In&Out

**The Indian LGBT Workplace
Climate Survey 2016**

A study by Mission for Indian Gay & Lesbian Empowerment
(MINGLE)

Contents

Foreword

Parmesh Shahani
Head of Godrej India Culture Lab
Author of the book Gay Bombay

This report continues the fine work done by MINGLE in shedding light on both – the good and the bad experiences – that queer populations in India face on a daily basis. The survey highlights some incredible work being done by enlightened employers and employees – both LGBT and allies – in the world's most exciting democracy. It mostly offers sobering statistics. Homophobia is rampant and discrimination is commonplace. It is often accompanied by a culture of complete silence. It shows just how much work needs to be done in the pursuit of LGBT equality at Indian workplaces.

Efforts like these are valuable documents of our lives, our times and our struggles, and I look forward to many more surveys of this nature, and indeed, a much more nuanced study and analysis of what it means to be LGBT in India at this moment in history.

I want to congratulate the entire MINGLE team for this survey as well as the excellent Indian LGBT Youth Leadership Summit they put together each year. We at Godrej are especially proud of hosting this summit on our campus. Each year, as I listen to an exciting new batch of future LGBT leaders from India, I feel energized and charged up for the future. Our country's LGBT citizens are certainly not a "minuscule minority". We have a voice, it is strong, and we refuse to be silent any longer in our quest to reclaim the equality promised to us by our country's constitution.

A special message for all our LGBT allies at the workplace- thank you for your support. You show us each day that you work alongside us and support us, that LGBT rights are not just our rights, but all our rights….just basic human rights. When you march alongside us at Pride, join our LGBT initiatives "despite being straight", and refuse to laugh at homophobic jokes cracked around the photocopy machine, you give us hope that the inclusive India we are imagining for tomorrow already exists today.

Introduction

The Second Indian LGBT Workplace Climate Survey was conducted with the aim of assessing the workplace environment vis-à-vis LGBT employees in corporate India. While the first such survey in 2012 had revealed many key insights, the second survey sought to follow up on those findings- especially in the context of homosexuality being recriminalized by a Supreme Court ruling in December 2013.

Workplace Diversity & Inclusion has now been widely recognized as a business driver. However, one segment of the employee base that is still largely neglected and their presence unrecognized at least in the Indian workplace− is that of LGBT employees. The Supreme Court ruling on Section 377 has also hurt the pace of progress on this issue.

Section 377 of Indian Penal Code does not criminalize LGBT identity and hence initiatives that promote inclusion of LGBT employees − such as constituting Employee Resource Groups- do not pose any legal risk for the companies, however risk-averse organizations have taken a safer route by not taking any steps in this regard. On the other hand, some multinationals- especially those based in the US and Europe are bringing LGBT-friendly policies into their Indian offices as well.

This survey focused on three sectors of the economy- Information Technology, Banking & Finance and FMCG & Manufacturing. Hundred respondents from various Indian and foreign multinational companies participated in the survey that showed interesting results. The results were a mixed bag - more than half of LGBT Indians we surveyed could be legally fired from their jobs for being LGBT. Only a small minority- 4% are covered by

same-sex partnership benefits, unsurprisingly, for a country which does not recognize same-sex partnerships. The fact that 40% reported having faced some form of harassment for being LGBT remains an issue of concern.

The survey also reaffirms the perception that openly LGBT employees are better contributors and feel safer at the workplace compared to those who are closeted. The survey shows that openly LGBT employees- as compared to their closeted counterparts- have greater trust in their employers, have greater satisfaction with their rate of promotion, feel more loyal to their organization and are more likely to continue with the same company for a longer period of time.

