be between 5-10% of the entire Indian population, has yet to emerge as a visible demographic with powerful purchasing power to which companies can market their products. However, Indian businesses have very quickly come to the realisation that their workforces , mirroring the population at large, are also made up of a 5-10% population of LGBT colleagues. As a result, in order to attract, retain and motivate these employees, they have started developing ways to create a more inclusive workplace.

Recognising this trend, IBM launched a business development programme in 2012 that advises multinationals and local Indian enterprises on the business case for greater diversity and inclusion in their workforce. The business unit, established more than 10 years ago in the United States, quickly expanded to global growth markets such as India after IBM's leadership recognised the tremendous potential of this unique approach.   Not only are western multinationals in India looking for support and advice in this important business imperative, but also Indian companies, looking to grow within and expand beyond India, are exploring ways to embrace diversity.

To gain access to potential clients, IBM has initiated a number of different business development activities in key Asian markets, including India:

- **Invest in the local LGBT community -** IBM sponsors local charitable events and partners with local NGOs to better position IBM as a leader on diversity and inclusion.

- **Leverage IBM's employee resource groups to generate business leads -** IBM's LGBT employee resource group in India (known as EAGLE) is well developed and networked in the business community.   Members have introduced IBM business development executives to decision makers at multinationals and local Indian enterprises, an approach which has led to the identification of new business opportunities.

- **Work with Indian IBM executives to identify potential business leads -** Based on IBM's reputation as a leader on diversity and inclusion around the globe, many companies in India have approached IBM to learn more about how their organisations should approach diversity and inclusion in India.   Senior IBM executives have helped identify and translate these opportunities into business for the company.

IBM realises this is very new for India, but believes it is important to push the envelope with respect to diversity and inclusion. After all, part of the business case for creating inclusive workplaces for LGBT employees is access to new and rewarding business opportunities, and IBM's unique approach ideally places them in a position to take full advantage of the pioneering work they have done in this space.

"At IBM, diversity fosters innovation in the way we address the needs of our clients and helps the world work better. Diversity is a competitive differentiator that enables IBM to reflect the global diversity of our customers. From a LGBT market perspective, the discretionary income of the gay, lesbian, bisexual, and transgender community is growing every year, along with their presence in the workplace and marketplace. IBM's ability to provide thought leadership to our customers in addressing constituency markets, as well as further leveraging those customer relationships to identify other business opportunities, is what makes this business model unique and effective."

Tony Tenicela
Global Leader for Workforce Diversity and LGBT Markets, IBM

7. MONITORING
▶ Include gender identity and sexual orientation as an optional data point in India employee surveys or data collection forms
• Track recruitment and career development metrics for LGBT employees in India who choose to self-identify
• Track complaints or grievances reported involving LGBT employees

Facilitating the collection of data around sexual orientation and gender identity, by adding LGBT demographic questions to employee engagement or satisfaction surveys, can be extremely valuable if companies are to monitor the performance of their LGBT employees and ensure equality in the workplace. However, data privacy and protection is a sensitive subject - whatever employee group a company is looking to track, and is particularly so for LGBT employees because of the challenges they face in terms of potential discrimination, perceived or otherwise. Many companies in India may feel that they are not ready to introduce LGBT monitoring at this time. The level of openness on this topic is at such a nascent stage, that it is likely to take some time before companies are able to build an environment that gives LGBT employees in India the confidence to self-identify in this way.

However, a handful of companies have begun to pioneer this approach in India with some level of success. Companies who believe they are ready to begin monitoring such data are advised to proceed sensitively – communicating clearly both the purpose of collecting such data and how the information will be used. This is best communicated within the context of a company's wider commitment to creating an open and inclusive workplace for all employees. In addition, companies should be wary of making such data collection mandatory. Even in countries such as the UK and US where discussion of LGBT issues is far more advanced than India, such matters are dealt with carefully. Where questions are mandatory, employers should give employees the option to opt-out of self-identifying by including the option "Prefer Not to Say".[54] HRC have compiled a report on the topic of self-identification in the workplace called "Where are our LGBT employees?" and in it provide the following useful advice:[56]

- Provide separate questions for gender identity and sexual orientation — everyone has a gender identity and a sexual orientation, but the two are distinct, unique characteristics even though the community is known collectively as LGBT;

- Make the questions optional, allowing employees to bypass them without answering, if they choose;

- Provide the employer's diversity and inclusion statement prior to asking any demographic questions, including questions about ethnicity, race and gender, to reinforce messages about confidentiality and employee privacy;

- Provide space for employees to express their identity in their own words. Look for ways to fully encompass all aspects of a category – e.g. heterosexual/straight, gay, bisexual or all genders including transgender options;

- Ask about an employee's level of being open about their gender identity and sexual orientation (e.g. workplace vs. personal life; team vs. organization; management vs. co-workers) to identify trends and deficiencies.

