

**WORKPLACE DIVERSITY
(STATUTORY PROVISIONS, ADVANTAGES AND CHALLENGES)**

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Abstract- Workforce diversity means similarities and differences among employees in terms of age, cultural background, physical abilities and disabilities, race, religion, gender, and sexual orientation. (Ankita Saxena, Elsevier, 2014). The workforce is more diverse than ever in history. People from different social, economic, educational, geographical, technological, etc backgrounds are entering the same workplace. Managing such enhanced diversity in the workplace is becoming more challenging for a modern HR manager. The present paper is focused on the concepts of management of workplace diversity, challenges, and advantages. It will mainly concern 21st-century issues related to workplace diversity. This paper will also critically analyze the constitutional necessity of managing workforce diversity.

Keywords- *Diversity, Racism, Workplace, Globalization, and HR manager.*

1. Introduction- With the passing of time increased globalization and technological enhancement, now the days' workplace is not limited to closed premises of corporate offices. Work from home concept is becoming more and more popular, where every remark is being recorded at multiple places, and any racist or geographical remark may create a hurdle for the organization as a whole.

Components of workplace diversity are as follows.

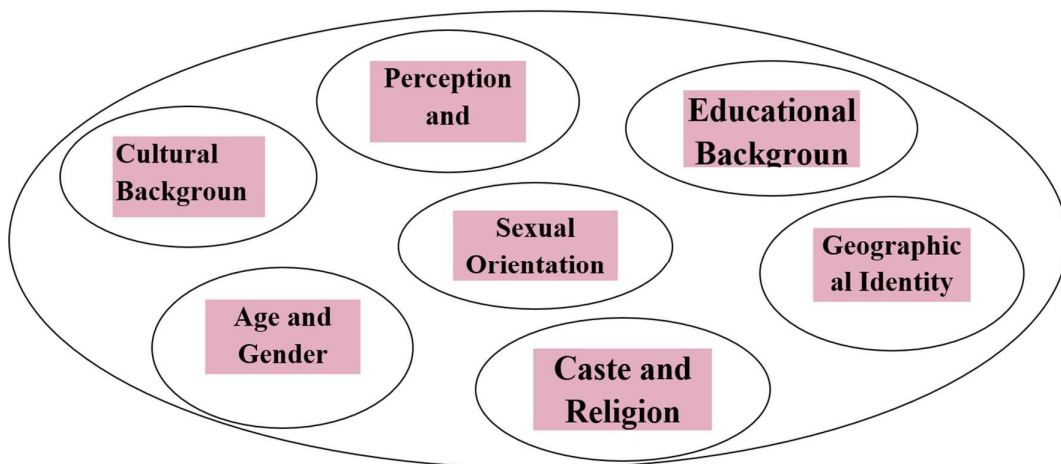


Fig- 1: Workforce Diversity

Millennium and Z generation are more aware of their Fundamental and Democratic Rights. Accessibility to the judiciary has now become very easy for a common worker too. In the third decade of this century, the Alpha generation is likely to enter the workforce. Alpha generation will be more advanced in the field of technology. They will be also more concerned about their

social, constitutional, and civil rights. Making a balance between alpha and millennium generation will be a difficult task for corporate leaders. This level of diversity coupled with the millennium and alpha generation will have its challenges and opportunities too.

2. Literature Review

Ritika Jain (2022) finds that in states with better gender empowerment indicators, firms with better gender empowerment indicators, firms with better female representative at all level of permanent employment also have better performance. In contrast, there is no effect of gender diversity on performance in states with worse women empowerment indicators.

Sowmya Kumar & Ivana Chatterjee (2021) according to them In recent times, conversation in India around Diversity and Inclusion have been strengthened by the explosion of social media, increased awareness of global events, policy initiatives, efforts by advocacy and consultancy organisations and some progressive judgements from the Indian Judiciary.

Tamunomiebi & John-Eke (2020) in this study authors concluded that Globalization and trade liberalization which has enhanced the mobility of factors of production from one nation to another easier has created a global market with most organizations speedily becoming diversified. Most workplaces are now heterogeneous rather than homogenous and having difference in people in terms of age, gender, ethnicity, culture, skills, profession etc, working in the same organization. Such workforce diversity helps in creating a learning organization through cross fertilization of ideas and knowledge.

