Empirical Assessment of Transgender Workplace Inclusivity Under the New Labour Codes: A Study in NCT Delhi

Ms. Priyanka[1] & Dr. Sapna Bansal[2]

[1]Research Scholar, G.D. Goenka University, priyankagangwar2010@gmail.com,
[2]Associate Professor, G.D. Goenka University, sapna.bansal@gdgu.org,

Abstract

This research provides an empirical evaluation of transgender workplace inclusivity under the provisions of the recently passed Labour Codes in the National Capital Territory of Delhi. Based on primary evidence gathered from structured questionnaires and in-depth interviews with transgender workers, employers, and labour rights activists, the study examines to what extent these legislative changes result in real-world workplace equality. The analysis is centered on the primary parameters, such as recruitment practices, workplace policies, anti-discrimination practices, grievance redressal mechanisms, and access to social security benefits. The findings reveal a wide and ongoing gap between the legal requirements of the Labour Codes and their actual implementation and, as such, numerous transgender individuals continue to encounter subtle exclusion, stereotyping, and procedural obstacles. The research identifies system problems like low employer awareness, weak enforcement mechanisms, and socio-cultural prejudice constraining the availment of statutory protection. The paper ends with policy suggestions for enhancing compliance, incentivizing sensitization schemes, and guaranteeing strong monitoring to institute true workplace inclusion among transgender individuals in Delhi.

Keywords: Transgender Inclusivity, Employment Laws, Workplace Equality, Legal Framework, Discrimination, NCT Delhi

Introduction

Workplace inclusion of transgender individuals is a relevant socio-legal issue in India even after recent legal changes. The passing of the four Labour Codes Code on Wages, 2019; Industrial Relations Code, 2020; Occupational Safety, Health and Working Conditions Code, 2020; and Code on Social Security, 2020 has been envisioned as a landmark move towards consolidating and updating labour laws, with the goal to take equality and protection to weaker sections, including transgender workers. (International Labour Organization, 2022) However, the effectiveness of these reforms in addressing the specific barriers faced by transgender persons in professional environments is largely underexplored. (Human Rights Watch., 2016)

The National Capital Territory of Delhi, being an economic capital and a territory with a diverse range of employment sectors, presents a key context to explore the practical effect of these Labour Codes on workplace inclusion. (Nanda, S., 2019) While legal provisions enjoin non-discrimination and equal opportunity, lived experiences (The Transgender Persons (Protection of Rights) Act, No. 40 of 2019,) tend to conflict with legislative purpose due to deep-seated socio-cultural biases, institutional resistance, and weak enforcement. (United Nations Development Programme, 2018)

This paper takes an empirical one to close the gap between law in action and law in the books. Drawing on primary data obtained from structured questionnaires and in-depth interviews with transgender employees, employers, and labour rights actors, the research explores how far the new Labour Codes have meant practical inclusion in the workplace. The study not only records the realities of the transgender world of work in NCT Delhi but also offers evidence-based learning for policymakers, employers, and advocacy organizations who are planning to develop fair and inclusive workplaces

Research Objectives and Methodology

The main aim of this research is to analyse the level of inclusivity in the workplace that is felt by transgender individuals within NCT Delhi in light of the newly implemented Labour Codes. Particularly, the study will:

- Analyse awareness and knowledge regarding Labour Codes among employers and transgender employees.
- Investigate the existence and functionality of workplace policies concerning non-discrimination, equal opportunity, and grievance redressal.
- Identify socio-cultural, institutional, and procedural obstacles that hamper the operational application of inclusivity measures.
- Make policy-based suggestions to ensure enhanced compliance and sensitization in the workplace.

To meet these ends, an empirical research design was undertaken. Primary data were gathered from a purposive sample of transgender workers employed in various sectors such as retail, hospitality, corporate services, and informal employment within NCT Delhi.