Companies are also recommended to include definitions for key terms such as gay, lesbian, bisexual and transgender. Even in companies where extensive work has been done to raise awareness, there have been cases where significant discrepancies have arisen because employees were unclear about what the terms mean.

The report also provides examples of questions that can be included around gender identity and sexual orientation.

Example Questions – Gender Identity

- Is your gender identity different from the sex you were assigned at birth? (Yes/No)
- Are you / do you identify as transgender? (Yes/No)

Gender identity can conceptually be more nuanced and fluid than simply 'female' or 'male'. The above questions may be followed up with additional questions to determine how transgender employees prefer to be identified and whether or not they are open about their transgender identity:

- What best describes your gender identity? (Female / Male / Other _____)
- If you identify as transgender, are you open about your gender identity:

	Yes	Partially	No
a. At home			
b. With colleagues			
c. With your manager			
d. At work generally			

Example Questions – Sexual Orientation

The following questions were derived from the Stonewall Monitoring Report. The first question can be used independently or in conjunction with the second question.

1. What is your sexual orientation?
   a. Bisexual
   b. Gay man
   c. Gay woman/ lesbian
   d. Heterosexual/ straight
   e. Asexual – attraction to neither[57]
   f. Other _____
   g. Prefer not to say

2. If you identify as lesbian, gay, bisexual or other, are you open about your sexual orientation:

	Yes	Partially	No
a. At home			
b. With colleagues			
c. With your manager			
d. At work generally			

The level of data that LGBT employees share can provide an interesting data point, for it can provide an indication of how comfortable LGBT employees are to be open about their sexual orientation and gender identity. The information can be used to ensure LGBT employees receive access to appropriate benefits and employee relocation decisions can be made responsibly. It is also important that companies track any complaints or grievances reported involving LGBT employees. With such data, a company is better able to ensure that its policies are effective and take any remedial action if necessary.

CASE STUDY 10

Organisation: Goldman Sachs

Monitoring

Diversity and inclusion is taken very seriously at Goldman Sachs. The company recognises it as central to being able to serve its clients and maximise profits for its shareholders. As a result, the company has gone to lengths to promote diversity in its offices around the globe.

One of the company's more advanced initiatives has been to anonymously track the sexual orientation of its employees to determine how well it is delivering on its commitment to inclusion. Every two years, Goldman Sachs India sends out a 'People Survey' which, amongst other questions, asks employees about their sexual orientation and gender identity and how inclusive they feel their workplace is. The information allows Goldman Sachs to compare inclusion rates and track how other initiatives or policies impact how included employees feel in the company.

Even more ambitious, recently Goldman Sachs India reviewed many of its internal processes and decided to update its database that stores information on its employees. The database will now include non mandatory questions around the employee's sexual orientation and gender identity, giving employees the option to self identify if they choose. This means that human capital management professionals at Goldman Sachs can review hiring, promotion and attrition rates to ensure there is no bias.

Goldman Sachs recognises that tracking the sexual orientation and gender identity of its employees is a sensitive issue, not just in India, but around the world. Only when the company felt that it had done enough to raise awareness of the need for inclusion did it feel comfortable asking this information from employees. Far from a backlash, employees at Goldman Sachs India acknowledge the need for these changes and have applauded their employer.

8. COMMUNITY & ADVOCACY
▶ Engage in external LGBT-specific efforts in India, including: recruiting, supplier diversity, marketing or advertising, philanthropy, non-profit group or public support for legal LGBT equality
• Be a visible role model for LGBT workplace equality in the India community
▶ Share leading practices on LGBT workplace equality in India

The final set of recommendations in this resource guide recognises the sphere of influence that companies have and focuses on community and advocacy. If we are to see positive change within not just the corporate sector of India but amongst the wider community in India, companies are encouraged to take an active role in, if not promoting, then supporting, the rights of LGBT individuals.