Harold & Vincent (2012) in their study found that majority of the respondents were diversity realists, organisations should design and implement customized diversity programs that more precisely target the needs of individual employees, specific departments, or the organization as a whole.

Patrick (2010) found that diversity determines not only the effect the diversity within an organisation but also the level of openness to dissimilarity characteristics among the organisation's members, work groups, and culture.

Hossain & Lokman Mia (2020) says that The U.S. anti-discriminatory laws prohibiting discriminatory laws prohibiting discrimination in the workplace based on sexual orientation and gender identity (i.e. lesbian, gay, bisexual, and transgender (LGBT) identities) spur innovation, which ultimately leads to higher firm performance. They also find an interacting effect of Corporate Equality Index and firm innovation leads to higher firm performance.

Stockdale & Crosby (2004) Immigration and globalisation, combined with new civil rights laws and changes in public opinion, have resulted in vastly increased workplace diversity in the last half-century.

3. Research Methodology

The present study is based on secondary data. The information has been collected from published books, Journals, Articles, Newspapers, and websites. The paper descriptive research method has been adopted to describe the concept of Workforce Diversity.

4. Constitutional Aspect of Workforce Diversity

Part III of the Constitution of India contains fundamental rights, from Article 12 to Article 35. Many of these rights are directly concerned with workforce diversity.

Article 15 in the Constitution of India 1949

[15. *Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth*

- *(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them*
- *(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth, or any of them, be subject to any disability, liability, restriction, or condition with regard to*
 - *(a) access to shops, public restaurants, hotels, and palaces of public entertainment; or*
 - *(b) The use of wells, tanks, bathing ghats, roads, and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public*
- *(3) Nothing in this article shall prevent the State from making any special provision for women and children*
- *(4) Nothing in this article or clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or the Scheduled Castes and the Scheduled Tribes] (Article 15 CoI)*

Article 16 in the Constitution of India 1949

[16. *Equality of opportunity in matters of public employment*

- ✓ *(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State*
- ✓ *(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence, or any of them, be ineligible for, or discriminated against in respect or, any employment or office under the State*
- ✓ *(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment*
- ✓ *(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State*

- ✓ (5) *Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination]* ((Article 16 of CoI)

Article 17 in the Constitution of India 1949

[17. Abolition of Untouchability: Untouchability is abolished and its practice in any form is forbidden The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law] (Article 17 of CoI)

Although these articles provide protection mainly against the State, i.e. they are applicable to state's rules, regulations, acts, decisions, and policies etc. However, they should be followed by every entity to avoid controversies. There are several other laws that also govern workplace diversity and prohibit discrimination at workplace such as

- a. The SCs/STs (prevention of atrocities) Act, 1989
- b. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, etc
- c. The Rights of Persons with Disabilities Act, 2016
- d. HIV-AIDS (Prevention and Control) Act, 2017
- e. Transgender Persons (Protection and Control) Act, 2019

These statutes include some anti-discrimination provisions.

Violation of any of the provisions these acts are punishable offence with penalty and conviction. Today's workforce will be more conscious of these constitutional and civil rights. Compliance with these rights and laws must be ensured within an organization.

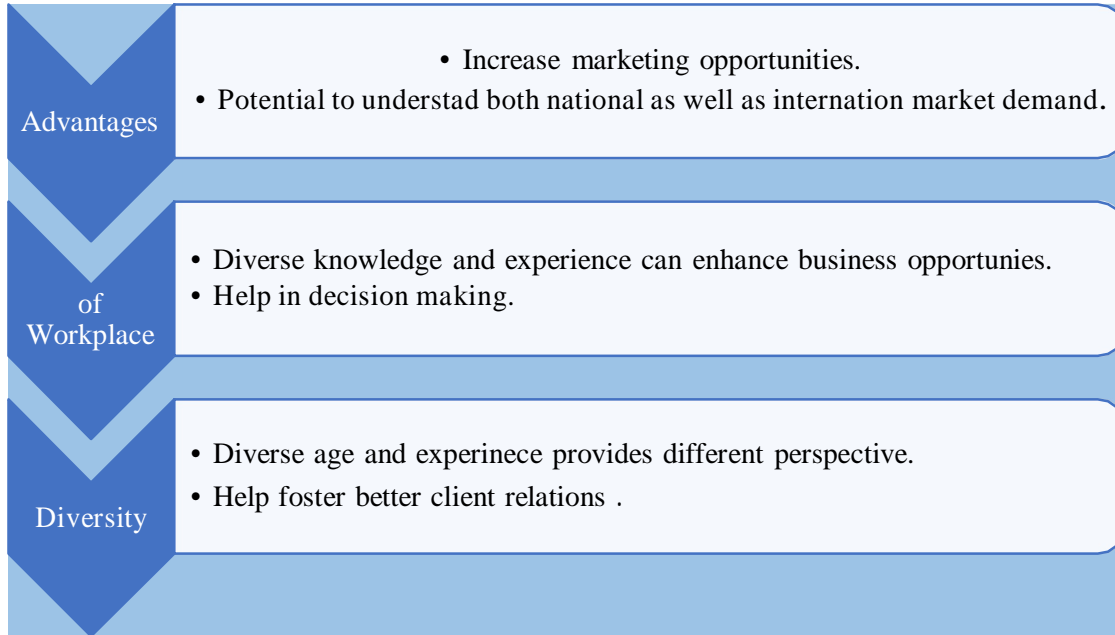
5. Challenges in Effective Utilisation of Workplace Diversity