With better awareness on LGBT issues, and more openness in the workplace, we are seeing a wider representation of LGBT employees though the numbers for lesbian & transgender employees is low, which also reflects the gender diversity gap in the workforce. The survey team believes these results show our corporate bodies a glimpse of the workplace environment from the perspective of their LGBT employees. Undoubtedly as more organizations see the value of LGBT inclusion at workplace, they will work towards creating an inclusive workplace.
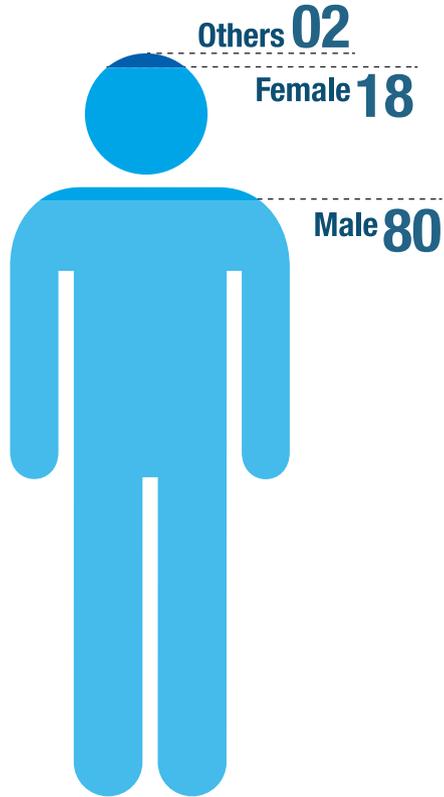
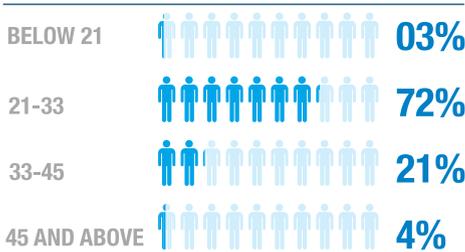*Office of Workplace Diversity & Inclusion*
MINGLE

Methodology and Participant profile

One hundred LGBT employees in India- across the three major sectors of Information Technology, Banking & Finance and FMCG & Manufacturing were asked to fill up a comprehensive and detailed questionnaire focusing on key aspects of diversity and inclusion at the workplace. The survey team tried its best to ensure diversity in terms of organizations, age and gender by circulating the survey form among formal and informal LGBT network members of different organizations in multiple cities across India.
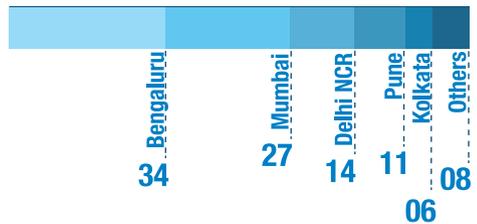
With the objective of gaining greater insights into some key issues, ten out of the hundred participants went a step further with us through qualitative interviews. These were in-depth discussions where participants shared personal experiences and anecdotes building upon what was already discussed in the questionnaire.

Others **02**

Female **18**

Male **80**

Age

BELOW 21		**03%**
21-33		**72%**
33-45		**21%**
45 AND ABOVE		**4%**

City

Bengaluru	Mumbai	Delhi NCR	Pune	Kolkata	Others
34	27	14	11	06	08

Gay
72

Lesbian
12
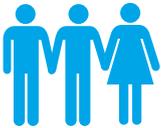
Bisexual
12

Transgender
03

Others
01

Sector

Information Technology	FMCG & Manufacturing	Banking & Finance
51	**28**	**21**
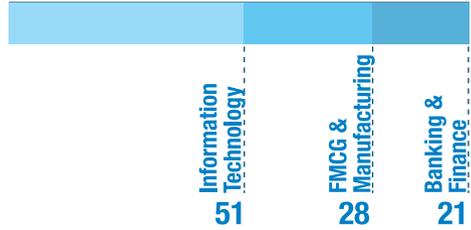
Organization

Information Technology
HCL Technologies
Infosys
IBM
Capgemini
Tata Consultancy Services
Cognizant
Hewlett Packard
Oracle
SAP

FMCG & Manufacturing
Godrej
General Electric
Intel
Tata Motors

Banking/Finance
JP Morgan Chase
ICICI
State Bank of India
Standard Chartered
American Express