It is therefore recommended that companies engage in some kind of external LGBT specific activities in India. This may be as simple as targeting LGBT groups for recruitment or marketing purposes, or a more direct advocacy role in terms of supporting the work of NGOs or organisations that work for LGBT equality. Encouraging gay and transgender employees to participate in public events, such as India's Pride Parades or sponsoring efforts such as the India Gay & Lesbian Film Festival are examples of how companies might show their support.

Talent and Organisational Development Consultant, Tracy Ann Curtis of TAC Global, explains:

"The tangible and intangible benefits organisations receive by sincerely engaging with the external LGBT Community are powerful – it's a way to learn about a new market segment, a way to raise the company's profile and certainly a visible commitment to inclusion - both internally and externally, and this partnership with the LBGT community undoubtedly positions the company as an employer of choice, now and for the future."

Companies are also encouraged to be visible role models for LGBT workplace equality – demonstrating good practice and publicising their efforts through the media or otherwise. Finally, if we are to see real change in India and the wider adoption of best practice for LGBT employees, it is critical that companies share examples of their best practice and take steps to encourage other companies to follow their lead. The companies that have agreed to be featured in this resource guide have taken a key step in this regard – and we thank them for their bold and courageous efforts to lead change and ensure a more inclusive workplace. We also thank them for their contribution to this report.

CASE STUDY 11

Organisation: Barclays

Community & Advocacy

Barclays believes that in order to gain or maintain a competitive advantage it must attract and retain the best talent. The best way to do this, says Barclays, is by creating a workplace devoid of the complications of prejudice and where all employees can succeed, including LGBT employees. In India, where sexual orientation and gender identity issues are still very much a taboo, Barclays has chosen to take a visible and leading role supporting the LGBT community in order to further its internal diversity and inclusion objectives.

In May 2012, Barclays sponsored 'Kashish - Mumbai International Queer Film Festival' – India's first LGBT film festival. Not only did the event organisers count Kashish 2012 as a success, but so did Barclays. The company used the event to bring 10 senior leaders from around the world to Mumbai to attend the opening night of the Festival – exposing these leaders to transformative and inspirational media. To increase the impact, photos of the leaders and their personal accounts were taken and shared with employees across India using internal communications. Management used this opportunity to raise awareness of its LGBT Employee Network and Barclays' commitment to creating a diverse and inclusive workplace in India. Barclays reported that the event had the desired effect and that it sparked many discussions internally about LGBT issues and what role diversity and inclusion plays in determining the success of the company.

Barclays suggests that companies looking to take part in an external community event have a larger diversity and inclusion strategy and understand with great detail how that event fits into their strategy. One-offs or poorly executed events could diminish the impact greatly or actually have a negative effect on the company's culture

"At Barclays, equality of opportunity is a core principle. We passionately believe that all individuals should have the same rights to succeed, regardless of their sexual orientation or gender identity. As Indian society continues to embrace its LGBT community more openly, we at Barclays have been able to demonstrate our core value of equality through our sponsorship of Kashish, India's largest LGBT film festival. Through our association with Kashish, we demonstrate to our clients, our employees, our suppliers and Indian society at large our commitment to diversity and to the future of India."

Mani Subramanian
Chief Executive Officer, India, Barclays

CONCLUDING REMARKS – LEADING THE WAY

The long-awaited verdict of the Delhi High Court in July 2009 was a historic moment for India's LGBT community and was heralded by gay rights activists as a great step forward. For many it provided a source of great hope, pointing to a vision of India as a more open and tolerant society.

LGBT individuals in India have long-faced discrimination and persecution in India, and it will likely be some time before Indian society can throw off the stigma and taboo surrounding this subject. Nonetheless there is an underlying current of change running through India, that is facilitating the greater level of open discussion and debate that is so critical to driving this agenda forward.

At this crucial juncture in India's history, there is the opportunity for the corporate sector to play a pivotal role in bringing about greater acceptance of India's LGBT community. By creating safe and open workplace environments that embrace LGBT individuals for who they are, companies in India can lead the way in overcoming prejudice and changing mindsets. In so doing too, they can reap the benefits of unleashing the full potential of this marginalised talent pool and differentiate themselves in the market to employees and customers alike.

