



Ethical  
Trading  
Initiative

For workers' rights. For better business.

# Base Code Guidance: **Caste in Global Supply Chains**



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## Summary

Caste is one of the greatest sources of prejudice and discrimination in the world today, depriving people of access to decent work and human dignity, and used to justify slavery and child labour for millions across the globe. Yet many ethical trade stakeholders, including businesses, trade unions and non-governmental organisations (NGOs) alike, are not aware of the subject and how it may relate to them. With a lack of knowledge of the realities of caste and its consequences, even progressive, responsible businesses may undermine their own efforts to protect workers' rights and implement the Ethical Trade Initiative (ETI) Base Code.

This caste guidance seeks to support businesses in understanding the risks posed by caste discrimination when their operations and supply chains stretch into caste-affected countries. The guidance explains how caste, if unaddressed, can fundamentally undermine the implementation of the ETI Base Code and ensuring compliance on labour rights. This guidance also sets out good governance and management practices to enable businesses to proactively counter caste-based discrimination, respect fundamental human rights, and advance access to decent work for all.

### Definitions of terms used in this guidance

**Caste-based discrimination** – includes discrimination based on caste, work and descent, as well as similar forms of inherited status.

**Caste-affected countries** – refers to countries where the practice of discrimination based on caste or similar systems of inherited status has evolved in the country itself.

**Dalits** are those most affected by caste-based discrimination. The term "Dalit" refers to members of communities formerly considered to be "untouchable" in South Asian caste systems and encompasses other communities suffering from similar forms of discrimination on the basis of their work and descent. In India, it designates those who are considered to be at the lowest level of the country's caste system.

Discrimination also affects tribal people, referred to as "Adivasi", and religious minorities, for example Muslims in India, or Hindus and Christians in Pakistan. In India, Dalits are legally known as "Scheduled Castes" and Adivasis as "Scheduled Tribes".

## Four steps to address caste in your business



### Assess risks

Caste discrimination is a unique form of discrimination and a salient labour rights risk in the supply chain. Businesses and their suppliers need to familiarise themselves with the issue in order to mitigate against the risks. This includes understanding direct and indirect causes and impacts, mapping the supply chain to find out where caste-affected workers are and the specific risks they face.



### Identify responsibility

Given the complexities associated with caste discrimination, businesses need to identify the scale and scope of corporate responsibility. This includes assessing leverage with suppliers, agents and contractors and supporting them to better understand caste-discrimination and the impact on workers. There is also a need to review policies and procedures to enable disadvantaged groups to access their rights to organise and bargain collectively, as well as identify opportunities for collaborative action for example with NGOs, trade unions and other companies.

### Take action

This includes identifying changes to business practices that are needed in order to mitigate the risks of caste discrimination, engaging directly with impacted workers or through their representatives, and putting in place grievance and remediation mechanisms that are trusted and fair. It is also critical to support workers to access their right to freedom of association and collective bargaining, as well as training and capacity building on worker-management communication.

### Monitor

In addition to having all the right policies, mechanisms and procedures in place, there is a need to monitor and review implementation. This may include KPIs at corporate and workplace levels to review progress towards eliminating caste discrimination, and reporting publicly on policies, strategies and actions to manage and mitigate against caste discrimination.

## Introduction

An estimated 260 million people face caste discrimination globally, and in India, one in six people are Dalits.

Research has shown that the majority of those trapped in modern slavery, including child labourers, forced labourers and those engaged in hazardous work, are from the lowest castes or indigenous communities in caste-affected countries.

The caste a person is born into in these nations often has a direct impact on his or her opportunities in relation to hiring, promotion, training, wages and benefits received in the workplace.

Any business sourcing from India, Bangladesh, Pakistan, Nepal, Sri Lanka or other caste-affected countries<sup>1</sup> needs to understand the mechanisms of caste discrimination. As foreign entities, it is not always possible to know who is from what caste and at risk of discrimination. In addition to being discriminated against, Dalits (and uniquely among the castes) are seen as being 'untouchable' and 'polluting' to others, which is at the root of much of the discrimination and human rights violations against them. It is important to note that while this guidance focuses on caste, India's indigenous communities, also known as Adivasis, suffer from similar exploitation in the labour market.

### What is caste discrimination?

Caste discrimination is the result of socially embedded caste systems that divide people into unequal and hierarchical social groups.

