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A Study to Evaluate the Impact Equality, Diversity, Inclusion and Diversity Management at Workplaces in India

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ABSTRACT

Equality, diversity, inclusion and diversity management are integral concepts for an organisation to function in an effective manner. It is very important for organisations to understand and reflect upon targeting the problems of the legislation and meeting those shortcomings in their company policies to make each diverse group feel safe and comfortable with the organisation.

This paper moves to analyse the concepts and equality, diversity, inclusion and diversity management and further establishes it's linkages to success; then, various laws about the issues of parenting benefits, sexual harassment at workplace laws, sexual orientation policies and equal pay have been explored, followed by the role of leadership in inclusion policies. Lastly, the importance of having a code of conduct has been mentioned, along with an analysis of dilemmas faced in ensuring equality, inclusion and effective diversity management at workplaces and suggestions for better implementation thereof.

For the purpose of arriving at various conclusions and suggestions, this paper relies on various studies like that of Fortune-500 companies, studies conducted by the Times of India Group, Deloitte, Boston Consulting Group and various other research papers and articles.

Thereby, with the overall explanation of the concepts of equality, diversity, inclusion and diversity management, along with its relation to success; analysis of various laws on issues and it's challenges, importance of leadership and code of conduct; and the exploration of dilemmas and suggestions; this paper moves to highlight the need and importance that an organisation needs to place in customising its own inclusion and diversity management policies to ensure that all diverse groups feel included and a safe and supportive work environment is established.

Keywords: *Diversity Management, Equality, Inclusion, Work environment, Code of Conduct.*

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I. INTRODUCTION

"Diversity is being invited to the party. Inclusion is being asked to dance. -Verna Myers."

Equality, diversity, inclusion and diversity management are very important concepts for better management of human resource in organisations. These concepts have always been important, but after globalisation, the need for these concepts at workplaces have increased. Multi-National Corporations, earlier, had a uniform code of conduct and human resource strategies for all their branches, but over time they realised that their workforce belongs to diverse groups and to truly attract the nature of their potential towards creative ideas and growth of the organisation, inclusion and diversity management are areas that need to be worked on.

A workplace that supports all diverse groups, which is often times a reflection of their customer base, is a workplace that thrives because it provides a safe space for people of all backgrounds to work together in a manner that encourages creative and innovation solution to problems. Over time, companies have begun to cater to a diverse market, who has diverse set of needs. Recognition of the need of the market is one factor which has made companies not only expand their customer base, but also give them a competitive edge. Having a diverse set of employees helps organisations in recognising these needs and tapping on the demand of such diverse groups.[2]

Statistics show that a major chunk of the excluded, diverse and vulnerable groups in India are women, Muslims, Dalits, lgbtq+ community and people with different disabilities. These diverse groups are the most vulnerable of the lot, thereby, strategies focusing on the inclusion and diversity management of these groups and sensitization of others towards these diverse groups should be the goal of the organisation to ensure effective management of their diverse workforce.

Employees often like to work effectively at workplaces which do not have a biased system of performance appraisal. If the process of growth, promotion, rewards and performance evaluation is itself biased, an employee would feel discouraged to work for an organisation like this and attrition rates would increase. Thereby, a thorough sensitisation of employees towards diverse groups and their support towards these communities needs to be maintained for the biases to be eliminated.

Every aspect of diversity can become a factor of discrimination, wherein biases of decision

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[2] Harold Andrew Patrick and Vincent Raj Kumar, "Managing Workplace Diversity: Issues and Challenges", Sage Journals, (2012).

makers regarding diverse groups can affect decision making. These decisions could be about trivial matters or about matters of importance like that of promotions, recruitment, growth opportunities, group communications, team work, etc. Diverse groups with different sexual orientations is another area wherein organisations often struggle with sensitising and showing the right kind of support.

(A) Research Methodology

Scope of the study: This research deals with the aspects of equality, diversity management and inclusion at workplaces. It initially begins with an explanation of equality, diversity, inclusion and diversity management. Then, it explores the linkages of these aspects to success of an organisation with the support of statistical data. Then, various laws around the issues of parenting benefits, sexual harassment at workplace laws, sexual orientation policies and equal pay have been explored, followed by the role of leadership in inclusion policies. Lastly, the importance of having a code of conduct has been mentioned, along with an analysis of dilemmas faced in ensuring equality, inclusion and effective diversity management at workplaces and suggestions for better implementation thereof.

Research Objectives: The objectives of this research study are as follows:

- To analyse the concepts of equality, diversity, inclusion and diversity management and it's linkages to the success of an organisation.

- To explore the laws relating to various issues like parenting benefits, sexual harassment at workplace laws, sexual orientation policies and equal pay and analyse the shortcomings and challenges faced by diverse groups with respect to the laws.

- To analyse the role of leadership in ensuring better implementation of inclusion policies and further focusing on the importance of code of conduct.

- To explore the various dilemmas faced by companies in implementation of better inclusion and diversity management policies and then to give suggestions for better implementation.

Research Questions: Research questions are the questions that this research study aims to answer. Following are the research questions for this research:

1. How are the concepts of equality, diversity, inclusion and diversity management related to the success of an organisation?