Several multinational companies and some large Indian companies are already recognising the part they can play in achieving greater acceptance and equality for LGBT individuals in India – as demonstrated by the case studies shared in this publication. Community Business applauds the leadership and courage of these companies for pioneering the way.

However clearly more needs to be done and the journey is only just beginning. Community Business will continue its work in this respect: raising awareness, challenging assumptions, facilitating dialogue and encouraging companies to adopt many of the recommendations outlined in this publication. It is our hope that this resource guide will play a key role in increasing understanding, changing corporate culture and ultimately achieving greater equality for LGBT individuals in all aspects of Indian life.

APPENDICES
Appendix 1: Advisory Group

Organisations

Mingle
Mingle (Mission for Indian Gay & Lesbian Empowerment) is a nationwide advocacy group and think-tank that pushes for LGBT equality in all spheres of public life in India. Mingle consists of academicians, students and professionals from fields as diverse as the Arts and Sciences, Journalism, Law, Medicine, Management and Engineering. Its vision is for a truly liberal and pluralistic India where all citizens enjoy their fundamental right to lead a secure and dignified life irrespective of their sexual orientation or gender identity.
For more information see: *www.mingle.org.in*

Individual Contributors (listed in alphabetical order by first name)

Ashok Row Kavi
Mr Ashok Row Kavi is an Indian journalist and one of India's most prominent LGBT rights activists. After interning with the legendary D.F.Karakha in 'Current' and starting the Indian Playboy clone, 'Debonair', he worked in various capacities with prominent media houses. In 1994, Ashok registered India's first community based organisation for gay men, the Humsafar Trust and then lobbied with the Bombay Municipal Corporation to give him space in a bazaar to start a drop-in centre for gay men, male prostitutes, bisexual men, hijras and assorted genders in between. In 2006, he joined UNAIDS as Technical Officer for sexual minorities on loan to the National AIDS Control Programme where he kick started opening up of government health facilities for MSMs and hijras. He convenes the India Network for Sexual Minorities which then applied for the world's first grant to homosexuals from the Global Fund for AIDS, TB and Malaria. He Chairs the MSM working group responsible for developing a Strategic Plan for the next National AIDS Control Programme. He is proud to be associated with the successful efforts by Indian's fledgling LGBT movement to decriminalise sodomy in July 2, 2010 when the Delhi High Court gave its historic judgement. He is also editor-in-chief of India's oldest gay magazine, Bombay Dost.

Connie Wong, Founder and Managing Direcor, CSW Associates Inc
Connie Wong is the Founder and Managing Director of CSW Associates Inc., a leading global consulting firm on workforce issues. Connie is frequently called upon to support business strategies, facilitate diversity initiatives, and administer executive coaching. She is often asked by media to identify and comment on workplace diversity challenges. Connie is an accomplished public speaker and facilitator and has appeared on ABC's 20/20 and NBC's Dateline, and was a panelist for a UN Global conference. She has been quoted in print and online outlets including Fortune Magazine, The New York Times, and Gannett newspapers and has been interviewed on radio outlets such as NPR. In addition to holding a Masters Degree in Human Resources and Organizational Development, Connie has completed training with the Harvard Negotiation Project and serves on the National Board of Governors of the Equality Forum. Prior to founding CSW Associates Inc. Connie held executive positions in the financial services and airline industries.

Parmesh Shahani

Parmesh Shahani's professional life has bridged the business, academic and creative worlds. He presently runs the Godrej India Culture Lab, an experimental space dedicated to probing the textured nature of modernity in contemporary India, and also serves as Editor at Large for Verve, India's leading fashion and luxury magazine. In the past, he has founded Freshlimesoda, India's first online youth magazine, and worked across the Indian mediascape at organisations like Elle, the Times of India group, and Sony Entertainment Television. He has also worked in the corporate world with the Mahindra group, where he helped set up a corporate venture fund and worked on other group wide innovation activities. Parmesh's first book called 'Gay Bombay: Globalization, Love and (Be)Longing in Contemporary India' (Sage Publications) was released in April 2008. He is a TED Fellow and an MIT Futures of Entertainment Fellow and has a Masters degree in Comparative Media studies from the Massachusetts Institute of Technology.

