IDENTIFY & UNDERSTAND WORKPLACE DISCRIMINATION



TABLE OF CONTENTS

S.No	Contents	Page Number
1.	Introduction	1
2.	Discrimination	1
3.	Assessment approach	2
4.	Section-A- Introductory Meeting	4
5.	Section-B -Walkthrough Observations	5
6.	Annexure-1 [Check List] Walkthrough Observations	6
7.	Section-C- Document review	8
8.	Annexure-2 [Check List] Document review	9
9.	Section-D- Worker Interviews	15
10.	Annexure-3 [Check List] Worker Interviews	17
11.	Section-E- Closing Meeting	22
12.	Section-F- Data Triangulation	22

INTRODUCTION

This is a guiding document to understand and identify the 'WORKPLACE DISCRIMINATION' using simple observation and internal assessment tools. This will also enable the assessors and the assesses to design and bring their own Corrective Action Plan (CAP) based on the results of the internal assessment to eliminate any potential workplace discrimination.

DISCRIMINATION

Everyone has the right to be treated fairly and respectfully. When a person is treated disfavourably or when a person's dignity is violated based on the group, classes, or the other categories to which they are perceived to belong is considered discrimination. Discrimination could be based on race, caste, national origin, ethnicity, religion, age, colour, disability, gender, marital status, family responsibilities, sexual orientation, union membership or political affiliation etc.

CASTE: A social hierarchical system in India that divides people by social distinctions into hereditary groups that have specific limitations and privileges, depending on where the person is on the social strata.

ETHNICITY: Grouping of people who identify with each other based on shared attributes that distinguish them from other groups such as a common set of traditions, ancestry, language, history, society, culture, nation, religion, or social treatment within their residing area.

RACE: A category of humankind that shares certain physical traits.

CREED: A system of religious belief; a faith.

RELIGION: A set of belief and worship.

GENDER: A socially constructed characteristics of women and Men.

SEXUAL ORIENTATION: Person's pattern of emotional, romantic, and sexual attraction to people of a particular gender or sex.

NATIONALITY: The status of belonging to a particular nation.

WORKPLACE DISCRIMINATION

Discrimination at or outside the workplace may occur between colleagues, employee and employer, or between an employee and a third party. Specifically, it is the unfair treatment of an employee or candidate based on the class or category to which they belong, rather than on the person's competencies or the inherent requirement of the job.

POTENTIAL AREA OF DISCRIMINATIONS

- Recruitment and hiring
- Job allocation
- Promotion
- Working hours and wages
- Compensation
- Access to social security
- Termination or retirement
- Access to basic facilities
- Access to workplace training
- Access to personal protective equipment
- Use of foul language and inhumane treatment- on site and off site
- Creating a sense of exclusion or insecurity through different acts- direct or indirect
- Living arrangements for workers

ASSESSMENT APPROACH

Discrimination at or outside the workplace may occur between colleagues, employee and employer, or between an employee and a third party. Specifically, it is the unfair treatment of an employee or candidate based on the class or category to which they belong, rather than on the person's competencies or the inherent requirement of the job.



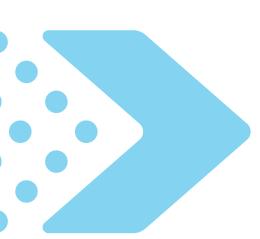




The main purpose of the opening meeting is to discuss the assessment plan and arrangements needed to accomplish the assessment. It also provides the assessor an opportunity to set a friendly and collaborative tone for the assessment and begin building positive rapport with the assesses. As mentioned, assessment can be nerve-racking and uncomfortable especially for the assesses, so an effective opening meeting will help remove their anxiety and put them at ease. Perhaps the main aim of such an assessment is to enable an inclusive and conducive environment at workplace to improve the level of job satisfaction and output.

PREPATORY GUIDE

- Meet with the factory manager before conducting assessment activities to review purpose of assessment and reiterate the importance of compliance to your Company.
- Share an agenda for the meeting and an on-site visit schedule with factory management.
- If this is not an initial assessment, review the prior such assessment/audit report and performance to date in meeting Corrective Actions.
- Discuss non-retaliation against cooperating workers; inform facility management that future assessment will include reviews of the continued employment of workers interviewed.