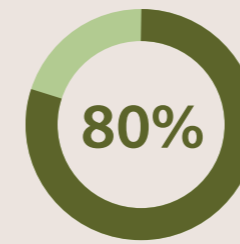
Those in the lowest of castes, known as Dalits in South Asia, are often considered "impure" and "untouchable", and may face practices of segregation and restrictions in most aspects of life, including where they can live, who they can marry and what work they can or must undertake.

A person's caste may mean that he or she is forced to undertake the most dirty and hazardous jobs and is in effect subject to modern slavery. Due to widespread exclusion, Dalits have limited access to resources, education, services and development, keeping many in severe poverty and making them particularly vulnerable to child labour, slavery and trafficking.

Dalits constitute the vast majority of workers subjected to forced labour in South Asia, and the majority of child labourers. The use of violence, intimidation, sexual harassment, caste-based bullying and social and economic restrictions is not uncommon when Dalits attempt to claim their rights to equal treatment and equal opportunities in private, public or work-related spheres.

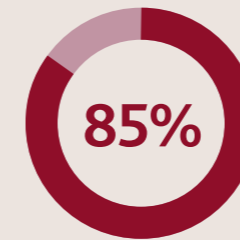
Caste discrimination is outlawed in affected countries but a lack of implementation of legislation and caste-bias within justice systems leaves Dalits largely unprotected.

## Caste and labour



**Of those working in bonded labour in India, Pakistan and Nepal are Dalits or indigenous.**

Anti-Slavery International



**Of bonded labourers in the world are found in India, Pakistan, Bangladesh and Nepal.**

The Harvard Center for Human Rights Policy  
– Siddharth Kara



**"Every single child labourer that I have documented belongs to a low-caste or minority community."**

The Harvard Center for Human Rights Policy  
– Siddharth Kara

**"If you are not considered human, human rights do not apply to you. "**

*Moni Rani Das,  
Dalit woman activist  
from Bangladesh*

“Caste discrimination is the single biggest enabler of labour exploitation and modern slavery in all of South Asia and arguably the single largest human and civil rights issue in the contemporary world.”

*Dr Aidan McQuade, Former Director, Anti-Slavery International*



## Why is caste relevant to international businesses?

Caste discrimination permeates every aspect of society, including the business sphere.

Due to the systemic nature of caste discrimination, it is highly likely that workplaces or supply chains are affected by it unless special measures are put in place. Companies' obligations relate to the prevention of discrimination both within their own operations in caste-affected countries, and among their suppliers.

While many businesses have a 'zero tolerance' policy in relation to modern slavery, child labour and worker exploitation, the problems associated with caste-based discrimination may arise in different forms in caste-affected countries, and it may be difficult to identify the root cause. Audits rarely uncover workers affected by caste, as child labourers and forced or bonded (debt slaves) labourers may be hidden. Similarly, auditors and reviewers employed by companies are often unaware of the issue, making it impossible to detect.

Caste discrimination can also occur through direct investments in affected countries. As non-discrimination is a fundamental labour right that also affects other labour rights, it is a crucial element of corporate responsibility and accountability.

### Some examples of caste discrimination in business operations:

- Exploitation of workers from caste-affected communities, including children and bonded labourers, working under hazardous conditions for minimal pay.
- Poorer working conditions than non-Dalits, including longer working hours, sexual harassment, lower wages, being assigned the dirtier or more hazardous tasks and facing abusive language and gestures.
- Discrimination in employment practices – qualified applicants from Dalit communities are not considered for skilled jobs and Dalits receive negative treatment.
- Discrimination in the services and utilities offered by an employer, such as housing, healthcare, and education and training.

### Caste & UN Sustainable Development Goal 8.7

Addressing caste goes to the heart of the UN Sustainable Development Goals. Goal 8.7 outlines the need to take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking, and secure the prohibition and elimination of the worst forms of child labour. This is relevant in relation to caste in the global supply chain.

Slavery and bonded labour continue to be closely associated with caste and the high levels of indebtedness resulting from exploitative employment relationships. Systems of indebtedness and slavery are often passed down through families, with children suffering some of the worst effects. UNICEF has noted that child labour is both a cause and a consequence of social inequalities reinforced by discrimination, including caste.

## Sectors affected by caste

### Carpet weaving

Low castes, predominantly Dalits, form the majority of the workers in the carpet weaving industries in India and Pakistan. About 20% of the workers are children and about half of the workers are found to be subject to forced labour. The working conditions have been described as “brutal, corrosive, dangerous and exploitative”, and children are found to

be enduring extreme levels of physical and psychological trauma. Carpet workers were found to work 10-12 hours a day, six or seven days a week, often sleeping in the workshop. Carpet weaving is typically a cottage industry and thus often overlooked by law enforcement and audits, but nonetheless supplies global markets.