Shubha Chacko, Director, Aneka

Shubha is the Director of an NGO called Aneka - which means 'diversity' or 'plurality'. She is closely involved in grassroots level, policy and research work in India, particularly focusing on issues relating to women, gender and sexuality. She is also a trainer on issues of gender, sexuality and HIV. Shubha has Master's degree in Social Work from Tata Institute of Social Science, Mumbai. She has also worked at the National Law School of India University. She is a trained documentation professional and has presented papers at various international and national conferences. In addition she has authored and assisted in the authoring of books on issue related to women.

Tracy Ann Curtis, Talent and Organisational Development Consultant, TAC Global

With over 20 years of experience building organisational capabilities, providing strategic direction, and advising executive teams, Tracy Ann has worked across the globe. She has turned vision into action by designing, directing and managing new, innovative global projects and implementing improved processes in India, Greater China, South East Asia, Japan, Europe and North America. Tracy Ann founded TAC Global in 2010, a consulting firm focused on partnering with organisations to increase business growth in the region. Her focus is on organizational development, talent management, and building innovative and inclusive cultures. Tracy Ann is based out of Bangalore, India - having relocated there in 2004 to set up Cisco's Global IT Development Center and in 2006 formulate and direct Cisco's Asia Pacific Inclusion & Diversity strategy.

Appendix 2: LGBT Terminology

The following is a list of LGBT terms and definitions. It is taken primarily from the Gay and Lesbian Alliance Against Defamation (GLAAD) Media Reference Guide[58] published in the US as well as Queer-ink[59] in India.

Bisexual, Bi
An individual who is physically, romantically and/or emotionally attracted to men and women. Bisexuals need not have had sexual experience with both men and women; in fact, they need not have had any sexual ex-perience at all to identify as bisexual.

Closeted
Describes a person who is not open about his or her sexual orientation.

Coming Out
A lifelong process of self-acceptance. People forge a lesbian, gay, bisexual or transgender identity first to themselves and then may reveal it to others. Publicly identifying one's orientation may or may not be part of coming out.

Eunuchs
In India, this term is commonly used to denote Alis/Hijras (who come under transgender/transsexual category). Originally, this term is supposed to have referred to males who have undergone emasculation not by choice, but by accident, coercion or as a punishment. E.g., in ancient times, some males were emasculated to serve as guards in royal harems.

Gay
The adjective used to describe people whose enduring physical, romantic and/or emotional attractions are to people of the same sex (e.g., gay man, gay people). In con-temporary contexts, lesbian (n. or adj.) is often a preferred term for women. Avoid identifying gay people as homosexuals is an outdated term considered derogatory and offensive to many lesbian and gay people.

Gay Pride
Is a common name for the celebrations commemorating the Stonewall riots and for the marches and public demonstrations of the LGBT community in general.

Gender Identity
One's internal, personal sense of being a man or a woman (or a boy or girl). For transgender people, their birth-assigned sex and their own internal sense of gender identity do not match.

Heterosexual Man / Woman
A person whose enduring physical, romantic, emotional and/or spiritual attraction is to people of the opposite sex.

Hijra
Hijras are biological/anatomical males who reject their 'masculine' identity to identify either as women, or not-men, or in-between man and woman, or neither man nor woman. The term 'Hijra' is used in North India, while 'Aravani' and 'Thirunangai' are used in Tamil Nadu.

Homophobia
Fear of lesbians and gay men. Prejudice is usually a more accurate description of hatred or antipathy toward LGBT people.

Homosexual
Older term to describe people who are attracted to members of the same sex. Gay and/or lesbian are the preferred terms by some.

Lesbian
A woman whose enduring physical, romantic and/or emotional attraction is to other women. Some lesbians may prefer to identify as gay (adj.) or as gay women.

LGBT / GLBT
Acronym for - lesbian, gay, bisexual and transgender LGBT and/or GLBT are often used because they are more inclusive of the diversity of the community. Care should be taken to ensure that audiences are not confused by their use.

Males who have sex with Males (MSM)
This is used as an umbrella term under which all biological males who have sex with other males are included, regardless of their sexual/gender identity. Thus literally it also includes transgender/transsexual (male to female) persons since they are actually biological males.

Queer
An originally abusive epithet for a gay man, now often used by academics to refer to anything sexually or gender diverse or by gay activists who have 'reclaimed' the word and use it instead of 'gay'. Queer Studies are the academic field which investigates all aspects of the sexually or gender diverse.