2. What are the laws and policies on various issues like parenting benefits, sexual harassment at workplace laws, sexual orientation policies and equal pay and what are the challenges faced?

3. How can better leadership help in better implementation of inclusion and diversity management policies and what is the importance of code of conduct with respect to the same policies?

4. What are the dilemmas faced by the organisation in ensuring equality, inclusion and better diversity management and suggestions for better implementation?

Statement of hypotheses: This study is analysed to assess the hypothesis that equality, diversity, inclusion and effective diversity management policies contribute towards the success of an organisation and additional steps need to be taken by solving the challenges.

(B) Review of Literature

Jacqueline A. Gilbert et al (1999)[3] discusses the need for inclusion and diversity management through proactive efforts. Further, a few selected organisations which are considered to have good strategies of management of diversity in place are studied and the consequences of effective diversity management are explored.

Fang Cooke and Debi S. Saini (2010)[4] analyses the enhancement of organisational performance by way of strategic management of diversity at workplace. An in-depth and detailed study of 24 firms in India, from different industries and having different style of ownership has been conducted by the authors. The method of data collection was interviews with 110 managers and 102 non-managerial employees, with each interview conducted individually. This study explored the various societal nuances to management of diversity at workplaces in India and highlighted on how different views of the leaders and managers of an organisation reflect on how effectively the diversity management strategies are implemented.

Harold Andrew Patrick and Vincent Raj Kumar (2012)[5] is a study on management of diversity by way of examining potential barriers to effective diversity management. A survey of 300 respondents who are employees of the IT sector was studied to conclude that successful management of diversity leads to more committed, better performing and satisfied employees.

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[3] Gilbert, J. A., Stead, B. A., Ivancevich, J. M., "Diversity management: A new organizational paradigm", Journal of Business Ethics, 21(1), pp. 61-76, (1999).
[4] Fang Cooke and Debi S. Saini, "Diversity Management in India: A study of organisations in different ownership forms and industrial sectors", Human Resource Management, pp- 477-500, (2010).
[5] Harold Andrew Patrick and Vincent Raj Kumar, "Managing Workplace Diversity: Issues and Challenges", Sage Journals, (2012).

Priscilla Dike (2013)[6] analyses the aspects of managing diverse workforce and its consequences on the organisation, along with the challenges faced by managers in formulating effective strategies to fulfil the goal of inclusion. For this purpose, five companies in the countries of Finland and Ghana have been studied by way of interviews for three companies and empirical research for the other two. The findings of this paper indicate that workplace diversity has contributed towards more productivity when it is properly managed.

Elwer Sofia (2013)[7] analyses the aspects of gender equality at workplaces from a psychological point of view. It studies the data available through questionnaires from the Northern Swedish Cohort and finds that the highest occurrences of mental health issues in women were experienced at unequal workplaces and the opposite outcome was found at places where men and women are treated equally at workplaces. This study focuses of making mental health of women employees into consideration when it comes to equal treatment and suggests that health policies should consider workplace environments as a determinant as well for health of women, in order to reduce health differences between men and women.

Kaushik Neeraj et al (2014)[8] studies various gender issues faced by women at workplaces and explores the concepts of gender discrimination, stereotypes related to gender and sexual harassment at workplace, in India. The study examines the surveys taken and data collected from 500 top firm in India, and finds the various departments of the firm which can contribute towards making the workplace more inclusive for women.

Nisha Nair, Neharika Vohra (2015)[9] is a study based on the aspects of diversity and inclusion, with inclusion being discussed at large because it is a recent area of study. The various meaning, interpretations, conceptualisation, literature on both inclusion and diversity have been discussed in this paper, along with a brief examination of role of leadership with diversity.

Kavita Meena (2015)[10] discusses about the dimensions of diversity in India, while establishing that the dimensions of diversity differ from country to country and the diversity management strategies used in one country might not work in another with different diversity dimensions. It further explores and specifies the diversity dimensions in India, its implications on the

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[6] Priscilla Dike, "The impact of workplace diversity on organisations", Degree Programme in International Business, Arcada, (2013).

[7] Elwer Sofia et al, "Patterns of Gender Equality at Workplaces and Psychological Distress", PLos ONE 8(1), (2013). https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0053246

[8] Kaushik Neeraj et al, "Equality in the workplace: a study of gender issues in Indian organisations", Journal of Management Development, Vol. 33 Issue 2, (2014), pp. 90-106.

[9] Nisha Nair and Neharika Vohra, "Diversity and Inclusion at the Workplace: A Review of Research and Perspectives", Indian Institute of Management Ahmedabad, W.P. No. (2015), 03-34.

[10] Kavita Meena, "Diversity Dimesions of India and Their Organization Implications: An Analysis", International Journal of Economics and Management Sciences, Vol. 4 Issue 6, (2015).

organisations, especially Multi-National Corporations and the challenges associated with the same. Diversity dimensions like that of religion, caste, age, language, gender, disability, sexual orientation and region of origin have been discussed in detail, based on empirical work from previous researches of Indian organisations on this particular subject.

