

Transmutation of Workplace Gender Diversity and Inclusion in Multinational Companies in India: Fostering Inclusion of Gender Nonconforming Employees

Shoma Bakre, Dr. Jireh H.I. Seow, Dr. Shital Vakhariya

S P Jain School of Global Management | Dubai · Mumbai · Singapore · Sydney

shoma.dm22dba014@spjain.org

Abstract. This study aims to evaluate the current state of gender diversity and inclusion (D&I) in multinational companies (MNCs) operating in India. The organisational workplace environment has been rapidly changing as the diversity in the workforce is increasing. It has been impacting the way organisations need to operate with respect to their D&I policies and practices. D&I has become an increasingly important topic in organisations globally, and one of the most significant dimensions of D&I is gender. Historically, emphasis has been laid on trying to create parity and equity in all aspects of employment between the male and female employees. However, despite all the efforts, policies and practices in this area, studies show that parity is yet to be achieved not only in the Indian context but globally as well. Added to this, diversity and inclusion of gender nonconforming (GNC) employees has recently emerged as a crucial component of organisational D&I policies. There is a growing recognition of the need to have workplace inclusivity for GNC employees. The traditional binary gender identity definition and the associated policies and practices pertaining to gender D&I fall short of providing an inclusive, gender-neutral workspace for all. In this transmuting milieu, it is becoming very critical for organisations to have a sound, comprehensive gender D&I strategy to be able to better manage diverse workforces for enhanced organisational outcomes. Incidentally, many organisations are yet to seriously invest in, adopt or implement D&I as a strategic tool, let alone focus on this very important expanded definition of gender diversity. The methodology used for conducting this study is rapid review of extant literature. Through the literature review, the study examines the evolution of the definition of gender identity, which now no longer can be restricted to the traditional, binary male or female construct and instead is gradually coming to be acknowledged as a spectrum. The study explores the ramifications and impact of this change in gender perspective on gender D&I policies and practices in MNCs in India. It examines the topic of inclusion of GNC employees in the workplace along with the resulting employee engagement and impact on some key measures that contribute to organisational performance including talent acquisition, employee retention, innovation, productivity, and branding. It also explores the challenges faced by GNC employees, including discrimination and lack of legal frameworks. The study also identifies strategies used by organisations to promote inclusive workplace environments for GNC employees. The findings of this review will contribute to existing literature and provide practical recommendations for MNCs in India seeking to enhance their gender D&I framework. These findings could inform policies and practices to create more inclusive and supportive environments for GNC employees. These could also guide organisations to dislodge barriers to adoption of a more comprehensive gender D&I strategy and incorporate it as an integral component of their overall organisational strategy to gain competitive advantage.

Keywords: Gender diversity, gender nonconforming, gender nonconformity, GNC, diversity and inclusion, D&I.

I Background of Workplace Gender Diversity and Inclusion

In today's changing societal and business environments across the globe, organisations can no longer ignore the impact of embracing diversity and inclusion (D&I) in the workplace. To remain viable, organisations must seriously consider D&I as a strategic tool for gaining competitive advantage [23]. Workforce diversity essentially denotes the differences between employees working in an organisation. Inclusion denotes those policies and practices that bring equity within a diverse workforce. Diversity includes qualities that are both inherent and acquired. Sex, gender, age, race and ethnicity are some facets of diversity that are inherent, whereas language, religion, education, work experience, socio-economic status and such other attributes are secondary or acquired. There are many other important elements of diversity such as sexual orientation, disability, country of origin and nationality, to name a few, which are all important in the context of the workforce composition. People from different demographic backgrounds who work in an organisation make up a diverse workforce. D&I includes the policies and practices that an organisation defines for itself to facilitate the smooth functioning of a heterogeneous workforce. Globalisation and liberalisation resulted in the concept of diversity and inclusion of the workforce gaining increasing popularity as companies expanded, transcended geographic boundaries, and grew their business internationally to reach consumer markets worldwide. Hence grew the need for organisations to have a diverse workforce to keep up with the changing world and changing marketplace, so as to remain relevant and thrive [26]. Added to this is the ever-evolving societal norms that is adding many more shades to and challenging previously accepted norms and notions of D&I.

Both diversity and inclusion are interconnected concepts and one cannot be complete without the other [27, 47]. D&I policies and practices are a key to growth-oriented success of organisations across all industries. They are imperative to promoting an environment of innovation, increasing profitability, fostering a sustainable sense of employee belonging, fairness and equity. They are very important for continuously identifying, addressing and eliminating systemic barriers lodged within organisational activities, policies and practices that are unintentionally exclusionary and discriminating and thus detrimental to the organisation [56]. Organisations must be fully committed to not only creating policies and practices for diversity but also need to have equal emphasis on policies and practices for inclusion, without which the benefits of diversity cannot be reaped [57]. An organisation's D&I activities involve the creation of equitable policies, the integration of various systems, legal compliance and more. All this while being mindful of, understanding and respecting the divergent needs and viewpoints of employees from differing backgrounds and acknowledging their full potential despite their individual differences. However, even if many organisations have established D&I policies as part of their protocol, inclusionary practices are simply inadequate and not enough is done to remove implicit biases since the tangible business benefits of significant investments may not be overtly apparent. Whereas diverse organisations experience beneficial business outcomes, there are also significant costs and consequences associated with inadequate diversity in organisations [49].

D&I is emerging as an increasingly important topic in organisations globally, and one of the most significant dimensions of D&I is gender. Historically, emphasis has been laid on trying to create parity and equity in all aspects of employment between the male and female employees [31]. However, despite all the efforts, policies and practices in this area, studies show that parity is yet to be achieved not only in the Indian context but globally as well. Added to this, diversity and inclusion of gender nonconforming (GNC) employees has recently emerged as a crucial component of organisational D&I policies. There is a growing recognition of the need to have workplace inclusivity for GNC employees [3] (Nambiar & Shahani, 2018). The traditional binary gender identity definition and the associated policies and practices pertaining to gender D&I fall short of providing an inclusive, gender-neutral workspace for all. In this transmuting milieu, it is becoming very critical for organisations to have a sound, comprehensive gender D&I strategy to be able to better manage diverse workforces for enhanced organisational outcomes. The exact impact of inclusion of GNC employees on employee engagement and organisational performance still remains under study. Incidentally, many organisations are yet to

seriously invest in, adopt or implement D&I as a strategic tool, let alone focus on this very important expanded definition of gender diversity [58]. For the purposes of this study, the definition adopted for “gender nonconforming” employees is as follows: those individuals who deviate from the societal expectations of gender expression, presentation, behaviours and roles that are based on the established norms of the traditional, male-female binary gender construct [70].