Organisation Size

Small	Medium	Large	Very large
17	**24**	**30**	**29**
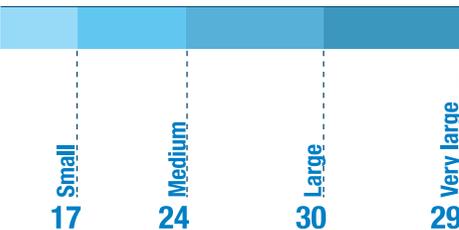
Definition of organization size as per total number of permanent employees
Small (Less than 100), Medium (100-1000), Large (1000-10,000), Very Large (More than 10,000)

Survey Results
Coming out

For LGBT people globally, regardless of the level of progress made on LGBT rights, coming out- or the process of disclosing one's sexual orientation or gender identity to people around them- remains the defining experience. Therefore, any insight into workplace climate would remain inadequate without discussing this vital issue.

Looking into data on how many of our respondents were out, and to what extent, we can identify some key takeaways-

A small minority is out at work compared to the ones out to their families

25%
Out to
Colleagues

28%
Out to
Managers

44%
Out to
Families

Clearly, in spite of nearly half of our respondents being covered by LGBT protection policies in the workplace, most are not comfortable coming out yet- an indication that policies and workplace culture may not necessarily be aligned

Colleagues   Family
85%   **69%**
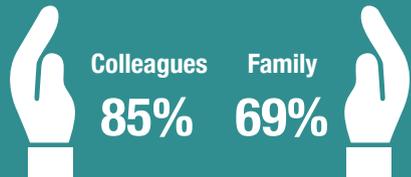
Interestingly, for those who did come out, they found greater acceptance in the workplace compared to their homes

Out to family members
Their acceptance

Not out	Partially out		Out
37	19		44

Disapprove	Partial Acceptance	Full acceptance
31	40	29

Out to colleagues
Their acceptance

Not out	Partially out	Out
34	42	24

Disapprove	Partial Acceptance	Full Acceptance
15	43	42

Out to manager(s)
Their acceptance

Not out	Partially out	Out
64	08	28

Disapprove	Partial Acceptance	Full Acceptance
19	37	44

Human Resource / Diversity & Inclusion policies

While it is often said that drafting policies is easier than creating a culture change, the existence of LGBT friendly policies themselves is a first step that many Indian organizations are yet to take. Even multinationals based outside India whic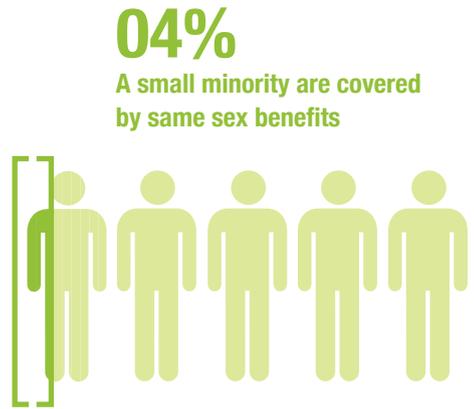h have non-discriminatory policies and practices in their Western offices, often do not replicate them for their Indian employees.

48%
Are covered by anti-discrimination policies
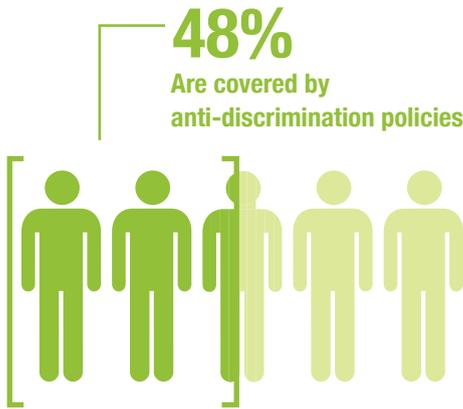
That is half of LGBT Indians surveyed could be legally fired from their jobs for being LGBT

04%
**A small minority are covered by same sex benefits**

though many more have international colleagues who get these benefits

87%

Do not have access to formal LGBT Employee Resource Groups within their organization

