

## India Inc ready to make workplace more inclusive for LGBT individuals

The advertising fraternity is already ahead of the curve when it comes to making the workplace friendly and fair for LGBT individuals

Sudipto Dey | Mumbai/New Delhi September 06, 2018 Last Updated at 21:13 IST



The Supreme Court judgement decriminalising certain sections of 377 of the Indian Penal Code has put corporate India into an introspective mood. Even though India Inc has gone out of its way to welcome the judgement, HR experts and employment lawyers point out that most businesses have to tweak their workplace rules to walk the talk.

Most MNCs and large Indian conglomerates said they already are an equal opportunities employer and do not discriminate against anyone on the basis of religion, caste, race, nationality or sexual orientation. “Post this judgment, we may have to reconsider specifics in policies to more openly accept certain kind of relationships that seemed illegal earlier,” said Santrupt Mishra, HR head for Aditya Birla group. For most companies this would mean extending medical coverage to same-sex partners, say legal experts.

“As an equal opportunity employer, we believe that being inclusive and allowing people to be themselves, truly brings out the best in them. We strive to maintain a work environment that is free from any harassment,” said a Hindustan Unilever spokesperson.

According to Anuranjita Kumar, managing director & Head HR, International Hubs, The Royal Bank of Scotland, the bank was the first to introduce a medical cover for same-sex partners. “We see this as just the beginning of more job opportunities for the community,” said Kumar.

Godrej group, which already has an anti-discrimination policy in place, is contemplating extending health insurance benefits to same-sex partners in the future. “The corporate world is the ground on which the next victory for equal rights will be won,” said Parmesh Shahani, head, Godrej India Culture Lab.

## THE WAY FORWARD

Corporate organisations will have to go the distance to make workplaces more inclusive