II Scope and Purpose of the Study

The scope of this study is to examine gender D&I in workplaces in MNCs in India with respect to GNC employees, within the context of the broad area of Human Resource Management globally.

The purpose of this study is to:

- a) Ascertain the pivots for the success of D&I strategies in organisations and their impact on talent acquisition, employee retention, innovation, productivity, and branding.
- b) Examine the evolution and acceptance of the concept of gender nonconformity in the workplace in MNC's in India.
- c) Understand the ramifications and impact of this change in gender perspective on gender D&I policies and practices in MNCs in India.
- d) Explore the challenges faced by GNC employees and employers at the workplace in MNCs in India.
- e) Identify best practices and strategies to promote inclusive workplace environments for GNC employees in MNCs in India.

III Research Methodology

This review is based on secondary data obtained from credible published sources. An exploration of extant literature has been done to assess the D&I landscape globally by mining relevant scholarly articles and grey literature. Emphasis has been laid on the quality, relevance and currency of academic journals, scholarly articles and grey literature. Dated but seminal literature that have stood the test of time are also considered as a historical perspective is needed for understanding the evolution of gender D&I in organisations in India. Industry reports by reputed organisations such as Gartner, BCG, McKinsey and others; and annual reports and reports published by select organisations doing pioneering work in gender D&I have also been considered. Data has also been sourced from news publications and business websites. For the purpose of this study, global sources and data have been considered as D&I in MNCs in India cannot be studied in isolation from their global counterparts. The current state and trends in India have been examined within a broader global context.

IV Pivots for Impact of Diversity and Inclusion on Organisational Performance

It is important to note that gender diversity should not be seen as just a box to check or a numbers game as there is enough empirical evidence to establish the influence of D&I on organisational performance. Organizations should strive for diversity at all levels, from entry-level positions to leadership roles, and work to eliminate bias and barriers that may hinder the full participation of individuals of all genders [45]. Genuine commitment to inclusion and creating an environment where individuals of all genders can thrive is crucial to ensure success of D&I strategies [54]. Discussed below is the case for how sound D&I strategy, conducive organisational culture, leadership commitment and inclusive recruitment, hiring and talent management can enhance multiple facets of organisational performance.

4.1 Sound Organisational D&I Strategy

Research shows that organisations that are committed to D&I outperform those that do not support diversity, on many different parameters. Hence employers must strive to embed sound D&I interventions in their organisational policies and practices [42]. Organisations that focus on D&I create

23rd-24th October 2023

an environment where all employees feel accepted, respected, appreciated and empowered thus enhancing employees' sense of belonging, well-being, and fulfilment. This leads to higher employee commitment, loyalty, better performance and innovation and thus contributes to better organisational results [61]. D&I helps foster a sense of engagement with the organisation for employees that consequently leads to higher job satisfaction and productivity [51]. Employees commit to remaining in the organisation and hence organisations with diverse workforce generally have lower attrition. Inclusive leadership also positively influences employee perception, engagement and performance [1]. Furthermore, positive correlation between gender diversity in top management team and productivity has also been evidenced through research [45].

Furthermore, organisations promoting diversity improve their reputation and are perceived positively by all stakeholders. For the younger generation of job seekers, diversity is a very important criterion for deciding whether to accept an employment offer. According to a report by Deloitte, 67% of job seekers consider diversity a key criterion when evaluating companies and job offers [11]. Diversity in organisations also contributes to creativity and innovation. Diverse teams tend to think differently and come up with more unique and innovative ideas than homogenous teams. They are better at decision making and execution, and hence more successful at converting innovative ideas into tangible outcomes [71].

Studies have also shown that workforce diversity can improve an organisation's bottom line. One study established that there was a 33% more likelihood of companies with diverse leadership outperforming relevant industry peer group on EBIT margin [23]. Another survey of 500 senior corporate D&I professionals revealed that organisational reputation, employee retention and financial success are all positively impacted when D&I functions and organisational business strategies are closely aligned. According to reports by Deloitte, Gartner and BCG, diverse companies produce 2.3 times higher per-employee cash flow and as much as a 30% improvement in performance is seen in inclusive teams. Organisations with diverse management teams also saw a 19% increase in revenue compared to their not so diverse peers [28].

4.2 Inclusive Organisational Culture

Organisational culture has been defined as the collection of common beliefs, attitudes and behavioural patterns that define an organisation. Job satisfaction, job performance and employee engagement all hinge upon organisational culture [9]. An inclusionary organisational culture leads to an increased sense of well-being and belonging among employees. Such an environment fosters higher motivation, loyalty and commitment. This in turn results in lower employee attrition, higher retention rates and higher productivity. Lower staff turnover and higher productivity impact overall organisational performance.

When organisations hire diverse teams and integrate them, they promote a higher level of change acceptance and innovation. Employees in such organisations are more agile in leading or adopting new business systems and in developing new products or processes and succeed in transforming business environments. D&I practices in the organisation contribute significantly to its ability to innovate. Organisational inclusion practices have a stronger influence on innovation and change in the workplace than just diversity alone [17].

While organisations are able to focus on diversity, inclusion is more elusive. Inclusion is essentially about creating an environment where the policies and practices make employees feel comfortable being themselves, where their unique talents and perspectives are valued and where they want to remain. Hence, the key to creating a successful environment of inclusion is knowing and understanding the employees [63]. As mentioned in the preceding sections, research indicates that employee perceptions of gender D&I must be considered a strategic priority by organisations. An inclusive workplace environment creates a sense of belonging among employees, which makes them feel more connected at work, and increases their level of engagement. As such, they are willing to go the extra mile for the organisation, which also has an influence on team morale, retention and the bottom line. Higher engagement results in higher dedication, with employees working harder and producing higher quality work and in greater quantity. Consequently, organisations that are committed to creating a robust D&I

culture see significant returns in the form of improved business results and innovation. Each organisation has its own unique culture that significantly influences employee perceptions. The consistency of an organisation's strategy determines the likelihood of its success [18].