Percentage of respondents who work at organizations that provide

Non-discrimination on the basis of sexual orientation

48%   22%   30%

Same-sex partnership benefits

4%   26%   70%
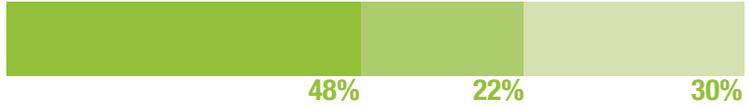
Employee Resource Groups for LGBT employees

13%   14%   73%

■ **Yes**   ■ **Globally, but not in India**   ■ **No**

**13%** have access to Employee Resource Groups

90% Out of whom have signed up as members

Members who benefited significantly from Employee Resource Group

64% Yes   **18%** No   **18%** Can't say

Workplace environment

Apart from instituting policies, another key focus area for an effective diversity initiative is to foster a climate of inclusion and acceptance. This remains more elusive, as our survey shows that-
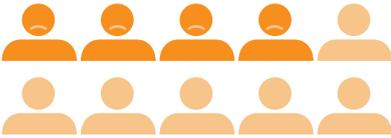
40%

report that they are often or sometimes are subject to harassment in the workplace for being LGBT

SO GAY NO HOMO FAGGOT DYKE FRUIT...

2/3

Report hearing homophobic comments in the workplace

1/5

faced discrimination by their own Managers/HR

Harassment for being LGBT

8% Often	**32%** Sometimes	**60%** Never

Homophobic comments by colleagues

22% Often	**44%** Sometimes	**34%** Never

Discrimination by Manager/HR(s)

6% Often	**13%** Sometimes	**81%** Never

Employee perceptions & attitudes

The most interesting insights were found when we looked deeper into some key engagement and retention issues. Overall, we found that LGBT employees who are out and supported in the workplace have greater trust in their employers, are more satisfied with their rate of promotions, feel that their performance is judged more fairly, and are generally more comfortable in their interactions with their managers and colleagues. More importantly, their stress levels are lower and are more likely to continue with the same organization in the future.

However, regardless of whether someone is out or not, most respondents are clear that they would like to work in an organization that is LGBT friendly, and that an organization's HR policies on this issue would be considered while deciding on whether they would like to work there or not.

OUT
CLOSETED

55%

38%

25%   25%

26%

16%

13%   16%

03%   06%

16%

TRUST IN THEIR
EMPLOYERS*

SATISFIED WITH
RATE OF
PROMOTION*

THINKS HOW FAIR
THEIR
PERFORMANCE
EVALUATION IS?**

COMFORTABLE
INTERACTING
WITH
COLLEAGUES AND
MANAGERS**

STRESS LEVEL

65% Consider HR/diversity policies as a major factor before they decide to join an organization

* Refers to those who agree or strongly agree to the statement (as elaborated on the next page)
** Refers to those who strongly agree to the statement (as elaborated on the next page)
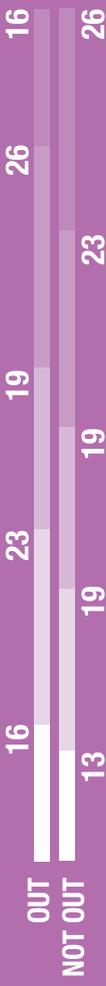
Stacked bar chart. Legend (left to right): **STRONGLY AGREE | AGREE | NEUTRAL | DISAGREE | STRONGLY DISAGREE**

Statement	Group	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I have high level of trust in my employers	OUT	13	42	36	3	6
	NOT OUT	7	6	58	13	16
I have entrepreneurial aims in coming months/years	OUT	10	29	29	23	9
	NOT OUT	23	16	35	19	7
I am satisfied with my rate of promotion	OUT	3	35	30	29	3
	NOT OUT		16	52	19	13
I am comfortable interacting with my managers	OUT	25	53	13	3	6
	NOT OUT	7	25	48	16	3
I am comfortable interacting with my team-members/colleagues	OUT	25	51	13	8	3
	NOT OUT	6	53	22	16	3
My manager evaluates my performance fairly	OUT	25	34	19	19	3
	NOT OUT	3	34	37	17	9

I am satisfied with the quantity/ quality of my contributions to the organization

