



EQUAL EMPLOYMENT OPPORTUNITY: Acceptance of LGBT+ workers in an organization without discrimination.

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1. INTRODUCTION

Business requires a lot of manpower since without it, operations cannot be maintained. Every aspect of a firm, from production to client interactions, is impacted by an employee. To reach their desired target, goal, and success, every firm needs the best human resources.

Male and female were the only genders initially recognised by society, and both genders shared the same chances. However, the Supreme Court officially recognised intersex, transgender, and hijras as a "third gender" in April 2014. LGBT+ (lesbian, gay, bisexual, and transgender) is then officially recognised in India in 2019 following that. They were regarded by the law as a third gender and treated equally with the other two genders.

However, members of the heteronormative society continue to reject the reality. Lesbian, homosexual, bisexual, and transgender people experience prejudice in practically every aspect of their life worldwide. Their access to jobs, education, and healthcare is restricted. They must be welcomed with open arms since they are an integral part of society. They must also be evaluated on their abilities and knowledge, just like the other two genders, rather than on the basis of their sexual orientation.

Recent pressure from LGBT+ employees, and in certain cases, governments and unions, has put employers under pressure to stop discriminating against LGBT+ workers. These stakeholders are more concerned with treating LGBT+ employees fairly than with increasing the representation of LGBT+ people in this more recent sector of diversity. In addition to voluntary defined nondiscrimination regulations that encompass sexual orientation and gender identity, it is claimed that domestic partner benefits, transition-related health care benefits, and other relevant programmes are fair or reasonable.

The inclusion of LGBT+ individuals in the workforce is swiftly moving to the top of the priority list for businesses of all sizes around the world. This is true for both small and large businesses because accepting the LGBT+ population gives all businesses a major competitive edge.

Other benefits of an LGBT+-inclusive workplace include making sure that staff members of all sexual orientations and gender expressions feel welcome and appreciated. LGBT+ inclusive workplaces also increase productivity and profitability for businesses.

2. LITERATURE REVIEW

The concept of gender diversity in the workplace is described in the literature review for the current paper. The conclusions are based on academic research journals in the areas of organisational and human resource management, diversity, and social inclusion. The generals provide us a clear understanding of how, even after India's Supreme Court decriminalised homosexuality, the business and public sectors are gradually opening up to hiring members of the LGBT+ community. According to the 2011 census, there are 4.88 lakh trans people living in India. However, only a small number of people are given job prospects. In accordance with a 2018 National Human Rights Commission research, 96% of transgender people are denied employment opportunities and pressured to accept menial or indignified occupations. In the corporate sector or NGOs, there were just 6% of transsexual workers. Many businesses have enacted anti-discrimination policies or LGBT+ support policies that benefit LGBT+ employees and have a modicum of success.

The literature review for the current study addresses the idea of gender diversity in the workplace. It begins with a definition of "diversity," then covers the advantages and disadvantages of organisational gender policies, examines the hiring of women, and introduces various workforce management tactics. The findings are supported by academic research publications in the fields of diversity, social inclusion, and organisational and human resource management.

2.1 CONCEPT OF DIVERSITY

Diversity includes acceptance and respect for the full range of human characteristics in their socioecological, historical, and cultural contexts as well as the knowledge that each person, family, community, and societal group has unique characteristics that distinguish them from others. Age, ethnicity, class, gender, disability, physical traits, race, and sexual orientation are just a few examples of these differences. There are also differences based on immigrant status, gender identity, educational background, location, income, language, marital status, parental status, trauma exposure, work experiences, and intersectional positional-ties.

The research on gender diversity has made its first stride forward thanks to the 1980th economic forecast. It was simple to show how the workforce was changing and diversifying. It was projected that there would be an equal number of men and women working at the beginning of the twenty-first century.