4.3 Leadership Commitment to Creating an Inclusive Workplace

Top management can play a significant role in the successful strategic implementation of the gender D&I agenda, including delegating responsibility and ascribing accountability, in order to create a diverse and inclusive environment in the workplace for all genders. The adoption and implementation of any D&I initiative in organisations will only take place successfully if their agendas are backed by the sponsorship and support of senior leadership [55]. Studies have shown that a top-down approach to D&I in organisations ensures faster and more widespread adoption and implementation of the agenda. The involvement of top management, including CEOs and board members, in championing D&I communicates a powerful message to the organisation that it is not merely a token addition or optional item on the agenda. It reflects the organisation's commitment to D&I and boosts employee morale, motivation and pride in the workplace. This consequently impacts employee retention and productivity. It has been established that the perception of diversity practices and employee engagement are positively correlated, and that inclusion mediates this. One study confirmed that diverse teams combined with inclusive management can result in increased productivity, innovation and better business outcomes [33]. Furthermore, it has been found that inclusive leadership positively influences employee perception, engagement and performance [42].

Moreover, while boards and CEOs have to deliver on business outcomes, they also face pressure from investors to demonstrate their commitment to D&I. Adopting a systematic and coherent approach to D&I to improve employee experience is becoming increasingly important. It is crucial for top management to realise that D&I must be central to an organisation's business strategy rather than a one-off initiative that is primarily considered the sole responsibility of HR. The efficacy of D&I is strongest when top management, including the CEO, show commitment to, evangelise about, practice and push for embedding it in the purpose and culture of the organisation. This can lead to D&I becoming a core element of the organisational strategy, goals and daily activities [1]. Research shows that there is compelling evidence to support that making D&I a business imperative produces a competitive advantage.

4.4 Inclusive Recruitment, Hiring and Talent Management Policies and Practices

Hiring and integrating diverse teams can promote a higher level of change acceptance and innovation in organisations, making them more agile in leading or adopting new business systems and in developing new products or processes. They succeed in transforming business environments [17]. When seeking employment, a large number of candidates also consider the diversity of the organisations that they are applying to. Thus D&I is one of the critical factors that can enable an organisation to attract and retain high-quality talent. When employees work in an inclusive environment that is conducive to thinking and expressing ideas, they function optimally and are able to perform and contribute better towards the organisation's business goals. It is through inclusive leadership that organisations can reap the benefits of diversity. Inclusively led diverse teams perform better – diverse teams combined with inclusive management can result in increased productivity, innovation and better business outcomes. This perspective on the value of inclusion in relation to diversity is essential for making decisions about hiring, promotions and team composition [33]. An inclusive culture makes employees feel comfortable being themselves, where their distinctive capabilities and views are valued and where they want to remain [63]. It instils a strong sense of belonging in employees by creating an environment of acceptance and fairness in growth opportunities. Inclusive D&I practices in hiring leads to an increase in employees' engagement, motivation, performance, productivity, loyalty and ability to think innovatively. Recruiting a diverse workforce opens up a larger talent pool for an organisation, which is thus able to consider better qualified applicants and ultimately obtain better quality employees.

Studies have shown that organisations that successfully recruit and integrate diverse workforces are able to identify new products and services for and meet the needs of emerging markets more effectively than their less diverse counterparts [28]. Diverse teams have fresh perspectives and innovative ideas.

Research has established a statistically significant relationship between an organisation's D&I and its innovation outcomes. A cross-industry study of 1,700 companies of varying sizes, across eight countries, found a significant positive correlation between diversity and innovation outcomes, revealing that the more diverse the companies, the more updated their product portfolios and the better their profit margins were [39]. Moreover, it has been demonstrated that higher innovative proficiency results in organisations with gender-diverse boards and that they tend to generate a greater number of patents, many of which are novel. Genderdiverse boards have also been found to be more failure tolerant and are associated with more innovative organisational cultures, and more diverse innovators. These characteristics are conducive to better outcomes in innovation [36]. A positive relationship has also been found between the innovation outcomes of new ventures and the gender diversity of the teams involved [21]. Therefore, incorporating D&I in the organisational recruitment, hiring and talent management strategy can create a strong, talented and stable workforce that in turn can positively impact an organisation's performance through higher retention, productivity and innovation.

V Theoretical Perspectives on Gender Diversity

Several key theories and concepts provide insights into gender diversity and inclusion in the workplace, of which some of the prominent ones are discussed below:

- **Gender Identity:** This concept "refers to an individual's sense of their own gender, which may or may not align with the sex they were assigned at birth" [34]. Understanding the experiences and needs of individuals in the workplace requires a recognition of the diversity of gender identities and the ways in which individuals may experience and express their gender.
- **Inclusion-exclusion:** This concept refers to the ways in which individuals may be included or excluded from various aspects of social life, including the workplace [64]. By examining the challenges faced by GNC employees in the workplace, and identifying strategies for promoting their inclusion and well-being, this research can contribute to the body of knowledge for creating more inclusive and supportive workplace environments.
- **Social Identity Theory:** Social Identity Theory, developed by Henri Tajfel and John Turner, explains how individuals' sense of self is derived from their membership in social groups. This theory suggests that individuals strive for positive social identities and self-esteem through group identification [14]. In the context of gender diversity, Social Identity Theory emphasizes the importance of recognizing and valuing gender differences while promoting inclusive group identities. By fostering a positive organizational culture that acknowledges and celebrates diverse gender identities, organizations can help GNC employees develop a strong sense of belonging and motivation [69]. This theory suggests that individuals develop their sense of self based on their belonging to various social groups, including those based on gender, race, ethnicity, and other dimensions of identity [37]. By examining the ways in which gender identities intersect with other aspects of identity in the workplace, this research can shed light on the complex and multidimensional experiences of individuals and the implications for gender D&I strategies.
- **Intersectionality Theory:** Intersectionality Theory, coined by Kimberlé Crenshaw, recognizes that individuals experience multiple interconnected social identities and forms of discrimination [62]. It highlights how gender intersects with other dimensions of identity, such as race, ethnicity, class, sexuality, and ability, to shape individuals' experiences and challenges. Understanding the concept of intersectionality is vital for recognizing the unique experiences and barriers faced by individuals with nonconforming gender identities [4]. It encourages organizations to adopt an inclusive approach that considers the complexity of multiple identities and experiences when addressing gender diversity [54].
- **Organizational Justice Theory:** Organizational Justice Theory explores how individuals perceive fairness and justice within organizations. It encompasses three dimensions: distributive justice (fairness of outcomes), procedural justice (fairness of processes and decision-making), and interactional justice (fairness of interpersonal treatment) [52]. In the context of gender diversity, this theory emphasizes the importance of fair and inclusive practices throughout the employment lifecycle, including recruitment, promotion, pay, and recognition [44]. By ensuring that individuals of all genders are treated fairly and respectfully, organizations can promote a sense of trust, commitment, and satisfaction among employees.

