

A Manifesto for Trans Inclusion in the Indian Workplace

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The launch of the United Nations Standards of Conduct for Business in tackling discrimination against lesbian, gay, bi, trans and intersex (LGBTI) people, at the Godrej headquarters in Vikhroli, Mumbai (2017).

Introduction and scope of the paper



“Inclusivity does mean innovation. The more inclusive you are, the more debates you can have, the less hierarchy you have, the faster it is to recover from failure... If you say everyone should ‘talk like me, look like me, be like me, have the same background as me’ – I don’t think that would work well for companies.”

-NISABA GODREJ

Chairperson of Godrej Consumer Products Ltd.

This paper aims to bring to light the position and circumstances of trans people in Indian society and how corporate India can take action. While it is important to bring about change, the paper does not dwell only on the social need for transformation, but also provides a strong business case for adopting LGBTQ friendly policies and branding. The final section of the paper details a simple strategy which can be easily adopted in all companies in India for trans inclusion. There are companies already doing great work in this area. This paper takes the best practices from them and breaks down methods in which inclusive policies can be implemented by others.

Being inclusive will prove to be beneficial for any stakeholder that chooses to embark on this journey. Our paper outlines just some of these benefits: money, publicity, and innovation. We hope that over the course of reading this paper you will come to realize - like we have - that inclusion will bring a company immense dividends to businesses. Since the approximately 40 corporate representatives present at the 2017 launch of the UN Standards of Conduct for Business report for LGBTQ inclusion, the number of companies exploring LGBTQ inclusive policies has only steadily increased. With this paper, we hope to provide some direction to companies that are joining the fore and looking to make a change. We also hope that it will be of interest to a general audience that cares about LGBTQ issues in India and wants to make a difference.

Why are we writing this paper?

The draconian law Section 377, which criminalises homosexuality, was read down by a bench of five judges in the Honourable Supreme Court on 6 September, 2018. We started writing this paper in June 2018 during the legal existence of Section 377, and as of the landmark judgement on 6 September, 2018 we realize that its importance has increased manifold. While the law now supports the community, there is a world of difference between decriminalization and true equality, and we firmly believe that corporates have a role to play in bridging this gap. It is time now to shift our attention to the battles we still need to fight in a post-377 India - there is still a long way to go.

Our motivations for writing this paper stem from our firm belief in equality for the most marginalized sections of our population. Being part of the Godrej India Culture Lab and witnessing the mindset change that our programming has brought about over 7 years - both

within Godrej and with those who follow our work - we thought this paper would serve as a useful toolkit for anyone that might be interested. Our vantage point at the Lab - a cultural space located within the umbrella of a large company - gives us the unique opportunity to speak to corporate India and also members of the LGBTQ community. Our continued LGBTQ programming has earned us credibility within the queer community and with queer NGOs and community organizations over the years. We have been energized by the fact that Godrej has decided to adopt some of our suggestions over the years. This support has given our team a further incentive to work towards trans inclusion. With this paper, we're trying to influence other companies in India to embark on the journey towards equality alongside us.

Initially we were going to write this as a paper for LGBTQ inclusion. But during the course of our research, as we dug even deeper and spoke to more people working in this field, we realized that while LGBTQ inclusion has already gained some traction in the business world, a focus on trans-specific policies is necessary because trans employees are known to face a distinctly different set of challenges in the workplace that are not a part of the lesbian, gay or bi experience. According to the National Human Rights Commission Report on the living conditions of transgender people, 92% of India's trans people are unable to participate in any economic activity. Less than half of them have access to education, and 62% of those that do, face abuse and discrimination. Moreover, only 2% live with their families (Dailyhunt, 2018). We want to make sure that trans people can, at the very least, not view their workplace as a site of discrimination. Further, we believe that a focus on the inclusion and meaningful participation of trans persons will lead to greater confidence among both employers as well as not so visible

LGBTQ populations to reach out to each other. We hope that this will then prompt employers to consider engaging with and hiring a whole range of sexual and gender minorities.

Please consider this paper and the slideshow that accompanies it as a work in progress. We have written it for both - the LGBTQ community and corporate India - with the hope that it will be an evolving project as we get further inputs from stakeholders along the way.

Methodology

Primary sources:

With a total of 30 interviews, this paper was written with the valuable inputs of various stakeholders - whether it was activists, D&I consultancies, community-based organisations or corporate respondents. The primary research for this paper came from people that are situated in varied professional spheres but are all involved and committed to the inclusion of trans people in the workplace.

Secondary sources:

This paper has collated relevant information from reports, books and articles. The references can be found at the end of the paper. In addition, we have attended conferences, roundtables and webinars and been participant observers in the queer ecosystem for 7 years. For instance, we were proud to host the UN launch of the Corporate Standards of Conduct in 2017 at Godrej. Our participation in this ecosystem has shaped our overview as well as our recommendations.



Parmesh Shahani from Godrej India Culture Lab in conversation with trans activists Akkai Padmashali from Ondede, Anubhuti Banerjee from Tata Steel and Anindya Hajra from Pratyay Gender Trust at We The Women, 2018.

A manifesto for trans inclusion in the Indian workplace

Part 1. Background: Culture, state, society and the law



“The state is constantly policing my bread and butter, housing, clothing, education, employment, marriage, privacy and sexual performances. Who is the government to decide my identity for me?”

-AKKAI PADMASHALI
Trans rights activist



A protest to end the discrimination against trans people in Bengaluru in 2016.
 Picture from www.hrw.org/news/2017/07/25/making-transgender-rights-reality-india

a. What is transgender? Meaning and cultural background in India:

● KEY DEFINITIONS:

Firstly, here is a basic understanding of what it *means* to be trans, since you're going to be reading nearly 80 pages about trans people here onwards!

Transgender persons: Those individuals who are socially, legally and medically categorized as being either male or female, but who assert that this is not their self-identity and/or expression. Transgender people may or may not be intersex (Sampoorna, 2017). It is a self stated identity.

Intersex persons: Those individuals who have atypical sex characteristics [anatomical, chromosomal, hormonal, etc.] that do not conform to the social, legal and medical categories of being either male or female. Intersex people may or may not be transgender (Sampoorna, 2017).

The following definitions from GLAAD.org (n.d.) explain key terms used in the paper:

Cisgender: A term used to describe people who are not transgender, those

whose gender identity is aligned with the one they are assigned at birth.

Gender identity: A person's internal, deeply held sense of their gender. For transgender people, their own internal gender identity does not match the sex they were assigned at birth. Most people have a gender identity of man or woman (or boy or girl). For some people, their gender identity does not fit neatly into one of those two choices. Unlike gender expression (see below) gender identity is not visible to others.

Gender expression: External manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, behaviour, voice, and/or body characteristics. Society identifies these cues as masculine and feminine, although what is considered masculine or feminine changes over time and varies by culture. Typically, transgender people seek to align their gender expression with their gender identity, rather than the sex they were assigned at birth.

Genderfluid: It is a gender identity that refers to a gender which varies over time. A gender fluid person may at any time identify as male, female, neutrois, or any other non-binary identity, or some combination of identities. Their

gender can also vary at random or vary in response to different circumstances. Gender fluid people may also identify as multigender, non-binary and/or transgender (Gaysifamily.com, 2017).

Gender Dysphoria: In 2013, the American Psychiatric Association released the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) which replaced the outdated entry “Gender Identity Disorder” with Gender Dysphoria, and changed the criteria for diagnosis. Gender dysphoria is a conflict between the individual’s assigned gender and the gender with which the individual identifies.

Globally, trans people are known by many different names. In Latin America, a travesti is a person who has been assigned male at birth and who has a feminine, transfeminine, or “femme” gender identity. In Thailand and Laos the term kathoey is used to refer to male-to-female transgender people. In the Phillipines, Bakla is a Tagalog term used to refer to an array of sexual and gender identities, but mainly that of a man who cross dresses (“Global Terms – Digital Transgender Archive.”, n.d.). Even in India, the terminology differs across regions. The following terms from Johari (2014) show the heterogeneity in the vocabulary used across India to refer to trans people.

Hijra: According to the 2014 NALSA judgement, (which we will talk about later in the paper) hijras are biological males who reject their masculine identity and identify either as women, or “not-men”, or “in-between man and woman” or “neither man nor woman”. However, intersex people are also a part of hijra gharanas. In India, hijras tend to identify as a community with its own initiation rituals and professions (like begging, dancing at weddings or blessing babies). They even have their own secret code language, known as Hijra Farsi, which is derived from Persian and Hindustani.

Kinnar: The term for hijras in north India.

Aravani: The term for hijras in Tamil Nadu. The meaning of the term ‘Aravani’ literally means a person who worships Lord Aravan. It is an ethno-religious group.

Kothi: The judgement describes kothis as a heterogeneous group, because it refers to cis men who show varying degrees of being effeminate. They prefer to take the feminine role in same-sex relationships, though many kothis are bisexual. Some hijras identify as kothi as well, while not all kothis identify as hijra or even transgender. They do not live in separate communities.

Shiv-shakthis: Typically referring to a community of trans people in Andhra Pradesh who are ‘married to’ the gods, particularly Lord Shiva. They work typically as astrologers or spiritual healers. The ethno-religious group is guarded by gurus who induct disciples and train them for the work.

Jogti/Jogtas and Jogappas: In Maharashtra and Karnataka, jogtas and jogtis refer to male and female servants who dedicate (or are made to dedicate) their lives to gods in different temples. They refer to male-to-female transpeople who devote themselves to the service of a particular god. Shubha Chacko from Solidarity Foundation says that most Jogti/Jogtas and Jogappas do not identify as hijras. In fact, there is a danger of the hijra identity wiping out other identities.

Transman: A transman is a man who was assigned female at birth. The label of transgender man is not always interchangeable with that of transsexual man, although the two labels are often used in this way. Many trans men choose to undergo surgical or hormonal transition, or both to alter their appearance in a way that aligns with their gender identity (Community Business, 2018). Trans men are often termed as the minority within the

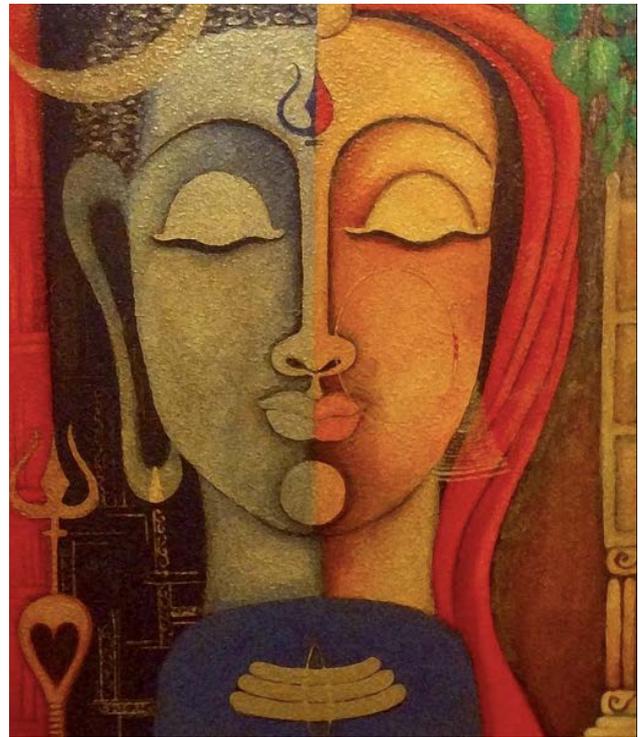
minority, because the narrative around the trans experience is centred around trans women. While hijras have a community, a safe space that they can turn to, trans men often do not have one and don't know others experiencing Gender Dysphoria like they are. Violence and corrective rape are common among trans men in India, but The Transgender Persons (Protection of Rights) Bill, 2016 only mentions the word 'trans-man' once and does not address any specific issues that the community faces (Sarfaraz, 2016). Government officials have often refused to change a transman's sex in their documentation because according to them, the rule only applies to the Hijra community (Sarfaraz, 2016).



A. Revathi is a Bengaluru-based writer and trans activist
Picture from www.thehindu.com/news/cities/bangalore/A-life-long-battle-to-transcend-gender-boundaries/article14617588.ece

“Transmen are a highly invisibilised and marginalised gender minority. Most people are not even aware that such a group exists. And sadly, even most members of the hijra community do not accept them. I feel the plight of transmen is, in many ways, worse than male to female transpersons.”

-A. Revathi, *A Life in Trans Activism* (Kundu, 2017)



Ardhanarishvara is a composite androgynous form of the Hindu deities Shiva and Parvati
Picture from www.fineartsamerica.com

- **A VERY BRIEF BACKGROUND TO TRANS PRESENCE IN INDIAN CULTURE**

In Indian mythology, trans people are found in various Hindu texts, such as the *Mahabharata* -Arjuna cross dressing as the teacher Brihannala, the change in Shikhandi's gender, Ardhanarishvara as the androgynous composite form of Shiva and Parvati. In some versions of the *Ramayana*, there are references to King Ila who spent half of his life as a man and the other as a woman (Gupta and Murarka, 2009). There are mentions of trans people in the *Kamasutra*, an ancient Indian Hindu text about human sexual behaviour, and they can also be identified in ancient Hindu temple carvings.

Today, in certain parts of India, trans people hold the position of blessing newborn children and newlyweds- this is called badhai (Michelraj, 2015). However, in Kerala and in the North-East this is not a common practice among trans women. Their semi-divine status today is owed to a popular tale from the *Ramayana*, where Lord Rama, a major Hindu deity, blessed trans people since they waited for him for the entire period of his exile. Many trans

people refer to this tale to emphasize their value and status in society. Trans people in India have a recorded history of nearly 4000 years. They were known to have played a role in the Ottoman Empire and Mughal empires in medieval India. They held important positions in court such as those of generals, administrators, and advisors. Many travelers have documented the elevated status of trans people in the Mughal empire, specifically in harem management. They also guarded the tomb of the Prophet according to the British traveler Eldon Rutter's travelogue in 1925 (Rowchowdhury, 2018).

Unfortunately, the British era Criminal Tribes Act of 1871 persecuted trans people and relegated them to the margins of society. The Act pronounced the entire community of Hijra persons as innately 'criminal' and 'addicted to the systematic commission of non-bailable offences'. The Act mandated the registration and surveillance of trans people, and they could be arrested without warrant, sentenced to imprisonment up to two years, fined or both (Michelraj, 2015). However, we believe that our country is uniquely positioned at this moment in time to correct history after decades of persecution and this paper is a humble attempt in this direction.

b. Legal and social context

● TRANS PEOPLE AND THE LAW TODAY:

Now that we've given you a very brief history of trans people in India, let us take you through the major legal milestones that affect their lives today. Aside from the Criminal Tribes Act of 1871, Section 377 of the Indian Penal Code was framed during the British rule in 1861. It criminalized sexual acts, even between consenting adults, that are against the 'order of nature'. This includes non-procreative sex and affects nearly

everyone, particularly members of the transgender community. In this section we're going to follow the legal battles of the trans community till the present day - the 2014 National Legal Services Authority v. Union of India judgment, the Transgender Persons (Protection of Rights) Bill of 2016, the Right to Privacy judgment, as well as the repealing of Section 377 in 2018.

i) National Legal Services Authority vs. Union of India judgment (2014)

The landmark judgment in the case of National Legal Services Authority vs Union of India and others was game-changing for the transgender community. Not only did it mandate that a trans person be allowed to self-identify as the gender of their choice, but it also stated that SRS (Sex Reassignment Surgery) was not a prerequisite for identifying as trans. Trans people were to be treated as a socially and economically backward class and provided reservations for jobs and educational institutions (Sheikh, n.d.).

The Central and State governments were to provide for separate bathrooms, targeted healthcare services in hospitals and operate HIV sero-surveillance centres for trans people. The judgment also mandated social welfare schemes, public awareness and gender sensitisation. However, even in 2018, most of these changes are yet to be implemented. The NALSA judgment was not a complete victory for the community (Sheikh, n.d.).



Transgender activist Laxmi Narayan Tripathi speaking at the Godrej India Culture Lab

ii) Transgender Protection of Rights Bill (2016)

Following the NALSA judgment, there have been several versions of the bill proposed. The 2014 version was introduced by Tiruchi Siva, a Dravida Munnetra Kazhagam Rajya Sabha MP. It was passed in the Rajya Sabha, but it wasn't introduced in the Lok Sabha. The Ministry of Social Justice and Empowerment then drafted another version of the Bill in 2015. Many organisations working on trans rights responded to the draft bill and offered strong recommendations. It was by far the weakest version of the Bill, because it was unclear on affirmative action for the community and mandated that a state-level authority would decide whether to give someone a transgender certificate or not ("Rights of Transgender Persons Bill 2014 | Orinam", 2015).

What the Bill did get right:

The Bill penalizes violence against the transgender community, disallows discrimination in employment, recruitment and promotion and declares them as a backward class.

What the Bill did not get right:

The Bill contains an unscientific definition of the word 'transgender'. It says that a transgender person is someone who is "neither wholly female nor wholly male, or a combination of female and male, or neither female nor male; and whose sense of gender does not match with the gender assigned to that person at the time of birth, and includes trans men and trans women, persons with intersex variations and gender queers."

The Bill conflates transgender and intersex categories. Sampoorna, a collective of Trans and Intersex Indians, offers the following definition: "Transgender persons are those individuals who are socially, legally and medically categorised as being either

male or female, but who assert that this is not their self-identity and/or expression. Transgender people may or may not be intersex" (2017). Additionally, the process of applying for a gender identity certificate mandates a district level screening committee to decide who is trans, by way of medical examination. This physical examination is a violation of the NALSA judgment which granted the right to self-identify gender irrespective of hormonal therapy or gender affirming surgeries. It also doesn't recognise hijra families of adoption and criminalizes begging - which will result in an increase in family and police violence and abuse (YP Foundation, 2018). Moreover, it does not outline any employment schemes or healthcare programmes for the community.