2.2 DIVERSITY MANAGEMENT APPROACHES

Gender diversity is a big problem in the modern society. In an effort to balance the still uneven gender distribution at the workplace, businesses are devoting a lot of time and money to supporting workplace diversity efforts. A company's reputation might be damaged, it could be susceptible to needless lawsuits, and most crucially, it could be prevented from maximising performance through a varied workforce if gender diversity isn't taken into consideration.

Transgender people were designated as the "Third Gender" under our constitution and for the purposes of laws passed by the parliament and state legislatures as a result of the Hon'ble Supreme Court of India's order dated 15th April 2014 in the case of National Legal Services Authority vs. Union of India (also known as the "Nalsa Judgement"). This decision acknowledged that Indian laws are largely binary in nature and only recognised the genders of male and female.

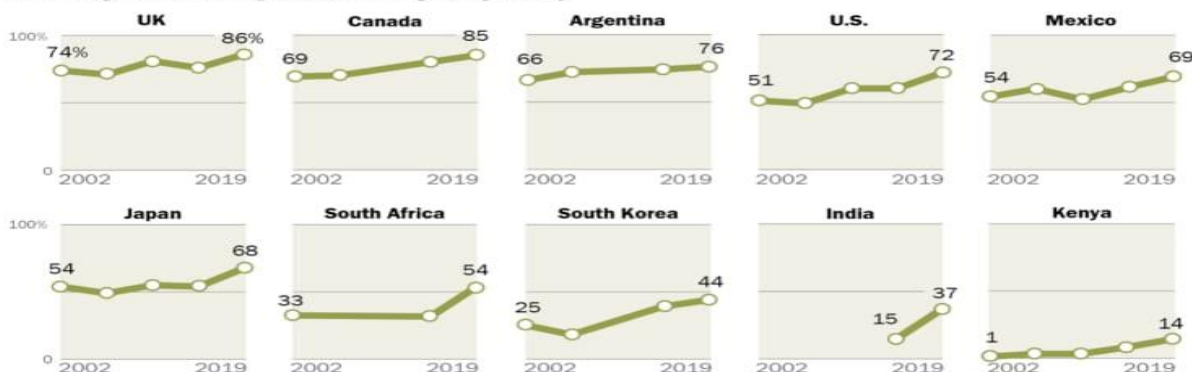
Our legal system does not accept the third gender, which has resulted in systematic denial of equal protection under the law and widespread socioeconomic discrimination in India's general population and employment. The Indian parliament just passed The Transgender Persons (Protection of Rights) Act, 2019 (referred to as "the Act") in reaction to the Nalsa Judgement.

3. DATA ANALYSIS

Currently, women make up little under 47% of the global labour force. Males make up 72% of it. That is a variance of 25 percentage points, with some areas experiencing disparities of more than 50 percentage points. Between 2002 and 2019, acceptability of homosexuality increased by double digits in many of the countries surveyed. This includes a gain of 21 points in South Africa since 2002 and a rise of 19 points in South Korea over the same time period. Similar to that, there has been a 22-point increase since 2014, when the problem was first presented to a nationally representative sample in India.

Rising acceptance of homosexuality by people in many countries around the world over the past two decades

% who say homosexuality *should* be accepted by society



Note: Only countries with double-digit increases from first survey year to 2019 shown. For more details, see Appendix A.
Source: Spring 2019 Global Attitudes Survey. Q31.

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The addition of surveys that specifically gather data on transgender, intersex, and bisexual people; an expanded database of social surveys that gauge attitudes towards LGBT+I people and rights (drawing on data from the Afro Barometer, America's Barometer, Euro Barometer, European Social Survey, European Values Survey, Gallup World Poll, International Social Survey Programme, IPOs International, Latino barometry, Pew Global surveys, and World Values Surveys);

- Of the 175 countries and regions, 56 have seen an increase in acceptance since 1980.
- In 57 countries and areas, there was a decline.
- There was no change for 62 countries and regions.
- In Brazil, Canada, Great Britain, and the US, acceptance of LGBT+I people and their rights has grown.
- In 2020, Iceland, Norway, the Netherlands, Sweden, and Canada were the countries that were the most tolerant. Australia and Oceania, North and South America, and Western Europe have all seen increases in their GAI scores since 1990. • The range of permitted levels has widened over the last ten years, while GAI trends in other regions either stayed stable or slightly dropped over this time. Although there is less division in acceptability levels.