Angel Sharma (2016)[11] examined the performances of strategies like performance appraisals, affirmative action and sociocultural issues in analysing the management capabilities of the organisations as to diverse groups. It found that performance appraisal is a flawed process because it has a lot of area for the evaluator's prejudices to affect decision making; sociocultural issues were found as to managers opting to help only certain employees and leaving the rest to fend for themselves and affirmative action was laid down to ensure that managerial commitments towards management of diversity are met.

Avijat Niroula (2017)[12] discusses the relationship between the variables of leadership, equal pay, equal opportunities for employment and affirmative action with respect to the goal of managing equality and diversity at workplace in a way that benefits the diverse groups as well the organisation. This study found that there is a need for organisations to tailor-make their own strategies that they feel would work best in managing the various spheres of equality, diversity and inclusion and workplaces because a uniform law which emphasis on strategies for the same might not work for every workplace.

II. OVERVIEW OF EQUALITY, DIVERSITY, INCLUSION AND DIVERSITY MANAGEMENT

(A) Equality

Equality refers to fair and equal treatment of all, irrespective of the characteristics that person possesses, be it their gender, religion, place of birth, sexual orientation, etc. It is about protecting the right of the people to be different from the rest. Diversity and Inclusion and essentially different branches of equality. Equality essentially refers to an absence of discrimination. But in workplaces, the definition of equal does beyond just an absence of discriminatory practices. Positive steps need to be taken to ensure that equal treatment should be given to all. Policy decisions like equal pay, equal treatment in terms of giving promotions, growth opportunities, etc. Equality is a huge step towards building a safe and supportive

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[11] Angel Sharma, "Managing Diversity and Equality in the workplace", Cogent Business and Management, Vol. 3 Issue 1, (2016).
[12] Avijat Niroula, "Managing Diversity and Equality in the workplace", ResearchGate, (2017).

workplace.[13]

The gender pay gap is one of the most pressing issues when it comes to ensuring equality at the workplace. Equal opportunities and remunerations to people belonging to all diverse groups is very important for not just ensuring a better work environment or for protecting the image of a company; but it is also the ethical, legal and moral thing to do. When you don't pay equally to a person of one diverse group than a person of the other, you propagate that the person being paid less and their diverse group is not appreciated, and this could set the organisation back by a several years in terms of growth.

For a large amount of time, equality at workplaces has focused on the issues of women not being given equal opportunities and equal pay as compared to their male colleagues; this issue still exists in majority of workplaces. Additionally, women are not given equal opportunities at top level managerial positions because of discriminations and prejudices of women not holding a strong authority. It is very important for organisations to rid themselves of such discriminations because they lose out on a lot of potential and growth prospects which could hinder their success.

Moreover, the realms of strategic planning for the purposes of equality should not just be contained towards men and women. People belonging to all diverse groups should face no form of discrimination just because they belong to a particular diverse group, infact they should be encouraged and supported to highlight their diversity in a way that would lead to innovative ideas and better work due to employee satisfaction with the work environment.

(B) Diversity

First and foremost, it is integral to define the word 'diversity'. Diversity can be defined in several ways. Diversity is defined as a mixture of characteristics that can significantly affect the way a person feels, thinks, talks, behaves at work, their work behaviour, acceptance, performance or their success in the organisation.[14] It can also be described as the varied range of perspectives that are brought in and various approaches that are taken by people who belong to different identity groups.[15] Diversity is often times described as an indicator of demographic difference but it can also be perceived as a difference of thought process and approaches to the

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[13] "Equality in the Workplace: What does it mean?", Human Rights Careers. Last visited on 24 November 2020. https://www.humanrightscareers.com/issues/equality-in-the-workplace-what-does-it-mean/

[14] R. Hays- Thomas and M. Bendick, "Professionalizing Diversity and inclusion practice: Should voluntary standards be the chicken or the egg?", Industrial and Organisational Pyschology, Vol. 6 No. 3, pp. 193-205, (2013).

[15] D. A. Thomas and R. J. Ely, "Making differences matter: a new paradigm for managing diversity", Harvard Business Review, pp. 79-90, (1996).

same problem.[16]

Initially the definition of diversity in workplace was about women and other minority religions which differed in different parts of the country, but over time the facets of diversity have moves towards other forms of characteristics like sexual orientations, gender identities and religious practices, etc. It can also be related to different working and thinking styles, educational background, place of birth, etc. Some people believe that focused steps and policies in the direction of diversity management often times are only limited to visual demographics like that of gender, age, disability or race and don't pay much attention to more detailed set of differences of attitudes, beliefs, cultures, etc and that can lead to an unbalanced approach towards diversity management.[17]

In order to fully utilise the aspects of management of diversity, it is also very important to work towards inclusion. This means that apart from having a diverse work force and managing them in order to create a supportive work environment, it is also very important to make the workforce feel included by encouraging them to participate to build a more integrated environment at work.

There exist different types of approaches towards the realisation of how diversity and inclusion can help the organisation and benefit them. But at the same time, a negative take on diverse workforce also exists. The various kinds of positive connotations to diversity and inclusions includes one which values the principles of justice and believes that everyone should be treated equally. The next school of thought is that the organisation has customers who belong to diverse groups, and thereby having a workforce that reflects on such diversity would help the organisation in better catering to the needs of the customers and would give them better access to the way their customers think. Another school of thought is that diverse people bring varied kind of experiences and skills to the table which can prove very fruitful for an organisation for its growth and development.