From 2016 and 2017, trans collectives deposed in front of a Parliamentary Standing Committee on Social Justice about the ways in which this version of the bill is inadequate (Anasuya, 2017). As of December 2018, the Bill was set to be re-introduced in Parliament after incorporating most of the recommendations made by the Standing Committee report of July 2017 - such as changing the definition of 'transgender'. However, it still remains silent about reservations and the right to partnership and marriage (Nair, 2018).

iii) The Right to Privacy Judgment (2017)

In August 2017, the Supreme Court concluded that the right to one's sexual orientation is at the core of the fundamental rights outlined in Articles 14, 15 and 21 of the Constitution.

Kothari (2017) writes that sexual orientation rights aren't limited to LGB groups but inextricably linked to transgender and intersex persons as well. The Court also held that "The rights of the lesbian, gay, bisexual and transgender population are real rights founded on

sound constitutional doctrine. They inhere in the right to life. They dwell in privacy and dignity. They constitute the essence of liberty and freedom. Sexual orientation is an essential component of identity.” It held that “Equal protection demands protection of the identity of every individual without discrimination.” This includes the right to one’s self-identified gender identity as upheld by the NALSA v. Union of India judgment.

iv) The end of Section 377 (2018)

In a landmark judgment on September 6, 2018, the Supreme Court read down Section 377 as a law that violated the dignity and privacy of the LGBTQ community. Among others, trans activists such as Akkai Padmashali and Uma Umesh petitioned against it, and The Chief Justice of India Deepak Misra pronounced Section 377 as “irrational, indefensible and manifestly arbitrary”. It is a huge step forward for trans people on their road to legal recognition, but it is also the removal of an obstacle for corporates and other stakeholders. Inclusion efforts were often curtailed due to the misconception that Section 377 criminalised it or criminalised LGBTQ identities, but now nothing stands in the way of an organisation that wants to work towards being more inclusive.

● SOCIETAL CHALLENGES OF TRANS PEOPLE IN INDIA

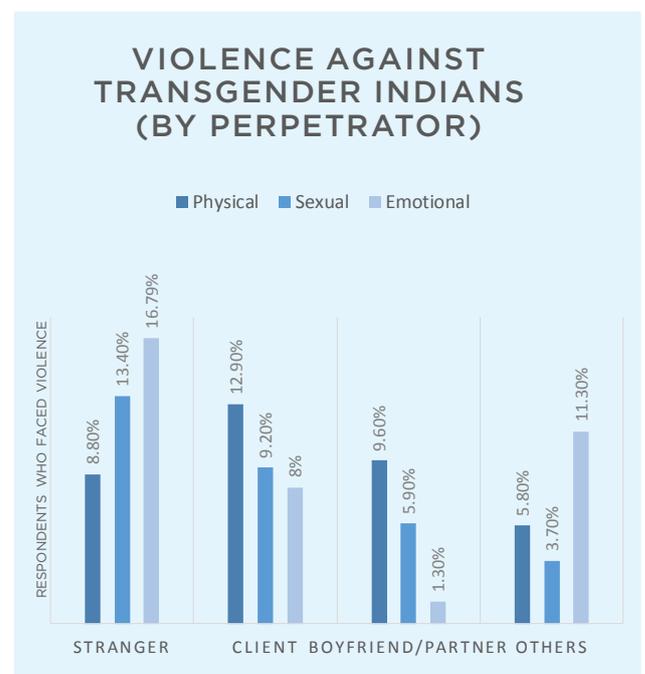
We feel it is important to situate trans people in our cultural and social moment to be able to understand the unique difficulties faced by trans people in India. In 2011, a national census was carried out to estimate the transgender population in the country. The Census reports showed the total number of trans people in India to be around 4.9 lakh (Nagarajan, 2014). Activists insist that this estimate is conservative, because trans people may also identify as female or male (within the binary) and may not record themselves as transgender. Aside from this,

homelessness due to family abuse leads to many trans people living an ‘illegitimate’ existence with families of adoption. What follows is an overview of some of the major societal challenges that India’s trans community faces today.

i) Discrimination by the family

Gendered expectations from children lead to trans children being scolded, abused and even assaulted by their family members. Due to shame and disgust, parents may even disown or evict their child, fearing for their marital prospects and the continuance of their family line. (Community Business, 2018). A study by the National Institute of Epidemiology surveyed 60,000 transgender people across 17 states, including Tamil Nadu. It found that a large percentage of the population received no support from their biological family (Times of India, 2016). To exacerbate this problem, the 2016 Bill doesn’t recognize families of adoption that often keep trans children safe from violence and requires that a trans child stay with their natal family.

ii) Violence and societal rejection



Graph source: Swasti Health Resource Centre, 2017

One of the biggest perpetrators of violence against the community are the police and law-enforcing authorities. The

2011 census revealed that 52% of trans people surveyed face violence from the police (Times of India, 2016). Violence and extortion is often experienced by trans people in sex work by clients and even the police due to the criminalisation of sex work in the country (Chakrapani, Newman and Noronha, 2018). In reality, even trans people who are not soliciting are thought to be involved with sex work and are arrested by the police - this does not require a warrant to arrest or search. Anti-beggary laws also penalize traditional livelihoods of the trans community. The Indian government publishes annual statistics about crimes against men and women, but it doesn't do the same for trans people. A survey conducted by the Swasti Health Resource Centre (a Bengaluru-based non-profit group) interviewed 2169 trans people from Maharashtra, Tamil Nadu and Karnataka. It revealed that 40% of trans people have experienced sexual abuse in India before turning 18. It begins as early as age 5, and continues even after childhood (Chaturvedi, 2017). Spouses/partners are also perpetrators of violence towards a trans person - they are often not seen as victims of domestic abuse.

iii) Poor literacy

Formal education is also hard to come by due to severe bullying and teasing making studying impossible in school. The 2011 census data revealed that 48% of the trans population was literate and that 58% dropped out of school before the 10th grade (YP Foundation, 2018). Anjali Gopalan of Naz Foundation says these numbers are unsurprising due to the amount of discrimination and harassment trans students face (Times of India, 2014).

iv) Issues relating to gender affirmation surgery

A lack of family support, financial support, and educational background leads transwomen into the *jamaat* system, where they might take up sex work due

to its income generating capacity. The *jamaat* system is a cohabitating system for transwomen that proves to be a support system. Moreover, one of the reasons reported by hijras for taking up sex work is to save money to undergo gender-affirmative surgery (Chakrapani, Newman and Noronha, 2018). Since private facilities are unaffordable, individuals often go to unqualified doctors - and yet the cost of that is about 10,000 rupees. This may be paid for by the hijra guru. Individuals often go to the senior hijra (*dai amma*) for this procedure as well. Urological complications such as fistulas and urethral obstructions arise from these unofficial procedures (Chaturvedi, 2017). And yet, these *gharanas* provide transwomen with a safe space where people understand their needs - this is why it proves difficult to bring them into mainstream employment channels.



Lalit Salve (left) and K Prithika Yashini (right)
Pictures from zeenews.india.com and www.indiatimes.com



Swati Baruah (left) and Shanavi Ponnuswamy (right)
Pictures from www.yourstory.com and www.theprint.in

Despite this tumultuous legal scenario, there are trans people trailblazing and lending visibility in several walks of life in contemporary India. Lalit Salve from Maharashtra is a constable and trans

man who fought for leave for his surgery (The Wire, 2018). K Prithika Yashini from Tamil Nadu, is the first transwoman sub-inspector in India (Gupta, 2018). Swati Baruah is Assam's first transgender Lokpal judge (Mirror Now, 2018). Sathyasri Sharmila became the first transgender lawyer to register with the Bar Council of Tamil Nadu and Puducherry (Mandhani, 2018). M Monisha, from Belagavi, has created history by becoming the first trans person to be appointed in the secretariat (The Times of India, 2018). West Bengal constituted a trans development board with Manobi Bandhopadhyay (the first transgender principal of a college) as the vice chairperson (YP Foundation, 2018), and finally, Shanavi Ponnuswamy is fighting against the government-owned airline Air India's discriminatory hiring practices (Mantri, 2018).

We believe that the time has come for several more Prithikas and Swatis, and that the corporate world can certainly be a part of facilitating this societal change. We're going to see how in just a few pages from now.

c. Work on trans inclusion at the state level across India

● EFFORTS ACROSS STATE GOVERNMENTS IN INDIA

Before we delve into how corporates can help bring about this change, let's take a look at the existing efforts made by state governments across the country. India is a federation of 29 states and often the laws relating to trans people in some states are more progressive than those implemented at the Centre. State governments implemented the following schemes and programmes for the community that were seen as big steps towards trans inclusion - among these were healthcare services, loans, skilling programmes and more.

Our intention here is to honour the work

of these progressive states but to also issue a call to action for other states to learn from the exemplary work being done by their counterparts. The following are some of the state-sponsored schemes and initiatives that emerged out of the NALSA judgment (UNDP, 2017a; YP Foundation, 2018).

Tamil Nadu

- Free registration of lands and ration cards
- Offers soft loans to incentivise the establishment of businesses
- Vocational training
- Free health insurance
- The first state in India to implement a transgender welfare board in 2008. They are called Aravani Welfare boards. However, it does not recognise trans men and a physical examination is required for the issue of ID cards

Kerala

- By 2017, both Cochin and Trivandrum had welfare boards. They also included trans men, but their schemes are still in their initial phases
- Formed a state Transgender Cell for skilling and training
- Issues ID cards by a committee headed by the District Collector. This committee includes members from the community, The District Health Officer, the Joint/ Assistant Director Social Welfare, a representative from an NGO and a psychiatrist
- Offered scholarships for school and higher education
- The University of Kerala has a trans policy which prohibits and safeguards against ragging and discrimination. It also offers special facilities, awareness programmes and barrier-free access to education
- Teachers have been trained and sensitised in 2467 schools
- Offered pension for trans individuals above the age of 60
- Kochi Metro Rail Limited (KMRL)

authorities came forward offering jobs to transgender persons in housekeeping, customer care and crowd management sections

Karnataka



Picture from www.thelogicalindian.com

- Akkai Padmashali's organisation 'Ondede' has also joined hands with the Election Commission (EC) in conducting awareness programs for the transgender community (Goled, 2018). She says, *"There are more than one lakh transgenders in the state and in this elections, more than 10,000 of them would be participating. We hope that this number increases in the coming years."*
- Offered a pension scheme for trans individuals from the ages 18 to 64

Odisha

- Issue of BPL cards and free housing schemes
- Provided 100 days of paid work annually
- Entitled to 5kg of food grains under India's National Food Security Act
- Pensions and loans to start up businesses

Chhattisgarh

- Eleven departments i.e. Health, Higher Education, Women & Child Development, Social Welfare, Technical Education, School Education, Home, Panchayat and Rural Development, Urban Development, Public Relations and General Administration have

announced schemes or activities specifically for the community

- Schools from class 8-10 have introduced chapters on what it means to be transgender in their curriculum, so as to sensitise students, parents as well as teachers
- Special provisions for healthcare have been provided through Thursday OPD that is reserved for trans people in medical colleges and hospitals
- 2% reservation for housing schemes through Indira Awas Yojana
- Free SRS to be provided in government hospitals

The state and central governments have a key role to play in trans inclusion, but we believe corporate stakeholders can complement their efforts and in some cases even lead the way. We hope that this paper will give you enough examples of these efforts and urge you to implement your own version of trans inclusion in your organisation. We're going to give you a plan of action in just a few pages from now!



Bengaluru Pride & Karnataka Queer Habba, 2016
Picture from www.nammapride.lgbtq.co.in



Nayana Udipi, a transwoman and marketing associate, led the way for trans inclusivity in Thoughtworks, Bengaluru.
Picture from livemint.com

A manifesto for trans inclusion in the Indian workplace

Part 2. The business case for LGBTQ inclusion at Indian companies



*“I’m very proud of being the first out
lesbian CEO in India.”*

-RADHIKA PIRAMAL
Vice Chairperson of VIP Industries Ltd.



A still from Anouk's 'Bold is Beautiful' advertisement from 2015

Now that you've seen the struggles faced by the trans community, we're going to tell you how you can alleviate it. But first - we're going to show you how you have nothing to lose as a business when you decide to be inclusive. In fact, the data we have gathered shows us that there are several benefits to being an inclusive company.

In this section we will present the case for LGBTQ inclusion at large - as there are several instances of how it has worked in corporate India's favour. We will then zero in on trans inclusion and the strategies a company can adopt when hiring trans people. Before we do that, let's look at the data for an LGBTQ business case.

If not from a humanitarian perspective, then companies are beginning to look at LGBTQ inclusion as a decision that makes business sense. If the private sector can be a driver of social change where the government is inadequate, then they can emphasize their commitment to employee comfort, safety and well-being. In other words, focussing on LGBTQ employment for corporations isn't just good from a welfare and upliftment angle, but also makes good business sense. We will now tell you how LGBTQ inclusion can bring you talent, innovation, great publicity, help you build an even better company brand and earn you lots of money. It's a win-win scenario, all the way!

a. LGBTQ inclusion can make you money

India's LGBTQ economy is largely untapped, and our research shows that it has enormous potential. In most populations, around six percent of the adult population is LGBTQ. Applying that to India suggests that just under **\$200 billion (six percent of GDP) can be assumed to be earned income from India's estimated 45 million LGBTQ people** (Firstpost, 2014). Marginalisation and discrimination always carry heavy costs: they shrink the existing pool of talent, restrict markets and slow down economic growth. A 2016 World Bank report that looked at 39 countries found a clear link between marginalisation and loss in GDP. In particular, it placed **India's loss in GDP due to homophobia and transphobia up to \$32 billion, or 1.7% of our GDP** (Radcliffe, 2016). Lee Badgett, author of World Bank report, believes that India's loss in GDP is actually far more than the reported 1.7% (Patel, 2014):

"Other kinds of costs that are not in the study include the brain drain cost; people leaving India because of the stigma of being a LGBT person [...] So there are lots of things I cannot take into account. If I could, it would simply add to my estimate and make it larger; that's why I believe my numbers are conservative."



Picture from www.eshe.in

“India is far behind in tapping into Pink/LGBTQIA tourism that has been a major contributor to the US and Brazilian economy.”

-Keshav Suri, Executive Director of The Lalit Hotels

To substantiate the above quote, there is enough research to show that the power of the global LGBTQ market should be harnessed. As of 2015, the **Global Spending Power of LGBT consumers was estimated at \$ USD 3.7 trillion - 4.6 trillion per annum.** (LGBT Foundation, 2018; LGBT Capital, 2015). This is not inclusive of those who identify as allies of the community- friends and families of LGBTQ individuals that support them and the community. The LGBT Foundation in Hong Kong has calculated that if the LGBT community worldwide were a country, it would be the fourth largest economy in terms of GDP (2018).

Moreover, The Gallup World Poll (a survey conducted in 160 nations) asks whether or not the place in which a person lives is “a good place for gays and lesbians”. Economist Richard Florida and Charlotte Mellander correlated this data with GDP per capita. They found a significant positive correlation between the two (.72) (Florida, 2014).

Aside from capital, can there be other reasons for a company to invest in the LGBTQ community? Yes! This brings us to talent and innovation.

b. Innovation and talent are found in inclusive workspaces

In this section, we explore why the best and brightest minds are drawn to companies with an inclusive environment.



“Inclusivity does mean innovation. The more inclusive you are, the more debates you can have, the less hierarchy you have, the faster it is to recover from failure... if you say everyone should ‘talk like me, look like me, be like me, have the same background as me’ – I don’t think that would work well for companies.”

-Nisaba Godrej, Chairperson of Godrej Consumer Products Ltd.

● **DIVERSITY AT THE WORKPLACE**

All the data shows that Nisaba is right. Inclusion and diversity are, in fact, correlated with greater perceived innovation. Employees who perceive that their organization is committed to diversity, and who feel included, are 83% more likely to see their company as one that “develop[s] innovative solutions” (Open for Business, 2015). The Tata Group is working towards having 25%

of its Tata Steel workers from diverse groups by the year 2020. Of this, 5% will be from the LGBT+ community. “There has certainly been a generational shift in opinion on this subject,” said Harish Bhat, Managing Director and CEO of Tata Global Beverages. “The LGBT lifestyle... is a perfectly natural space that exists in our world” (Mukherjee, 2017).

This is the global research that’s reaching India - from the Fortune 500 companies, the top 50 believe that they benefit from a diverse workforce because they’re able to produce better ideas (Deloitte, 2011). Diverse Research and Development teams are shown to perform better as well. Kellogg Insight’s 2010 study shows that mixed groups do better than homogenous groups due to alternative perspectives and “more careful processing of information”. A survey of 285 companies in the UK found that for more than half the respondents, recruitment was the most cited monetary benefit of diversity inclusion policies (Open for Business, 2015). Companies like Ford Motor Co, Alcoa, BP, Goldman Sachs have already seen the benefits of LGBT inclusive policies because it makes the company come across as forward thinking and meritocratic (Open for Business, 2015).

Emerging markets are currently intensely engaged in the ‘war for talent’ – according to McKinsey (2012). In India’s fast paced and competitive market where the pressure on wages and demand for talent is high, **companies doing business in India risk losing out if their diversity policies on LGBTQ inclusion aren’t updated and in line with global standards.** This is especially important for the services and information sector where India competes on a global scale. Companies that aren’t a part of this change will also risk losing talent to companies that welcome diverse employees and are mindful of their needs (Banerji, Burns and Vernon, 2012).