OUT: 16 — 52 — 26 — 6
NOT OUT: 13 — 30 — 19 — 3

I plan to continue in the company in the foreseeable future

OUT: 16 — 35 — 29 — 36 — 16 — 3
NOT OUT: 6 — 32 — 33 — 23 — 6

I have not been stressed/depressed in the previous six months

OUT: 16 — 23 — 19 — 19 — 26 — 16
NOT OUT: 13 — 19 — 23 — 33 — 23 — 26

I am comfortable with the level of knowledge my colleagues have about LGBT community

OUT: 13 — 19 — 20 — 32 — 16
NOT OUT: 6 — 27 — 32 — 35

The presence of LGBT friendly policies & practices would be a determining factor in joining a new company/ continuing in the present company

OUT: 23 — 52 — 29 — 13 — 3 — 3
NOT OUT: 32 — 29 — 6 — 10
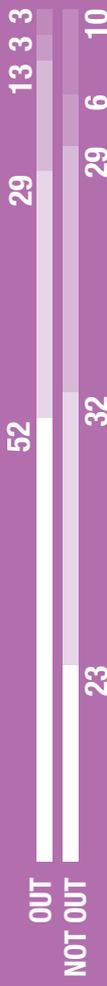
I would consider my workplace LGBT-friendly

OUT: 19 — 42 — 17 — 3 — 19
NOT OUT: 6 — 10 — 38 — 23 — 23
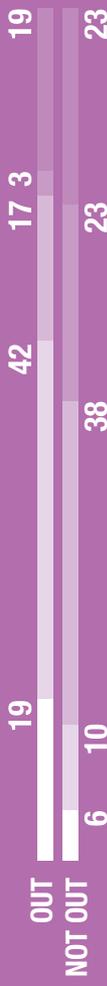
Insights from interviews and qualitative comments

Employee Resource Groups and their impact

While most organizations in India do not provide LGBT Employee Resource Groups or networks, the ones that do have such platforms go a long way to provide a safe space and leadership opportunities.

I co-lead the LGBT ERG group at my organization, through this role and through my coming out, I have been able to sensitize hundreds of people at the workplace. The biggest impact I found is that this sensitization percolates beyond the workplace, where these employees now become allies to any queer members they have in their extended families or other circles.

Mid-level manager
MNC technology firm
Bangalore

How policies impact culture

Organizations that have institutionalized LGBT friendly policies have seen a positive impact on workplace culture and enabled LGBT employees to bring their whole selves to work. On the other hand several large multinationals that operate out of India do not replicate their LGBT friendly policies and practices for which they have even been recognized at a global level, and this has a clear negative impact on employee morale.

Our organization's LGBT friendly policies have impacted me greatly. The fact that the company is so articulate about its intention – both in terms of policies and programming – makes me proud to work here. As an out gay person working in corporate India, this kind of supportive environment empowers me to bring my "whole self" to work and I don't have to waste a lot of time in unproductive "covering".