(C) Inclusion

Diversity and inclusion are two very different but related concepts that need focused policy decisions for implementation. Diversity, as discussed, is a set of different groups that are varied by a set of different factors, such as gender, race, sexual orientation, etc. but also personality, attitudes, education levels, etc. An approach towards diversity and management of the same

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[16] Deloitte, "Only skin deep? Reexamining the business case for diversity", Human Capital Australia, 2011.
[17] C. I. Chavez, "Beyond diversity training: A social infusion for cultural inclusion", Human Resource Management, Vol. 47 No.2, pp. 331-350, (2008).

requires a very clear process from the beginning stage of recruitment, wherein companies recruit a more diverse workforce to reflect on the diverse groups in the society for social, business and ethical reasons.

Inclusion refers to belonging. It is different from diversity because it entails nuanced steps towards making the diverse groups at workforce feel included and to make them feeling like they belong with the organisation they work for. It entails policy decisions that create a culture of acceptance and belonging. If the employees supported in the organisation and feel that their diverse traits are appreciated, they will be more comfortable and willing to bring more ideas to the table, which would help in growth for the organisation. Inclusion helps bring out the advantages of diversity, and implementing inclusive workplaces thus should be a priority for workplaces.

The two concepts are considered related because only having diverse workforce for representation would not help the organisation, until it advocates towards better inclusion practices to attract the benefits of having a diverse workforce. It has been observed that without inclusion, diversity can oftentimes lead to a backlash for the organisation.[18] This is because even though diverse groups hold positions of importance, they hesitate in letting their diversity affect their decision making so as to conform to certain standards of uniform behaviour.

The concept of inclusion relies heavily on the need for acceptance, belonging and the need to be able to maintain and retain one's unique diverse traits without being discriminated against. Exclusion of people based on their diversity leads to a negative perspective in the workplace and can lead to various mental, economic and social issues for the victim person, with no fault of their own.

(D) Diversity Management

The true essence of diversity management entails that each diverse group feels respected at their workplace and their diversity is not something that becomes a parameter for how their performance at their workplace is evaluated. The feelings of inclusion and belongingness with the employing organization is the goal of diversity management.

Diversity management refers to the actions of an organization that aims to promote a better inclusion of employees from diverse backgrounds into the specific organization's policies and programs. This is in relation to adopting diversity in the workforce in a better manner.[19]

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[18] "Diversity Doesn't Stick Without Inclusion", Harvard Business Review, 2017. Last visited on 23 November 2020.

[19] "Diversity Management- Organizational actions that promote a diverse and inclusive workplace", CFI. Last visited on 30 Sept 2020. https://corporatefinanceinstitute.com/resources/knowledge/other/diversity-management/

Managing diversity is a very tedious task which requires a tailor made strategy for each organization to see what works exactly, for the purpose of achieving the goal of inclusion.

Diversity management can also be defined as- "diversity initiatives are defined as specific activities, programmes, policies and any other formal processes or efforts designed to promote organizational culture change related to diversity"[20]. Studies suggest that the objective behind management of diversity is to spread awareness about different culture groups, sensitize people to diverse groups, ensure acceptance and respect of diversity at workplace along with focusing leadership roles towards implementation of strategies for management of diversity.

Not only does diversity management helps in making diverse groups feel comfortable and safe at the workplace to attract their true potential at work, but it is also beneficial for the purpose of ensuring that good employees do not move towards the organization's competition firms and in order to ensure that the organization has a good corporate image. The advantages associated with having a good corporate image are vast, so are the disadvantages of having a bad corporate image, especially for the purposes of ineffective diversity management.

Strategies towards management of diversity often require not just a formal policy decision, but also informal approaches of training and setting example which can be done by managers at each level to better implement the understanding of diversity and inclusion at workplace. This is because certain employees respond to the formal methods of implementation, however some employees require an informal approach to better understand such policy decisions.

III. LINKAGE OF DIVERSITY MANAGEMENT TO SUCCESS

Management of diversity and equality is very advantageous for organisations. It helps organisations to better understand the diverse groups that their customers belong to and their needs and wants; on the other hand it also helps organisations come up with more innovation solutions and approaches due to diverse mindsets of employees belonging to diverse groups. Following points further reiterate the linkages of diversity management to success:

1. Additional profits: Not only is diversity and equality amongst workforce in organisations a boon in terms of creativity of solutions, but studies have also proven that companies with more diverse workforce have made more profits. Additionally, a report done on the Fortune-500 companies entails that the top 25% organisations who have women working in senior management positions have shown 30% more returns than that of others.[21]

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[20] Wentling K. and O'Reilly C., "Evaluation of diversity initiatives in multinational corporations", Human Resource Development International, 3(4), pp. 435-450 (1998)
[21] "The bottom line: Connecting corporate performance and gender diversity", Catalyst New York, (2004).

2. Impact of women participation on ROE: A study done by the Times of India group[22] moves to use 100 of the top Indian companies listed on the BSE (Bombay Stock Exchange) in order to analyse the relationship between having women on the boards and profitability. This study moved to report that women representation on the board of companies has a positive impact in terms of Return on Equity(ROE).