Apekshit Khare (left) from Godrej Properties Ltd.

“Same sex partner benefits make me feel that the top management at my company really cares about the LGBT community.”

- Apekshit Khare from Godrej Properties Ltd.

According to a survey commissioned by Vodafone from Out Now Consulting in 2018, 83% of more than 3000 LGBT+ people would prefer to work with visible LGBTQ leaders. According to Hewlett and Yoshino’s 2016 study, **72% of allies say they are more likely to accept a job at a company that’s supportive of LGBT employees.**

LGBTQ communities are also forming across business schools in India - such as IIM Bangalore’s QUest. This is because students are now discussing how inclusivity affects mental health and productivity (Ghosh, 2018). Kevin Burns, co-author of the report ‘Creating Inclusive Workplaces for LGBT Employees in India’ (2012) and project manager at Community Business says that “... Companies have a critical role to play in creating workplace environments that are safe and open – and that it makes sound business sense for them to do so. After all, if people feel they can bring their whole selves to work they will be happier and more productive” (ET Bureau, 2012). Keshav Suri of The Lalit Group of Hotels has introduced an LGBT and disabled

friendly policy at The Lalit and has visible trans hires across The Lalit properties. He, too, vouches for greater productivity and commitment to the job in an inclusive workplace.

A review of the top 50 Fortune 500 companies found productivity to be one of the most frequently mentioned commercial benefits for adopting LGBT inclusive policies (The Williams Institute, 2011). Non-discrimination policies foster “Good Samaritan” behaviours, which means being proactively helpful and willing to go ‘the extra mile’ at the workplace. (Organ, Podsakoff and MacKenzie, 2006).

A survey conducted by MINGLE (2012) in India also draws a link between a more open environment for LGBT employees and attraction and retention. 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.



Picture from www.vogue.in/content/radhika-piramal-lesbian-gay-rights-in-india-lgbtq-activism/

“LGBTQ+ individuals are just looking for legitimacy, and corporates can definitely work towards that” (Meghani, 2017).
- Radhika Piramal, Vice Chairperson of VIP Industries Ltd.

Vanitha Narayanan, managing partner of IBM Global Business Services says, “Creating a culture where LGBT employees are valued, empowered to think freely and encouraged to express themselves fully, frees our colleagues to think creatively, producing dramatic and innovative outcomes for our clients” (ET Bureau, 2012).

● INCLUSION AND THE CITY

To be able to attract the best talent in the country, inclusive companies have to make the city they’re situated in a ‘desirable’ destination. Human capital is an essential component of metropolitan economic growth. Why are cities important for business? About 600 urban centers generate 60% of global GDP - clearly, cities are major drivers of global economic growth. 45% of world economic growth from 2007 to 2025 is likely to come from competitive, emerging market cities i.e. India’s metros. (Open for Business, 2015).

We see Bengaluru as a prime example of inclusive corporate culture. It contributes 10% to the country’s GDP and the tech sector is worth \$150 billion. Immigrants make up 70% of the population and 50% are a migrated student population. With nearly 400+ multinational corporations, it is certainly a talent hub. Bengaluru also embodies an LGBT friendly city - the Bangalore Queer Film Festival has been running for 9 years, Bangalore Queer Pride and Karnataka Queer Habba are some of the biggest LGBT celebrations in the country. The city is a model for how tolerance attracts economic activity for companies that now compete on a global level and contribute to income growth (Open for Business, 2015).

Urban centers usually require a range of differently skilled individuals and professionals. Scientists, lawyers, designers, as well as people involved in

education, technology and the arts are known as the 'Creative Class' because they innovate, create technologies and new ideas, and are also skilled at problem solving. They usually come from a background of formal education and draw from a knowledge base to perform their creative economic role. There are "3Ts" that will attract the Creative Class. Talent (a highly educated population), Technology (the infrastructure necessary to facilitate their work) and Tolerance (a diverse community with a culture of tolerance and acceptance).

The Creative Class is drawn to cities that are liberal and tolerant, and the presence of a strong, involved LGBTQ community signals just that. Diverse populations foster innovation, lateral thinking, and the development of fertile ground for new ideas to take root (Florida, 2002).

Corporate values that reflect tolerance, acceptance and inclusion attract an international workforce as well as international investment because they indicate a presence of 'quality of life' factors. An increase in Foreign Direct Investment is also seen as a positive outcome of these initiatives, according to Deloitte (2014).

Work-related migration has seen an increase by one third since 2000, according to a UN report (Open for Business, 2015). A part of this migration is because of discrimination. Reports claim that significant emigration specifically as a result of anti-LGBT laws and culture has taken place in India, Jamaica, Nigeria, Russia and Uganda. According to Waverly Deutsch et al (2016) there is a clear migration away from intolerant locales towards pro-diversity states and cities. In their sample, American states that are looked upon as intolerant lost most or all of their LGBT entrepreneurs before they established their businesses.

Until Section 377 was read down in September 2018, India was facing similar backlash due to the discriminatory colonial-era Section 377. The IIT Petition filed in 2018 has several alumni citing Section 377 as the reason for a brain drain among IIT alumni. The petitioners were all members of the Lesbian, Gay, Bisexual and Transgender community and are a part of Pravritti, an informal pan-IIT LGBT group with more than 350 members.

"S377 has also further contributed to the brain drain of several LGBT petitioners from the IITs across industries. LGBT alumni in India have chosen sectors or companies with progressive policies over those that might have provided better career trajectories or in STEM fields which are instrumental in building a modern and strong India."

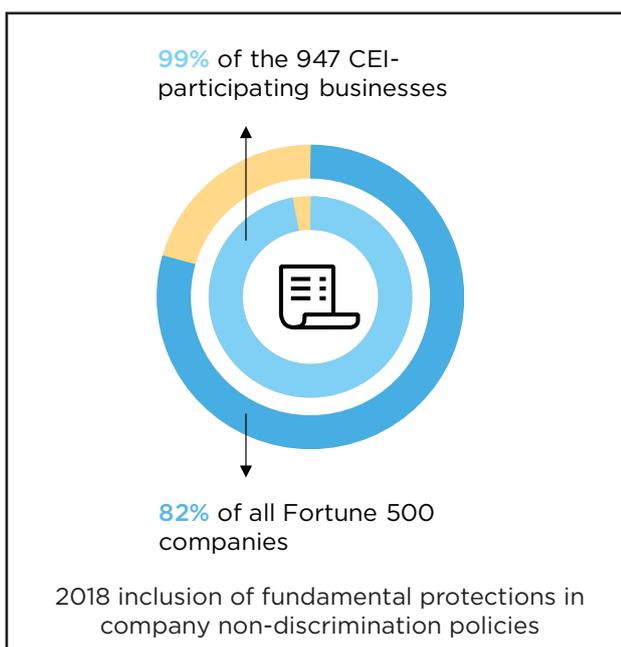
-IITians move Supreme Court against Section 377 (Orinam Section 377, 2018)

Tony Christopher, a senior technology lead at Infosys writes that many of his queer friends considered applying to Canada for Permanent Residence due to the anti-discrimination laws there (2018).

In Open for Business (2015), Pallav Patankar from Humsafar Trust says- *"After [the re-criminalization of homosexuality] a lot of software professionals left the country, and this isn't good for the industry, and it isn't good for the country. They are talented individuals in a global working environment, and they have a new set of expectations."*

To monitor whether a company is truly inclusive, various indices, awards and benchmarks have been applied in the corporate world. Community Business, a Bengaluru-based D&I consultancy, has devised a benchmark exercise that will help companies understand diversity and inclusion best practices. This will aid them in assessing their own delivery on certain parameters and formulate a strategy to go forward. Awards such as the 'Employee Network Award' and the 'LGBT+ Inclusion Award' will help to raise the profile of a company's D&I strategy, engage other key stakeholders and attract the best talent ('D&I, In India Best Practice Benchmark & Awards', 2018)

In America, The Human Rights Campaign Foundation's 16th edition of the Corporate Equality Index found 609 American business scoring a 100 percent rating on all criteria as well as earning the title of "Best Place to Work for LGBTQ Equality." Fortune 500 companies and hundreds of public and private medium to large sized concerns were evaluated in this CEI. The number of 100 percent rated companies has increased exponentially since 2002, the year of the first CEI (Human Rights Campaign Foundation, 2018).



Graph source: Supporting the journey: gender transition in the global workplace by IBM and HRC, 2018

Indian industry bodies such as FICCI and CII are already having LGBTQ conversations in their annual conclaves.

At the October 2018 "Queering the Pitch" conference in Delhi, Sangita Reddy, Joint Managing Director of the Apollo Hospitals Group, and Vice President of FICCI (Federation of Indian Chambers of Commerce and Industry) said that corporate India was just beginning to navigate LGBTQ inclusion in the workplace. Companies are now seeing that having progressive policies towards their LGBTQ employees and supporting LGBTQ causes helps in attraction and retention of better quality staff.

c. LGBTQ messaging helps you improve your PR and keep up with millennials

Now that we have seen what LGBTQ inclusion means for capital and for talent attraction, let's take a look at how it affects one of the most intangible - and yet the most valued and measured aspects of the business case - one's reputation. **India's values are changing rapidly - which means there is a new consumer base that companies are catering to. We believe that companies that exhibit and demonstrate inclusion can gain favour in the eyes of forward-thinking millennials and the rest of the changing country.**

By 2020, Millennials and Gen Y are projected to be 50% of the workforce and by 2025 they are expected to make up 75% of the workforce (Donston-Miller, 2016). In this age of the 'personal being political', India's new generation is slowly developing into an ethical consumer base. They make choices based on causes they identify with and support. Millennials want their purchases and the brands they endorse to reflect their politics - which is inseparable from their identity (Boston Consulting Group, 2014).

KV Sridhar, former chief creative officer of advertising agency Leo Burnett and now founder of marketing agency Hyper Collective says (Tandon and Thomas, 2017) -

“(The youth) don’t want to be left out of social decisions, such as politics, that impact them directly [...] they want purpose, and to feel like they are part of something big and important, even when shopping for tea or timepieces.”

This new India sees brands going for advertising approaches that are centered around social causes rather than product-driven approaches.

Procter and Gamble’s Vicks Touch of Care campaign was centred around trans motherhood and featured trans rights activist Gauri Sawant. It was aired during one of the most watched Hindi television shows (‘Kaun Banega Crorepati’, the Indian version of ‘Who Wants To Be a Millionaire?’) with an average viewership of 37.21 million (zaprmedialabs, 2017). It also received national as well as international press coverage. According to Pinto (2018), sales in health and hygiene products rose from FY 2016 to FY 2017. P&G’s 2016-2017 annual report states that “..growth was driven by a strong focus on brand fundamentals and equity building campaigns like #TouchOfCare” (Procter and Gamble, 2017).



A screen grab from Vicks - Generations of Care #TouchOfCare, 2017

In 2013, the Supreme Court read down a verdict that decriminalized homosexuality in India. Despite the legal scenario at the time, that year saw brands supporting the LGBTQ movement by criticizing the judgment. Fastrack used the critical moment of public outrage by running an ad that asked their viewers to ‘come out of the closet’ and ‘move on’. This ad was aired during the IPL tournament in 2013, earning the ad about 3.8 million impressions (ESPNcricinfo, 2013).

The income on Titan watches rose from FY 2012 to FY 2013, and the Titan annual report (2013) states that: *“Fastrack ran impactful marketing campaigns for each of its product categories and had successful activations... Its edgy style of communication resonates with the youth across the length and breadth of India.”*



A screen grab from Fastrack’s ‘Move On’ advertisement, 2013

In 2018, when Section 377 was unequivocally struck down by the Supreme Court of India, a number of Indian companies - nearly 70 - openly supported the judgement online. Google, Facebook and Youtube introduced rainbow pride colours into their homepage, profile pictures and logos and tweeted about the judgement. Other brands such as IndiGo, Starbucks, HBO, Nykaa, L’Oreal, Café Cofee Day, Discovery Networks, Swiggy, Ola, KFC, Star TV, Zee TV, Colors, GoAir and Titan Eyeplus also tweeted about it and expressed solidarity (Malvania, 2018). Hashtags such as #LovelsLove and #Section377 were trending and used by companies across the country. The e-commerce

giant Flipkart posted an advertisement featuring a play on words about how Section 377 is the only 'cancellation' they look forward to. Uber India lit up it's routes with pride colours when booking a cab (Businessstoday.in, 2018). Travel portal Yatra.com offered limited period special offers such as honeymoon packages starting at Rs 377 (Malvania, 2018). L'Oreal used their popular tagline 'Because you're worth it' and changed it to 'Because we're ALL worth it' (Vandana, 2018).



Swiggy advertisement post Section 377 judgement
 Picture from www.businessstoday.in/current/corporate/lgbt-freedom-how-companies-celebrated-end-of-section-377/story/282128.html



Flipkart advertisement post Section 377 judgement
 Picture from www.businessstoday.in/current/corporate/lgbt-freedom-how-companies-celebrated-end-of-section-377/story/282128.html

Corporates even tweeted about their positionality when it came to LGBTQ rights. Here are some of them:

Tata: *"We welcome the landmark judgement by the Supreme Court on #Section377. We have always provided equal opportunities for employment at Tata, irrespective of race, caste, gender, religion or sexual orientation. #PrideIndia"*

Accenture: *"#Inclusion is the bedrock of innovation and growth. And it gives me immense pride to be part of @Accenture, where Inclusion and diversity are fundamental to our culture and core values. A welcome change! #Section377 @AccentureIndia"*

For new economy companies - inclusion is almost a given. Digital platforms are also venturing into creating web content that is LGBTQ friendly. For example, companies such as eBay and Myntra both have LGBTQ themes in their advertising. And since both these companies are online shopping portals, their decisions are shown to make good business sense. Research that looks into the LGBTQ consumer base's purchasing power and characteristics indicate that the average gay consumer is college-educated, shops online and is interested in purchasing the latest technology. LGBTQ-friendly brands inculcate a sense of loyalty among LGBTQ consumers- because these brands reflect their values. **78% of gay online consumers prefer to buy from companies that have targeted advertising for the gay community.** (Deloitte, 2011). Other studies also project that the LGBTQ market spending may increase despite the financial health of the country. This is attributed to their optimism about economic recovery (Deloitte, 2011). The Myntra ad online got 10 million views in 10 days. Ajio.com's Instagram campaign was also seen to be successful.



A screengrab from #AjoSupports Pride not prejudice, 2017

Seema Chawla, CMO of Ajo.com says that *“Brands must embrace the LGBTQ community. Neutrality will not inspire the deep relationships they want with their consumers.”*

Young consumers want to align themselves with brands that echo their opinions and values. This creates the need for brands to be ‘conscious’ and socially responsible. UrbanClap’s LGBT ad campaign was also covered by Mashable and BuzzFeed, both websites that are frequented by millennials (Joshi, 2016; Shah, 2016).

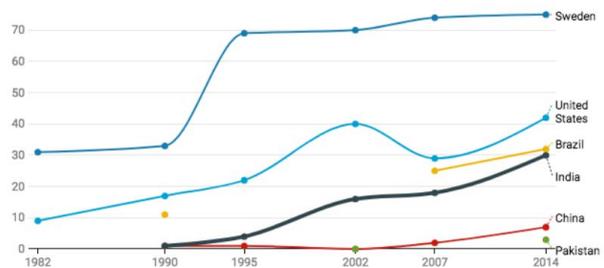
“The average age of UrbanClap is 23-24. It’s full of friendly and open minded millennials who want the company to show that they are forward thinking and do not indulge in discrimination.”
-Suhail Vadgaonkar, VP Customer Experience, Brand and PR for UrbanClap

These brands then have greater appeal and generate more loyalty with consumers, particularly millennials- of which there are 1.8 billion globally. PwC research (2013) shows that they share the same values all over the world. This could be due to globalisation and social media. A study by Boston Consulting Group (2014) found Millennials gravitate towards brands that “say something about who I am, my values, and where I fit in”. The brand becomes an extension of oneself, and if it is politically problematic then it tends to become unpopular with Millennials. Aside from Millennials, a representative sample of India’s

population in the World Values Survey indicated that the number of Indians who believed “homosexuality is never justifiable” fell from 89% to 24% between 1990 and 2014.

The world is moving towards accepting homosexuality

Broadly supportive of homosexuality (in %)



Broadly supportive refers to the sum of responses rated 5 and above out of 10 to the question “do you believe homosexuality is justifiable?” with 0 being “never justifiable” and 10 being “always justifiable”

Graph source: www.livemint.com/Politics/nLQiPpI5UICajLDXETU3EO/Homosexuality-in-India-What-data-shows.html

Consumer tastes and needs are rapidly evolving, and companies need to align themselves with their diverse customer base. They can do this by beginning with their corporate culture. In a competitive marketplace, inclusive companies have a wider client base and well as more markets to access. **When companies are committed to diversity, their employees are 31% more likely to perceive their company as one that responds to the changing needs of their customers and clients. Their customer service is perceived as greater due to their ability to adapt to diverse and changing needs** (Deloitte, 2011). In a survey of 285 companies in the UK with LGBT+ inclusion policies, “improved customer relations” (43.2%) and “improved products and services” (42.6%) were the most significant profits (Open for Business, 2015).

Research shows that these branding initiatives are tried and tested methods of increasing brand preference. Globally, LGBTQ friendly advertising has gained traction with companies like Subaru. Their search for niche groups led them to their lesbian market. They were four times more likely than the average consumer to buy a Subaru (Mayyasi, 2016). Therefore,

Subaru cultivated a brand campaign that catered especially to this market. They sponsored pride parades and also partnered with the Rainbow Card, a credit card that used the cashback as a donation to gay and lesbian causes. They also hired Martina Navratilova, a lesbian and tennis pro, as their brand ambassador.