The importance of a facility walkthrough is often regarded as something businesses, and employees should do on an optional basis, making it seem far less significant than it is. It is important to understand the difference between a walkthrough, an inspection, and an Assessment or audit. Although the definition varies slightly per company, here are some general explanations of the terms:

Audit: A structured process whereby information is collected relating to the efficiency, effectiveness, reliability of a company's overall work environment and operation management system.

Inspection: A formalised and properly documented process of identifying gaps at workplace against the desired level of compliances.

Walkthrough: A walkthrough, also known as a walkaround or walkaround observation, allows assessor, assesses, or observer to understand better the work environment, its surroundings, and the risks they are exposed to if not carefully instructed about how the work areas should be handled. The focus of a walkthrough should be positive to prepare for the next steps of the assessment to establish the missing links based on quick initial observations and detail assessment.

PREPATORY GUIDE

- Conduct factory walk-through following the flow of production from receipt of raw materials to shipment of (half) finished goods.
- Minimise the number of factory managers that accompany you on the walkthrough One or two escorts based on knowledge/responsibilities is usually sufficient.
- During the walk-through, be aware of your body language and interaction with management and the message this sends to workers about your relationship with management.
- Take notes of all things observed which require attention.
- Following the factory walk-through, conduct a walkthrough of the dormitory facilities, canteens, washrooms, etc.
- Identify non-compliance issues for factory management during the walkthrough.
- Suggest best practice to factory management during the walk-through.
- Give sufficient attention to all areas of the standards during the factory/dormitory walk-through.
- Ambient conditions should be verified for adequacy if potential risk is noticed.
- Identify all incidences of non-compliance to cross check with element of discrimination.

Use **Annexure-1** as checklist to record your observations

CH	IECKLIST [ANNEXURE-1]	WALKTHROUGH OBSERVATIONS				
	WORKPLACE DISCRIMINATION	Yes	No	NA	Record your observations	Correlation for further assessment
1	Are women and men are offered equal work opportunity to employed as workers?					Review recruitment and hiring policy
2	Are women and men are offered equal work opportunity to employed as supervisor or manager?					Review recruitment and workplace promotion policy
3	Are women and men are given equal work opportunity or only hired for some specific jobs or some specific period?					Review recruitment and hiring policy
4	Are their separate toilet facilities for women and men workers?					Review health and safety policy
5	Is drinking water facility accessible to all set of workers? -General servations					Review health and safety policy
6	Are there any specific signs or slogans displayed inside the working area which is discriminatory in nature?					









Document review is a way of collecting data by reviewing existing documents. The documents may be internal to an organisation's operation (such as workplace policies) or may be external (such as external audit report). Documents may be hard copy or electronic and may include workplace policies, internal and external audit reports, notices, circulars, various registers and records such as workers' recruitment & induction, attendance, leave, wages, health check-up and accident, training, social security, grievance, Industrial dispute, marketing policies; and any explicit policy for migrant workers and women workers etc.

Why should you go for document review?

To gather background information

Reviewing existing documents helps you understand the history, philosophy, and operation of the company you are assessing and the organisation in which it operates.

To determine if implementation of the policies reflects policy(s) mandate

The review of policy and other documents may reveal a difference between formal statements of policy purpose and the actual policy implementation. It is important to determine if such a difference exists and to clarify the policy intent before moving forward with the detail assessment.

When you need information to help you develop other data collection tools for evaluation

Reviewing existing documents to better understand the policies and organisation you are assessing will help you to update questions for interviews, questionnaires, or focus groups or to update observation guide.

How do you plan and conduct document reviews?

Assess existing documents

Find out what types of documents exist and determine which ones you think will answer your evaluation questions.

Secure access to the documents you have identified through your assessment

Certain documents may require the permission of others before being released for review and analysis. You may need to work with the concerned person representing the assesses to get a formal access to the document.



Ensure confidentiality

Confidentiality is always an important consideration when collecting data for the assessment. If you need to review documents that involve confidential data about individuals or company, develop a system that ensures confidentiality of data. This may help you in building trust with assesses and securing access to sensitive or confidential documents.

Compile the documents relevant to your assessment

Once you have secured access to the documents you need to answer your assessment questions, compile the documents. It is important that you limit your review to only those documents that answer your assessment questions.

Understand how and why the documents were produced

You will need to talk to the people who know something about the documents you are compiling to better understand the context for which they were developed. This is critical to gathering usable information for your assessment.