Some of the common reasons of discrimination at workplace are summarised below

- a. **Stereotype**: a set of belief, especially an idea that is wrong, about a group that is applied universally to all members of that group.
- b. **Ethnocentrism**: it is tendency of describing one's own religion, culture, group, nation, or language as superior to others.
- c. **Discrimination**: barring an individual from workplace just because of his membership with a particular organization.
- d. **Backlash**: negative reaction to member of previously underrepresented groups gaining power and influence.
- e. **Prejudice**: an unfair unreasonable opinion or feeling, especially when formed without enough thought or knowledge; an unjustified negative attitude towards his socioeconomic background.

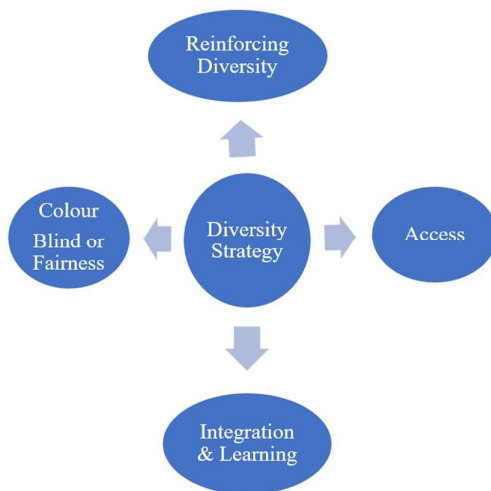
6. Advantages of Workplace Diversity

Workplace diversity includes acceptance and respect. It is very difficult to manage workplace diversity but once managed effectively and efficiently it may be a great asset for the organisation. Diversity at workplace is a strategy because diversity provides access to different customer base. With diverse workforce organisation can effectively handle diverse customers and market too.



7. Strategy for Diversity Management

Different words are used for the strategy of managing workforce diversity such as Diversity Strategy, Diversity Orientation, and Diversity Perspective. Following strategies may be adopted to tackle workforce diversity issues.



Reinforcing Diversity Strategy: In this strategy organisation avoid or even reject diverse workforce. They try to reinforce homogeneity within organisation by recruiting same category of persons.

Integration & Learning: This strategy promotes diversity and regards it as beneficial for all, organisation as well as individual employees. Employees get enriched with different language and skills.

Colour Blind: People should be treated equally, no matter where they are from, without any specific support for minorities.

Colour Fairness: This strategy also stretches to equal treatment, through addressing need for specific support for minority groups, to reduce social inequalities.

Access: Promotes diversity to access difference customer base, handle diverse clients, and markets etc

Besides these there several other strategies also such as

- a. Identity Diversity and Inclusion as core organizational value.
- b. Data collection and assessment with regards to diversity management.
- c. Draft and implement a plan document for diversity and inclusion.
- d. Legal compliances, internal policies and a support system must be there.
- e. Conduct creative sensitization workshops.
- f. Monitor progresses in respect of diversity management.

8. Conclusion: In this study we examined the various constitutional provisions which are to be followed to manage workforce diversity. Various laws governing issues related to workplace has also been examined. Advantages and challenges of workplace diversity have been laid down in this paper. We conclude that although managing workforce diversity in 21st century is a difficult task but not impossible. If managed in proper way workforce diversity can play a vital role in organisational success.

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