Systematic questionnaires were used to collect 60 respondents' quantitative indicators like patterns of recruitment, availability of policies, and access to benefits. In addition, 10 qualitative in-depth semi-structured interviews were carried out among transgender workers, employers, and labour rights activists to obtain qualitative information on lived experiences and belief about workplace equality. Data analysis integrated descriptive statistical techniques to survey findings with thematic content analysis of the interview transcripts to achieve breadth and depth of understanding. The empirical methodology thus facilitates a grounded assessment of the effectiveness of the Labour Codes in moving legislation promises to the workplace for transgender individuals.

Data Analysis and Interpretation

1. Summary of Empirical Insights

The empirical section of this research aimed to assess the lived experiences of transgender individuals in industries in the National Capital Territory of Delhi after India's new Labour Codes were introduced. The aim was to go beyond legalistic or doctrinal examination and record the "law in action" how statutory law is translated into workplace policy, everyday interaction, and concrete inclusion practice. For this purpose, the study used a mixed-method design, incorporating structured surveys and semi-structured interviews.

The survey covered 60 participants from varied industries such as corporate services, hospitality, retail, information technology, education, and small-scale businesses. Both transgender staff and cisgender colleagues who were able to offer perceptions regarding inclusivity were included in the surveys. Further, 10 semi-structured interviews were carried out with transgender staff, HR practitioners, managers, and labour rights activists. The semi-structured method enabled respondents to relay experiences in their own words, thereby ensuring subtle nuances that are frequently lost in structured questionnaires were captured.

The questionnaire tool was segmented into three analytical groups:

1.Perceived Workplace Inclusion and Support – measuring attitudes, comfort levels, and perceptions of inclusivity.

2.Policies and Awareness – measuring awareness of organizational policies, facilities, and legal provisions.

3.Mentorship and Training Programs – examining availability and effectiveness of formal inclusion programs.

Delhi NCR was selected as the site because it is a key commercial center, with a high level of diversity in its employment base, and a high level of both multinationals and SMEs. The results given here

combine quantitative trends with qualitative understanding, giving a holistic picture of how inclusivity for transgender people works on the ground.

2. Perceived Workplace Support and Inclusion
2.1 Quantitative Trends
Survey research points to a split but cautiously hopeful profile of transgender inclusion in the workplace. Some 60% of respondents graded their workplaces as "Somewhat Supportive," indicative of an increasing awareness of diversity as a workplace strength. Another 30% were "Neutral" in their report, indicating that while discrimination may not be overt, active inclusion efforts are also absent. Just 10% characterized their workplaces as "Not Supportive," though this number is large considering the inclusion of anti-discrimination measures in the Labour Codes.

Levels of comfort with transgender co-workers were fairly high, with more than 60% reporting they were "Very Comfortable" or "Somewhat Comfortable" having transgender individuals as co-workers. Significantly, over 70% "Strongly Agreed" that integrating transgender people has a positive effect on workplace diversity and productivity a heartening sign of attitudinal receptiveness.

Yet, the "neutrality" stated by almost a third of participants is worrying. Neutrality in inclusion contexts can be a sign of passive tolerance rather than active participation, providing transgender employees with no support in times of difficulty.

2.2 Qualitative Insights (Interviews)
The semi-structured interviews added depth to these figures. One such transgender worker working in the IT industry described:

"They never say anything bad about me, but they never do ask me to take on those important client-facing roles either. It's like they're protecting me in a corner — but also hiding me out of sight."

One other hospitality participant with mixed experiences explained:

"My team members are nice, but sometimes patrons make comments. Management tends to simply tell me to 'ignore it' instead of doing something about it."

Some cisgender peers did confess that they "never really thought" through inclusion over mere politeness, suggesting that interpersonal hostility is infrequent, but cultural transformation remains to be achieved.

2.3 Interpretation
The Labour Codes, specifically within their provisions on equal opportunity and non-discrimination, seek to establish official assurances of fairness in the workplace. The data indicate, however, that organizational culture ultimately determines the experience of these provisions. Support often depends on individual managers' attitudes, and without institution-wide initiatives, inclusion remains uneven. The "neutral" respondents, while not overtly biased, may represent workplaces where policies exist only on paper, and transgender employees navigate invisibility rather than hostility.