Determine the accuracy of the documents

Determining the accuracy of the documents may involve comparing the documents that contain similar information, checking the documents against other data you have collected, and speaking with people who were involved in the development of the documents.

Summarise the information from documents reviewed

Create a data collection form to summarise data gleaned from your document reviews. You may want to include on the form the type of document you are reviewing; a way to reference each document; and information that answers each applicable assessment question. You will use the form to help you compile and analyse your assessment findings.

С	HECKLIST [ANNEXURE-2]	DOCUMENT REVIEW OBSERVATIONS				
	WORKPLACE DISCRIMINATION	Yes	No	NA	Record your observations	Correlation for further assessment
А	RECRUITMENT & HIRING				Available or Not	
1	Are workers from different caste, class, gender, and creed have equal opportunity to get hired and work as per policy document?					Review recruitment and hiring policy
2	Are workers from different caste, class, gender, and creed have equal opportunity to get hired for all type of jobs or some specific jobs or some specific period?					Review recruitment and hiring policy

Use Annexure-2 as checklist to record your observations.

	WORKPLACE DISCRIMINATION	Yes	No	NA	Record your observations	Correlation for further assessment
3	Are workers from different caste, class, gender, and creed have been given equal opportunity to get hired for all type of work until restricted by any government policy?					Review recruitment and hiring policy
4	Are worker from different caste, class, gender, and creed have been given equal opportunity to get promoted based on their competencies and performance at work place as per policy document?					Review recruitment and hiring policy
5	Are worker from different caste, class, gender, and creed have been given equal opportunity to join induction program, and to receive other trainings & orientations to support their role and responsibilities at work place as per policy document?					Review recruitment and hiring policy
6	Are women workers given equal opportunity to join the workplace irrespective of their marital status or pregnancy or being a lactating mother?					Review recruitment and hiring policy, Gender Policy
7	Are workers given equal opportunity to join the workplace without depositing their original documents (ID, Aadhar card, education certificates and mark sheet, etc.) or security money or guarantee as per policy document?					Review recruitment and hiring policy
В	LEAVE, WAGES & REMUNERATION POLICY				Available or Not	
8	Are workers from different caste, class, gender and creed have been given equal opportunity to earn equal remuneration for same type of work as per policy document?					Review recruitment and wage policy



	WORKPLACE DISCRIMINATION	Yes	No	NA	Record your observations	Correlation for further assessment
9	Are workers from different caste, class, gender and creed have been given equal opportunity to social security benefits for which they are entitled to claim as worker?					Review wage & remuneration, termination, retrenchment, and retirement policy
10	Are workers from different caste, class, gender and creed have been given equal opportunity to avail leave benefits for which they are entitled to avail as a workers? This also includes provision for maternal and paternal leaves?					Review recruitment and hiring policy
С	WORKING HOURS AND OVERTIME				Available or Not	
11	Are workers from different caste, class, gender and creed have been allowed to work only as per government rules or some set of workers are excluded from the prescribed working hour norms as per policy document?					Review working hour policy
12	Are workers from different caste, class, gender and creed have been given freedom to choose overtime as per their choice or some set of workers are excluded from the prescribed overtime norms as per policy document?					Review working hour policy
D	TERMINATION, RETRECHMENT AND RETIREMENT POLICY				Available or Not	
13	Are workers vulnerable to job threat due to their caste, class, gender and creed or their affiliation to the union or their political affiliation as per policy document?					Review termination, retrenchment, and retirement policy

Е	HEALTH & SAFETY POLICY		Available or Not	
14	Are workers from different caste, class, gender and creed have been given equal importance in the policy document for creating the mandatory infrastructure at workplace to maintain and protect the privacy, security, and basic needs of the workers as per government rules and regulations?			Review recruitment and hiring policy, health and safety policy
15	Are workers from different caste, class, gender and creed have been given equal access to various workplace facilities (toilet, drinking water, canteen, creche etc.) as per policy document?			Review health and safety policy (do check about provision for regular toilet breaks in case of menstruation for women)
16	Are all set of workers (Permanent and contractual) have been given equal access to job specific safety equipment (PPEs) and emergency facilities?			Review health and safety policy
17	Are processes is in place that give workers from different caste, class, gender and creed to represent their health & safety concerns/ issues with occupational health & safety committee?			Review health and safety policy, OHS committee minutes
18	Are workers from different caste, class, gender and creed have been given equal preference to undergo health check-ups as desired under government rules and other voluntary health check-up arrangements?			Review recruitment and hiring policy, health and safety policy, health record of workers
F	COLLECTIVE BARGANING OR TRADE UNION POLICY		Available or Not	
19	Are workers from different caste, class, gender and creed have been given equal freedom to join trade union or other collective bargaining process of their choice to negotiate their issues/ interest with the management?			Review collective bargaining and trade union policy