Senior manager
A major Indian conglomerate
Mumbai

My company has a global anti-discriminatory mandate across all offices. They provide same-sex partners the same benefits as the married couples in the US. They scored a perfect 100% in the HRC Equality index. Unfortunately, they don't have an India chapter of their ERG. I volunteered and reached out to the head of the global LGBT ERG and was disappointed to know that they don't know anything about Indian laws and how discrimination is rampant in the company.
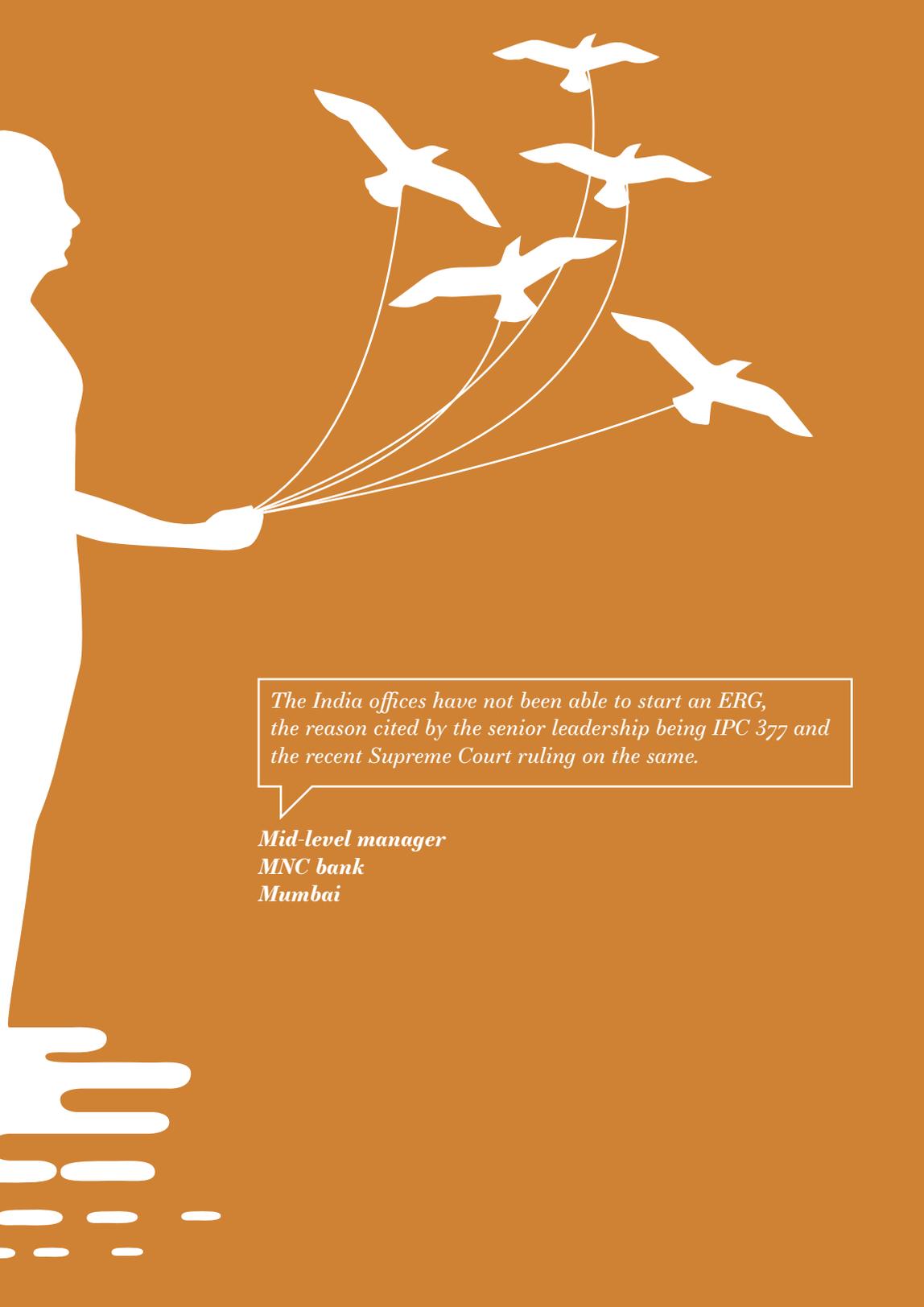
Mid-level manager
MNC IT firm
Gurgaon

The Legal scenario: Impact of Section 377 and Transgender issues

The shock judgment of the Supreme Court on Section 377- which recriminalized homosexual acts between consenting adults, has led to much confusion among both Indian organizations and global multinationals that are based in India. Risk-averse legal departments have stonewalled HR initiatives in some cases, while others have withdrawn policies introduced earlier. Often there is a lack of understanding of the legal nuances-especially the fact that only certain sexual acts have been criminalized. Being LGBT is not a crime, nor are organization efforts to promote inclusion of LGBT employees. Also, a later Supreme Court ruling on transgender rights (the NALSA vs Union of India verdict) has been largely ignored.

Most organizations including mine are in violation of NALSA judgment. They do not have gender change forms yet. Offices do not have gender neutral restrooms for transgender people to use. I feel harassed by my Employee Relations/ HR department when they say that we won't be allowed access to rest rooms of our chosen gender and won't be addressed by our chosen name till such time we submit a government photo ID card with our chosen name and gender. This is like trying to find legal ways of doing unethical things.