3. Better market stakes: A study conducted in the United States[23] found that gender and racial diversity proved to give better results in terms of better market shares, better sakes, more revenue and more relative profits. Thereby, having a more diverse workforce, accompanied by effective inclusion and diversity management policies can go a long way in ensuring better market stakes for an organisation.

4. Better Organisational Performance: Equality and management of diversity leads to better organisational performance. A report by Deloitte[24] has found that if employees feel that their company is supportive of diverse groups and committed towards creating an inclusive environment, they tend to perform better in terms of innovative abilities, team work and better attitude towards working. This report further examined that the organisation would witness an increase of attendance by almost one day per employee per year, when the workforce feels included.

5. Innovative solutions and higher revenues: Diverse workforce has its own innovative way of expression and thinking, which leads to innovative solutions. Although, there innovative thinking can only be attracted by way of better inclusion and diversoity management policies. Studies done by the Boston Consulting group has found that companies with more diverse teams of managers have generates 19% higher revenues due to innovative application of mind.[25]

6. Better understanding of customer needs: Companies cater to a diverse range of employees which form a part of their customer base. Thereby, if the same kind of diversity is reflected in the workforce of an organisation, it would help them in understanding the needs of such diverse groups in a better way.

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[22] S. Mukherjee and N. Singh, "Companies with women board members make more money," Times of India, 27 October (2014). Last visited on 25 November 2020. http://timesofindia.indiatimes.com/business/india-business/Companies-with-women-board-members-make-more- money/articleshow/44943363.cms

[23] C. Herring, "Does diversity pay? Race, gender, and the business case for diversity," American Sociological Review, vol. 74, pp. 208-224, (2009).

[24] "Waiter, is that inclusion in my soup? A new recipe to improve business performance," Deloitte Research Report, Australia, (2012).

[25] "How diverse leadership teams boost innovation", Boston Consulting Group, 2018. Last Accessed on 25 November 2020. https://www.bcg.com/en-us/publications/2018/how-diverse-leadership-teams-boost-innovation

IV. LAWS AND CHALLENGES

In order to understand the aspects of equality and management of diversity, it is important to look into the enhancement of laws in the same direction. There are various employment laws that deal with the benefits and protections of various diverse groups at work place, and having such laws is very important to ensure that fair treatment is provided to people of each diverse groups. Not only such laws encourage organisations to fall in line with inclusion laws of the government, but also provides support to the employees.

(A) Parenting Benefits

One such law is the Maternity Benefit Act, 1961. This Act was amended in 2017 in order to increase the maternity leave period from 12 weeks to 26 weeks. This was for women who had less than two surviving children, for women with two or more children surviving, the benefit remained at 12 weeks. It also mandated organisations with fifty or more employees to provide for day care facilities and work from home for work that can be done at home for women after their maternity leave. This amendment was said to have helped in reaching towards inclusion of women at workplaces.

Challenge: India only has provisions in relation to maternity leaves and benefits, however, there are no provisions for paternity leaves under law. India is, in fact, within the group of 90 countries out of 187, with no national legislation on paternity leaves. Various companies have taken it upon themselves to allot paternity leaves, but they are hardly similar to the duration of maternity leaves. In India, Novartis and Zomato are the two companies that offer a 26-week paternity leave. Glitch is another company which provides 15 days paternity leave in general, with a provision of extension by 30 days at the request of the employee. There exists a need for a legislation for paternity leaves so that all male employees can

Earlier, there was no law for child care leave benefits for men. This was eradicated by a decision by the central government in October 2020. It was announced by the Union Minister Jitendra Singh that all male government workers who are single fathers are entitled to the benefits of child care leave, which was earlier limited to single mothers. He laid down the provision for granting of child care leave at 100% leave salary for the first year and then 80% of the leave salary for the second year. Further, earlier child care leave for a disabled child was available up to the age of 22 years of the disable child; this was removed and now, child care leave can be taken by a government employee at any age for a disabled child. This move is another significant move towards recognition of a diverse group and positive policy actions for inclusion of the said diverse group. The diverse group in question is that of single fathers and

parents of disable children in the workforce and this policy decision moves to recognise the hardships faced by this group and provides for a solution to the same. This provision also lays down foundation for a more gender equal approach towards benefits related to parenting.

(B) Sexual harassment at workplace

It was in the Supreme Court case of Vishaka v. State of Rajasthan[26], was the need for a legislation which strictly deals with sexual harassment at workplace recognised. The apex court exercised their power under Article 32 and framed guidelines for the same. This was superseded by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The Act lays down what entails sexual harassment against women and lays down guidelines for setting up for Internal Complaints Committee at workplaces having more than 10 employees, for proper reporting and redressal of such crimes against women. Women are considered one of the minority groups for diversity management. These guidelines were considered as a welcome move in making women feel safer at workplaces. It has laid down provisions which encouraged women to safely work at organisations.

Further, the amendment of 2018 to the Companies Act 2013, mandates the companies to disclose information on their compliance with the requirement of the formation of the Internal Committee for sexual harassment complaints, in their Board of Directors report. A fine of INR 50,000 has been levied on companies who fail to submit this part in their Board of Directors report.