Only 9.5% of the polled organizations—the majority of which were MNCs—had taken substantial efforts to be LGBT+ inclusive, according to a January 2022 report by HR services provider Ramstad India. Additionally, the majority of intentional LGBT+ employment occurs at the junior (33%) and middle levels (31%) of the organisation.

4. COMPARATIVE APPROACH

In this research paper, condition of United Kingdom, United States and India are discussed in a way that how these countries accepted LGBT+.

4.1 United Kingdom- The post-war era saw the emergence of transgender identities. In 1946, Michael Dillon released *A Study in Endocrinology*. The memoirs of the first transgender man to have phalloplasty surgery, as the book is commonly known, described Dillon's transition from Laura to Michael and the surgeries performed by innovative surgeon Sir Harold Gillies. The Gender acknowledgement Act 2004, which went into effect on April 4, 2005, grants transgender people full legal acknowledgement of their gender. Now, they can get a new birth certificate, but the only options for gender are "male" or "female."

Between July and October 2018, the UK government undertook open consultations on the proposed changes to the Act. As of 1 September 2020, no report from the consultation had been made public.

The Equality Act of 2010 now protects LGBT+ workers from workplace harassment, discrimination, and victimisation. The Gender Recognition Act was reinforced by the act by integrating previously existing regulations and adding protections for transgender employees.

4.2 United States of America- Homosexuality was seen as a mental disease in 1950. Many LGBT+ individuals lived alone and in secret. They ran the risk of being fired or denied a job because of their sexual orientation. Today, LGBT+ people serve openly in the armed forces, participate in the media, and hold powerful positions in government. The extension of LGBT+ rights has been aided by the U.S. Supreme Court's seminal *Bostock v. Clayton County* decision, Vice President Biden's executive orders, and the inclusion of explicit anti-discrimination clauses in 22 state employment laws. However, LGBT+ persons continue to be denied full equality due to persistent prejudice in housing, healthcare, education, and other areas. Prior to *Bostock*, the Equal Employment Opportunity Commission (EEOC), many state and federal courts, as well as the EEOC itself, acknowledged that discrimination based on sexual orientation or gender identity constituted a type of sex discrimination that is prohibited under Title VII. Despite the legal protections put in place by the EEOC, state and federal courts, and state legislatures, state legislatures still adopt laws that discriminate against transgender individuals and limit legal protections for LGBT+ people. According to an analysis by NBC News of information from the American Civil Liberties Union and Freedom for All Americans, nearly 670 anti-LGBTQI+ legislation have been submitted to state legislatures since 2018, 238 of which were introduced in just the first three months of 2022.

Currently, rules that specifically prevent discrimination in the workplace based on sexual orientation and gender identity are only present in 22 states and the District of Columbia. Nine states have expanded their sex discrimination laws to include sexual orientation and gender identity. Wisconsin clearly prohibits job discrimination based on sexual orientation, despite the fact that gender identity is not specified. In contrast, 17 states offer no legal protection from discrimination based on sexual orientation or gender identity (LGBT+). Currently, rules that specifically prevent discrimination in the workplace based on sexual orientation and gender identity are only present in 22 states and the District of Columbia. Nine states have expanded their sex discrimination laws to include sexual orientation and gender identity. Wisconsin clearly prohibits job discrimination based on sexual orientation, despite the fact that gender identity is not specified.

In contrast, 17 states offer no legal protection against discrimination based on gender status.