E	SEXUAL HARASSMENT AND GRIEVANCE MECHANISM POLIC	СҮ		Available or Not	
20	Are workers from different caste, class, gender and creed have been given equal protection to protect from any kind of sexual exploitation or any inhumane treatment as per policy document?				Policy on Sexual harassment and workplacebehaviour
21	Is there any provision to have grievance mechanism at workplace as per policy document to resolve any grievance of workers irrespective of their caste, class, gender and creed?				Review grievance mechanism policy
22	Are processes is in place that give workers from different caste, class, gender and creed to represent their interest under different committees?				Sexual harassment and Grievance mechanism policy and Meeting minutes of different committees (Trade union & Grievance Mechanism)
	MICRANT MORKERS BOLLOV				
H	MIGRANT WORKERS POLICY			Available or Not	
	Are inter-state and migrant workers from other states have been given equal opportunity to get hired in line with government policies?			Available or Not	Migrant labour policy (Check- Are such policies available in local language appropriate for migrant or is there any person in the management to whom they can talk to in their own language)
	Are inter-state and migrant workers from other states have been given equal opportunity to get hired in line with government policies?			Available or Not	(Check- Are such policies available in local language appropriate for migrant or is there any person in the management to whom they can talk to







One dimension of quality that does not readily lend itself to remote or technology-enabled intervention is social compliance auditing. A social compliance audit involves interaction with individuals throughout the facility looking for insight into conditions and the associated activities that create those results. Understanding IF and WHY a particular condition exists is critical to providing a company with information on performance relative to any standards - including discrimination and other working conditions in general. Fundamentally, this is the difference between the binary tick box/checklist approach and an audit protocol that provides a

perspective and assurance beyond the day of the audit. In many cases, this interaction is as simple as asking workers nearby to a fire exit about conditions: Is this door always unlocked? Who unlocks it and when do they do it? Conceptually, this type of dynamic interaction could be done remotely - but it will be a challenge for any audit process while identifying discrimination at workplace.

Unlike many other types of quality interventions, a critical and nuanced element of a social compliance audit is the direct, individual, confidential engagement with workers to understand conditions and experiences in the factory. Both the content of the dialogue and the selection of the workers to be considered in the course of a social compliance audit make an in-person engagement critical to obtaining the appropriate and necessary insights to evaluate the discrimination at workplace.

A well-performed social compliance assessment/audit includes a series of individual, confidential interviews with workers to understand experiences and conditions in the factory. The ability of the assessor to create a rapport, engender some level of trust, and engage the individual workers in a dialogue potentially including very personal and sensitive issues is critical to the success of the assessment process to identify discrimination at workplace.

PREPATORY GUIDE

- Select at least 5% of workers. Cap at 50 workers.
- Conduct individual and group interviews for balanced response.
- Select workers representative of the workforce population (gender, race, age, religion, functional distribution in the factory, etc.)
- If the factory has employees and contracted or migrant workers, make sure to select from both groups.
- Do not allow management to influence selection of workers for interviews. Conduct on-site interviews in areas that protect worker confidentiality and where the worker would feel comfortable.
- Make sure factory management is not in or near the space where the interviewers are conducted.