Furthermore, the Government of India has laid down the set up of an online platform, called She-Box (Sexual Harassment Electronic Box), wherein, women employed in public or private sector can file a complaint and same shall be communicated to the Internal Committee of the employer organisation. Further, the organisation's efforts towards investigation of the same is also monitored.

Challenge: It is pertinent to note that these guidelines specifically deal with women and combats the issue regarding sexual harassment against them. However, even men are sexually harassed at workplaces and there is no such legislation which protects men against the same. There have been various accounts wherein men have shared that they were sexually harassed by women. There is no legislation which punishes women for sexually harassing men at workplaces. Laws against crimes which affect all genders need to be made gender-neutral. A report by the Economic Times-Synovate in 2010 wherein 527 men working in metros were surveyed, 19% claimed to have faced sexual harassment, and 51% claimed to have faced sexual

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[26] Vishaka & Ors. v. State of Rajasthan, AIR 1997 SC 3011

harassment at their workplace.[27]

There exists very little data regarding sexual harassment at workplaces against men, accompanied by severe under reporting. There are various reasons why men fail to report or complaint against such actions, one such reason is some men feel they will be mocked, there exists a general belief that men can't be sexually harassed by women and they fear their privacy would be violated. This indicates a dire need for laws against sexual harassment of men at workplaces.

Wipro Technologies has taken a step in the right direction by formulating policies for the establishment of a gender neutral committee of Prevention of Sexual Harassment Committee to conduct investigation against complaints of all genders. A similar policy has also been adopted by Infosys, Bangalore. However, a uniform law which punishes sexual harassment against men also needs to be formulated for this protection to extend to working men throughout the country, irrespective of the organisation they work for.

(B) Sexual Orientation

Sexual orientation has been a topic of various discussions when it comes to diverse groups which require urgent attention. People belonging to sexual orientation that are not cis-male or cis-female have faced discrimination at all spheres of their lives for a long period of time. Such discrimination is faced by people who are of different sexual orientation or are perceived so be of the same.

The declaration of Section 377 of the Indian Penal Code as unconstitutional was a huge step towards the acceptance of people with different sexual orientations belonging to the LGBTQ+ community. Even though it was the first step taken in the right direction, just decriminalising consensual acts between people of the same sex wasn't enough.

The government formulated the Transgender Persons (Protection of Rights) Act in 2019, to protect the rights of transgenders and ensure their safety and welfare. This Act prohibited discrimination against transgender people and prescribed a penalty of 6 months of imprisonment which might extend to two years.

Challenge: The Transgender Persons (Protection of Rights) Act of 2019 has been heavily criticised by the community. One of the reasons is that it does not cover the discrimination front effectively and does not provide for what enforcing authority is to be contacted, what are

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[27] "Even men aren't safe from sexual harassment at workplace: Survey", The Economic Times E-paper, 2010. Last visited on 23 November 2020.

the measures that can be taken to help the victim, if any damages are to be paid, etc.

Apart from legislative challenges, people belonging to the LGBTQ+ community also face issues at workplaces like that of availing facilities like toilets which usually have a segregation of men and women and often times bullied to select the gender they were born with. Furthermore, most workplaces lack the etiquette of asking people the pronouns they want to be referred as and make people belonging to the community uncomfortable at their workplace. Thereby, strategic moves towards sensitising people and raising awareness for the same is very important towards the journey of equality irrespective of the sexual orientation of a person.

(C) Equal Pay

Equal pay for equal work, is not just ethical but also good business sense. But, in reality, people are not paid equal remuneration for equal work at the same organisation. The gender pay gap is one of the most pressing issues when it comes to ensuring equality at the workplace. Statistics suggest that India has slipped to the 112th spot out of 153 countries in the World Economic Forum's Global Gender Gap Index, in the year of 2020. This report also suggests that it would take almost a 100 years for India to close the gender gap across all industries. India was at the rank of 108 in 2018, which means that it lost 4 positions in the last two years.[28] One such example set to indicate the gender pay gap happened at the Women's Football Championship in Brazil, wherein 0.8 was shown instead of 1 on the scoreboard to indicate that women earn 80% of what men make for the same work.[29] These mass movements for denotations of the pay gap are exceptionally important towards getting equal pay for all.

The International Labour Organisation defines gender gap as- "gender pay gap refers to the difference in average wages between all women and all men who are engaged in paid employment".[30] Pay gap across diverse groups is an issue to discuss, but gender pay gap grabs most of the attention due to the multitude at which such acts occur in the world of work; thus gender pay gap becomes one of the major issues with respect to inequality at workplace.

The legal structure in India surrounding the aspects of equal pay are- Article 16 of the Indian Constitution gives the right to equal opportunity in matters of public employment and appointment of jobs under the state, Article 38(2) aims towards minimum inequalities between

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[28] "Infographic: Gender Wage Gap in India", Feminism India. Last visited on 24 November 2020. https://feminisminindia.com/2020/07/22/infographic-gender-wage-gap-in-india/#

[29] "Women's football: Why a scoreboard in Brazil read 0.8 after a goal", Sportstar- The Hindu, 2019. Last visited 24 November 2020. https://sportstar.thehindu.com/football/women-football-score-reads-08-after-goal-to-show-pay-gap/article29998971.ece

[30] Link: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_650553.pdf

genders with respect to income and Article 39 ensures equal pay. Further, the Equal Remuneration Act 1976 prohibits any kind of differential remuneration between men and women while doing the same work. All differential treatment with respects to recruitment, promotions, growth opportunities, etc. have been prohibited under the Act.