Sex
The traditional classification of people as male or female. At birth, infants are assigned a sex based on a combination of bodily characteristics including: chromosomes, hormones, internal reproductive organs, and genitals. There is also more variety than the duality of male/female suggests – see intersex.

Sexual Orientation
Describes an individual's enduring physical, romantic, emotional and/or spiritual attraction to members of the same and/or opposite sex including lesbian, gay, bisexual, heterosexual and asexual orientations or neither, asexual. Avoid the offensive term "sexual preference," which is used to suggest that being gay or lesbian is a choice and therefore "curable." Gender identity and sexual orientation are not the same. Transgender people may be heterosexual, lesbian, gay, bisexual or asexual. For example, a man who becomes a woman and is attracted to other women would be identified as a lesbian.

Transgender
An umbrella term for people whose gender identity and/or gender expression differs from the sex they were assigned at birth. The term may include but is not limited to: transsexuals, cross-dressers, and other gender-variant people. Transgender people may identify as female-to-male (FTM) or male-to-female (MTF). Use the descriptive term (transgender, transsexual, cross-dresser, FTM or MTF) preferred by the individual. Transgender people may or may not choose to alter their bodies hormonally and/or surgically.

References

All web references are accurate as of 1 September 2012.

[1] Source: http://www.siliconindia.com/news/business/Top-Indian-Companies-in-Forbes-Global-2000-List-nid-113455-cid-3.html

[2] Source: Human Rights Campaign, Degrees of Equality: A National Study Examining Workplace Climate for LGBT Employees, 2009

[3] Source: Stonewall Top 100 Employers 2010; p3.

[4] Source: Catalyst, 2009 www.catalyst.org

[5] Source: http://www.steelcase.com/en/resources/research-projects/documents/steelcase_workspace%20futures_geny_india_april2011.pdf

[6] Source: http://mingle.org.in/general/mingles-lgbt-workplace-survey-report-2012-is-released/

[7] Source: http://www.google.com/hostednews/afp/article/ALeqM5hm6n0X2HCFzG7PQ3VSCRgBf4NPCA
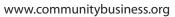
[8] ibid

[9] ibid

[10] Source: http://www.google.com/hostednews/afp/article/ALeqM5hm6n0X2HCFzG7PQ3VSCRgBf4NPCA

[11] Source: http://orinam.net/resources-for/workplace/business-case-for-lgbt-inclusive-diversity/

[12] Source: http://www.forbes.com/2011/07/01/forbes-india-gay-lgbt-business-mnc-equality-to-be-gay_2.html

[13] Source: http://www.bbc.co.uk/news/world-asia-india-17363200

[14] Source: http://www.indexmundi.com/india/

[15] Source: Same-Sex Love in India Ruth Vanita and Saleem Kidwai

[16] Source: http://www.bbc.co.uk/news/world-south-asia-14024774

[17] Source: http://www.thingsasian.com/stories-photos/2022

[18] Source: http://www.globalpost.com/dispatch/india/100409/india-transgender-scandal-banned-bombay

[19] "Veda" means wisdom, knowledge or vision, and it manifests the language of the gods in human speech. The laws of the Vedas regulate the social, legal, domestic and religious customs of the Hindus to the present day. The Vedas are considered the earliest literary record of Indo-Aryan civilization, and the most sacred books of India. They are the original scriptures of Hindu teachings, and contain spiritual knowledge encompassing all aspects of our life.

[20] Source: Gyatso, Janet (2003). *One Plus One Makes Three: Buddhist Gender Conceptions and the Law of the Non-Excluded Middle,* History of Religions. 2003, no. 2. University of Chicago press

[21] Source: http://www.quora.com/LGBTQ/How-should-India-address-its-100-million+-gay-population

[22] Source: http://mingle.org.in/issues/religion-faith/mingles-guide-for-lgbt-issues-within-religious-communities/

[23] Source: http://www.advocate.com/News/Daily_News/2011/07/02/LGBT_Gathering_Marks_Anniversary_in_India/and http://indiatoday.intoday.in/site/story/law-fails-to-smudge-gay-stigma/1/143494.html

[24] Source: http://alaiwah.wordpress.com/2011/12/26/what-to-do-with-the-eunuchs/

[25] Source: http://www.campaignindia.in/Article/293539,ficci-kpmg-report-2012-me-industry-grew-by-12-in-2011.aspx