**It's Not a Choice.
It's the Way We're Built.**



Subaru All-Wheel Driving System.
In every car we make.

**It's Not a Choice.
It's the Way We're Built.**



Subaru All-Wheel Driving System.
In every car we make.

Subaru used their market insights to make their branding speak to the LGBT community. Pictures from www.lesbianbusinesscommunity.com and www.marketingtherainbow.info

They used slogans such as 'Entirely comfortable with its orientation' and 'It's not a choice, it's the way we're built'. This new brand image resulted in tangible financial success. A Harvard case study noted that Subaru's flat sales turned into steady growth (Mayyasi, 2016). The lesbian market was one of Subaru's best performing markets. They tracked this by partnering with 40-50 organizations—like Rainbow Card—to offer discounts on Subaru cars. Every year, the LGBT organizations were in the top 5 in terms of sales.

The Lalit Group of Hotels has built a brand loyalty with their policies as they have had guests tell them that they choose to stay at The Lalit due to its policies and inclusive culture.

"...guests, irrespective of their preferences, say they love our endeavors and this is a strong reason they choose Lalit over other brands."

- Swati Jain from Lalit Hotels on brand preference

Many companies are now trying to ensure that their supply chains are inclusive and there are a mix of suppliers owned by minority groups- especially LGBTQ people. Companies such as Apple, EY, HTC, Sony and IBM require non-discrimination on the basis of gender identity and sexual orientation and they have included it in their global supplier codes of conduct. This shows that anti-LGBTQ laws may inhibit global customers using local suppliers (Open for Business, 2015). Amita Karadkhedkar adds that supplier diversity can be brought about in innovative ways by collaborating with organizations like PeriFerry.

In terms of press, the Godrej India Culture Lab's LGBTQ programming was worth 15.2 crores of publicity, from April 2017 to March 2018. In September 2018 after the Section 377 verdict, it garnered 11.7 crores worth of PR value from write-ups about the Lab and it's involvement with the LGBTQ community. **From policy changes in the organization to LGBTQ events, a company can gain increased press coverage from beginning discussions around LGBTQ inclusion.**

The press doesn't just look at companies that do well, it also takes into account companies that engage in homophobia. For instance, In September 2018, the tech company Tech Mahindra received an avalanche of bad press. Tech Mahindra has been in the news for it's chief diversity officer's homophobic and anti-muslim remarks directed towards a gay employee. The diversity officer was removed from employment after

receiving a wave of online criticism – just days after the Section 377 verdict. With the expanding presence of technology and social media, it is easier than ever for people to express their outrage online, so this should serve as a cautionary tale for companies in India. While we commend the speed at which TechM responded, it is also true that the individuals in charge of diversity in an organisation should be thoroughly vetted.

Mahindra Group Executive Chairman Anand Mahindra and Tech Mahindra CEO CP Gurnani responded to the incident saying that they remain committed to supporting and promoting diverse workforce at Tech Mahindra, and the matter would be looked into (Moneycontrol.com, 2018). While the response was immediate, the online backlash to this incident is something companies should be wary of.

Additionally, research has shown that **companies can utilise the insights of their LGBTQ employee base to understand the LGBTQ market.** In India, IBM has launched a business development programme in 2012 that advises MNCs and Indian companies on the business case for greater diversity and inclusion in their workforce. This leads to the identification of new business opportunities (Community Business, 2012). In a similar manner, Out Leadership founder Todd Sears benefited greatly from focussing on the LGBT community. While at Merrill Lynch, Sears addressed the estate-planning obstacles that presented themselves to the LGBT community so as to ensure the firm's presence in these matters. The team educated more than 250 financial advisors to better serve Merrill Lynch's LGBT clients around the globe. Sears's initial target was to bring in \$24 million in 24 months. However, his team brought in \$1.4 billion (Hewlett and Yoshino, 2016).



Anjali Lama the first transgender model to walk the ramp at Lakme Fashion Week, 2017

LGBTQ inclusive policies and benefits that some Indian companies already have:

- **Equal opportunity policy: which covers sexual orientation and gender identity without any discrimination**
- **Same-sex partnership benefits: the company recognizes same-sex partners and gives them equal benefits at par with married spouses**
- **Gender neutral adoption leave : Leave of 3 months – given to the primary care-giver**

Why are we focussing on trans inclusion in this paper?

On all fronts, there is a business case to be made for LGBTQ inclusion. What we want to focus on is trans inclusion, and what follows in a strategy for corporates to adopt and implement. Before that - we would urge corporates to begin a conversation about trans inclusion in their workplace, and to that end we offer these sobering statistics (UNDP, 2016):

- **Trans people are one of the most discriminated, high risk groups in India.**
- **There aren't any consolidated, large-scale efforts to reach the trans community in India. While there are 249 schemes from national and state governments that can potentially be accessed by trans people, only the Deen Dayal Upadhyaya Grameen Kaushalya Yojana (DDU GKY) mentions transgender persons as beneficiaries.**
- **92% of India's trans population are unable to participate in any economic activity.**

We hope that this paper is a step in the right direction to help change these numbers.

Now that you've understood the way society views trans people and the rationale for LGBTQ inclusive hiring, we're going to tell you what you can do to make sure your company is truly inclusive. Think of it in this manner – we've told you the 'what' and 'why', now we're going to tell you the 'how'. Our strategy includes many elements and we realize that you may not want to implement all of them at once. We do hope though, that the strategy outlined here helps you embark on a gradual trans inclusive journey in your own organization and that you can eventually cover all the 9 steps we have recommended.



Kochi Metro is known for its ambitious trans hiring efforts.
Picture from livemint.com

A manifesto for trans inclusion in the Indian workplace

Part 3. Trans inclusion and our recommended strategy



“It is important not to dwell on the number of people that will come up and take advantage of these benefits (that are offered to trans people). The fact that the company is being inclusive and providing equal benefits to everyone is far more important.”

-RITESH RAJANI
HR Diversity Engagement Partner, IBM

From infrastructure to systemic discrimination in company messaging, recruitment, hiring, and grievance redressal, we believe that there should be targeted outreach and training on the organisation's approach to transgender people. To us, an ideal trans inclusion strategy for a company would include these 9 elements.

1. **The first and most basic step: an anti-discrimination policy**
2. **Active trans hiring efforts through HR**
3. **Sensitisation of existing employees**
4. **Restroom infrastructure**
5. **Health insurance and medical benefits**
6. **Support system for employees transitioning in the workplace**
7. **Formation of an employee resource group**
8. **Robust advocacy of the trans policies both within and outside the company**
9. **Being mindful of trans employees' particular circumstances**

Let's go through each of these in detail while exploring the best practices already adopted by some companies.

1. The first and most basic step: An anti-discrimination policy

We believe that the first and easiest step is a policy change. This can be done almost overnight like we did at Godrej ourselves. Here is the text of our equal opportunity policy:

"We recognize merit and perseverance and encourage diversity in our company. We do not tolerate any form of discrimination on the basis of nationality, race, colour, religion, caste, gender, gender identity or expression, sexual orientation, disability, age, or marital status and will allow for equal opportunities for all our team members."

The policy should specify that sexual orientation, gender identity, and gender expression are prohibited grounds for discrimination.

The policy should also provide examples of what transphobic discrimination looks like, and be reviewed at least every 3-5 years to make sure the policy language isn't dated and that it is in accordance with human rights requirements as well as corporate values (Humsafar Trust, 2018).

Accenture, Intel, IBM and other companies have written equal opportunity policies that translate into training, company culture and policy - it sends out the message that the company does not discriminate. Constant monitoring of inclusion efforts by way of progress reports is essential to the consistent maintenance of anti-discrimination policies and training efforts - **they shouldn't exist simply on paper - ideally, senior leadership or a board should be in charge of monitoring the implementation of these policies** (UN Standards of Conduct, 2017). Any violation should be thoroughly investigated and appropriate action should be taken against it. The employee should be provided with resources and support. As is often the case, we are uninformed when it comes to what actually constitutes transphobic behaviour. Here, UN GLOBE (2018) outlines what qualifies as discriminatory behaviour towards trans people:

- i. Refusing to issue ground passes and conference badges to staff and other stakeholders that reflect a person's gender identity and expression, including their preferred name and pronoun;
- ii. Non-consenting disclosure of details of an employee's trans history.
- iii. Denying staff members and other stakeholders access to locker rooms and/or restrooms that correspond to their self-identified gender identity;
- iv. Prohibiting staff members and other

stakeholders from dressing or otherwise expressing themselves according to their gender identity or expression;

v. Refusing to respect staff members and other stakeholders' gender identity or expression;

vi. Intentionally and/or persistently referring to a staff member or other stakeholder by a name or pronoun that either does not correspond to their self-identified gender identity or expression, or is not in accordance with their expressed wishes;

vii. Comments that denigrate or mock the gender identity or expression of a staff member or other stakeholder, based on individually-held gender expectations. These comments can be directed to a staff member, be in reference to a staff member, or be directed towards a category of people in general

viii. Physical, verbal, or sexual harassment;

ix. Failure to hire, to promote, or to terminate a staff member's contract of employment because of the staff member's actual or perceived gender identity or expression.

The UN Globe guidelines also emphasize on the need for public information campaigns through which all employees know what it means to be transphobic and all trans employees know the course of action to take if they face discriminatory behaviour. These resources should be easily available to everyone.

Changing of policies is only the first step, there are several more milestones in this journey. Let's take a look at the next one.

2. Active trans hiring efforts through HR

If a company is truly committed to the cause, they will make active efforts towards hiring trans people in their organization.

Firstly, to encourage people from the trans community to apply for jobs in your organization, a company must advertise that it is an equal opportunity employer. It must also show that it encourages those from gender and sexual minorities to apply for job postings. One way to do that is to avoid gendered language (such as 'He/She'). Using gendered language shows an unconscious bias shows that the company is not a trans-friendly workplace. The company's non-discrimination policies and gender or diversity strategies should be on the company website and in job announcements (Human Rights Campaign Foundation, 2016).

Secondly, Shubha Chacko Of Solidarity Foundation says that **positive company messaging will only work if there is outreach to community organisations that work with trans people**. For example, in September 2018, Sodexo helped place Paras Thakur, a transwoman, in a job at the administration section of a multi-national bank through TWEET Foundation and Samjota Foundation. Paras says that it's common for trans people to go through several rounds of an interview and get rejected in the last round with no feedback or explanation as to why. But if corporates and facilities management companies such as Sodexo form a nexus with community based organizations, then the process of hiring trans people could be better facilitated.



Paras Thakur, the first trans woman to work for Bank of America in Mumbai. Picture from www.facebook.com/ourtweetpage

Finally, the application process itself must be inclusive. The initial job application filled out by the applicant

could contain the following gender categories: Male; Female; Trans; 'I prefer to self-identify as'. The job applicant could specify one's gender identity on an optional basis - companies such as Infosys and Goldman Sachs have gender as a non-mandatory category (Community Business, 2012). In addition, the job application could ask the applicant for their preferred self-identified name, gender, and pronoun. During the application process, the job applicant shall be referred to by the self-identified name and pronoun, as well as for the announcement upon selection.

“The Gazette notification which is required to change your name and gender on all identification documents is the toughest to get. Some states like Delhi and Kerala are making it easier, however majority of the states still function in violation of the NALSA judgement. If a company believes in inclusivity, the person can be employed based on a notarised affidavit declaring their name and gender and then the company can further assist them in applying for the Central Gazette notification.”

- Sandeep Nair, Community Business



Trans activist Vihaan Peethambar.
Picture from www.youthkiawaaz.com

Vihaan Peethambar, an LGBTQI activist and trans man, spoke of the importance

of protecting the employee's anonymity in the organization. Often, a trans employee does not want to be known as a transgender person. In many states, changing some education-related documentation is difficult, and the HR needs to be specifically told that the employee does not identify with the gender written there. In such a case, a few people in HR may be notified, but under strict instructions for the employee's identity as a person of trans experience to be kept confidential. Vihaan emphasizes that the HR team in charge of documentation must see the creation of records and ID documents all the way through, because there may be a third party in charge of it that will not factor in missing documents.

He also adds that many states mandate a medical screening to ensure that the person has medically transitioned so as to qualify as a trans person. Since this violates the dignity and privacy of the individual and completely misunderstands what it means to be transgender, he suggests that a legal affidavit be procured, because this would let the company change the name and pronoun for all communication purposes and it is fairly easy to get as well. The legal affidavit also allows one to change their gender on their Aadhar card without a gazette notification.

The privacy of the individual applying should be of utmost importance, the candidate must decide whether to disclose one's trans status and history or not. **There should be protection from non-consenting disclosure of trans history, because for some individuals their trans history is a part of their past and it's an individual's choice to disclose it or not** (Stonewall, 2016). Disclosure or non-disclosure should not be grounds for dismissal under any circumstances (UN GLOBE, 2018). In addition, those involved in recruitment must be aware if they are making choices based on a candidate's

'gender appropriate' dress code as well as the gendered perception of a candidate's tone of voice. Recruiters must also be trained in how to interact with references that may have known the candidate before their transition (Humsafar Trust, 2018).

Jiby Joyce (Community Business) adds that the D&I department must collaborate with the Learning and Development team to identify the employees directly involved in interviewing and hiring- especially bulk hiring. They could then have workshops (either internally or with the help of an external vendor) that train these selected employees on what it means to be trans-gender, what it means to be inclusive, and how to recognize unconscious bias and eliminate it from their interactions with potential trans employees. They could do this through mock interviews – Jiby adds that these would ideally show them how to identify skills in the candidate without involving gender identity. Once they are scored on a certain set parameters while doing a mock interview, those interviewers who get a passing score would be certified by the Learning and Development team.

Background checks should be conducted in full respect of the rights and dignity of the applicant, and in full confidentiality. An applicant's previous name or gender must not be disclosed against their wishes under any circumstances - even if these changes occurred in between employment (UN GLOBE, 2018). Nirmala Menon of Interweave Consulting, one of the pioneering Inclusion solutions consulting firms in India, says that hiring a group of trans people is better as they feel more comfortable airing grievances and have some support in the workplace from people who have similar experiences.

Ideally, a dress code should be gender neutral - that is - the dress code should not be gendered (such as skirts for women, ties for men). If the company

has a gender specific dress code - then a trans person should be allowed to dress in accordance with their gender identity or gender expression (Human Rights Campaign Foundation, 2016).

To sum it up, below is a brief list that the Human Resources department needs to take into account while drafting its anti-discrimination policy for LGBTQ employees.

- i) **Gender expression:** Ensure that gender identity, gender expression and similar terms are prohibited grounds for discrimination.
- ii) **Dress code policy:** Do not apply dress codes to off-duty conduct. Consider adding a provision that workers may dress in accordance with their full-time gender expression.
- iii) **Making policies and benefits gender neutral:** Workplace harassment policies should be gender neutral. Gender neutral adoption leave and same sex partnership benefits should also be made available. The organization should not deny benefits on the basis of gender identity or expression. Transgender workers' spouses, domestic partners, children and step-children should be offered the same benefits as those offered to family members of similarly situated non transgender workers.
- iv) **Diversity and inclusion initiatives:** Trans people should be specifically included in the organisation's LGBT employee resource group initiatives and community outreach efforts.
- v) **Correcting processes:** Evaluate process documentation, hiring and recruitment procedures for discriminatory treatment of transgender people. Collaborate with community based organizations to conduct this analysis and carry out sensitization initiatives.

When it comes to the exit process, Amita Karadkhedkar says that organizations will need to check the exact reason why employees leave the organization and take strict action if it has got to do with discrimination (based on gender, sexual orientation and so on). This will make sure that no discriminatory acts go under the radar.

These are simple changes in policy and process that can be changed and monitored by the HR department. For change to be organization-wide, we should look closely at the third step.

3. Sensitisation of existing employees

Once you have your anti-discrimination policy in place and you are actively hiring trans people, **it is crucial to make sure that the existing employees are both aware of the changes taking place and sensitive to the new employees that come on board.**

Here are some methods that companies in India have been using with some success.

i) Roundtables

Roundtables and conferences allow senior leaders across the organization to discuss what steps they are taking towards LGBTQ inclusion in their respective spheres. IBM's Global LGBT Council holds LGBT Roundtables, which are diversity training programmes for IBM representatives from all around the world. A senior LGBTQ executive hosts a discussion concerning everyone's personal experiences with diversity and inclusion. These sessions help Indian managers understand how to make LGBTQ employees feel comfortable and valued in the workplace. They are different from sensitization sessions because in these Roundtables, best practices are shared.

ii) First person accounts/workshops

Chitra Sunder, Head of D&I at the Indian

arm of a major UK bank, says that role models are of great importance in an organization, particularly first person accounts from trans role models. Intel sensitises the company to trans people by sharing the stories of trans Intel employees from other offices in the world, or from getting employees to interact with local trans people in Bengaluru.

Abhina Aher of TWEET Foundation suggests that trans people should be involved in the sensitization process. A 'human library' method of storytelling might get through to more people because many of the employees in an organization have probably never spoken to or interacted with a trans person - as a colleague or otherwise.