**Employee benefits** must be extended to same-sex partners

**Recruitment** should be more inclusive, diverse

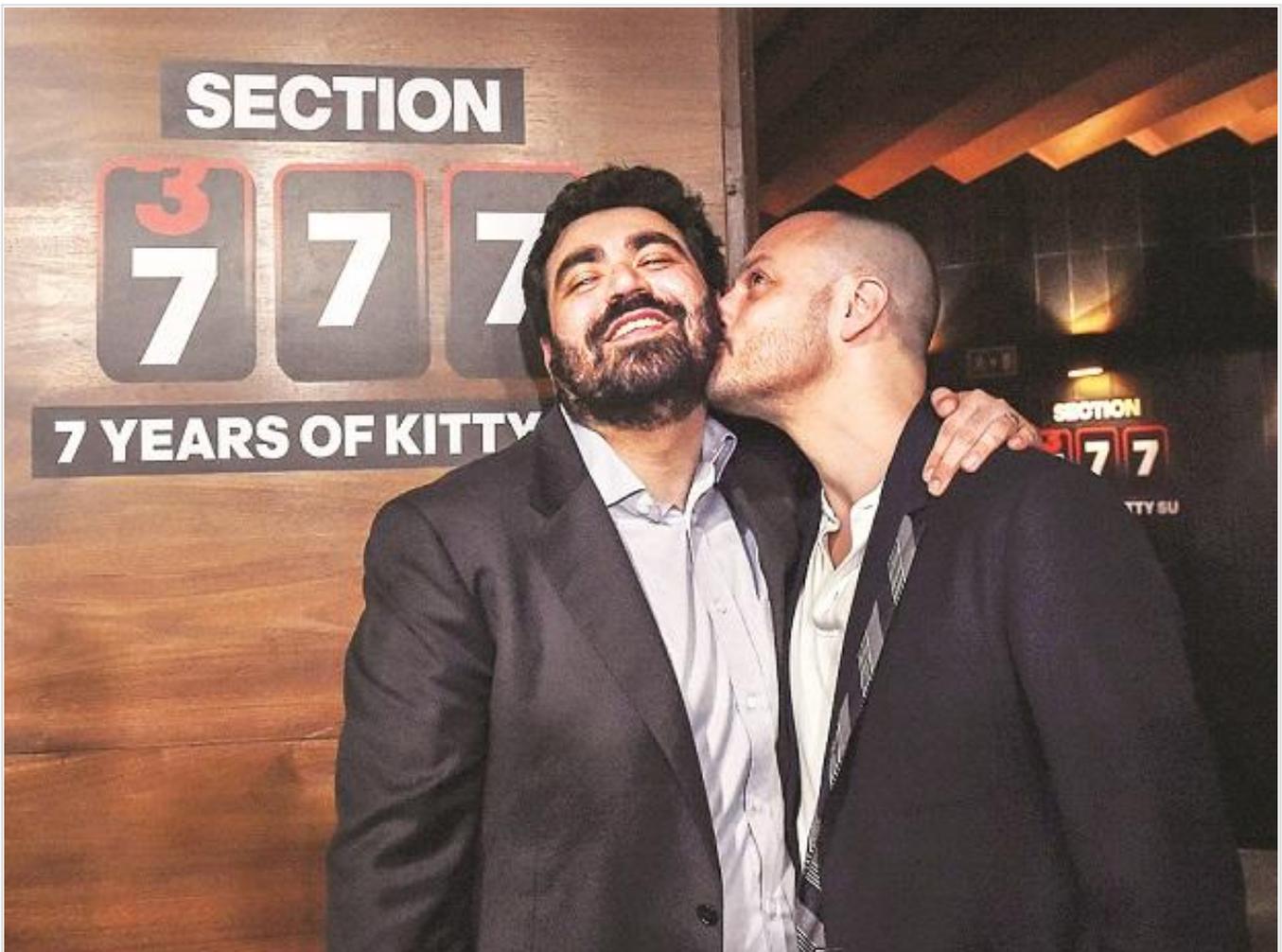
**Tolerance:** Make staff tolerant

**Gender column** should have the option of 'other'/'neither'

**Protection:** Make sexual harassment policies gender-neutral

The advertising fraternity is already ahead of the curve when it comes to making the workplace friendly and fair for lesbian, gay, bisexual and transgender (LGBT) individuals. According to Shashi Sinha, chief executive officer, IPG Mediabrands India the group already follows an inclusive policy as part of our global charter. “We do not discriminate on the basis gender or sexual orientation,” he said.

Arun Nanda, chairman, Rediffusion said the firm already extends mediclaim benefits to same-sex partners. However, the challenge going forward for companies will be to tackle the mindset issues at workplace, he said.



*Hotelier Keshav Suri (left), one of the petitioners in the Section 377 case, celebrates the Supreme Court verdict | PHOTO: PTI*

Legal experts point out that decriminalising of Section 377 does not create an obligation on companies to have gender-neutral policies. “Unless the Sexual Harassment Act is amended to protect male employees or other genders, companies will not be mandated to make gender-neutral policies by virtue of this judgment alone,” said Atul Gupta, partner, Trilegal. According to Vikram Shroff, head, employment law, Nishith Desai Associates, one of the earliest impact would be to include a column on ‘others’ or ‘neither’ in the gender column of the application form. “Such disclosures may also trigger workplaces needing to make necessary adjustments and effectively prohibit discrimination, bullying, abuse, etc,” he added.

# GAY SEX NOW LEGAL IN INDIA; SC STRIKES DOWN SECTION 377

A five-judge Constitution Bench of the Supreme Court on Thursday unanimously decriminalised part of the 158-year-old Section 377 of the Indian Penal Code, which criminalised consensual "unnatural sex"

## A LANDMARK JUDGMENT

**'Irrational, indefensible, manifestly arbitrary'**

The LGBTQ community possesses the same constitutional rights as other citizens, said the 493-page judgment of the Bench headed by Chief Justice Dipak Misra

**'A biological phenomenon... natural'**

Discrimination on grounds of sexual orientation violated Articles 14, 15, 19, and 21 of the Constitution



### IN THE WORLD

Homosexual relations are legal in 25 countries besides India. But 72 nations and territories continue to criminalise it. In 45 such places, same-sex relations between women are also outlawed

### THE PETITIONERS

A batch of writ petitions was filed by dancer Navtej Johar, journalist Sunil Mehra, chef Ritu Dalmia, hoteliers Aman Nath and Keshav Suri, business executive Ayesha Kapur, and 20 students of the IITs

### WHAT THIS JUDGMENT MEANS

Other aspects of the law, which criminalises non-consensual sexual acts, bestiality, and "unnatural" sex with animals, will remain in force. Same-sex civil union is still not allowed, though the law commission has recently advocated it

### WHAT THE BENCH SAID

**'I AM WHAT I AM. SO TAKE ME AS I AM... DENIAL OF SELF-EXPRESSION IS LIKE DEATH'**



Dipak Misra, Chief Justice of India, quoting German writer Goethe

**'HISTORY OWES AN APOLOGY TO THE MEMBERS OF THIS COMMUNITY AND THEIR FAMILIES'**



Justice Indu Malhotra

**'THE TRAGEDY AND ANGUISH WHICH SECTION 377 INFLECTS MUST BE REMEDIED'**



Justice DY Chandrachud

## THE ROAD TO EQUAL RIGHTS

Section 377 was modelled after the 16th century Buggery Act of Britain

**July 2, 2009:** The Delhi High Court (HC) legalised consensual same-gender sex for adults

**2013:** A two-judge SC Bench of G S Singhvi and S J Mukhopadhyaya overturned the HC judgment, claiming fewer than 200 people had been prosecuted under the law

**2015:** Congress Lok Sabha member Shashi Tharoor disallowed by fellow parliamentarians from introducing a private member's Bill to decriminalise homosexuality

**2017:** A nine-member SC Bench, ruling on the right to privacy, criticised the 2013 judgment  
**COMPILED BY: ARCHIS MOHAN**

However, Kumar of RBS does not agree with the idea. "Social mindsets take long time to change. Though people would be more accepting of people with different facial orientation, or with people publicly out of the closet but it is not something I would ask on a CV," she said.