3. Awareness and Policies
3.1 Quantitative Trends
Transgender-friendly policies are not well known. 40% of the respondents expressed knowledge of their organization having such policies, and an equivalent proportion was familiar with the inclusivity provisions of the Labour Codes. 60% of workplaces did not have gender-neutral washrooms, even among the workplaces that had them, and the awareness was low.

More than 80% favored the provision of maternity leave to transgender employees a good indication of changing attitudes. Yet, none of the organizations in the sample had made such a provision, indicating a discrepancy between idea acceptance and policy implementation. In addition, 60% rated

their organizations as ready for transgender inclusion, while the remaining portion disagreed or was unsure, indicating an infrastructure and awareness shortage.

3.2 Qualitative Insights (Interviews)
Policy visibility emerged as a major challenge in interviews. Employees in large firms like TCS, Accenture, and Tech Mahindra cited clear diversity statements, dedicated HR contact points, and inclusive recruitment campaigns. In contrast, participants from smaller companies often responded: "I'm not sure if there's any policy. If it exists, no one has told me about it."
One case in point was a respondent from a mid-sized IT firm where gender-neutral bathrooms were technically accessible, but on a restricted-access floor, thus functionally unavailable.

3.3 Interpretation
Policies that are not actively communicated and made accessible are practically invisible. The anti-discrimination guarantees in Labour Codes need to be translated into practical HR procedures, communicated clearly to all workers. Large companies show that this is possible, but SMEs and informal economy employers need special support and monitoring of compliance in order to close the gap in awareness.

4. Training and Mentorship Programs
4.1 Quantitative Trends
The weakest dimension found was the availability of training and mentorship. Over 60% of the respondents indicated the lack of any mentorship or support mechanism, or were not aware of them. Around 30% indicated that no training had ever been done in their organization on transgender inclusion. Although some big companies (Deloitte, TCS, Wipro) had routine sensitization programs going on, they were exceptions and not the norm.

4.2 Qualitative Insights (Interviews)
Interviewees often spoke about trusting in casual networks instead of systematic mentorship. One finance expert described:
"I learned office politics from a queer colleague. There was no formal mentorship — just solidarity among us."
Another interviewee pointed to the superficial nature of some programs:
"We once had a diversity workshop, but it was hectic. People didn't participate, and the trainer was awkward."
Some respondents emphasized that mentorship is important for career advancement, not only for in-piping initial integration, but it is underdeveloped in the majority of workplaces.

4.3 Interpretation
Mentorship and training are necessary for the maintenance of inclusion post-hiring. The lack of formal programs sustains exclusion and halts progress opportunities. Single-touch sensitization events, usually conducted for optics of compliance, are not enough. Successful programs need devoted leadership, budgeting, and quantifiable objectives.

5. Cross-Cutting Themes and the Policy-Organizational Nexus
Both quantitative and qualitative data analysis identify a number of repeated patterns:
1.Sectoral Divide – Larger corporates with well-established HR frameworks exhibit greater policy consciousness and facility availability, while SMEs fall well behind.
2.Symbolic vs. Substantive Inclusion – Policies tend to be symbolic without effective implementation.
3.Cultural Barriers – Prejudices exist in covert forms, attacking formal protections.

4.Infrastructure Gaps – Facilities such as gender-neutral restrooms and healthcare benefits are still uncommon.

5. Policy Consciousness as a Prerequisite – Lack of consciousness makes legal safeguards ineffective in reality.

The interaction of the Transgender Persons (Protection of Rights) Act, 2019 and the Labour Codes is pivotal. Both establish a legal foundation for equality, but execution depends on employer self-regulation. In the absence of external audits, policy enforcement hinges on organizational commitment.