[26] Much of the content for this section is taken from The Right That Dares to Speak Its Name, Decriminalising Sexual Orientation and Gender Identity in India, published by the Alternative Law Forum in Bangalore. For in depth discussion of the history, see the full report: http://www.altlawforum.org/sites/default/files/The%20right%20that%20Dares%20to%20Speak%20its%20Name_0.pdf

[27] ibid

[28] Source: http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/02_07_09_india_gay.pdf, p7

[29] Source: http://www.scribd.com/doc/83062251/Section-377-of-the-Indian-Penal-Code

[30] Source: http://indiatoday.intoday.in/story/homosexuality-is-to-be-seen-in-context-of-changing-society-supreme-court/1/173906.html

[31] Source: http://www.mumbaimirror.com/article/3/2012022320120223141327934d025428/Homosexuality-Govt-opposes-HC-verdict-in-apex-court.html

[32] Source: http://pink-pages.co.in/news-digest/centre-fully-accepts-decriminalization-of-gay-sex-attorney-general/

[33] Source: http://www.altlawforum.org/sites/default/files/The%20right%20that%20Dares%20to%20Speak%20its%20Name_0.pdf, p6

[34] Source: http://mingle.org.in/issues/legal-issues/mingles-legal-guide-for-lgbt-indians-launched/

[35] ibid

[36] Source: http://en.wikipedia.org/wiki/Homosexuality_in_India

[37] Source: http://news.bbc.co.uk/2/hi/south_asia/3001126.stm

[38] Source: BBC article 'Fear and Loathing in Gay India" http://news.bbc.co.uk/2/hi/south_asia/4304081.stm

[39] ibid

[40] Source: http://www.economist.com/node/13962740?story_id=13962740

[41] Source: BBC article 'Fear and Loathing in Gay India" http://news.bbc.co.uk/2/hi/south_asia/4304081.stm

[42] Source: http://www.theage.com.au/world/indias-gays-happy-to-remain-in-the-closet-20100319-qm69.html

[43] Source: http://www.e-ir.info/2011/08/18/living-in-the-shadows-lesbians-in-india/

[44] Source: http://www.gaybombay.in/articles/gay-life-in-india.html

[45] Source: http://mingle.org.in/issues/health/list-of-lgbt-friendly-psychiatrists-hivaids-counselors-std-specialists-and-sexologists-in-india/

[46] Source: http://www.globalpost.com/dispatch/india/100409/india-transgender-scandal-banned-bombay

[47] Source: http://www.globalpost.com/dispatch/india/100409/india-transgender-scandal-banned-bombay

[48] Source: http://www.globalpost.com/dispatch/india/090601/indias-transgender

[49] Source: http://mingle.org.in/general/mingles-lgbt-workplace-survey-report-2012-is-released/

[50] Source: http://mingle.org.in/general/mingles-lgbt-workplace-survey-report-2012-is-released/

[51] Source: http://www.hrc.org/issues/cei.htm

[52] Source: http://www.stonewall.org.uk/workplace/1477.asp

[53] Source: http://www.outandequal.org/steps-to-equal-workplace

[54] Source: 10 touch points for businesses demonstrating their commitment to equal treatment of employees, consumers and investors, irrespective of their sexual orientation and gender identity or expression

[55] Source: Brian McNaught, The NSA, Reporter's Questions & Summer Vacation, 12 June 2008. See http://diversityguides.com/gay_workplace/?p=43

[56] Source: HRC Report "Where are our LGBT employees", p8. http://www.hrc.org/documents/LGBT_Self-Identification_Report_-_2009-05-08.pdf

[57] Source: Additional option recommended by Out & Equal Workplace Advocates.

[58] Source: Largely taken from http://www.glaad.org/Page.aspx?pid=376 but includes editing of definitions and adding of terms as deemed appropriate for India.

[59] Source: http://www.queer-ink.com/content.php?content=queer-lingo

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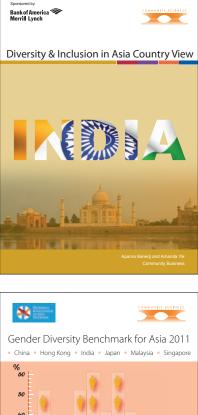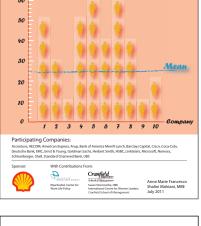March 2012

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