Neelam Jain of Periferry. Picture from www.periferry.com/our-team

Anubhuti Banerjee, an IT Customer Relationships Manager for Tata Steel as well as Amita Karadkhedkar, a Project Delivery Manager at a captive of a major UK bank have conducted workshops in their respective companies. They do not speak for the Human Resources department, but as people of trans experience. These workshops are conducted to tell employees about the transition process and what should be expected of them. Amita believes workplaces need to see LGBTQ issues as mandatory discussions that need to be had with everyone, not just those within the community. **Strict HR policies need to be implemented when it comes to transphobic behaviour and making sure a transitioning employee can take leave without being judged**

by their senior management. She says, “When it comes to trans people, we are visible entities, we can easily be spotted - you can’t wish us away by not discussing issues and vulnerabilities that we have. ”

New employees should have a compulsory training module on gender identity and sexual orientation. Nirmala Menon (Interweave Consulting) says that the most common misconception held about trans people in corporate spaces is that being transgender is a ‘choice’ that people make. Since Gender Dysphoria is an invisible problem, people don’t accept it as a real issue. This is why sensitization is of utmost importance.

She adds that sensitization sessions should be regular and not inconsistent, ‘one-off’ events. It should also experiment with different formats such as film, discussions, and so on.

Consultancies such as Community Business believe that sharing stories from the community and dramatic enactments are also effective in engaging employees. **Interaction is important because people have a lot of doubts about trans people, and airing anxieties allows commonly**

held misconceptions to be clarified. If these training sessions are held by people from the company, such as a manager, then employees might feel obliged to answer in ways that they feel the manager would approve of. Shubha (Solidarity Foundation) is of the opinion that these sessions should be held with external organisations, because people feel more comfortable asking questions. Jiby Joyce (Community Business), says that **the Learning and Development team in an organization is responsible for the training and sensitization that HR carries out – therefore they are the key stakeholders in bringing about any change in organizational culture.** Any diversity and inclusion initiative should involve them.

Employees should know about the bullying and harassment policies as well as what constitutes such behaviours, and how to report it if they witness it or experience it. These values should be embedded into performance evaluation and be positively reinforced as the organisational culture. Leaders in the organisations should also be evaluated on the basis of their inclusion efforts (The Humsafar Trust, 2018).



Parmesh Shahani, head of Godrej India Culture Lab in conversation with trans activist Gauri Sawant and UNDP policy analyst Zainab Patel

“India is very hierarchical, inclusion will only be successful if it is top down and comes from the leaders. When someone at the top says something about inclusion, others feel comfortable to talk about it.”

- Shubha Chacko of Solidarity Foundation

iii) Pre placement sensitization

Introducing transgender individuals to the workplace might prove to be a culture shock. There are several aspects to consider that one would otherwise take for granted. Community Business (2018) - citing Periferry, the social inclusion startup working on transgender upliftment - writes that it is important to implement a pre placement programme at the workplace. Three days post the placement of a trans employee, feedback can be taken from both the employer as well as the employee. Then feedback can be collected once again after fifteen days, and then three months. The feedback must be continuously acted upon so as to bridge communication gaps and solve problems between the employer and the employee (Community Business, 2018).

Shubha Chacko (Solidarity Foundation) said that the **trans employees would need help navigating the workplace because it is intimidating - security guards often do not let them in to the building**. Policies should be made accessible and mandatory learning for all the employees in the organisation (through company intranet, business training, onboarding material, training at every promotional milestone). Everyone working in the organisation, at every level, needs to be sensitized. In particular, the trans person’s work team needs to be sensitized.

4. Restroom infrastructure

While one aspect of the strategy is employee sensitization, another aspect is changes in the physical infrastructure of the building. Trans people are frequently denied access to washrooms or are made to feel uncomfortable or threatened in the washroom of their choice. Our take on this echoes that of Sandeep Nair from Community Business who says **gender neutral washrooms are better as opposed to ‘third gender’ or ‘transgender’, because those would create an obvious divide**.

Trans employees that aren’t ‘out’ yet might not want to use a ‘third gender’ restroom, whereas gender neutral washrooms are open to everyone. “If we are placing a trans woman and they wish to use the female restroom, we need to make sure all the women in that organisation are sensitised,” says Neelam Jain, Periferry. Additionally, the HR team needs to reach out to the Estate and Facilities department to see this change through, once they have secured funding for this infrastructural change.



Trans activist Abhina Aher of TWEET Foundation and the Dancing Queens. Picture courtesy: Qgraphy

However, Anubhuti Banerjee (Tata Steel) says gender neutral restrooms may function as de facto male spaces, and make both cis-women and transwomen uncomfortable because it is not a safe space away from male gaze. She suggests that an organisation should have gender neutral as well as gender specific

restrooms, or single cubicle gender neutral restrooms. Ritesh Rajani (IBM) says if the restrooms are already gender segregated in a company, one restroom in the building can be designated as gender neutral. If a company already has a PWD cubicle/washroom (persons with disabilities), that can be made a gender neutral restroom as well. It can prove to be discriminatory if this restroom is in a very removed part of the building or difficult to get to. It should be centrally located and easy to access.



Picture from www.mydoorsign.com

As a non-binary person, who presents in a more masculine way, I find using the bathroom anywhere that doesn't have gender-neutral facilities a pretty daunting experience at the best of times, and it's become something that I try to avoid as often as possible. Consequently, having a gender-neutral toilet at work has made a significant impact on my everyday life, simply by taking the stress out of something as basic as going to the loo. It's worth noting that utilising appropriate signage is incredibly important – having 'Toilets' on the door is not enough, it needs to explicitly say 'Gender Neutral' or something along those lines. I did find that when this wasn't the case at my

workplace, people would often assume that it was the ladies' toilet, which not only lead to the occasional awkward exchange, but also meant that anyone wishing to use the gender-neutral facilities wouldn't necessarily know that they were there.

- Puja (Stonewall, 2016).

Shubha Chacko (Solidarity Foundation) says that the term gender neutral does not convey inclusivity in the way that the term 'gender inclusive' might, so companies could consider using 'gender inclusive' instead.

5. Health insurance and medical benefits

The Humsafar Trust (2018) writes that benefits offered to employees that concern spouses and partners should be valid for partners of the same sex. Adoption leave and maternity/paternity leave should apply to mothers, fathers and co-mothers, and to co-fathers. **Particularly in the current legal scenario, cohabiting partners should be considered equivalent to spouses when it comes to health insurance.** The workplace should also provide for HIV care and treatment to all employees (including PrEP) (Humsafar Trust 2018).

On reconstructive versus aesthetic procedures, the WPATH Standards of Care (2011) has this to say: *"While most professionals agree that genital surgery and mastectomy cannot be considered purely cosmetic, opinions diverge as to what degree other surgical procedures (e.g., breast augmentation, facial feminization surgery) can be considered*

purely reconstructive. Although it may be much easier to see a phalloplasty or a vaginoplasty as an intervention to end lifelong suffering, for certain patients an intervention like a reduction rhinoplasty can have a radical and permanent effect on their quality of life, and therefore is much more medically necessary than for somebody without Gender Dysphoria.”

In the Indian context, companies must initiate a discussion with their existing insurance providers to make sure they don't categorise gender affirmation surgery and hormone therapy as cosmetic procedures. **Ideally, the insurance company should include gender affirmation procedures and hormone therapy in their coverage.**

Orinam and Diversity Dialogue's 'Supporting Gender Affirmation: Towards Transgender+ Inclusive Workplaces in India' (2018) suggests that employers use the IRDAI (Health Insurance) Regulations, 2016 to strengthen their case with their existing insurer. (<http://www.dhc.co.in/uploadedfile/1/2/-1/Guidelines%20on%20Standardization%20in%20Health%20Insurance.pdf>)

It states- "Insurers, however, may endeavour to cover all or some of these items or design add ons or optional covers for them. Such generally excluded items which may be covered by insurers are mentioned in Annexure I of these Guidelines."

As listed by Orinam and Diversity Dialogue (2018), some of these items in the Annexure are:

- Infertility/Subfertility/Assisted Conception Procedure
- Psychiatric and Psychosomatic Disorder

- Dental Treatment expenses that do not require hospitalisation
- Treatment of Sexually Transmitted Diseases
- Aesthetic Treatment/Surgery
- Hormone Replacement Therapy

Other companies, such as Godrej, handle the reimbursements in-house. The limit of the reimbursements is guided by the Medical Benefits scheme for employees. Similar to the medical scheme - there is a 10% co-pay on each claim. Whichever route is followed, we agree with Neelam Jain from Periferry when she says that providing for transition procedures is one of the best things a company could do for the trans community - one of the biggest needs for the community is a feeling of alignment with their gender and their body. The medical criteria for undergoing these procedures are present in the WPATH Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People (2011), and it can be implemented in any company. It outlines how many referrals are required for a particular procedure and the medical protocol to be followed.

Below is a list of procedures that should be covered in an ideal insurance policy according to Out and Equal Workplace Advocates (2015).

Feminizing—Non-surgical

- Specialized Behavioural Health Therapy for Gender Dysphoria, including individual and group sessions
- Hormone Replacement Therapy
- Voice and Communication Therapy
- Facial/Body Electrolysis
- Facial/Body Laser Hair removal

Feminizing—Surgical

- Scalp Hair Reconstruction (including both crown and hairline reconstruction)
- Scalp Advancement/Hairline lowering
- Forehead contouring/Brow burnishing

- Brow Lift
- Blepharoplasty
- Rhytidoplasty
- Rhinoplasty
- Cheek enhancement/reduction
- Upper lip reduction/enhancement
- Genioplasty, feminizing
- Jaw Contouring
- Liposuction of neck
- Tracheal Shave
- Breast Augmentation/
Augmentation Mammoplasty
- Suction-assisted lipectomy/
body contouring
- Penectomy
- Orchiectomy
- Vaginoplasty
- Clitoroplasty
- Vulvoplasty
- Labiaplasty

Masculinizing—Non-surgical

- Specialized Behavioral Health Therapy for Gender Dysphoria, including individual and group sessions
- Hormone Replacement Therapy
- Voice and Communication Therapy

Masculinizing—Surgical

- Forehead Lengthening
- Forehead Augmentation
- Cheek Augmentation
- Nasal Augmentation
- Genioplasty, masculinizing
- Thyroid Cartilage Enhancement
- Mastectomy
- Suction-assisted lipectomy/
body contouring
- Hysterectomy/Oophorectomy
- Reconstruction of the fixed part
of the urethra
- Metoidioplasty
- Phalloplasty
- Vaginectomy
- Scrotoplasty
- Implantation of erectile or testicular
protheses

Ritesh Rajani (IBM) says that it is important not to dwell on the number of people

that will come up and take advantage of these benefits. The fact that the company is being inclusive and providing equal benefits to everyone is far more important.



Ritesh Rajani, HR Diversity Engagement Partner, Asia Pacific - IBM
Picture from www.twitter.com

HR must be sensitised to trans healthcare issues and institute policies on how to act on them. For most trans people, physical examinations and health records will disclose their gender identity. This makes trans people highly vulnerable to discrimination and violence - if the medical professional is prejudiced they may even breach confidentiality (UNDP, 2013).



Nyra Dsouza. Picture from indiaculturelab.org/blog

Nyra D'Souza is Godrej's first trans employee and works in Corporate Human Resources. She says that there is a dire need for trustworthy medical professionals for the trans community. It is

often difficult to undertake the transition process or various medical procedures without counselling or guidance. **The company could compile a resource/referral list of trained doctors and psychiatrists, counsellors, psychologists who have experience in the field of Gender Dysphoria and are well versed with the process of transition.**

Many trans people do not fit easily within the sex-segregated categories of women's and men's health conditions. For example, trans women may require prostate examinations and some trans men still require cervical smears. Trans people have died after being denied access to such services (United Nations Development Programme, 2013).

6. Support system for employees transitioning in the workplace

Let us assume that you have implemented all the above steps and created a trans-friendly work environment. You still need to realize that there are different phases in a person's transition process. A company might hire an employee that has already transitioned, or they might hire an employee that is in the process of transitioning or intends to transition. This section is dedicated to understanding what this means and how your organization can empower your employee to undergo a smooth transition.

It is important to remember that when an individual chooses to transition, the organisation also transitions along with them. A set of flexible guidelines helps the individual, their work team, as well as their employer understand the roadmap for gender transition, and it can be suited to the specific needs of the individual. It is important to note that there is no one way to transition and it is an extremely personal process for people - and yet, it

should be treated the way any important life event is treated in the workplace. There should be a protocol and adequate support from the organisation.

There are three aspects to transitioning, as outlined by the Human Rights Campaign Foundation (2016) and The Humsafar Trust (2018).

Expression

This would involve a change in name, pronoun choice, and appearance (dress and/or cosmetic modifications). Change in vocal tone is also something employees should be mindful of.

Medical

There are medical procedures that align one's physical body with one's gender identity. This would include hormone replacement therapy for secondary sex characteristics (testosterone for trans men, estrogen and testosterone blockers for trans women). It also includes FtM and MtF gender affirmation surgical procedures.

To understand therapies, procedures and hormone treatments, refer to the Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People (2011). It can be found here in Appendix A.

Legal

Legal changes would include changes to company documentation and records, and identification documents such as passports, Aadhar, PAN card and driver's license.

The following are the steps to be taken when an employee chooses to transition:

i. Having the conversation

Having a point of contact to speak to about the employee's intention to transition is essential. According to Out and Equal Workplace Advocates (2015), persons to include in a support

team include:

- The employee's manager
- Their HR representative
- An Employee Assistance Programme resource (Companies must also ensure EAP provides help for gender identity issues)
- A member of the company's LGBTQ Employee Resource Group
- A Representative from the office of Diversity and Inclusion
- Someone in the company who has already transitioned

If the company's D&I team is involved in this inclusion effort, somebody from their department could be appointed as a gender transition liaison, so that employees know they must be spoken to first to initiate the transition process. In another company it could be a trans employee who has already undergone medical transition that takes the lead on guiding someone through the process. Everyone in the company should know who the gender transition liaison is.

Ideally, all the above people should go through a sensitization module about the transition process and know of medical professionals to point the employee towards. Neelam Jain says it is absolutely necessary to make sure the employee in question is offered psychiatric help so as to ensure they are ready for medical transition. They might have Gender Dysphoria, but sometimes they may not be prepared for the procedure yet. The Employee Assistance Programme should also be sensitive to people dealing with Gender Dysphoria.

“The transition process is long and complicated- it is both medical and social and it requires coordination with the HR team.”

- Zainab Patel, Transgender rights activist

For those who are involved in supporting the transitioning individual:

- Be open minded and listen carefully to what the individual has to say.
- Become familiar with the company's policies on trans people.
- Read available educational resources on transitioning in the workplace.
- Show that you understand, explain your questions and seek their opinion on how the process will take place.
- Respect their wishes to keep the process confidential or inform the work team in the manner that they wish to.

ii. Charting a timeline

A rigid timeline is not recommended, as each person transitions differently and it should be taken on a case by case basis. However, charting a tentative timeline with the support team helps to put HR processes into motion, as some milestones can be planned accordingly so that the process is smooth.

- What the period of medical leave will be, when it will begin and who will act as backup for the employee.
- When particular medical procedures will take place.
- Whether the employee would like to relocate to a different office after their transition and when this change should be effected.
- When the employee will begin to present themselves in accordance with their gender identity.
- When/Whether the work team will be informed about the transition, and the manner in which they will be informed.
- When the change of name and photographs in documentation and ID will occur.
- How long these changes will take in terms of HR processes (changing company directories, online references).

iii. Telling co-workers

Following the first conversation, a meeting with co-workers that have

close contact with the employee is the best way for clear communication of the individual's transition into their new gender role. This should ideally occur before the individual begins to present themselves in their new gender role. They must be acquainted with the organization's policies and respect the fact that the transitioning individual will be presenting themselves differently. They must also be told the importance of using the individual's new name and pronoun in all communication - in emails, in written communication, orally and informally. It is not advised to inform the co workers about the transition via email, a face to face meeting is preferable (Out and Equal Workplace Advocates, 2015).

A workshop should also be conducted - preferably by an organisation that works with transgender individuals and is familiar with how to sensitise individuals to the transition process (Out and Equal Workplace Advocates, 2015). Senior management should also express solidarity and be supportive of the employee- they could do this via letter or memo. This makes the employee feel more accepted and avoids discriminatory backlash from their co workers. Senior management's endorsement goes a long way in making a company truly committed to inclusivity (Human Rights Campaign Foundation, 2016).

iv. External stakeholders

External individuals such as customers should also be within the ambit of individuals sensitised to the company's policies. **Anti-discrimination should be embedded in the messaging of the company, so that if customers interact with trans people, they are aware of the company's stance.**

“Transgender or gender-diverse employees who are tasked with engaging with external customers or suppliers are held to the

same appearance standards as other employees with similar responsibilities. Customer preference is not a reason to deny an employee the right to dress consistently with their gender identity.”

- Out and Equal Workplace Advocates, 2015

The Humsafar Trust (2018) writes that companies often don't make this code compulsory for their suppliers and vendors (eg. places from where the organization orders office supplies, goes to for catering, hires for cleaning, any company from which it outsources services etc.). If vendors take a transphobic or homophobic stance, the company must re-evaluate their relationship with them.

v. What about “water cooler” conversations?

Non-work related conversations among co workers often revolve around gender and sexuality - especially when they involve childhood, relationships, partners, family, and sex. Discussing these things in casual, informal conversations is inevitable. However, transgender employees may feel uncomfortable indulging in these because even casual conversations mean they have to 'come out' to people in some way, as they might reveal the fact that they are trans. Using inclusive language, avoiding assumptions about how people identify would help a trans person feel comfortable revealing aspects of their lives. It would help them participate in conversations without the fear of backlash or judgement. Working relationships are important to how productive an employee is, so fostering this culture in the workplace is of great importance (Human Rights Campaign Foundation, 2016).

7. Formation of an employee resource group

While you are ensuring that necessary policies and protocol are being put into motion, consider starting an Employee Resource Group for the LGBTQ community in your company. In India, Employee Resource Groups (ERGs) are leading the way in starting conversations about transgender inclusion.