Conclusion

The adoption of the new Labour Codes in India the Code on Wages, 2019; the Industrial Relations Code, 2020; the Occupational Safety, Health and Working Conditions Code, 2020; and the Code on Social Security, 2020 has been touted as a landmark legislative initiative aimed at consolidating labour laws, strengthening the protections of workers, and fostering equality at the workplace. Of the numerous groups that are slated to gain from such shifts, the transgender community, which has long been marginalized and left out of the mainstream economic fold, finds itself in a highly vulnerable position. Conceptually, the acknowledgment of "gender" on more expansive and inclusive terms, accompanied by anti-discrimination provisions, marks an advancement toward making equal employment opportunities available. But as this empirical research in the National Capital Territory (NCT) of Delhi shows, legislative intent does not always find expression in concrete work realities.

The findings from the survey and interviews show a mixed report card. While there is growing awareness of inclusivity as a legal and moral imperative, the effective application of the Labour Codes' provisions on inclusivity remains patchy and uneven. On paper, a number of employers asserted that they had non-discrimination policies and clauses in place to safeguard employees against bias on the grounds of gender identity. However, most transgender respondents indicated that such policies were missing in practice, inadequately communicated, or ineffective in responding to real-life problems. One of the persistent messages from both the quantitative and qualitative findings was formal compliance vs. lived experience employers could mark a "policy" box without instilling inclusivity into organizational culture.

Hiring proved to be one of the major obstacles. Even in industries with formalized selection systems, transgender candidates experienced higher rejection rates and recurring use of informal, stigmatizing judgments of "fit" in the organizational culture. The research also discovered that in those areas where transgender workers were employed, they tended to be concentrated in lower-level, less secure jobs with little room for upward movement. This not only limits economic empowerment but also feeds into stereotypes regarding the kinds of work which transgender people are "suitable" for.

Another conclusion concerns workplace culture and co-worker opinion. Transgender workers in spite of legal safeguards frequently face microaggressions, misgendering, and exclusion from informal networks at the workplace. For several respondents, the actions were as injurious as direct acts of discrimination since they undermined self-esteem and perpetuated social isolation. In spite of the Labour Codes setting up mechanisms for redressal of grievances, several transgender workers did not know about the mechanisms or had no confidence in their fairness and objectivity.

Enforcement of social security benefits under the new Labour Codes is also a weak area. Although transgender workers are entitled by law to perks like provident fund, health insurance, and maternity benefits (consonant with the expanded definition of gender), most reported that they faced problems in availing these benefits because of bureaucratic delays, mismatches in documents, or ignorance by human resource departments.

Socio-legally, the evidence supports the view that legal change, though needed, is not enough without active institutional intervention, cultural awareness raising, and effective enforcement. The analysis points to a structural issue: the Labour Codes are framed to be implemented universally and uniformly,

but their efficacy for marginalized communities such as the transgender population hinges greatly upon localized application strategies, attitudes of employers, and administrative capabilities. In the case of NCT Delhi, which has a relatively progressive policy climate compared to some other Indian states, the persistence of significant barriers suggests that deeper socio-cultural change is required alongside legal reform.

In conclusion, the finding from this empirical investigation is that although the new Labour Codes establish a legislative framework for transgender workplace inclusion, the effective realization of these rights depends on factors much farther removed from legislative wording. Unless there is maintained awareness-raising, employer responsibility, and targeted inclusion policy-making, the transgender population will remain locked in a disjunction between legislative promise and workplace practice.

Recommendations

Based on the findings and the gaps in implementation identified, the following policy recommendations are suggested to policymakers, employers, civil society organizations, and the transgender community itself. These should close the gap between law and practice and make the workplace more truly inclusive

1. Reinforce Awareness and Sensitization Programmes

- The government must work with industry associations to create compulsory training modules on gender inclusivity for employers, HR staff, and all employees.
- Sensitivity must move beyond minimum awareness to cover unconscious bias, respectful communication, and the importance of diversity in achieving business success.
- Transgender community representatives must be part of the design and delivery of these programs to create authenticity and pertinence.