- Make sure to tell the workers that everything they say is confidential.
- Be sensitive to cultural and gender issues.
- Plan for an average of fifteen minutes per interview; however, use common sense in terminating interviews that are becoming non-productive and extending interviews with people that are candid or openly addressing critical issues.
- Formulate questions prior to the interviews, to make sure you cover all specific areas of the code through the aggregated interviews.
- If you plan to take notes, ask the workers if it is OK and clearly explain reason for taking notes Try to minimise note taking as much as possible.
- If this is not an initial assessment, specifically ask workers about follow up on previous Corrective Action Plans
- Make sure your questions address the following:
 - Do workers understand discrimination?
 - Do they understand their rights under the law related to discrimination?
 - Do they have freedom of association and collective bargaining?
 - Do workers understand how their wages are calculated, for base time and overtime?
 - Are workers aware of any dismissal, transfer, demotion or other punitive action against workers due to their exercising their rights under the code?
 - Ask workers about the status of trade unions, worker committees, or other worker groups in the factory and whether or not these groups are manipulated or put in place by management?
 - Ask questions to determine compliance to discrimination and sexual harassment policies.
 - Do workers understand the factory and the company's complaint policy and procedures, and do they feel it is operational and free from retaliation?
 - Assess whether the workers know about and understand the Supplier's Code of Conduct (policies)?
 - If the factory employs contract workers, ask questions that address potential areas of abuse and discrimination.
 - Conduct some interviews off-site where practical and appropriate.



Use **Annexure-3** as checklist to record your observations.

CH	IECKLIST [ANNEXURE-3]	WORKER INTERVIEWS				
W	ORKPLACE DISCRIMINATIO	Record your observations	Correlation for further assessment			
Α	RECRUITMENT & HIRING	Yes	No	NA	Available or Not	Matched/ Not matched
1	Are workers from different caste, class, gender, and creed have equal opportunity to get hired or the management or contractor give preference to the workers coming from some specific caste, class, gender, and creed ?					recruitment and hiring policy
2	Are workers from different caste, class, gender, and creed have equal opportunity to get hired for all type of jobs or some specific jobs will be preferably offered to the workers coming from some specific caste, class, gender, and creed ?					recruitment and hiring policy
3	Are worker from different caste, class, gender, and creed have been given equal opportunity to get promoted based on their competencies and performance or promotions and incentives are completely based on management or contractors' personal choice?					recruitment and hiring policy
4	Are worker from different caste, class, gender, and creed have been given equal opportunity to join induction program, and to receive other trainings & orientations to support their role and responsibilities or only few workers who have closeness with management or contractors get such opportunity?					recruitment and hiring policy
5	Are women workers given equal opportunity to join the workplace irrespective of their marital status or pregnancy status or usually women workers are not preferred as they may asked for additional leave and other social benefits like maternity leave etc.?					recruitment and hiring policy, Gender Policy

6	Are women workers or few workers coming from some specific caste, class, gender, and creed have been given only short term jobs?			recruitment and hiring policy, Gender Policy
7	Are workers given equal opportunity to join the workplace without depositing their original documents or security money or guarantee or workers coming from few specific caste, class, gender, and creed have to deposit any security or present guarantee to get the job?			recruitment and hiring policy
В	LEAVE, WAGES & REMUNERATION POLICY		Available or Not	
8	Are workers from different caste, class, gender and creed have been given equal opportunity to earn equal remuneration for same type of work or workers coming from few specific caste, class, gender, and creed are paid less or paid irregularly or not on time or receive unannounced debit?			recruitment and wage policy
9	Are workers from different caste, class, gender and creed have been given equal opportunity to social security benefits for which they are entitled to claim as worker or workers coming from few specific caste, class, gender, and creed are excluded?			wage & remuneration, termination, retrenchment, and retirement policy
10	Are workers from different caste, class, gender and creed have been given equal opportunity to avail leave benefits for which they are entitled to avail as a workers or workers coming from few specific caste, class, gender, and creed do not have that freedom/privilege?			leave policy

С	WORKING HOURS AND OVERTIME		Available or Not	
11	Are workers from different caste, class, gender and creed have been allowed to work only as per government rules or some set of workers are bound to work beyond the prescribed working hours because they belongs to some specific caste, class, gender and creed ?			working hour policy
12	Are workers from different caste, class, gender and creed have been given freedom to choose overtime as per their choice or some set of workers are not allowed to earn overtime because they belongs to some specific caste, class, gender and creed?			working hour policy
D	TERMINATION, RETRECHMENT AND RETIREMENT POLICY		Available or Not	
13	Are workers vulnerable to job threat due to their caste, class, gender and creed or their affiliation to the union or their political affiliation? Are there any such incidences? If yes, when did it happened last time?			termination, retrenchment, and retirement policy
E	HEALTH & SAFETY POLICY		Available or Not	
14	Are workers from different caste, class, gender and creed have been given equal preference to maintain and protect the privacy, security, and basic needs of the workers as per government rules and regulations? or few set of workers belongs to specific caste, class, gender, and creed are excluded?			recruitment and hiring policy, health and safety policy
15	Are workers from different caste, class, gender and creed have been given equal access to various workplace facilities (toilet, drinking water, canteen, creche etc.)? or there are separate arrangement for few set of workers belongs to specific caste, class, gender, and creed which is not inclusive in nature?			health and safety policy