Mid-level manager
MNC IT firm
Hyderabad

The India offices have not been able to start an ERG, the reason cited by the senior leadership being IPC 377 and the recent Supreme Court ruling on the same.

Mid-level manager
MNC bank
Mumbai

Corporate Culture

LGBT employees- whether out or closeted – hope for a workplace culture that is free from discrimination and harassment so that they could be their most productive selves at work without having to worry about being judged for who they are.

> *I tried starting a group. But couldn't as I couldn't find any support to start it. Though I have clearance from the Diversity & Inclusion team, I need a few openly gay employees apart from myself to meaningfully start a group.*

Junior manager
A Large Indian IT firm
Bangalore

> *I would want to work in a company that does not discriminate at all against LGBT employees, rather it provides a safe environment so that employees can be comfortable in expressing who they are. There are times when you need support at your workplace in the form of a mentor or a guide who can understand your position, but that is absent here in the India office.*

Mid-level manager
MNC IT firm
Gurgaon

Conclusions and the way forward

Our survey of LGBT employees in India outlines the many reasons why an LGBT inclusive workplace environment is essential not just for the purpose of corporate responsibility, it is a clear business requirement especially in an environment where the struggle to attract and retain the best talent is getting increasingly intense. It is also clear that there remains much work to be done to create a truly inclusive work environment for LGBT employees in India. Our research team suggests a few actionable steps all organizations can take.

LGBT Diversity and Inclusion

HR POLICIES

Equal opportunity policy that covers sexual orientation and gender identity

HR forms and HRIS that is inclusive of LGBT employees (for example, field for gender should include "Other")

Partnership benefits to same-sex couples

CORPORATE CULTURE

Sensitization training for people managers and team members
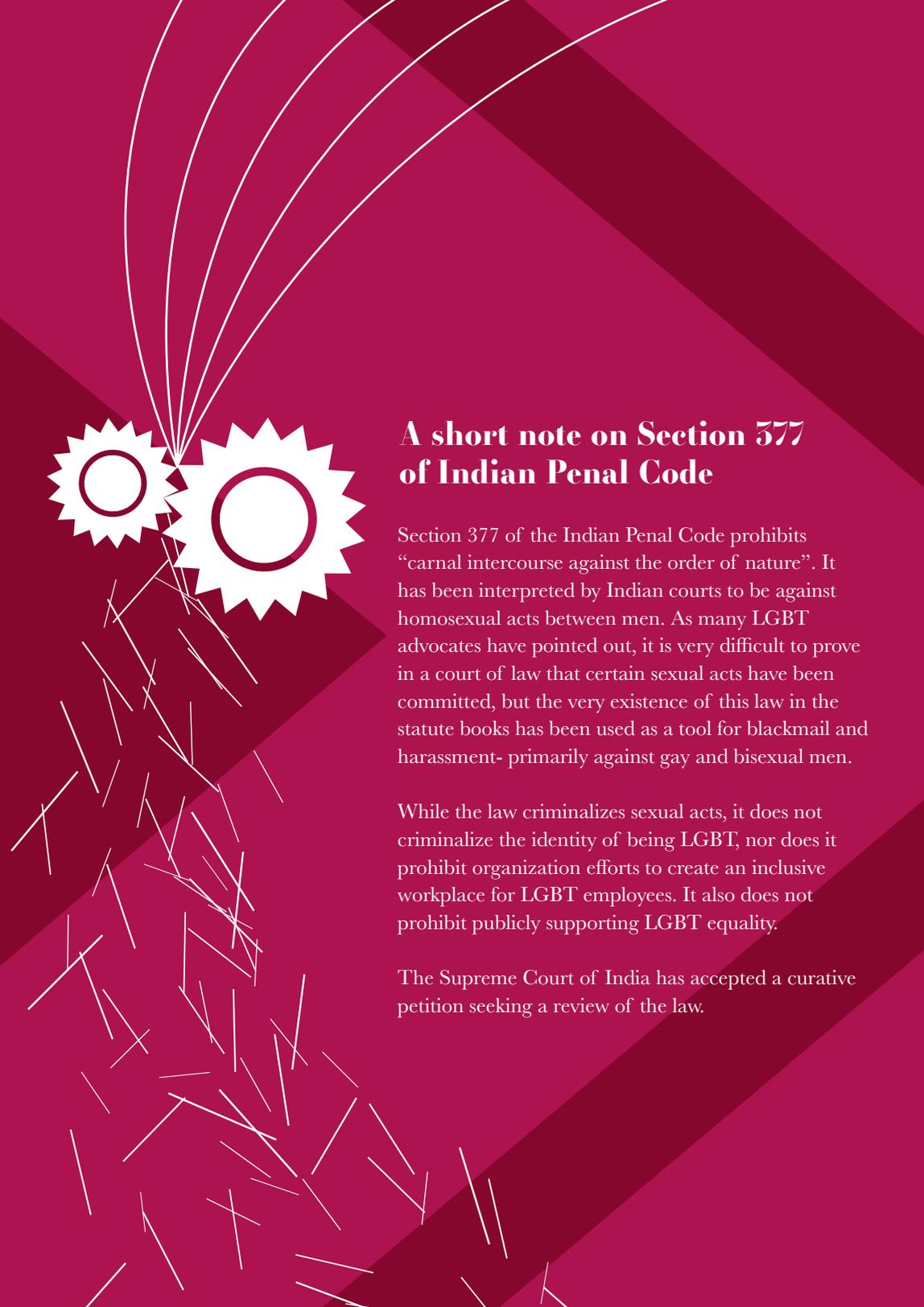
Visible sponsorship from senior leaders