These theoretical perspectives provide frameworks for understanding the complexities of gender diversity in the workplace. By considering these perspectives, organizations can develop strategies and policies that promote inclusivity, equal opportunities, and a supportive work environment for individuals of all genders. Taken together, these theoretical perspectives and concepts can help guide organisations to promote inclusive workplace environments for GNC employees and provide a framework for understanding the challenges, opportunities, and strategies associated with this important area of D&I.

VI Understanding Gender Nonconformity and its Relevance in the Workplace

Gender is no longer deemed to be a binary concept but is instead acknowledged to be a spectrum. There is a veritable difference between gender identity and gender expression that is essential to take cognizance of. Gender identity refers to an individual's inherent sense of being male, female, or another gender, whereas gender expression is associated with the behaviour, appearance, and social interactions of individuals through which they present their perceived gender externally. [43].

6.1 Definition of Gender Nonconforming Employees

The term “gender nonconforming” implies non-adherence to society’s established norms of the traditional, binary malefemale gender construct. Thus, GNC employees are individuals whose gender identity and expression do not align with societal expectations or traditional gender norms. They may identify as a gender different from the sex they were assigned at birth or may not identify strictly within the binary categories of male or female. The term non-binary, which is complex and also falls within the spectrum, includes transgender, intersex people, agender, gender fluid, demigender, multigender and others. GNC individuals may express their gender identity in various ways, including through their appearance, behaviour, clothing choices and personal pronoun preferences. They challenge the traditional notions of masculinity and femininity and may actively reject or subvert societal expectations related to gender roles and expression. They may identify as nonbinary, genderqueer, genderfluid, or any other terms that reflect their unique experiences and understanding of their gender identity [43].

6.2 Context of Inclusion of Gender Nonconforming Employees in India

Inclusion in the Indian context has predominantly focussed on education, with the Constitution of India prohibiting discrimination on the basis of religion, race, caste, sex or place of birth [6]. The Indian constitution implies freedom at work by recognizing the right to practise any profession, occupation, trade or business [32]. However, there is no constitutional right or guarantee to work in India. Only the need of the state to ensure adequate means of livelihood for all is mentioned in Article 39 of the Directive Principles of the Constitution. The constitution also includes a Directive Principle that lays down equal opportunity in public employment. The Directive Principles of State Policy in the Constitution were provided as a protective measure to correct social, economic, political and economic inequities that has existed in the country [20]. However, discrimination in organisations continues in India [19]. While efforts for inclusion are being made, one of the major categories of excluded groups in India is GNC individuals.

The gradual recognition and acceptance of GNC individuals in India has been seeing change through legal verdicts. The Supreme Court of India bestowed legal recognition to transgender people through a ruling in 2014. It classified transgenders as the “third” gender and included them in the “Other Backward Classes” category. This allowed for providing reservation in education and public employment specifically to the transgenders. This was a big step forward towards inclusion of GNC individuals [27]. Yet another ruling by the Supreme Court of India in 2018, decriminalised homosexuality in India by abolishing the colonial era law of Section 377. This was a historic verdict as it led to a big leap towards inclusion and acceptance of the LGBTQ community [41]. However, while there are laws for protection and inclusion of minorities, the record for implementation tends to be poor [32]. Hence, despite the Indian constitution providing protection against discrimination and the existence of laws to protect and safeguard the minorities, complete inclusion both in education and at the workplace, is still a distant dream.

6.3 Rationale for Focusing on the Inclusion of Gender Nonconforming Employees

There is no current, comprehensive, official demographic data on the exact number of GNC individuals in India. However, gender D&I conversations in India are now getting more clamorous due to the proliferation of information on social media, heightened awareness of events across the globe, relentless efforts of advocacy groups pressing for policy changes, and the Indian judiciary making some notable landmark, liberal judgments.

6.4 Growing Awareness and Gradual Acceptance of Changing Gender Norms: There is now a growing recognition of the need to include other dimensions of gender and sexual orientation to the gender discourse. However, this is in an environment where no specific legislative obligation for D&I has been defined yet. While India does not have a comprehensive, standalone anti-discrimination legislation in place, legislations with some anti-discrimination provisions do exist including the Transgender Persons (Protection of Rights) Act, 2019. Nevertheless, there is still a wide chasm between the existence of these laws and the awareness of their scope and related obligations [73].

6.5 Stigma Around Gender Nonconformity: Although it is being slowly accepted that while sex is an attribute that is biologically determined, gender is a social construct, there is still a very strong stigma attached to GNC individuals in Indian society and the challenges they face are enormous [48]. MNCs in India have been taking various initiatives to promote D&I for GNC employees. These initiatives aim to create an inclusive and supportive work environment where GNC individuals feel valued and respected. However, GNC individuals, who identify as neither exclusively male nor female, have historically been excluded from traditional gender categories in the workplace, resulting in a lack of representation and inclusion [13]. While many organisations have implemented diversity and inclusion initiatives, these often focus primarily on gender as a binary construct, overlooking the unique challenges faced by individuals. As a result, such individuals are often excluded from recruitment and talent management processes, limiting their opportunities for employment, career advancement and contributing to a lack of diversity and inclusivity in the workplace. In recent years, the acknowledgement of the need to have workplace diversity and inclusivity for GNC employees is seen to be emerging gradually. The traditional binary gender definition of D&I no longer seems to hold and falls short of providing an inclusive, gender-neutral workspace for all. D&I strategies have to be designed and implemented within the context of the organisation and the society within which it exists and therefore requires the participation of and intersection of multiple stakeholders across the spectrum to spearhead significant, tangible, irreversible, sustainable transformation as societal norms change [73].