The launch of the Tata Steel ERG in Kolkata, May 2018. Picture from www.gaylaxy.com

Especially in countries where coming out has high stakes attached to it, ERGs are providing the necessary visibility for members of the LGBTQ community to feel comfortable at the workplace. The Humsafar Trust (2018) writes that **ERGs function as forums to connect like-minded people, and if they are formalised, they receive support and sponsorship from the company.** They can also tap into HR metrics such as retention, attraction, and career development and engagement. They also help in recruitment to attract people with similar ideologies and values. When it comes to marketing it helps gain insight into consumers and previously unexplored market segments. Even if this network is virtual (as this is safer in some countries), then it proves to be a fantastic opportunity for business and networking.

Many organisations also invite speakers and conduct sessions with role models and leaders in the community. Nirmala Menon (Interweave Consulting) says it is

also important to show the employees visibly successful role models from the trans community. This is so that the existing LGBTQ employees see a roadmap for success, and the other employees see that successful people within the community exist. Community Business' Rashmi Vikram and Sandeep Nair emphasized on the importance of creating champions and having 'out' leaders so as to empower LGBTQ employees to lead in their organisations. These leaders will create an inclusive environment and facilitate access for other employees like them.

The Humsafar Trust (2018) writes that reverse mentoring (junior employees who are part of gender and sexual minorities interacting with senior employees and sensitizing them) and volunteering with community organisations can go a long way in showing employees the on-ground realities with the LGBT community in India.

Ally Support

An ally is any person who does not identify as LGBTQ, but is supportive of and helps drive LGBTQ equality. They may have many different reasons for being passionate about LGBTQ equality, for example, they may have family members and friends who identify as LGBTQ. Conversely they may have no direct contact with the LGBTQ community, but still feel a commitment to equality in general which drives their work as an ally (Stonewall, 2017). Shubha Chacko (Solidarity Foundation) believes that a buddy system would help a trans person navigate the corporate setting better, as it is often unlikely that they have been exposed to one before (teach them how to use a coffee machine, how to use a printer - tasks that even freshers would have trouble with). Often, corporate spaces are extremely gender segregated - for example, women and men may eat lunch separately. A buddy would help the new employee navigate this grey area.



Intel ally awareness campaigns. Picture from outandequal.org/app/uploads/2017/11/C-Moulee-Talking-LGBT-Diversity-in-India-.pdf

Neelam Jain from Periferry, a social inclusion start up working towards the employment of trans people, says that the organisation could form an ally group. This means identifying a team of 4-5 people who really care for the cause, and sensitising them in particular. From there onwards, they can look out for the trans employee should there be any doubts or problems with adjustment.

8. Robust advocacy of your trans policies both within and outside the company

Once you have done all this, we believe that an inclusive company can now function as an advocate for the community. Jiby Joyce (Community Business) says that one of the key components of making a workplace truly inclusive is communication – both internal and external. Involving the Marketing team in all inclusion efforts will expedite this process. **The company website must mention that they are equal opportunity employers and include all the benefits and initiatives they take to this end. Using pride colours on the website or on social media handles connotes visible allegiance to the community.**

Hewlett and Yoshino (2016) write that there are three approaches a company can have towards their LGBTQ employees. The “When in Rome” approach allows

individual employees to ‘opt out’ of certain postings without any negative consequences to their career – in case there is danger of anti-LGBTQ sentiments in a particular place where they are posted. Other than that, this model does not challenge the local laws or norms. The Embassy model allows for pro LGBTQ policies in the company itself, but the company does not advocate for the community publicly. In a sense, it creates a safe space for the community within that corporate regardless of what the local legal scenario is. Many companies functioned along the lines of this model before the ruling against Section 377 in 2018. What we are focussing on is the Advocate model – it attempts to create a more accepting environment for the community even outside the organization. While homosexuality is now decriminalized, society has a long way to go. **Companies can publicly present themselves as advocates for the community by providing financial support to community organisations and events, such as the yearly sponsorship of the KASHISH Mumbai International Queer Film Festival. It raises the profile of the company and supports LGBTQ culture in the city.**

Nirmala Menon (Interweave Consulting) also insists that companies must consider the career development of the trans individual. If possible, they could represent the company in external forums, as this will empower them and send out the right message for the organization as an advocate.

Advertising can also play a role in changing mindsets about LGBTQ families and non-normative gender identities.

Jiby Joyce says that there should be ongoing communication in the office building as well. For example, the Aravani Art Project, an artistic collective of people who identify as transgender, uses public art as a form of social intervention. Their art is often present in office buildings as

an effort to start a conversation about the trans experience in the workplace. This sort of internal messaging sends out a clear message to employees- that trans identities are as much a part of our culture as cisgendered ones are.



The women of Aravani Art Project at We the Women 2017
Picture from indiaculturelab.org

Moreover, once inclusive policies are implemented, it is extremely beneficial for a company to then brand this policy. A launch event for a certain set of policies, a publication (like an internal LGBT newsletter), or an employee resource group spreads awareness about these initiatives in the organization. Inviting clients to these events might also prove to be beneficial from a business point of view.

9. Being mindful of trans employees' particular circumstances

Housing

Urmi Jadhav, research associate at Humsafar Trust, had to vacate her rented apartment because the society and the landlord felt that a transgender person should not live in their society. Many of the trans people working for Kochi Metro too had difficulties with paying their rent or finding a place that provided housing to trans people (Mantri, 2017). Several trans individuals we spoke to brought up the issue of not being able to pay their rent because hormone therapy was so

expensive. The company could help the trans employee find secure housing.



Urmi Jadhav of TWEET Foundation and The Humsafar Trust
Picture from www.tweetindia.org

"I was not given any reason for the landlady asking me to vacate the apartment. But, some other society members verbally told me that the only reason behind it was that I am transgender. I have faced this many times in the past 15 years." (Mantri, 2017).

Commute

A company may go to great lengths to further inclusion, and yet it will only succeed in providing an enclave for the trans person, because there is no control over the discrimination that happens outside of it. Shubha Chacko (Solidarity Foundation) cites the buses in Bengaluru as an example. Women sit on one side and men on the other. In such a situation, a trans person might face judgement, discrimination or harassment. Shuttle services or a carpooling policy like Thoughtworks' could prove to be helpful for the employee.

Documents and qualifications

Urmi Jadhav, says that most companies have very high expectations from their trans candidates. They should relax their criteria and evaluate skills such as communication and presentation if they truly want to further inclusion in the company. Nirmala Menon too emphasises

the need to measure skills and not qualifications. The educational qualifications of the candidate are not always in order, so the organisation should make exceptions. Shubha Chacko explains that educational qualifications are hard to come by because they often have to drop out of schools and colleges due to violence or discrimination. Project Vayati, which is a collaborative project by Interweave Consulting and Solidarity Foundation, works towards helping transgender people find jobs in the formal sector. The areas of employment involve skills such as data entry, mailroom administration and security or facility management.

The company should collaborate with other organisations to assist with skilling efforts.

Urmi suggests placing the employee on a 2-3 month training period to make sure they learn the skills necessary for the job. Neelam says internships work well as a 1 month probationary period. The company just needs to provide the necessary environment for growth. This functions as a good testing period for the candidate as well as the company - the candidate sees if they like the environment or not and the manager isn't worried about how the company's image is affected if a trans individual leaves the organisation. It can be assessed to what extent the person brings skills to the job and to what extent they have to be trained on the job. Srini Ramaswamy, head of Diversity and Inclusion at Cisco, also speaks of the benefit of internships - the company can work on filling any gaps that the individual has brought up or any difficulties they have experienced. This shows the trans community that the company truly practices what they preach. The company could also help the trans person arrange for necessary documents such as a PAN card or Aadhar card. Aditya Batavia, an HR professional says that the company could write to the Income Tax department or provide legal

advice when it comes to procuring these documents.



Kusuma, a trans woman, is placed in IBM Bangalore by Solidarity Foundation. Picture from www.facebook.com/SolidarityFoundationBengaluru

Bank accounts

Zainab Patel suggests that if a company has a financial institutions they're tied up with, then they could help trans people open a bank account. The private sector is not strictly mandated to help with documentation, but they could help them reach out to institutions or give them sufficient time to procure those documents.

Without consistent monitoring, anonymous surveys, and frequent policy reviews (that could be carried out with the help of an LGBT ERG or Network), trans inclusive policies and culture will not be sustained. Partnering with organisations that support inclusion efforts will provide companies with the required expertise.

For the detailed process of legal documentation change, refer to where the TWEET Foundation offers a step by step walkthrough of the procedure in Appendix B.

Networking

A lot of networking is taking place between companies and LGBTQ organizations in order to share, find solutions and also to locate LGBTQ-friendly companies and services. These are just some of the forums in which these discussions are happening:

1. Community Business' D&I In India Best Practice Benchmark & Awards 2018

Community Business awards are annual awards that recognise excellence in D&I practices among companies in India. It honours the best companies and is a good resource for Business leaders, HR, D&I professionals, employee network leads and all those who are committed to promoting diversity and inclusion in corporate India. Read about their 2018 India awards here <https://www.communitybusiness.org/programmes-campaigns/di-india-best-practice-benchmark-awards-2018>

2. Out and Equal Conferences

(<http://outandequal.org/>)

Out & Equal Workplace Advocates is a nonprofit organization that works towards LGBTQ workplace equality by partnering with Fortune 1000 companies and government agencies to promote leadership development, research and training so as to eradicate discrimination from the workplace. They host the annual global Workplace Summit to share best practices and strategies involving workplace equality, and they also host forums in India with roundtables and panel discussions from leading voices in the field.

3. Pride Circles in cities across India

Pride Circles build a community of individuals who are passionate about LGBTQ inclusion in the workplace. Their 'Pride Circles' are monthly meetups that provide an informal space for change-makers to discuss their inclusion strategies, share coming out stories and collectively push the bar on inclusion.

These meetups have been held across 9 cities in India as well as Melbourne, Thailand, San Francisco, Seattle, New York and London. Through these meetups, over half a dozen organizations have started their Pride ERG chapters. They can be followed on <https://www.facebook.com/PrideCircles/>

4. The Delta App

(<http://thedeltaapp.com>)

The Delta Network works towards eradicating inequality. The Delta Equality Pledge, which aims to create an inclusive environment that:

- Is a safe space and free from any form of discrimination on grounds of gender, sexual orientation etc.
- Encourages the recruitment, retention and development of talented people from the LGBTQ community
- Provides access to support if/when an adverse incident takes place.

The pledge can be signed and submitted by any establishment or company here: <https://www.thedeltaapp.com/the-delta-network/> This creates a network that respects and empowers the LGBTQ community. Park Hyatt Chennai, Hyatt Mumbai, MissMalini, WeWork, UrbanClap, Lalit Hotels and Olive Group have already signed this pledge.

5. The Keshav Suri Foundation for LGBTQ Empowerment

(<http://keshavsuri.foundation>)

The Foundation seeks to provide a platform to the LGBTQ community, work towards employment and skilling of the LGBTQ workforce and also to sensitise workplaces about diversity and inclusion practices. At its first National Dialogue in October 2018 'Queering the Pitch - Agents of Change' the discussions involved stakeholders from NGOs, Corporate India, the legal fraternity as well as politicians talking about their role in making the country more inclusive.

6. The Mission for Indian Gay and Lesbian Empowerment (MINGLE) Summit

(<http://mingle.org.in>)

MINGLE is a non-profit think tank consisting of lawyers, academicians, professionals and students from diverse disciplines that partners with community based organisations, corporates, and educational institutions to bring about inclusivity.

The MINGLE Youth Leadership Summit is an opportunity for LGBT-identifying youth to find a platform, interact with one another and other LGBT role models from various fields in India. The Summit aims to inculcate leadership skills, team building and interpersonal skills among the selected participants.

7. Varta Trust Online Locator for Queer Friendly Services

(www.vartagensex.org/reachout.php)

The Varta Trust is based in Kolkata and

works on gender and sexuality advocacy and research. The online locator is launched in collaboration with Grindr for Equality and SAATHII. It aims to bridge the gap between legal, sexual health, and mental health services and the queer community in various sectors. This is particularly useful for trans people and their access to healthcare.



Launch of Varta Trust, online locator of queer friendly health and legal service providers in India.

Picture from twitter.com/vartatrust



Madhuri Sarode from India's first transgender dance troupe 'Dancing Queens' performing at Godrej India Culture Lab, 2017



Nayana Udipi (Thoughtworks), Amita Karadkhedkar and Anubhuti Banerjee (Tata Steel Ltd.) at the 2018 Out and Equal Summit in Bengaluru, each of them leading the way for trans inclusion in their companies.

A manifesto for trans inclusion in the Indian workplace

Part 4. Case studies and resources you can use



“I can finally bring my whole self to work, and I feel I belong, which is the most motivation one can ask for. I have been able to start a discussion at my workplace about LGBT issues.”

-ANUBHUTI BANERJEE
Manager Analytics and Insights
(Marketing and Sales), Tata Steel Ltd.

In this section we present some case studies of what we feel are milestones in India's trans inclusivity story, and we hope it inspires more organisations to make their workplaces inclusive. **In case you want to share your own organization's journey with us, please do so and we will include it in future iterations of this paper.**

When it comes to diversity and inclusion in India, we were happy to realize that all companies are extremely open to sharing resources and helping others on their journey to inclusivity. Many managers and Diversity and Inclusion professionals from across India have come together to share best practices on the Facebook group 'Community for Pride' - do join this group if you would like to be a part of this movement.

Case studies

1. Kochi Metro



Kochi Metro hired 23 trans employees and is now working on making KMRL more inclusive. Picture from www.livemint.com

Kochi Metro's move to hire 23 trans people from the self help group Kudumbashree in housekeeping and ticketing earned national as well as international attention. It is the first government owned company in India to formally appoint them. Many rounds of on-the-job training were conducted- the new recruits were introduced to the various facilities, trains and metro stations as part of their training (Economic Times, 2017). In

terms of publicity, it also functioned as a "significant symbol of the modernity of Kerala's outlook as a State, with the visible third sex presence in the public utility sending an important message to society at large", according to Kerala's Finance Minister Thomas Isaac (The Hindu, 2017). Kerala was also the first state to formulate a transgender policy to protect the community from discrimination in 2015 (Indian Express, 2015).

However, the publicity did the new employees more harm than good. Allegedly, newspapers published some of their photographs without their permission, and now their identity can no longer be a secret. It has complicated their relationships with their families. Moreover, they reported harassment on the job, as well as the inadequate salary and not being able to pay their rent. The lack of gender neutral washrooms is also a source of discomfort. As most transgender people avoid public transport to circumvent harassment, commuting becomes costlier because they have to depend on taxis and autos or use their own vehicles (CK, 2018). Within a week of the Metro's launch, eight of the trans hirees had quit (Babu, 2017; M.K., 2017).

"Though there are many vacant houses for rent, the owners refuse to hire it out to us. We're forced to stay in lodges coughing up over Rs 600 per day. The problem of finding a shelter turned out to be an unexpected issue," said Sheetal Shyam, a ticketing officer (Deccan Chronicle, 2017).

However, KMRL is working on feedback and trying to retrace their steps. "We have arranged for rooms in a hostel in Kakkanad, about 10km away from the metro station they work at. Twelve of them who need accommodation have agreed to move into these rooms by July 1. KMRL will also be providing them with a transport facility so that they can report to work easily," Reshmi, a KMRL

spokesperson told The News Minute (Daily O, 2017).

To make amends, Kerala's Social Justice Department has proposed a toilet for transgender people at the KSRTC depot in Ernakulam (CK, 2018). This goes to show that only when a company hires trans people can they learn from their mistakes and fix them, because inaction and policies that simply stay on paper will continue to leave the trans community in the lurch.

2. VLCC, Hyderabad



Activist M Rachana at gender sensitization workshop in SR Nagar VLCC branch. Picture from www.telanganatoday.com

In 2018, VLCC trained nearly two dozen trans people to be assistant beauty therapists. They will be trained for jobs in VLCC and other beauty and healthcare firms in Hyderabad (ET, 2018). Assistance would be provided for placement and they were given a stipend of Rs. 2000. Most importantly, no educational eligibility was required for this course. CBOs such as Telangana Hijra Intersex Transgender Samithi, Udbhav, Payana and The Humsafar Trust are collaborating with VLCC Institute for this skilling initiative (Dailyhunt.in, 2018).

A gender sensitisation workshop was held for VLCC staff at the SR Nagar branch in Hyderabad. Noted trans rights activists such as M Rachana, Chandramukhi and Vyjayanti Vasantha Mogli spoke about what it means to be non binary in India and trans identity (Dailyhunt.in, 2018).

3. Lalit Hotels

The Lalit Suri Hospitality Group stands out in the hospitality sector due to its commitment to the UN Business Standards of Conduct. All employees go through sensitization programmes on LGBT issues (as well as those related to persons with disability and acid attack victims). Kitty Su, the nightclub, also hosts fashion shows and drag shows featuring those from the transgender community (Kapoor, 2018).

The Lalit has drafted a policy document for hiring transgender employees. It includes basic processes such as all forms having the option of three genders, gender being a non mandatory detail to fill, gender neutral restrooms, and gender neutral communication. They have also hired transgender employees and placed them in positions of visibility in their establishments. The following organisational policies must be adhered to (excerpt from policy document):

- **Anti-discrimination policy:** Make sure gender identity, gender expression and similar terms are on the list of protected classes.
- **Dress code policy:** Do not apply dress codes to off-duty conduct. Consider adding a provision that workers may dress in accordance with their full-time gender expression.
- **Benefits policies and offerings:** Do not deny benefits on the basis of gender identity or expression. Employers should treat transgender workers' spouses, domestic partners, children and step-children in accordance with applicable laws, and they should offer the same benefits as those offered to family members of similarly situated non transgender workers. Organizations should reword policies where needed to ensure they are inclusive.
- **Diversity and inclusion initiatives:** Make certain that transgender workers

are included in the organization's affinity groups, local outreach efforts, internal programming and related training.