4.3 India- Estimating the percentage of LGBT+ people in any population is difficult. In a country like India, where there is a general lack of openness and sensitivity on this matter, this is particularly true. The government, the Supreme High Court, and other authorities have given varying estimates of the number of gay men, ranging from 2.5 million to as much as 100 million. However, based on the widely accepted estimate of 5–10% of the adult population, the number of LGBT+ individuals in India is most likely between 42–84 million. Section 377 of the Indian Penal Code, a relic of British colonial rule, which criminalises "carnal intercourse, against the order of nature," has long been linked to the legal standing of India's LGBT+ population.

The Delhi High Court declared this provision unconstitutional in a significant ruling issued in July 2009. Since then, same-sex behaviour between consenting adults who participate in it in secret has essentially been made legal. Sexual orientation and gender identity are still taboo topics in Indian society and the workplace, despite this substantial improvement. In spite of the large number of sexual minorities in the nation, the majority of

Indians across all socioeconomic classes claim they do not personally know any LGBT+ (lesbian, gay, bisexual, or transgender) individuals. As a result, discrimination and ignorance are widespread, and LGBT+ individuals usually lack political, economic, and social power. This includes being the focus of harassment by police enforcement personnel, of which there are numerous documented instances. In addition, because to the strong traditional family values ingrained in Indian society, LGBT+ individuals may feel under pressure to conform to traditional gender roles, particularly heterosexual marriage.

But a limited percentage of LGBT+ activists and non-profit organisations are speaking out more in support of their causes, and social perceptions of LGBT+ individuals are progressively changing, particularly in urban areas. Popular culture has also had an impact on how well-liked the LGBT+ community is in India. On a bigger scale, social acceptance is changing due to the media, Bollywood, and other kinds of popular culture, which has an effect on changes in both the commercial and personal worlds. Corporate actions relating to sexual orientation and gender identity are now being led by a small but elite number of leading multinational and sizable local enterprises.

5. METHODOLOGY

Investigating the acceptance of LGBT+ employees in a workplace free from prejudice was our goal. Ex-post facto research was employed to achieve the aforementioned goals. The stages of the analysis were as follows:

1. Tracing the history of diversity and inclusion through the analysis of various literary works.
2. Talking on the management strategy in light of diversity.
3. Reading a variety of materials to learn information about LGBT+ inclusiveness in the workplace.
4. Charting the development of India, the United States, and the United Kingdom.

6. LIMITATION

The LGBT+ community campaigns for acceptance and equality. Finding acceptance can be particularly challenging for transgender persons. People frequently judge the LGBT+ community negatively. Due to the widespread prejudice against the LGBT+ community, this is a serious problem. People believe LGBT+ people are strange and clearly different because of preconceived assumptions.

Some of the major problems faced by LGBT+ in workplaces are-

1. People treat them as a disease, not as a third gender. They sideline them.
2. All those privileges which are normally enjoyed by normal people is not given to them. Example- wages, incentives etc.
3. Their sexuality is always questioned. They get to hear many comments regarding their sexuality.
4. The environment is not so friendly when it comes to this type of issue.
5. Undue advantages are taken from them.

LGBT+ people experience moral and confidence loss as a result of all of this and their own self-belief. They also experience shame about needing help, slowing down, or having to appear to have it "all together," fear of bullying, social exclusion, being treated unfairly, open hostility, worry about losing their job or losing status, forgoing promotions, opportunities, or extra responsibilities.

7. CONCLUSION

Qualitative social science research supports links between LGBT+-welcoming policies and outcomes that will be beneficial to businesses. Despite the few investigations, we can draw the following nebulous conclusions:

1. Employer policies that are welcoming to LGBT+ employees are associated with reduced rates of discrimination, and higher job satisfaction and better psychological health are also associated with lower incidence of discrimination.
2. When there is a welcoming work environment, which includes both LGBT+-supportive policies and more general support from coworkers and management staff, LGBT+ individuals are more likely to feel at ease disclosing their sexual orientation at work. As a result, greater sexual orientation disclosure is associated with improved psychological health outcomes for LGBT+ employees.
3. LGBT+ workers report higher levels of job satisfaction when they are employed in workplaces that value and accept LGBT+ people and are protected by LGBT+-friendly regulations. When LGBT+-supportive workplace policies and settings are available, LGBT+ employees and their coworkers and bosses frequently get along better. LGBT+ workers also tend to be more engaged at work, more devoted to their careers, and more willing to go above and beyond the call of duty to enhance the workplace.
4. While the initial costs of implementing LGBT+-friendly policies, such as offering health benefits to same-sex partners of LGBT+ employees, may be substantial, as we find, these costs are likely negligible and may be offset by cost savings in other areas. LGBT+ employees are more likely to contribute more at work if they are happier, healthier, and more committed to their careers.
5. Companies with LGBT+-supportive policies may be considered as better companies from which to purchase goods or for whom to work by customers and job seekers who value LGBT+-inclusive diversity practises, hence extending their clientele and pool of available employees.

8. RECOMMENDATION

These ideas came from conversations with other transgender professionals working in the field, an analysis of organisational policy, and consultant input. These are not meant to take the place of internal organisational conversations to make sure that any policies are in line with the requirements of your transgender or gender nonconforming employees.

1. Include wellness or gender affirmation leave language in all contracts. You might take time off for mental health, visit the doctor, have surgery, recuperate from it, or adjust to hormonal changes during this period. The optimal leave policy is 6 weeks of paid leave and up to 12 months of unpaid leave.
2. Promote the establishment of a transgender or queer caucus at work or among LGBT+Q and transgender workers in your industry. This can mean hiring a consultant to help the group get started or encouraging LGBT+ staff members to plan and execute the initiative as part of their paid duties. Transgender and queer employees' work schedules should provide for paid time for these sessions. This could also include setting up a queer mentoring program within the sector.
3. Give staff members access to a plan for employee assistance that works with specialists with transgender patient care experience. Many members of the LGBT+ community feel they must inform their therapists and medical professionals about the needs of transgender patients. The value of the service for trans employees can be significantly increased by ensuring that counsellors have the required education and expertise.
4. To ensure that the necessary administrative changes are performed when a person changes their name and gender, create simple HR procedures. Unless required by law, all references to the person's previous name or gender identifier should be removed. This should cover all internal communication channels, including email, Slack, and file storage.
5. Don't make it necessary for someone to start internal HR procedures before they change their legal name or gender. A person frequently needs to provide evidence that they have undergone expensive gender-affirming surgery in order to change the gender on their birth certificate. These regulations are oppressive and insulting. Not all transgender people can afford these surgeries or want to. Your human resources department should support transgender people who experiment with different names over time.
6. Allow someone to use a lavatory that is either gender-neutral or appropriate for their gender.
7. Training on trans identities, pronouns, and gender inclusive vocabulary should be provided to all employees. ACON and the Gender Centre have resources for HR policies and training. Talk to transgender staff members about how they would like management and other staff members to support them as well as how misgendering or dead-naming in the workplace should be handled.
8. Include language in your staff manual outlining the protections and assistance possibilities accessible to anyone seeking to express their gender at work. Transgender people may feel more secure affirming their gender if they are aware of the help for which they are qualified. This is made possible by the accessibility of these policies.
9. Provide training to your HR team on the needs of transgender employees, and designate team members to whom transgender people can confide in to discuss gender affirmation plans and voice issues.
10. Decide which HR team member managers and coworkers should speak with if they have any questions about helping transgender employees.

11. Set up welcoming conditions for the required presentation at work. This is essential for professions with gender-specific requirements for business clothing.
12. If your workplace needs a high level of professional look (such as suits, coats, or gowns), management should provide a little affirmation fund for new work attire. Gender affirmation can be very expensive. By using an affirmation fund, employees can more easily convey confidence in the workplace. The human resources section should manage the fund, and it should be simple to utilise.
13. In workplaces where uniforms are required, management should provide staff employees with a new uniform that matches their gender as well as any updated name badges or distinguishing objects.

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