6.6 Societal Bias against Gender Nonconformity: GNC employees often face significant challenges in the workplace due to the biases and stereotypes held by their colleagues. These biases can manifest in a variety of ways, including negative perceptions, discriminatory attitudes, and exclusionary behaviours [30]. Addressing these biases and increasing awareness of GNC identities may be key to creating a more inclusive and supportive workplace for all employees. One study found that GNC employees are often perceived as less competent and less committed to their jobs compared to their cisgender counterparts. The study also found that GNC employees were more likely to experience discrimination and harassment in the workplace. These biases stem from societal norms and expectations around gender and can have significant negative consequences for GNC individuals' career prospects and overall wellbeing [22]. Another study examined the experiences of employees in the tech industry. The study found that individuals often face exclusionary behaviours in the workplace, such as being left out of team activities or being denied promotions or other opportunities. The authors suggest that these behaviours are rooted in implicit biases around gender and may be more common in industries that are traditionally male-dominated [35]. The most recent *AnitaB.org* Technical Equity Experience Survey (TechEES) report found that while the conversation around increased diversity in the technology industry is voluble, the fulfilment of those assurances and claims has been very unsuccessful. Women and GNC technologists and people in the global IT industry continue to have to deal with harassment and discrimination at a significantly disturbing rate [58].

6.7 Alignment with UNSDGs: Promoting GNC D&I aligns with the United Nations' Sustainable Development Goals (UNSDGs), which emphasize the importance of promoting diversity, inclusion, and

23rd-24th October 2023

gender equality in the workplace [15]. SDG 5 focuses specifically on gender equality; SDG 8 focuses on promoting economic growth, employment, and decent work for all; SDG 10 aims for inclusivity; SDG 11 aims for safety; and SDG16 promotes the idea of equal justice and reduction of violence. However, sexual minorities in India and elsewhere are still far from being fully accepted and hence absolute inclusivity by 2030, as envisioned by the UNSDGs, appears to be a distant goal [12]. By prioritizing GNC inclusion, MNCs in India can contribute to the achievement of these global sustainability goals and enhance their social impact.

6.8 Changing mindset of young talent pool: The level of awareness among employees about organizational policies and practices to promote inclusion of GNC employees in MNCs in India vary based on factors such as the company's culture, the level of training and education provided to employees, and the visibility of the policies and practices [66]. When employees view their organisation as falling short of taking the right measures to creating an inclusive environment, they can often lose interest in their job, which is a loss for and comes at a cost to the organisation [54]. According to a report by ADP Research Institute's People at Work 2022, in India, 85 percent of workers aged 18 to 24 feel there is a paucity of D&I policies while 82 percent believe that there is an unfair gender pay gap. Moreover, 83 percent of this group said that if they found either of these problems prevailing in their organisations, they would consider changing jobs.

All the above indicate that it is critical for organisations to authentically incorporate comprehensive gender D&I in their systems and policies. While there is a significant body of research available on the benefits of gender D&I, a preliminary literature review revealed that most organisations are yet to adopt it as a real, strategic tool. It is seen that diversity initiatives in many organisations, while they have great potential, fail or backfire because they are not implemented with the right intention and/or adequate commitment and rigour. Moreover, diversity can also have some negative effects such as lack of social cohesion, communication deficit and conflict [21]. To enhance performance, organisations need to do effective diversity and inclusion management to capitalise on the positive contributions of a diverse workforce while reducing the negative impacts of diversity.

VII Diversity and Inclusion of Gender Nonconforming employees in MNCs in India

Following is an exploration of the legal context and the business imperative that are fuelling the adoption of D&I of GNC employees in MNCs in India. Furthermore, this section depicts the current state and trends, including challenges and gaps faced both by GNC employees as well as MNC employers with regard to inclusion at the workplace.

7.1 The Legal Context

In India, a few MNCs began the GNC employees' inclusion journey following the 2009 Delhi High Court ruling that stated that Section 377 of the Indian Penal Code is unconstitutional. However, a 2013 judgment reversing this order slowed down the momentum as organisations became wary of the repercussions. However, the Supreme Court verdict of 2018, that upheld the rights of the LGBTQ+ individuals, provided impetus to organisations to invest in and accelerate their efforts on GNC diversity and inclusion [38]. After this historic judgment, companies in India realised that the case for LGBTQ+ inclusion is much stronger now.

Another important legal development was in 2019, when landmark amendments were made to the Transgender Persons (Protection of Rights) Act of India that established the constitutional rights of GNC people in the country. It recognised their gender identity and provided for non-discrimination laws across the spectrum of institutional and societal spaces including the family, workplace and education. This is an important move towards the recognition of GNC individuals' rights in India. However, the Act falls short as it discusses legal rights in isolation without any structural support to access them. It lacks the much-required guidelines for substantively accessing these stated rights. This disconnect

demotes the rights to purely theoretical legal changes with very limited practical utility. This makes it difficult for GNC individuals to access legal protections against discrimination in the workplace [68].

7.2 The Business Imperative

In the aftermath of the 2018 Supreme Court of India ruling that decriminalised homosexuality, advocates for GNC workplace D&I in India found a firmer footing to promote their work. They have been articulating that the adoption of GNC D&I is a matter of economic prudence. They make the business case that organisations implementing GNC workplace benefits and protections can gain positive economic outcomes. They claim that the adoption of GNC-inclusive policies and practices fuels employee engagement and commitment and also promotes the perception of the organisation as being forward-thinking and progressive. This caters to the mindset and aspirations of a highly skilled talent pool of youthful, globally-oriented, potential employees [5]. MNCs in India too are now appreciating that the case for inclusion of GNC employees is only getting stronger, and removing underrepresentation, stereotypes and biases is imperative.

In India, where there is a growing awareness of gender and LGBTQ+ issues, promoting GNC diversity can also help organisations attract and retain top talent, including individuals who identify as non-binary [25]. There is a business case for promoting GNC diversity in MNCs in India. Companies that embrace GNC diversity can benefit from a diverse and inclusive workforce that reflects the varied perspectives and experiences of their employees. This can lead to increased innovation, creativity, and productivity, as well as improved employee engagement and retention [72]. Organisations have to look at diversity through the talent lens, and recognize that to become an industry leader, it is critical to draw from the entire talent pool. Excluding certain groups of people is limiting for organisations as they miss out on important segments of talent [72]. In fact, in India's highly competitive market, the demand for talent is so high, especially in the services and information sectors, that organisations doing business in India realise that they must update their gender D&I policies in keeping with global standards, or risk losing out. Organisations that do not change their gender D&I strategy with the times face a real threat of loss of talent to companies that are accepting and inclusive of GNC employees. Unjustified bias has obvious costs - opportunity cost, replacement cost, reputation cost, and more. In the U.S., more than 2 million professionals and managers quit their workplaces each year due to discrimination. This amounts to a cost of \$64 billion annually to employers. A large percentage of employees who feel they were unfairly treated at their workplace say they will not recommend their employer to potential employees nor recommend their products or services [24].