• **Recruitment and selection processes:** Review processes for possible disparate impact or treatment of transgender workers. Improve processes by educating recruitment teams, contacting outreach organizations and conducting anti-discrimination analysis as needed.

Maahi Suri is the PR executive for the nightclub Kitty Su and also one of The Lalit's out trans employees. She said that she was almost about to resign from her job because of the chronic depression she was facing as a result of her Gender Dysphoria. She says of Keshav - *"He offered me complete mental, emotional and financial support,"* says Maahi. *"He said, 'Wear girls' clothes to work if you want.' He even financed my move out of my house and into my own apartment."*

-Maahi Suri

Keshav Suri says that hiring trans employees, investing in their talent and welcoming them makes pays dividends in terms of job satisfaction and productivity. The Lalit has hired and worked with nearly 35 trans employees so far. The Lalit has also tied up with ICICI Lombard to offer a group mediclaim policy for same sex couples, children born through surrogacy and single parents.

"Every human being deserves to be treated equally, irrespective of their sexual orientation, caste or colour. Health is the most basic necessity for all humans, and as a leader I felt it was necessary to insure a healthy future for all our employees."

- Keshav Suri (Konjengbam, 2018)

At The Lalit, trans employees are not only accepted, they are celebrated. For Kitty Su Mumbai's third anniversary, Lady Bunny, New York's oldest drag queen was joined by Lalit's three transgender employees (Dalal, 2018).

Soon after Section 377 was read down, the Keshav Suri Foundation was launched on October 13, 2018 during the first National Dialogue: 'Queering the Pitch - Agents of Change'. The Foundation seeks to provide a platform to the LGBTQ community, work towards employment and skilling of the LGBTQ workforce and also to sensitise workplaces about diversity and inclusion practices. It is the official affiliate of 'It Gets Better India', the global platform for the LGBTQ community to connect and empower each other. The objective of the Foundation is to empower each individual with counselling, role models, and the skills to earn a livelihood.

At 'Queering the Pitch- Agents of Change', the discussions involved stakeholders from NGOs, Corporate India, the legal fraternity as well as politicians talking about their role in making the country more inclusive.



Keshav Suri with his mother Jyotsna at the launch of the Keshav Suri Foundation in October 2018.

4. Tata Steel

Anubhuti Banerjee, an Analytics and Insights Manager for Tata Steel and its first out employee is a visible role model for LGBTQ people in Indian corporate environments.

The Diversity initiative at Tata Steel at the time of her transition was supportive and encouraging of her process of coming out at the workplace. The employees were accepting and understanding as a result of sensitization sessions conducted by the Diversity team where they understood what was expected of them. Post transitioning, immediate colleagues of the employee should be given special resources and sensitisation. Anubhuti could also use the restroom that aligned with her gender identity, and she was granted a transfer to the Kolkata office from Jamshedpur, for better social and medical support.

“Since then I have completed my social, legal and medical requirements of transitioning – all ably supported by my organization. I can finally bring my whole self to work, and I feel I belong, which is the most motivation one can ask for. I have been able to start a discussion at my workplace about LGBT issues.”

- Anubhuti Banerjee, 2018

In May 2018, Tata Steel launched its LGBTQ Employee Resource Group, led by Anubhuti, under its Diversity and Inclusion programme Mosaic. Since it is the first company under the Tata umbrella to have an LGBTQ ERG, it is expected to create a domino effect on the other companies, because almost a 100 executives from associated companies were present at the launch. Tata Steel is now working on a transgender inclusion policy.

Within transition support – individuals that undergo gender affirmation surgery can avail of ‘special leave’ outside of their sick leave and privileged leave quota. There is also financial support offered to the individual through reimbursement by the company, for which there is a cap. Tata Steel has also created workplace integration modules that can be easily deployed whenever someone comes out as trans in the workplace or decides to transition in the workplace.

The sensitisation is usually conducted by the diversity and inclusion team, but is now conducted by HR. This training has expanded from the Employee Resource Group to all the business unit HR officers. There is special emphasis on how to handle the first step – this is because HR is often the first point of contact when an individual is coming out or wishes to transition.

Through the modules, the individual’s colleagues and support staff are sensitised to what is expected of them when an individual transitions in the workplace.

Gender neutral washrooms have also been instituted in Tata Steel. While re-location happens on a subjective, case by case basis, it is provided if a transitioning individual requires it.

At the Out and Equal Workplace Advocates webinar, Anubhuti lists the following policy and infrastructural changes that are taking place in Tata Steel:

- Same-sex partner benefits
- Gender neutral anti-harassment policies
- Coverage of medical expenses of transitioning (should it be required)
- Special leave for recovering from surgeries (up to 2 months)
- Single occupancy gender-neutral washrooms
- Moving towards gender-neutral

language

- Company housing for trans people facing issues with accommodation

Through the sensitisation sessions at Tata Steel, trans-specific harassment was clearly outlined as mis-gendering, dead-naming of trans individuals and other uncomfortable comments and questions.

Anubhuti says that it is wrong to assume that inclusion isn't necessary just because there aren't any 'out' trans employees in the organisation. According to Brooks and Edwards (2009), allies act as advocates that confront discrimination through social action, organisational maneuvering, and speaking out against prejudice. Anubhuti adds that the absence of a group in a workplace that isn't communicative takes a lot of energy and productivity out of the trans employee.

She also spoke of the necessity to geographically diversify the ERG, or centralise the ERG and have a meeting every month for employees across the Tata Group interested in LGBT issues or pushing for change in their field. She also considers the possibility of teaming up Kolkata Pride and other such initiatives. In terms of productivity and talent retention, Anubhuti says, *"I can finally bring my whole self to work, and I feel I belong, which is the most motivation one can ask for."* In one instance, a candidate chose Tata Steel over another company simply due to the fact that it had an LGBT ERG and the other company didn't.

There has also been recruitment of trans individuals through their skilling programmes. Individuals trained in these programmes are placed in other companies as well. In 2018, five people from the trans community had been trained and three of them are currently placed in Tata Steel itself. Anubhuti adds that Tata Steel is in the unique position of having an industrial colony in cities such as

Jamshedpur and Kalinganagar and mining locations. These cities look up to Tata Steel as the primary provider for jobs and job growth, seeing as it is the most trusted brand in India. Therefore, if Tata Steel can set an example by hiring trans people, it would go a long way in changing societal mindsets.

The ERG Wings enjoys support from the highest levels of management and engages with the employees through mailers, newsletters and events. The company's onboarding material also contains information about how the company is LGBT friendly.

The ERG is also written about and there is an email ID specifically for LGBT issues. Anything one would like to notify someone about will be handled confidentially.

"Many companies in India, mostly MNCs or those in the IT industry, are leading various initiatives to make their policies and workplace LGBTQ inclusive. However, Tata Steel is the first one from the steel/manufacturing industry to start an ERG for LGBTQ employees, and this will resonate throughout the country and inspire other companies in India to lead similar changes."

- gaylaxymag.com, 2018

5. Thoughtworks

Tina Vinod, Thoughtworks' Diversity and Inclusion lead, says that Thoughtworks has always been an ally to the LGBT community and a partner to organisations that catalyse change. Due to their partnership with the Bengaluru-based Solidarity Foundation (an NGO seeking to provide support to sex workers and sexual minorities), Thoughtworks found

Nayana Udupi, their first out trans employee.

Earlier, Nayana had signed up for evening computer classes and was involved in sex work so as to be able to pay for these classes (Udupi, 2017). Solidarity Foundation, on learning that she had some skills in programming, put her in a corporate training programme.

This is how she found her way to Thoughtworks. Tina says that when Nayana joined Thoughtworks, she was very interested in design. However, since she had learned it a very long time ago, her skills were a bit dated. The company then offered to fund her education in a design school, after which she re-joined Thoughtworks and did some in-house design, but her job was that of a marketing associate. In this way, Thoughtworks invested in trans talent.

Solidarity Foundation also conducted an office-wide sensitisation session for the other employees before bringing Nayana on board. Tina is of the opinion that sensitization is the most integral part of transgender inclusion, right from the work team of the trans employee to the security and housekeeping staff of the company. She says, *“If you do not build a work culture that truly cares about an equitable society from the leadership to the grassroot level, then bringing in a transgender employee will be a challenge.”* Nayana Udupi (2017) adds that *“[...] when uninformed external vendors realize that I am transgender and become disrespectful. For instance, a printer that we were working with wouldn’t respond to any of my communications - whether over mail, call or messages, but they promptly responded to anyone else from my team. My colleagues did not tolerate the vendor’s prejudice*

and decided to stop working with that particular printer.

The Managing Directors of the company also wrote an open letter against Section 377, expressing their support for the LGBTQ community (Thoughtworks, 2014). The company has always had a gender neutral restroom, and it also offers a five month internship programme for individuals from the LGBTQ community - Interning With Pride.

When they brought Nayana on board, there was a counsellor and a mentor to guide her through professional and emotional difficulties. Some of the things that Solidarity Foundation introduced into the work culture was not prying into reasons behind the individuals’ transition and respect for their choices (Community Business, 2018). Nayana has now taken up the mantle of sensitising her fellow colleagues and starting discussions about inclusion in the workplace.

“Within the organization itself, I have an informal newsletter-style exchange with all the India offices on the latest news and articles relating to the LGBT community [...] I also arrange screenings of films and documentaries [...] Some of the screenings leave my colleagues shocked and silent, while others start engaging, become more curious, discuss what they are able to comprehend and how it leaves them feeling. Many of my colleagues approach me individually to clarify their doubts and I find it surprising that a lot of what they know are assumptions or old wives tales.”

- Nayana Udupi (2017)

6. Third Eye Cafe



Third Eye Café in Navi Mumbai has employed 6 trans employees
Picture from curlytales.com

Third Eye café in Navi Mumbai has six transgender employees. Four are table attendants, one is in the kitchen and one works as the manager. Nimesh Shetty, owner of the restaurant says *“I am not trying to sell the café through the transgender staff. I want to do it based on food and ambience. This is just a platform for this community to get better jobs.”*

Trans rights activist Gauri Sawant said that while trans people would earn more from *badhai* or begging, this sends out a message to employers to start mainstreaming the trans community in their establishments (Hindustan Times, 2017). In the following pages we have compiled some resources you can use in order to find individuals and organizations that can help you on your journey towards trans inclusion.



Many organisations and individuals are working towards a more LGBT inclusive India.
Picture courtesy: Interweave Consulting

1. Online resources

Diversity Dialogues

YouTube: www.youtube.com/channel/UCvaMXVkyOLsn8Lagsi6wFjw

Facebook: www.facebook.com/DiversityDialoguesIndia/

Contact: dialogues.diversity@gmail.com

Diversity Dialogues is a collective that shares insights and knowledge relevant to multiple affinity groups working on inclusion across gender, disability, and the LGBTQ community. Their YouTube channel ‘Diversity Dialogues’ discusses everything from LGBT+ inclusive policies, health insurance for transition procedures, and how to be an ally in the workplace. They are @DiversityDialoguesIndia on Facebook, and they can be reached out to via email on diversity.dialogues@gmail.com.

Orinam.net

Contact: orinam.net/contact

Orinam.net is a website that provides information and resources related to alternate sexualities and gender identities. It arose from the LGBTQIA+ collective based in Chennai, Tamil Nadu. The site has resources for everyone – from friends and family of an LGBTQ individual to schools, corporate workplaces, college campuses. It also provides information for professionals from fields such as media, law and healthcare. It also has an archive of material on India’s journey with Section 377 and a blog that documents queer voices and through poetry, fiction, opinion and reviews.

Orinam.net and Diversity Dialogues are curating a crowd-sourced directory of employers in India who are known to be transgender, intersex, non-binary or genderqueer (henceforth transgender+) friendly and inclusive. This list of employers will be published on Orinam.net accompanied with a resource guide for employers on building a transgender+ inclusion framework. The name/identity of the submitters will be kept confidential

and not published (Orinam and Diversity Dialogues, 2018).

Survey:

<http://orinam.net/trans-employer-survey>
Results of the survey: <http://orinam.net/resources-for/workplace/list-of-transgender-plus-inclusive-employers-india/>

TransVision

Channel: www.youtube.com/channel/UCYjwx0gcDp-C-uPZITPrbJg

Transvision is a YouTube channel conceived by transgender activist Rachana Mudraboyina. It creates content written as well as directed by trans people, and it is meant to serve as a resource that answers to common stereotypes and misconceptions about the trans community. Its Telugu web series called "Aa Ee...Anjali" is dedicated to discussing all aspects of being a trans individual in India. It is being crowdfunded, but production is currently stalled due to insufficient funds. Being a valuable and well produced resource in understanding the trans experience, you can contribute at <https://www.wishberry.in/campaign/transvision/> if you wish to.

2. Community-based organisations, non-governmental organisations and advocacy

Alliance India

Website: www.allianceindia.org
Contact: +91 11 4536 7700
info@allianceindia.org

Alliance India is a non-governmental organisation that works with civil society, the government and local communities to protect vulnerable populations from the threat of HIV. They provide capacity building, technical support and help build community-based HIV programmes to this end. Their programme Prayas worked towards accessibility and availability of Pre Exposure Prophylaxis for

transgender and hijra populations.

Project Transcend, Humsafar Trust

Website: humsafar.org
Contact: +91 22 2667 3800 /
+91 22 2665 0547
info@humsafar.org

Project Transcend is an initiative by the Humsafar Trust supported by Sapien India. It is working towards the socio-economic inclusion of trans people in India in the following ways:

- Research and intervention into the community's needs
- Skilling and capacity building for trans people
- Sensitization (corporates and educational institutions)
- Making the channels for attaining process documentation easier for trans people (PAN, Aadhar, bank accounts)

You can watch their video

#PeopleNotLabels here:

<https://www.youtube.com/watch?v=PUIFQMLC4TI&t=40s>.

It documents how Project TRANScend is working towards empowering the community.

Solidarity and Action Against the HIV Infection in India (SAATHII)

Website: www.saathii.org
Contact: +91 44 2440 3947/3663
info@saathii.org

SAATHII works towards advocacy, capacity building and research for the prevention of HIV. They are also working towards expanding the access to health-care, social, economic and legal services. Among other projects, they have studied mental health and sexual minorities, access to education and livelihood in transgender communities and the transmission of STIs among trans women.

Solidarity Foundation

Website: www.solidarityfoundation.in
Contact: +91 80 4099 0154
solidarityfoundation2013@gmail.com

Solidarity Foundation seeks to provide

support to sex workers and sexual minorities in the country through fellowships, grants, corporate involvement, livelihood support, skilling and empowerment. Project Vayati attempts to bring trans people into mainstream employment channels by skill building and training. Based on the trans individual's skills and interests, the Project attempts to find gainful employment for them. Their brochure lists data entry, mail room administration, security or facility management as possible areas of employment (<http://www.solidarityfoundation.in/post/project-vayati>). They also ensure that corporates are cultivating the right environment for trans inclusivity in their organization.

Queerala

Website: queerala.org

Contact: queerala2014@gmail.com

Queerala is a community based organisation empowerment for Malayali LGBTIQ people. It aims to support and empower queer individuals, spread awareness about LGBTIQ people and their mental and physical health issues and provide a platform for LGBTIQ events, art and other initiatives. It plays a big role in connecting members of the community to one another. It also acts as a valuable resource when it comes to understanding the societal issues of LGBTIQ people and their inalienable rights through their dissemination of news and their commentary via their blog. They also seek to support and empower queer individuals in humanities streams.

3. Diversity and inclusion consultancies and trans employment efforts

Beyond Diversity Foundation

Website: www.beyonddiversity.com

Contact: info@bdfoundation.in

Beyond Diversity Foundation collaborates

with institutions to create strategies towards inclusion, training leadership, sensitisation in the workplace, assessment of the organisation's unconscious bias and more. They are currently conducting research on LGBT inclusion, focusing on the ally's perspective; how organisations can implement LGBT inclusive policies. This research collates and highlights best practices in the sphere and how organisational leadership can involve themselves in inclusion. It also presents a business case for LGBT inclusion.

Beyond Diversity also involves researchers, policymakers, academicians and other key stakeholders to provide insights and thought leadership into inclusion practices in the workplace.

Community Business

Website: www.communitybusiness.org

Contact: [+91 99724 57182](tel:+919972457182)

Community Business is a not-for-profit organization that works towards making companies more inclusive by tackling workplace inequality and promoting social inclusion. It is based in Hong Kong with a presence in India, and their focus areas are gender, LGBTQ inclusion, mental health and disability. They have also published various research papers on LGBTQ inclusion in India, many of which have been instrumental in writing this paper. The following publications have proved to be valuable resources in understanding best practices and LGBTQ inclusion in the workplace:

- Promoting Transgender Inclusion in India - What Role Can Companies Play? (2018)
- Creating Inclusive Workplaces for LGBT Employees in India (2012)
- Supreme Court's Ruling of S377 - An Obstacle to LGBT Inclusion in India or an Opportunity? (2015)

They also hold webinars and conferences that serve as important resources in

understanding trans people and corporate India, two of which are:

- Transgender Perspectives in India (with Vihaan Peethambar, Vinita Kumar and Deeptha Rao)
- Shattering Transgender Taboos- The Power of Marketing (with Shree Gauri Sawant and Maithreyi Jagannathan)

Community Business offers a network of HR and D&I professionals, business leaders, ERG representatives, consultants and global thought leaders that want to bring about change in their organisation. They are involved in training and consulting and offer region specific training modules so as to offer the most accurate insights on inclusivity.