Further, the Supreme Court of India held the principle denoting that equal work requires equal pay as constitutionally valid.[31] It further held that similar work done by temporary workers attracts equal pay as that of permanent ones. In another case, the apex court held that equal pay should be given for equal work done by men or women.[32]

The Code on Wages 2019 was formulated by the government of India for the purpose of consolidating all laws relating to labour wages under one Act. The point of difference between the Equal Remuneration Act 1976 and the Code on Wages 2019 is that the latter is a more progressive legislation since it prohibits discrimination against all genders, as opposed to a prohibition of discrimination against women and men employees.[33]

Even though India is succeeding in making good legislations to combat the problem of gender pay gap, the 100 year prediction is a huge time frame for the eradication of this problem. There is a lot of work required in this area, especially when it comes to stricter implementations and consequences. If India truly wants to represent itself as a progressive and growing nation, it requires a ton of work towards ensuring equal pay for equal work.

We have seen a series of areas where legislations and corporate practices are found lacking in fulfilling their roles of ensuring equality, diversity management and having effective inclusion strategies in place. The need of the hour is to fill this gap as highlighted by the challenges, coupled with the importance of diversity management.

V. ROLE OF LEADERSHIP

Leadership plays a very vital role in implementing policies of equality and diversity management which promote inclusion of diverse groups. Involvement of top managerial leaders on issues relating to diversity and inclusion has a positive impact on the behavioural aspects of the employees, and it makes diverse groups feel safe with the organisation.[34] Addressing diversity requires a very delicate but firm approach to it and certain skills are

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[31] State of Punjab v. Jagjit Singh, 2016 SCC Online Sc 1200.
[32] Mackinnon Mackenzie & Co. Ltd. v. Audrey D'costa and Ors., AIR 1987 SC 1281
[33] "Viewpoint: Gender Pay Gap in India- Legal Considerations", SHRM India, 2020. Last visited on 24 November 2020. https://www.shrm.org/shrm-india/pages/gender-pay-gap-in-india-legal-considerations.aspx
[34] Cox T. and Blake S., "Managing cultural diversity: Implications for Organizational competitiveness", Academy of Management Executive 5(3), (1991), pp. 45-56.

required in leaders to effectively deliver this approach towards their subordinates. For this purpose, the correct and practical understanding of discrimination of any ground and the consequences thereof needs to be understood.

Leaders and managers of an organisation also need to explore their own cultural biases and any prejudices that they may have, before working on an inclusive workplace.[35] The work should be started with the highest ranking employees of the organisation; sensitising them towards the diverse groups of employees that work under them and garnering their support is a very important step because these employees are considered as the leaders of the firm and almost all of the employees work for them and follow their lead. Therefore, an example of inclusive behaviour needs to be set by the leaders themselves first. However, the work towards inclusion cannot just stop at the top level managers and employees at each level of the organisation need to be sensitised towards diverse groups to build a safe and healthy workplace.

Further, it is also very important to hold workshops and showcase model behaviour to managers at all levels of the firm because these employees usually engage in the work related to recruitment and selection and oftentimes get a final say in deciding whether an employee is hired. Their understanding of how diverse groups of employees bring diverse sets of innovative solutions and growth prospects is very important to ensure a diverse workplace, to fulfil the growth needs of an organisation.

Furthermore, the leaders of an organisation also have a vital say in the kind of organisational behaviour that is moral and acceptable. The policies that are formulated for the purpose of diversity management and inclusion should entail the principles of respect, privacy, freedom, transparency and acceptance. Leaders play a useful role in setting an example, recruitment and selection of the diverse groups, setting up strategies and influencing implementation of the same by their fellow employees and subordinates; this makes the role of the leaders a very important one for the purposed of equality, diversity and inclusion at workplaces.

VI. CODE OF CONDUCT

A code of conduct is essentially a set of rules which govern the behavior of an employee in an organization. It consists of the company culture, the standards that the employees are required to adhere with and the values of the company, which helps the third parties in deciding if they want to work with that company or not, based on such values. Thereby, having a formal foreword with respect to the importance of equality, inclusion and efficient diversity

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[35] Koonce R., "Redifining diversity: It's not just the right thing to do; it also makes good business sense.", Training and Development, (2001).

management adherence should be reflected in the code of conduct to ensure that the employees understand the focus of the company on ensuring a safe and supportive work environment.

For that purpose, a company's code of conduct should be easily accessible to all parties engaging with the company. This code not only entails internal guidelines that the employees need to follow, but they also throw a light at the external corporate values and commitments portrayed by a company.[36] Therefore, the need for a well drafted code of conduct is integral to clarify the values and principles that a company stands on.

It should contain all the dos and don'ts that the employees should follow while at work. Essentially, there should be no ambiguity left in a document as important as the code of conduct, because such ambiguities lead to blurred lines, which could lead to breaking of rules. This would help in sensitizing the workforce towards diverse groups and inform them of the consequences of any kind of discrimination against such diverse groups.