16	Are all set of workers (Permanent and contractual) have been given equal access to job specific safety equipment (PPEs) and emergency facilities? Or few set of workers are not given any attention?			health and safety policy
17	Are processes is in place that give workers from different caste, class, gender and creed to represent their health & safety concerns/ issues with occupational health & safety committee? Or few set of workers are excluded?			health and safety policy, OHS committee minutes
18	Are workers from different caste, class, gender and creed have been given equal preference to undergo health check-ups as desired under government rules and other voluntary health check-up arrangements or workers coming from few specific caste, class, gender, and creed are excluded?			recruitment and hiring policy, health and safety policy, health record of workers
F	COLLECTIVE BARGANING OR TRADE UNION POLICY		Available or Not	
19	Are workers from different caste, class, gender and creed have been given equal freedom to join trade union or other collective bargaining process of their choice to n e g o t i a t e t h e i r issues/interest with the m a n a g e m e n t ? O r management or contractors remain harsh to few workers because of caste, class, gender and creed?			Collective bargaining and trade union policy



G	SEXUAL HARASSMENT AND GRIEVANCE MECHANISM POLIC	CY		Available or Not	
20	Are workers from different caste, class, gender and creed have been given equal protection to protect from any kind of sexual exploitation or any inhumane treatment or management or contractor hardly give importance to any such issue?				Policy on Sexual harassment and workplace behaviour
21	Are there any provision to have grievance mechanism at workplace to resolve any grievance of workers and all set of workers have equal access to it irrespective of their caste, class, gender and creed?				grievance mechanism policy
22	Are processes is in place that give workers from different caste, class, gender and creed to represent their interest under different committees? If yes, what is the process?				grievance mechanism policy
Н	MIGRANT WORKERS POLICY			Available or Not	
23	Are inter-state and migrant workers from other states have been given equal opportunity to get hired or at this workplace it is difficult to get hired for migrant workers?				Migrant labour policy
24	Are inter-state and migrant workers from other states have been offered equal remuneration for the same kind of work or they are paid better/ better facilities as compare to other workers?				migrant labour policy, recruitment and wage policy
25	Are inter-state and migrant workers from other states have been offered special allowance to migrate from their place of origin or last job or they manage it by their own?				migrant labour policy, recruitment and wage policy

SECTION-E



An assessment closing meeting with factory management and worker representatives is very important. An assessment closing meeting is held to present the assessment findings and conclusions. It may also be called an exit meeting, and this will be very crucial to maintain a level of trust and transparency with everyone those participated (this shall include representatives from workers and management both) in the assessment process and also imperative to facilitate a thought process towards bringing a robust corrective action plan.

PREPATORY GUIDE

- Conduct a closing meeting with factory management before leaving the factory, including the factory's internal compliance team and worker representatives.
- Present your preliminary findings with particular emphasis on the positives as well as areas for improvement. All non-conformances must be addressed. Seek clarification from management on any findings or issues raised during the assessment visit.
- Work with the factory management on a corrective action plan that details specific action to be taken and timelines for their completion.
- Go over any outstanding corrective action requests from previous assessment /audit reports.
- Make sure factory management acknowledge the corrective action plan.

SECTION-F

TRIANGULATION OF VARIOUS OBSERVATIONS & INTERVIEWS TO ARRIVE AT SOME CONCLUSION

The purpose of triangulation is to increase the credibility and validity of the results. This will help you to develop a gap matrix to understand the policy and practice based on observations and responses collected. The matrix of responses and observations matched and not matched with the physical observation, policy document and worker interviews will act as a tool for the assessor and the management to design the corrective action plan to fill the gaps.

The responses matched are sign of conformity between policy and practice and the responses not matched are more likely the sign of potential gaps. But it is always advisable to consult with management before concluding your assessment results in order to minimize any assessment error due to wrong interpretation or any wrong document referred by the assessor.