Interweave Consulting

Website: www.interweave.in

Contact: +91 80 4148 2787 /

+91 80 2593 2516

interweavesolutions@interweave.in

Interweave Consulting specializes in diversity and inclusion consulting such as inclusion surveys, sensitization of leadership, bias-free hiring and more. Women leadership development and safe workplaces are also a part of the programmes they offer. They hold the OUT-Reach Forum of over 35 organisations that address issues of the LGBTQ community when it comes to gender neutral partner benefits, health insurance and more. Project Vayati is a product of this forum, where Interweave Consulting has partnered with Solidarity Foundation.

Kinner Jobs

Website: <http://www.kinnerjobs.com/>

Contact: kinner.help@gmail.com

Kinner Jobs is a website that has been created to help trans persons find jobs in corporates. LGBTQ inclusive companies can post job openings on the website and trans people can fill in their details so that they can be directed to relevant job opportunities.

Periferry

Website: www.periferry.com

Contact: +91 97899 23448

connect@periferry.com

Periferry is a social inclusion startup working towards the socio-economic inclusion of trans people. They focus on training and skilling trans people, identifying relevant job roles for them and taking them through the placement process. Periferry also sensitizes workplaces so as to make them more inclusive. Their workshops are centered around understanding gender identity and the specific struggles to be trans in India. Theatrical acts and social experiments are some of the ways in which they seek to break the monotony when it comes to corporate training sessions. When it comes to the hiring process - personality development, communication, body language and interviewing skills form the base of their training programmes for trans people.

TWEET Foundation

Website: tweetindia.org

abheena.aher@gmail.com

Helpline (10AM - 5PM): +91 99539 11270

Transgender Welfare Equity and Empowerment Trust (TWEET) Foundation is led by seven trans activists and is an effort to skill and empower the trans community. Their main initiatives include:

- Advocacy (helping educational institutions and corporates become more inclusive)
- Capacity Building (legal literacy, career guidance and resume making)
- Health and Legal Services (change of documentation, securing GID certificate from trans-friendly doctors, support during doctor consultations and surgeries, counseling to individual and family)
- Sports and Cultural Activities

If your company has inclusive policies, you can reach out to them at careers.tweet@gmail.com and they will help you find a trans person suitable for the job.

4. Legal Support

Alternative Law Forum

Website: altlawforum.org

Contact: +91 80 22865757

contact@altlawforum.org

ALF believes in an interdisciplinary practice of law that specifically targets social and economic injustices with critical research, advocacy and pedagogic interventions.

Samāna

Website: www.samanacentre.com

Contact: aparnamittal@samanacentre.com

Samāna Centre for Gender, Policy and Law is a consultancy that provides services and advocacy on gender, the LGBTQ and related aspects to corporates in India. Their services cover philanthropy and CSR, HR policies, diversity and inclusion, training and workshops and more.

5. Mental Health

Innersight

Website: www.innersight.in

Contact: +91 96114 05684

counsellors@innersight.in

Innersight is a collective of counsellors that offers training programmes based on counselling principles. Their training programmes are also specifically catered to diversity and inclusion and the many ways in which being different can affect mental and emotional health. They offer workshops, talks, seminars and other formats of interaction on both specific and general diversity topics, with a special focus and expertise on LGBT inclusion.

iCALL

Website: icallhelpline.org

Contact: +91 22 2552 1111

icall@tiss.edu

iCALL is a psychosocial helpline initiated by the School of Human Ecology at the Tata Institute of Social Sciences, Mumbai, that provides emotional support and

psychological interventions to those in psychosocial distress.

At iCALL an effort is made to provide a safe and accepting space to individuals of all gender and sexual identities as follows:

- The counselling environment at iCALL is LGBTQIA friendly. Callers are not judged on the basis of their sexual and/or gender identities, and are made to feel comfortable to discuss their concerns with us.
- Confidentiality and anonymity: The concerns shared by the clients remain between the helpline and them. Barring crisis situations such as harm to self and harm to others, confidentiality is never breached
- Appropriate language: Clients are asked the pronouns/ name by which they would like to be addressed. Further, gender is a self-identified field in the helpline's MIS i.e. the gender entered is that which is identified by the client. This gives a message to the callers that we appreciate and respect the way they feel and can feel free to express their identity. Gender neutral words like 'partner' instead of 'husband' or 'wife' are used while probing.
- Denouncement of Conversion Therapy: iCALL considers all sexual and gender identities as outcomes of normal development that require no kind of correction. iCALL, at no point practices any form of conversion therapy and routinely warns its clients of the ill-effects and unethical nature of conversion therapy. The helpline, instead, works towards promoting a sense of acceptance and inclusiveness.. In addition to this, a database of LGBTQIA friendly organizations, and sensitive medical professionals is continuously being prepared.

This is not an exhaustive list. If you would like to add your organisation to future iterations of this report, please email us at indiaculturelab@godrejinds.com.

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Appendices

Appendix A

Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People: World Professional Association for Transgender Health (2011)

- The Standards of Care mandate that hormone therapy be initiated after a psychosocial assessment and informed consent has been obtained by a qualified health professional. A referral is required from the mental health professional who performed the assessment, unless the assessment was done by a hormone provider who is also qualified in this area. This is because the changes brought about by hormone therapy are often physically irreversible.
- A necessary criterion for all breast/chest and genital surgeries is documentation of persistent Gender Dysphoria by a qualified mental health professional.
- Breast/chest surgeries would require one referral, while genital surgeries would require two referrals.
- For some types of genital surgeries, it is required that the trans person have a preoperative, 12-month experience of living in an 'identity-congruent' gender role.

Criteria for mastectomy and creation of a male chest in FtM patients:

1. Persistent, well-documented Gender Dysphoria;
2. Capacity to make a fully informed decision and to consent for treatment;
3. Age of majority in a given country (if younger, follow the SOC for children and adolescents);
4. If significant medical or mental health concerns are present, they must be reasonably well-controlled. Hormone therapy is not a pre-requisite.

Criteria for breast augmentation (implants/lipofilling) in MtF patients:

1. Persistent, well-documented Gender Dysphoria;
2. Capacity to make a fully informed decision and to consent for treatment;
3. Age of majority in a given country (if younger, follow the SOC for children and adolescents);
4. If significant medical or mental health concerns are present, they must be reasonably well controlled.

Although not an explicit criterion, it is recommended that MtF patients undergo feminizing hormone therapy (minimum 12 months) prior to breast augmentation surgery. The purpose is to maximize breast growth in order to obtain better surgical (aesthetic) results.

Criteria for genital surgery

The criteria for genital surgery are specific to the type of surgery being requested. Criteria for hysterectomy and ovariectomy in FtM patients and for orchiectomy in MtF patients:

1. Persistent, well-documented Gender Dysphoria;
2. Capacity to make a fully informed decision and to consent for treatment;
3. Age of majority in a given country;
4. If significant medical or mental health concerns are present, they must be well controlled.
5. 12 continuous months of hormone therapy as appropriate to the patient's gender goals (unless the patient has a medical contraindication or is otherwise unable or unwilling to take hormones). The aim of hormone therapy prior to gonadectomy is primarily to introduce a period of reversible estrogen or testosterone suppression, before the patient undergoes irreversible surgical

intervention.

These criteria do not apply to patients who are having these procedures for medical indications other than Gender Dysphoria.

Criteria for metoidioplasty or phalloplasty in FtM patients and for vaginoplasty in MtF patients:

1. Persistent, well-documented Gender Dysphoria;
2. Capacity to make a fully informed decision and to consent for treatment;
3. Age of majority in a given country;
4. If significant medical or mental health concerns are present, they must be well controlled;
5. 12 continuous months of hormone therapy as appropriate to the patient's gender goals (unless the patient has a medical contraindication or is otherwise unable or unwilling to take hormones).
6. 12 continuous months of living in a gender role that is congruent with their gender identity;

For more details on the medical procedures and prerequisites, use the Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People: World Professional Association for Transgender Health (2011) here: <https://www.wpath.org/publications/soc>

Appendix B

From the TWEET Foundation website <https://tweetindia.org/name-change/>

STEP 1 (Affidavit)

- Make a name and gender change affidavit. Approach Alternative Law Forum in your city or any LGBT friendly advocate or groups for the format. Tweet Foundation can be approached for to get the contacts of such lawyers.

Generally mentioned details are:

- Old Name

- New Name
- Father's name
- Address
- Reason for Change

Refer to Annexure 1 for sample affidavit format

- Get the affidavit notarized by a notary public with a recent photo on it. Please do not forget to attach your photo in affidavit because that is required to update ID changes

STEP 2 (Medical Documents)

The below medical documents are required:

- Ask your psychiatrist for GID (Gender Identity Disorder)/GD (Gender Dysphoria) letter.
- Ask your endocrinologist for HRT (Hormone Replacement Therapy) initiation letter (if applicable)
- If there are any surgery documents that adds value to the whole scenario.

STEP 3 (Newspaper Advertisement)

Publish name change advertisement in two newspapers (1 national and one regional)

- In Bangalore, The New Indian Express (national) and Samyukta Karnataka (local) together costs approximately INR 1050. They accept affidavit, GID and HRT initiation letter as proof.
- In Hindu (<http://thehinduads.com/>) online ad can be booked. They cost approximately INR 1500 and do not ask for proofs. If required, affidavit, GID and HRT initiation letter can be furnished as proofs.
- In Delhi, Sikh Times publishes name change details and costs approximately INR 1500. They accept affidavit and GID as proof.

There are two formats that can be used to publish an advertisement in the newspaper:

- Change of Name format (Refer to Annexure 2)
- Public Notice Format (Go for this only if you want your name change to be

published in Central Gazette, this option is costly) (Refer to Annexure 3)

NOTE: Please retain at least 5 copies of newspaper since this might be required in applying for different IDs

STEP 4 (Apply for Aadhar Card)

Now online updation of Aadhar details has been suspended. Please visit your nearest Aadhar Enrolment Centre for updating name and gender change details. It is better to visit a Government enrolment centre instead of a third party vendor. Please be honest in explaining the officer in charge that you are a transgender person and willing to change details.

- Name change can be done by submitting a copy of the affidavit, newspaper advertisement and the filled up correction form available at the enrolment centre.
- Gender can be self-identified. They do not ask for medical proofs. But it is better to keep the medical documents handy.

NOTE: In case affidavit does not suffice, copy of gazette publication of name change or Certificate of Identity that has photo issued by Gazetted Officer can also be provided.

STEP 5 (Central Gazette Publication)

Please go ahead with this only if you feel this is a necessary step. Gazette Publication might be required in changing Educational Documents and Bank Account Details.

NOTE: Please go for Central Gazette Publication instead of State Gazette (if possible) since it has higher legal value.

Please contact TWEET (Transgender Welfare Equity & Empowerment Trust) foundation in Delhi. TWEET helps in acquiring the Gazette Publication, but you have to travel to Delhi to get this done.

Documents required are:

- Newspaper Advertisement in format shared in Annexure 3

- Present Address Proof (Rental Agreement is fine in case you are staying on Rent)
- GID/GD Letter from Psychiatrist

Refer to Annexure 4 for sample gazette publication

STEP 6 (Apply for PAN Card)

You can apply for PAN online or at any PAN correction centres available. Name and gender change can be done by submitting the below documents.

- PAN Card Correction Form filled
- Affidavit
- Newspaper Advertisement/ Gazette publication copy/ Certificate of Identity that has photo issued by Gazetted Officer
- Recent photograph (size as mentioned in form)
- Address Proof

STEP 7 (Bank Account Details Update)

Visit your bank home branch to get the bank account details changed.

Documents required are as follows:

- Affidavit
- Copies of newspaper publication
- Gazette Publication for name and gender change
- Any two ID cards with new name (PAN Card /AADHAR Card/ Voter Id)

NOTE: The procedure for updating account details varies from bank to bank, thus it will be good to speak with the concerned bank representative and get the details changed by submitting supporting documents.



Mumbai Pride march 2018. Picture courtesy: Qgraphy

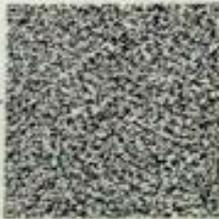
Annexures



सत्यमेव जयते

INDIA NON JUDICIAL
Government of Karnataka
e-Stamp

Certificate No. : IN-KA27086788496481P
Certificate Issued Date : 04-Nov-2017 11:24 AM
Account Reference : NONACC (FI)/ kabacsi08/ M G ROAD1/ KA-BA
Unique Doc. Reference : SUBIN-KAKABACSL0804352824707077P
Purchased by : ISHITA NANDI
Description of Document : Article 4 Affidavit
Description : AFFIDAVIT
Consideration Price (Rs.) : 0
(Zero)
First Party : [REDACTED]
Second Party : NA
Stamp Duty Paid By : [REDACTED]
Stamp Duty Amount(Rs.) : 20
(Twenty only)



.....Please write or type below this line.....

AFFIDAVIT

I, [REDACTED], daughter of [REDACTED], aged about 27 years,
currently residing at [REDACTED]

[REDACTED], do hereby state on solemn affirmation as follows:

1. I declare that I am a resident of Bangalore city residing at the above-mentioned address. I declare that I was born on 20/04/1990, and am aged about 27 years.

NO. OF CORRECTIONS Nil

Page 1 of 2

Your signature in new name

Slavery Alert:

2. I have been known as [REDACTED]. I am now changing my name to [REDACTED]. I renounce and abandon the use of my old name [REDACTED] and in place thereof I do hereby assume from this date the name [REDACTED] and so that I may hereafter be called, known and distinguished not by my former name but my assumed name of [REDACTED].
3. That for the purpose of evidencing such, I shall at all times hereafter in all records, deeds and writings and in all proceedings, dealings and transactions use and sign the name [REDACTED] as my name.
4. That I expressly authorise and request all persons in general to address me by such assumed name [REDACTED].
5. I state that I was assigned female gender at birth and subsequently I identify as a man and in furtherance of the same I have undergone due medical procedures under the care and guidance of doctors and am undergoing hormone treatment. I belong to the gender minority community. Hence, I wish to change my name and gender to reflect my chosen identity.
6. I am instructed by my advocate that in light of the Supreme Court's decision in *NALSA v. Union of India* (WRIT PETITION (CIVIL) NO. 400 OF 2012). I am authorised to make this affidavit.
7. I state that in all my records my name is referred to as [REDACTED]. I hereby declare that henceforth I shall be referred to as [REDACTED]. This affidavit shall serve to help me effect the necessary changes in such records.

All the statements made in paragraphs 01 to 07 of this affidavit are true and correct to the best of my knowledge, information and belief and I believe the same to be true and correct.

Your signature in new name

DEPONENT

IDENTIFIED BY ME

Rajtha Rao V N

ADVOCATE

KAR No. 1404/2015

PLACE: Bangalore

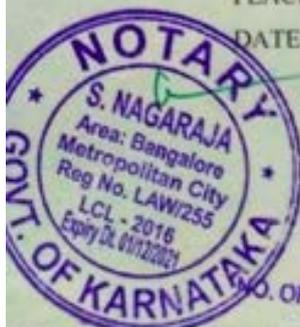
DATE: 10/11/2017

Paste recent photograph here

SWORN TO BEFORE ME

S. NAGARAJA
ADVOCATE AT LAW PUBLIC
(GOVT. OF KARNATAKA)

28/2, 10th No. 20, 11th Main
50 Feet Road, Rajahmundry Block
Old Sripada, New Girinagara
BANGALORE - 560 050
Near Grill Shop / Ayyappa Temple



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Reg. No. 363 - Dated 10/11/17

CHANGE OF NAME
I, (OLD NAME) [REDACTED]
Daughter of [REDACTED]
Residing at [REDACTED]
[REDACTED] Bangalore-
560036, have changed my name
and Gender to (NEW NAME)
[REDACTED], Male vide
affidavit Dated 10th November
2017 sworn before Notary S.
Nagaraja, Bangalore.

Annexure 2

PUBLIC NOTICE

IT IS for general information that I was previously known as [REDACTED] [REDACTED], D/o [REDACTED] R/o [REDACTED], Bangalore - 560036 and after undergoing Gender Transition Therapy under the supervision of registered medical practitioner in Bangalore, have changed my gender as male. I henceforth be known as [REDACTED], S/o [REDACTED], R/o [REDACTED], Bangalore- 560036. [REDACTED] and [REDACTED] S/o [REDACTED] is one and the same person. It is certified that I have complied with other legal requirements in the connection. The above statement made by me is true and correct to the best of my knowledge and belief. If any legal issue arises in this regard at any stage, I will be personally responsible for the same and the department of publication will not be liable as for any consequences arising therefore.

Annexure 3

PUBLIC NOTICE

1. I, **OLD NAME** daughter of Mr. **FATHER'S NAME**
PRESENT ADDRESS, residing at
Bangalore, Karnataka-560036, hereby undertake that I, **OLD NAME**
want to change my name to **NEW NAME** and
gender as MALE.

2. I, **OLD NAME** henceforth be known as **NEW NAME**
S/o Mr. **FATHER'S NAME**

3. The above statement made by me is true & correct to the best of my knowledge and belief. If any legal issue arises in this regard at any stage, I will be personally responsible for the same and, the Department of Publication will not be liable for any consequences arising therefrom.

OLD NAME

[Signature]

Thank you.



    @indiaculturelab



www.indiaculturelab.org/lgbtq