Today, organisations in India are increasingly recognising that inclusion of GNC employees makes good business sense not only in terms of talent acquisition but also for the bottom-line, innovation, good PR and more. Extrapolating from global data, which shows that approximately six percent of the adults identify themselves as LGBTQ+, it can be inferred that GNC individuals in India make up a very large pool of consumers with enormous potential that is largely untapped. Hence marginalisation and discrimination against them will only alienate this group, shrink the available talent pool, limit the consumer base, and negatively impact economic growth [3]. Organisations that prioritize GNC inclusion can improve their reputation as socially responsible organisations, which can enhance their brand image and appeal to socially conscious consumers. These organisations can also benefit from improved employee engagement and retention. Thus, the business case for diversity suggests that workplace diversity can lead to decrease in costs and increase in revenues, in turn leading to increase in bottom line [60]. Another case study conducted in India by Lee Badgett for the World Bank in 2014, titled 'The Economic Cost of Homophobia', projected that through LBGTQ+ exclusion, India would lose approximately \$30 billion, which was about 1.7 percent of its GDP each year at that time [7]. The study claimed that discrimination against GNC employees would lead to loss of productivity that would lead to lost labour output that would in turn lead to lost GDP.

Research shows that gender diversity management policies and practices are also adopted because of the perceived economic benefit [16]. However, the direct connection between financial performance and diversity is difficult to establish because research can indicate correlation but not causation, between

the two. Hence, proving that diversity causes better business outcomes can be quite nebulous. However, globally, MNCs are increasingly supporting the inclusion of GNC individuals in the workforce because of moral, legal, and market imperatives [10].

7.3 Current State and Trends

Overall, the current state of diversity and inclusion for employees in MNCs in India is work in progress, with still a lot of ground to be covered. Organisations are increasingly recognizing the importance of inclusivity of GNC employees. However, despite this positive trend and although some progress has been made in recognizing and addressing the needs of GNC individuals, there are myriad ongoing challenges and opportunities for improvement. Some of the challenges include cultural barriers, lack of awareness and understanding, potential discrimination or harassment, and a need for continued education and training [46]. In a recent survey of 2230 GNC employees in eight countries by BCG, 61% of respondents from India reported being victims of sexual harassment or misconduct at work. Additionally, 76% of respondents in India reported that because of their gender identity or expression, they experienced ten or more instances of aggressive behaviours or negative work experiences in the past year [19].

While there is a growing understanding of diverse gender identities beyond the binary and an acknowledgment of the unique challenges faced by GNC individuals in the workplace, the experiences of GNC employees remain poorly understood and under-examined even globally [40]. MNCs in India have been taking various initiatives to promote diversity and inclusion for GNC employees. These initiatives aim to create an inclusive and supportive work environment where GNC individuals feel valued and respected. However, organisations can claim to be truly inclusive only when every employee is sensitised and when all policies, practices and infrastructure are supportive of and provide a sense of security to GNC employees and allow them to be their authentic selves at work without fear of discrimination and microaggressions [38].

7.4 Key Challenges Faced by Gender Nonconforming Employees:

As mentioned in Section 6 earlier, GNC employees encompass a broad spectrum of identities and experiences. Some individuals may identify as nonbinary, which means their gender identity does not align exclusively with male or female. Others may identify as genderqueer, genderfluid, agender, bigender, or other gender identities outside the binary [43]. It is important to note that terminology and conceptualizations of gender identity and expression can vary among individuals and cultural contexts. GNC employees often face unique experiences and challenges in the workplace. While these experiences can vary widely based on individual circumstances and organizational culture, some common themes that this study found prevalent are discussed below [22, 35, 40, 65]:

- Limited policies and support systems: Many organizations may lack inclusive policies and support systems specifically tailored to the needs of GNC employees. This can include inadequate policies related to name and gender marker changes, bathroom and dress code policies, and access to healthcare benefits that align with their gender identity. The absence of these supportive measures can create barriers and challenges for GNC employees in navigating the workplace.
- Bias and discrimination: GNC employees may encounter bias and discrimination due to their gender identity and expression. They may face negative attitudes, stereotypes, and assumptions based on societal expectations and traditional gender norms. Discrimination can manifest in various ways, such as being passed over for promotions, facing unequal treatment, or experiencing harassment, microaggressions and exclusionary behaviour from colleagues or superiors.
- Misgendering and lack of recognition: GNC employees may face challenges related to misgendering, where others use incorrect pronouns or gendered terms that do not align with their gender identity. This can lead to feelings of invalidation, exclusion, and discomfort. Lack of recognition and understanding of their gender identity can also contribute to a sense of invisibility or erasure in the workplace.
- Workplace culture and acceptance: The overall workplace culture and acceptance of gender diversity play a significant role in the experiences of GNC employees. A lack of understanding, acceptance, and inclusion can create a hostile or unwelcoming environment. Conversely, an

inclusive and supportive culture that values diversity and actively promotes acceptance can foster a sense of belonging, psychological safety, and well-being.

- **Lack of Support Networks:** GNC employees may face a lack of support networks within the organization. Limited opportunities for networking, mentorship, and connection with peers who share similar experiences can contribute to feelings of isolation and hinder career development.
- **Career advancement and opportunities:** GNC employees may face additional obstacles in terms of career advancement and opportunities. Bias and discrimination can limit their access to promotions, leadership roles, and professional development opportunities. A lack of visible role models and mentors who share similar gender identities can also impact their career trajectories.
- **Intersectionality:** Employees may face intersectional challenges when their gender identity intersects with other marginalized identities such as race, ethnicity, religion, or disability. These intersecting identities can compound the discrimination and barriers faced in the workplace.
- **Emotional well-being and mental health:** The challenges faced by employees can have significant impacts on their emotional well-being and mental health. Experiences of discrimination, stigma, and isolation may contribute to increased stress, anxiety, depression, and overall job dissatisfaction.