A well supported Employee Resource Group (ERG) for LGBT and straight allies

COMMUNITY ENGAGEMENT

Participation in major LGBT community events such as Pride marches through your ERG

Support relevant LGBT community events through Diversity/CSR sponsorship

Network with ERGs of peer companies

A short note on Section 377 of Indian Penal Code

Section 377 of the Indian Penal Code prohibits "carnal intercourse against the order of nature". It has been interpreted by Indian courts to be against homosexual acts between men. As many LGBT advocates have pointed out, it is very difficult to prove in a court of law that certain sexual acts have been committed, but the very existence of this law in the statute books has been used as a tool for blackmail and harassment- primarily against gay and bisexual men.

While the law criminalizes sexual acts, it does not criminalize the identity of being LGBT, nor does it prohibit organization efforts to create an inclusive workplace for LGBT employees. It also does not prohibit publicly supporting LGBT equality.

The Supreme Court of India has accepted a curative petition seeking a review of the law.

About MINGLE

MINGLE (Mission for Indian Gay & Lesbian Empowerment) is first of its kind LGBT think-tank and advocacy group consisting of academicians, students and professionals from fields as diverse as the Arts and Sciences, Journalism, Law, Medicine, Management and Engineering. Its vision is 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 and gender identity.

Over the last five years, MINGLE has partnered with Community based organizations, Corporates and Universities across India, acting as a catalyst for positive change to happen for LGBT Indians and their families and friends.

MINGLE

Udayan Dhar is Diversity & Inclusion manager at Godrej Industries- where he works across group companies with a focus on gender, LGBT and people with disabilities. He is also Editor-in-Chief of Pink Pages- India's National LGBT Magazine and his writings have been featured in People Matters, Kindle Magazine, Bombay Dost, among other publications.
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Ramkrishna Sinha is a creative artist and equal rights activist who uses photography, blogging and dance as mediums for his work. He works as a Graphics Hardware Engineer with Intel in Bengaluru where he also leads the LGBT Employee Resource Group. He graduated from BITS Pilani in Electronics & Instrumentation Engineering.
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Zafrulla Khan works in Financial Analytics at Thomson Reuters. He is one of the Global Leads of "Pride at Work" Business Resource Group (BRG), driving strategic direction of the organizational efforts at the workplace at the global level. He is closely associated with many NGOs in Bangalore that work for LGBT equality.
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