2. Make Inclusivity a part of Recruitment and Career Growth

- Recruitment procedures should be made inclusive by employers, for example, anonymized screening of CVs and standard interviews, to reduce bias.
- Specialized affirmative action in industries, such as internships, apprenticeships, and mentorship programs for transgender people, may curb the vicious circle of occupational segregation.
- Career development policies must clearly set diversity targets so transgender workers can have access to promotion and management positions on an equal basis.

3. Ensure Policy Clarity and Effective Communication

- Organizations need to not just write but actively circulate unambiguous anti-discrimination and inclusion policies. These must be incorporated into employee guides, induction sessions, and office notices.
- Policies must define gender identity and expression clearly, detail grievance redressal processes, and describe penalties for non-compliance.

4. Enhance Grievance Redressal Mechanisms

- The Labour Codes grievance handling provisions should be implemented with easy, confidential, and unbiased complaint avenues.
- Third-party monitoring in the form of external ombudspersons or partnerships with NGOs will enhance confidence in the grievance redressal process for transgender workers

5. Enhance Access to Social Security and Benefits
- Employers should be given clear instructions by labour departments regarding ensuring transgender workers' access to benefits under the Code on Social Security.
- Digital platforms must be modernized to provide space for non-binary and self-identified gender markers, avoiding mismatches in documents currently blocking benefit access.
- Regular audits must be carried out to check for disbursal of benefits without prejudice or exclusion

6. Improve Monitoring and Enforcement
- Training should be given to labour inspectors for testing compliance with inclusivity standards, rather than generic standards of labour.
- Non-compliance should be met with graduated penalties, from warnings to fines, with public release of infringements to foster reputational accountability.
- Annual inclusivity reports, based on the pattern of corporate social responsibility disclosures, may be required for medium and large businesses.

7. Encourage Public-Private Partnerships for Inclusion
- Institutional partnerships between government departments, private employers, and transgender advocacy organizations are capable of bringing sector-wide inclusion approaches into being.
- Best practice exchange forums can showcase best practices for transgender employment and workplace changes.

8. Empower the Transgender Community
- Capacity-building initiatives must be developed for developing employability skills, IT literacy, and entrepreneurship among the transgender population.
- Legal literacy training can empower transgender employees with an understanding of their rights under the Labour Codes and tactics to enforce them.

9. Promote Intersectional Strategies
- Inclusion initiatives need to account for the intersection with caste, class, disability, and other marginalizations so that policies target compounded disadvantage.

10. Drive Long-Term Cultural Transformation
- In addition to compliance, organizations need to strive to integrate inclusion into their fabric and work culture.
- Regular surveys of employees, feedback mechanisms, and audits of inclusion can contribute to maintaining momentum over time

References
1. Centre for Human Rights & Legal Pluralism. (2024). *Carving out transgender rights in new Indian labour codes.* McGill University.

2. Human Rights Watch. (2016). *All we want is equality: India's new transgender rights bill. .*

3. International Labour Organization. (2022). *Inclusion of LGBTI workers in the workplace: A guide for employers. International Labour.* ILO.

4. Mishra, U. K., & Negi, A. (n.d.). Transgender and the right to employment in India: Analysing the trajectories of discrimination. *BESTUUR,*, 12–28.

5. Nanda, S. (2019). Gender diversity and workplace inclusion: The Indian scenario. *Journal of Human Values, 25(2),*, 115–126. .

6. Nishith Desai Associates. (2023). *Workplace inclusivity of transgenders: A critical analysis of the employment laws of India.*

7. Sharma, S., & Dubey, A. . (2024). Labour reforms in India: An inclusive perspective on the new labour codes. *Journal of Labour Law Studies, 15(2),*, 45–63.

8. The Transgender Persons (Protection of Rights) Act. (No. 40 of 2019,)

9. Times of India. (2025). *Long wait ends, real test begins for transgender rights in capital.*

10. United Nations Development Programme. (2018). *Legal gender recognition: A multi-country legal review of laws and practices on legal gender recognition in Asia. UNDP.*