7.5 Organizational Gender D&I Initiatives - Gaps and Challenges for Employers: Research reveals that organisations globally have not been able to keep up with demographic and cultural shifts in society's evolving perception of gender. Organizations that are progressive also seem to be inadequately equipped to support GNC employees and MNCs in India are no exception. D&I of GNC employees in MNCs in India too have specific gaps and challenges, several of which are discussed below [12, 19, 65]:

- **Cultural and Social Norms:** Cultural and social norms can pose challenges for MNCs in India. Traditional gender expectations and conservative attitudes may create barriers to acceptance and inclusion, both within the organization and in society at large. Hence bias and discrimination against GNC employees can be prevalent.
- **Inadequate Policies and Practices:** Some MNCs do not have comprehensive policies and practices that specifically address the needs of employees. This includes policies related to dress code, restroom facilities, preferred names and pronouns, and gender transition support.
- **Limited Awareness and Understanding:** Many employees and managers lack awareness and understanding of gender identities. This can result in misgendering, lack of proper support, and insensitivity towards the unique challenges faced by GNC employees.
- **Training and Education:** Training programs on gender D&I do not adequately cover the experiences and needs of employees in all MNCs in India. There is a need for targeted education and awareness programs that address the specific challenges and foster understanding and respect for diverse gender identities.
- **Lack of Legal and Regulatory Framework:** The legal and regulatory framework in India does not provide adequate protection for GNC individuals. There is a lack of specific legislation addressing discrimination and protection of rights based on gender identity and expression. This challenge has to be circumvented by MNCs with strong internal policies and practices.
- **Accessibility and Accommodations:** Many MNCs need to improve the accessibility of their workplaces and provide appropriate accommodations for employees. This includes gender-neutral restroom facilities, inclusive dress codes, and creating a physical environment that respects diverse gender identities. This also includes provisioning support networks for GNC employees.
- **External Stigma and Safety Concerns:** GNC employees face strong stigma and safety concerns outside of the workplace, which can impact their overall well-being and sense of security. MNCs need to be cognizant of these external factors and provide resources and support to address them as the overall well-being of GNC employees impacts their performance at the workplace too.

VIII Recommendations for Fostering Inclusion of Gender Nonconforming Employees

This section provides an overview of best practices and recommendations that MNCs in India can adopt for creating inclusive workplaces for GNC employees.

8.1 Addressing the Gaps and Challenges

Addressing the negative experiences and challenges of GNC employees requires organizational commitment to fostering an inclusive and supportive workplace [50]. This involves implementing inclusive policies and practices; providing education and training to enhance awareness and understanding; promoting diversity and inclusion initiatives; and creating support systems that cater to the unique needs of GNC employees. It is important to respect, affirm and accept the gender identity and expression of employees, providing them with an inclusive work environment. Creating an inclusive and supportive work environment for employees involves recognizing and respecting their self-identified gender, using their preferred names and pronouns, and providing equal opportunities for advancement and recognition. It also includes addressing any biases or discriminatory practices and fostering a culture of acceptance and understanding across the organization that values diversity and inclusion across the gender spectrum [35].

It is crucial to create an environment where employees feel valued, safe, and supported in their professional journeys [8]. By incorporating gender identity or expression in their D&I policies, employers make it clear to their workforce that discrimination on the basis of gender nonconformity will not be allowed. Mandatory gender D&I training that incorporates gender non-conformance is a must for all employees so that they understand the organisation's stand on this and become more educated, aware and accepting of the concept of diverse gender identity or expression [24].

Continued efforts on areas of policy development, awareness campaigns, employee support networks, collaboration with external stakeholders, and other related activities will contribute to creating a more inclusive and supportive environment for individuals in the workplace.

8.2 Best Practices and Strategies for Fostering Inclusion of Gender Non-conforming Employees

Figure 1 below lists some of the best practices that were uncovered through this study, for countering the gaps and challenges faced by GNC employees and their employers.



Fig.1. Best Practices for Fostering Inclusion of GNC Employees in Indian MNCs

Creating inclusive workplace environments for GNC employees involves specific considerations and actions to ensure their inclusion, respect, and well-being. By implementing these practices, organizations can foster a workplace culture that embraces and supports employees, creating an environment where they can thrive and contribute fully to the organization's success. These practices are geared towards creating a supportive and inclusive environment where all employees can feel safe, feel accepted, be motivated and perform. To promote inclusivity for employees in the workplace, organizations can implement the best practices depicted in Fig. 1 as follows [19, 35, 40, 65, 67, 69]:

- **Develop and Implement Inclusive Policies:** Establish comprehensive policies that explicitly support gender diversity and the inclusion of GNC employees. These policies should cover areas such as non-discrimination, harassment prevention, dress code, restroom and changing facilities, name and pronoun usage, and gender transition guidelines. Ensure that these policies are consistent across all locations and easily accessible to all employees.
- **Provide Diversity and Inclusion Training:** Conduct regular training programs to educate employees and managers about gender diversity, gender non-conformity and inclusive practices. Offer training on unconscious bias, respectful communication, and creating an inclusive workplace culture. These initiatives aim to foster understanding, empathy, and respect for GNC individuals, as well as to address biases and misconceptions. Train managers on how to support and advocate for GNC employees effectively.
- **Employee Resource Groups (ERGs):** ERGs and affinity groups focused on gender diversity and inclusion should be established within organisations. These groups provide support, networking opportunities, mentorship, professional development opportunities and a safe space for GNC employees to connect with peers and share experiences. ERGs also contribute to education and awareness initiatives within the organization.
- **Employee Assistance Programs:** Companies should offer Employee Assistance Programs (EAPs) that provide confidential counselling and support services. These programs assist GNC employees who may require emotional support or guidance during their journey.
- **Allyship and Advocacy:** There is a growing emphasis on allyship and advocacy for GNC employees. Organisations should encourage employees to be allies and promote a culture of respect and inclusion. Allies play a crucial role in creating a supportive environment for individuals.
- **Gender-Inclusive Facilities:** MNCs should work towards providing gender-inclusive facilities, including restrooms and changing rooms, that accommodate the needs of GNC employees. This helps create a safe and inclusive physical environment within the workplace.
- **Supportive Transition Guidelines:** MNCs can develop guidelines to support employees who are transitioning or considering a gender transition. These guidelines provide information on resources, counselling support, and workplace accommodations during the transition process.
- **Normalize Preferred Name and Pronoun Usage:** Create a culture that normalizes the use of preferred names and pronouns for all employees, including GNC individuals. Implement systems that allow employees to easily update their names and pronouns in company records and communication platforms. Educate employees on the importance of using correct pronouns and the impact of misgendering.
- **Inclusive Language:** Promote the use of inclusive language in all workplace communications, policies, and materials. Avoid gendered language and embrace gender-neutral or inclusive terms wherever possible. Educate employees on appropriate terminology and common misconceptions to avoid unintentional exclusion or harm.
- **Review Dress Codes:** Reassess dress codes to ensure they are inclusive and do not reinforce gender stereotypes. Avoid prescribing gender-specific attire and allow for self-expression. Consider implementing gender-neutral dress codes or giving employees flexibility in their clothing choices.
- **Create Safe Spaces:** Designate safe spaces within the workplace where employees can express themselves without fear of judgment or discrimination. This can include dedicated rooms or areas for private discussions, support groups, or resource centres that provide information and materials relevant to gender diversity.