The code of conduct of a company should also have provisions made against any form of discrimination against people within the company based on gender, religion, race, social standing, etc. This is done in order to lay down the policy against workplace discrimination and the consequences of violation thereof. Laying down strict policies to promote equality and diversity among employees of an organization is very important, at the same time consequences of violation of these integral values also needs to be strictly mentioned in the code of conduct of a company.

The diversity management strategies play a huge role in ensuring inclusion of the workforce in the organization and the Human Resource Departments of various institutions dedicate themselves to ensure equality and better diversity management. However, an approach towards the same also needs to be done by way of a code of conduct which specifically lays down the intolerance of a company towards discrimination on any grounds laid down.

VII. DILEMMAS REGARDING EQUALITY, DIVERSITY MANAGEMENT AND INCLUSION

Following are the various dilemmas regarding equality, diversity management and inclusion:

1. Measuring the quotient of equality and diversity is very difficult. A company might have the most diverse set of employees at all levels of management, and yet many employees

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[36] "What is a Code of Conduct?", India Wentworth, 31 Aug 2018. Last Visited on 23 November 2020. https://www.delta-net.com/compliance/code-of-conduct/faqs/why-is-a-code-of-conduct-important

might feel discriminated against based on their diversity and they may not communicate about the same, making it very difficult to track the problems with the policies of the organisation.

2. Oftentimes, companies focus on sensitising the top level managers towards diverse groups, because they believe that the leaders of the firm should engage in model behaviour to advocate it, and not enough attention is paid to the lower-line managers. The top level managers deal with employees at higher positions, who have usually been with the organisation for a while; but the lower level managers deal with a larger number of employees, who have just joined; thus creating a gap in the implementation of sensitising policies.

3. The system of promotions and growth opportunities are often based on evaluation of performance which is done by different methods by different organisations. Often times, these methods heavily rely on the decision-making of certain individuals, and a biased approach by these individuals can lead to unequal treatment.

4. A lot of diverse gender group experience gender pay gap which acts as a huge deterrent for honest and efficient work, additionally, it gives a negative reflection on the policy statements and values of the organisation.

5. Diverse groups with different sexual orientations is another area wherein organisations often struggle with sensitising and showing the right kind of support. This poses a challenge of policy framing with could properly be implemented without first spreading proper awareness about dos and don'ts among other employees.

6. It is difficult to create strategies in order to make each diverse group feel like they belong to the organisation, it is even harder to sensitise the other members of the workforce towards support. Often times, people of diverse groups feel the need to hide their diversity to conform to the standard way of behaviour. That works as a complete loss of innovative and diverse thinking.

7. Tracking the success of inclusion strategies is very difficult. Diversity can be counted, so it's measurable in most cases. Inclusion on the other hand is a subjective matter and is very difficult to collect data and analyse the success of strategies focused towards inclusion.

VIII. CONCLUSION AND SUGGESTIONS

It is very important to understand that unequal treatment of diverse groups also becomes a reason for various psychological issues since workplace is a place where employees spend a great deal of their time and energy. It has been found that places that treat their employees equally experience low ratios of mental health issues amongst diverse and vulnerable groups,

Thereby, taking positive steps towards ensuring that a safe and supportive work environment exists for employees is very important.

The policies of promotions and growth opportunities should be curated in a manner that it is least affected by the biasness and prejudices of people of diverse groups. An unbiased approach towards evaluation of performance is very important to ensure that deserving people occupy the higher ranking positions in an organisation. Growth opportunities is what motivates employees to work efficiently for the organisation, and if the evaluation of performance itself is biased, it would demotivate employees.

There are various gaps with respect to laws and legislative gaps in gender-neutral laws, that have been discussed. Filling the legislative gap is the job of the government, but there are various companies who have created their own regulations by way of either concerned policies or by code of conduct, which lay down gender neutral policies and promotes inclusion policies for diverse groups.

The importance of leadership with respect to implementation of equality, inclusion and diversity management is vast. Thereby, it would be beneficial for the organisations to not only have a diverse personnel but also to sensitise the other leaders and employees of the organisation to create a culture of support. Thereby, dedicated workshops and support meetings could help achieve this objective. Most companies focus on sensitising only the top-level managers and do not do the same for their lower level managers. It is the lower level managers who deal with a larger number of employees who are significantly new to the organisation, and thus sensitising them with the support of proper training is very important.

A mixture of surveys, interviews and support groups might prove helpful in recognising the number of employees that face problems related to inequality and for the purpose of understanding the results of strategies focused towards inclusion. An elaborate scheme like this won't just make employees feel cared for, but also help the organisation in understanding what kind of steps work and what policy decisions have proved to be redundant in solving the problems related to inequality and management of diversity.

Thereby, with the overall explanation of the concepts of equality, diversity, inclusion and diversity management, along with its relation to success; analysis of various laws on issues and it's challenges, importance of leadership and code of conduct; and the exploration of dilemmas and suggestions; this paper moves to highlight the need and importance that an organisation needs to place in customising its own inclusion and diversity management policies to ensure that all diverse groups feel included and a safe and supportive work environment is established.

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