- **Review and Adjust Workplace Facilities:** Regularly assess the accessibility and inclusivity of workplace facilities, such as restrooms, changing rooms, and other communal areas. Ensure they accommodate the needs of employees.
- **Enhance Gender-Inclusive Benefits:** Review and update employee benefits programs to ensure they are inclusive of GNC individuals. Provide comprehensive healthcare coverage that includes gender-affirming procedures and treatments. Offer resources and support for gender transition processes, including access to counselling and support networks.
- **Foster Inclusive Leadership:** Develop and promote inclusive leadership practices within the organization. Encourage leaders to champion diversity and inclusion, create a supportive and inclusive culture, address any biases or discriminatory practices, model inclusive behaviours and advocate for employees. Ensure that leadership positions are accessible to individuals from GNC identities.
- **Leadership Commitment:** Visible and committed leadership is crucial for creating an inclusive workplace environment for employees. Leaders should actively promote and prioritize gender diversity and nonconformity, advocate for inclusive practices, and hold others accountable for creating an environment that respects and supports all individuals.
- **Conduct Regular Diversity and Inclusion Assessments:** Regularly assess the organization's diversity and inclusion efforts, including the experiences of GNC employees. Collect data on employee demographics, experiences, and perceptions through surveys, focus groups, or interviews, set diversity goals and collect feedback. Use this information to identify areas for improvement, track progress over time taking corrective actions as needed.
- **Establish Global Diversity and Inclusion Standards:** Implement consistent diversity and inclusion standards across all global locations to ensure a cohesive approach. Adapt policies and practices to comply with local laws and cultural sensitivities while maintaining the organization's commitment to inclusivity.
- **Engage with External Networks and Organizations:** Collaborate with external organizations and networks, LGBTQ+ advocacy groups, NGOs and experts to drive initiatives related to GNC inclusion. Share best practices, participate in industry-wide initiatives, and support community efforts aimed at advancing the rights and well-being of GNC individuals.
- **Promote Employee Engagement and Communication:** Foster an environment of open communication and employee engagement. Encourage employees to share their experiences, concerns, and suggestions for improving inclusivity. Establish channels for anonymous reporting of discrimination or harassment and ensure prompt and thorough investigation of any reported incidents.
- **Transparent and Inclusive Recruitment:** Ensure that recruitment processes are inclusive and do not discriminate against individuals. Review job descriptions, interview questions, and candidate evaluation criteria to eliminate bias and create a level playing field for all applicants.

By implementing these best practices and strategies, MNCs in India can create an inclusive and supportive environment that values and respects the diversity of GNC employees, ensuring that they feel empowered to contribute their unique perspectives and talents to the workplace. These efforts may contribute to employee well-being, enhance talent recruitment and retention, foster creativity and innovation, enhance organisational reputation and branding, and impact performance and productivity over time.

IX Limitations and Future Research Directions

The limitation of this study is that it is based on published secondary, global data from which inferences have been made. While there has been some research conducted on GNC identities and workplace inclusivity in MNCs in India, there is still a significant research gap with respect to the current status and efficacy of the strategies adopted and impact on organisational performance. A potential area for future research is to do a quantitative study to measure and assess inclusion efforts of MNCs in India by identifying relevant metrics for measuring progress, gathering and analysing employee feedback and engagement data, and looking at the impact of inclusion on employee performance and organizational

outcomes. Another limitation of this review is that it does not focus on a specific industry. Future research could be more specific in terms of industry focus.

X Conclusion

This study provides a nuanced understanding of GNC employees' inclusion in the workplace. It identifies that while gender definitions are going beyond the binary and there is gradual acceptance of this shift within the Indian societal and organisational workplace context, organisations are still grappling to effectively build it into their gender D&I policy and implementation framework due to the existing social, cultural and legal ecosystem. This study reveals that organisations are becoming aware of the merits of adopting comprehensive gender D&I policies and practices within the context of the emergence of the recognition of GNC identities and expression. However, organisations need to effectively implement sound strategies to make gender D&I a catalyst for competitive advantage in a rapidly evolving business environment.

Organisations must focus on and adopt gender D&I as a strategic tool and develop a comprehensive framework that integrates intervention characteristics of and identifies barriers to adoption of a holistic gender D&I agenda. It is now all the more imperative that organisations do this to succeed in a highly competitive, global environment for talent recruitment, hiring and retention, where one of the key ingredients for better business performance is the workforce. Therefore, it is expected that with sound, comprehensive gender D&I policies, inclusive practices and organisational culture, as well as supportive leadership and diverse teams in place, organisations will benefit, as all these elements will directly impact talent acquisition, employee retention, productivity, innovation and branding, resulting in enhanced organisational performance.

The review also enunciates best practices that MNCs in India can adopt to make all-gender D&I an integral part of their organisational strategy to create a more inclusive workplace culture that can be leveraged for gaining competitive advantage. It also identifies the barriers and challenges faced by GNC employees and their employers at the workplace. The findings of this study could provide HR professionals and decision makers guidance for prioritising the adoption of or re-crafting of existing gender D&I policies and practices in their organisations to improve organisational outcomes. Eventually, this can improve the well-being and success of GNC individuals in the workplace and contribute to creating more robust gender diverse and inclusive organisations. Hence, MNCs in India need to maintain a commitment to inclusivity, foster an environment of respect, and address systemic barriers that hinder the full participation and inclusion of GNC employees.

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23rd-24th October 2023

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