### Leather

In 2017, extensive field research into the Indian leather industry found unacceptable health risks in production hubs supplying hides, leather, garments and footwear for export. The report uncovered that Dalits and Muslims made up most of the 2.5 million leather workers. As this employment is historically bound to caste, where working with animal skins is seen as “impure” and thus relegated

to “leather worker” castes, employees are expected to carry out this labour regardless of the working conditions. Other violations included the use of child labour, below minimum wages and obstructing the organisation of trade unions. The ILO found similar conditions in Pakistan's leather industry.



### Stone and minerals

Low caste, Dalit and Adivasi workers make up most of the workforce mining stones and minerals in India. Studies from Rajasthan – a region that supplies sandstone and marble to international companies – find massive violation of labour rights in the mining sector, including widespread child labour and dangerous working conditions. Reports on the mining of Mica to

supply the global cosmetics industry also show a pattern of low caste and Adivasi workers, many children, working under extremely hazardous conditions. Studies on the synthetic gemstone industry in Tamil Nadu likewise found widespread child bonded labour with nearly all children being Dalits.



### Garments

Studies have repeatedly found low-caste Dalit girls and women recruited under the “Sumangali Scheme” suffering multiple rights violations in the spinning mills in India, which supply the global garment industry. Employees were found to work a 68-hour week, with no contracts or payslips, no education and no bonus. They were locked inside factory and dormitory compounds during working and non-working hours. At the mills investigated, there were violations of freedom

of movement and freedom of association, amounting to conditions of forced labour. The workers felt that the supervisors were threatening and hostile, and there were reports of sexual harassment. Tragically, a number of girls committed suicide while on the company compound. Studies have also found extensive violations in home-based work in India, supplying the garment industry.



### Agriculture

Agriculture employs more bonded labourers than all other industries and services combined. In India it accounts for 85% of bonded workers. Work days are extremely long, payment is nominal and may only consist of receiving two meals a day, and the work is gruelling. Supply chain related products affected include cottonseed, cotton, sugar, rice and tea. Reports have documented that almost half a million children in India work as child labourers in the cottonseed production industry. Most of them

are low caste – Dalits or Adviasis – and are subject to hazardous work and harmful chemicals. A 2017 ILO study found Dalits to be particularly vulnerable to exploitation in the sugar cane industry, where bonded and child labour were common, and the work undertaken highly dangerous. Dalits working in tea plantations in Bangladesh and India suffer below minimum wages, hazardous work and long hours.



### Construction

Several studies have documented child and bonded labour in the brick kilns in India and Pakistan. Reports have found workers being threatened, punished and sometimes murdered if they try to escape. In 2018 a report by Anti-Slavery International documented widespread slavery in India's brick-making industry and found that the majority of workers are Dalits. Whole families, including small children, work 9-12 hours a day in debt bondage, with little recourse to justice.

The report found that discrimination and exclusion, along with the way brick kiln moulders are recruited and paid, underpins the widespread existence of slavery in the kilns and the limited opportunities for workers to escape. India produces about 250 billion bricks yearly for domestic and international use and comes third on the list of the world's top exporters of bricks.



## Caste and the ETI Base Code

Caste discrimination intersects with every part of the ETI Base Code and is a major cross-cutting concern.

### 1. Employment is freely chosen

Forced and bonded labour is often interlinked with the caste system in South Asia, as documented by the International Labour Organization (ILO), Anti-Slavery International, UN Special Procedures and the Global Slavery Index. The majority of forced and bonded labourers in South Asia are from the lowest castes, and work in sectors such as agriculture, brick-making, mining, carpet production and textile production (in tanneries and spinning mills, for example). UK-based NGO Anti-Slavery International estimates that 80-89% of bonded labourers in India, Nepal and Pakistan are from Dalit or indigenous communities.<sup>2</sup>

Bonded labour in caste-affected countries generally stems from a low caste or Adivasi worker being forced to take a loan to cover household bills, marriage or medical treatment and then working to pay off the loan and any accrued interest, with no control over payments. Debts may take a lifetime to pay off and can also be inter-generational, with debts inherited by children and other family members. As the lowest castes have the least alternatives and are generally also the poorest, they are extremely vulnerable to this type of slavery.

Reliable data on the extent of caste-based forced and bonded labour in industries connected to multi-national supply chains is generally lacking, as the private sector does not typically collect data differentiated by caste. However, there have been several sector-specific reports and extensive studies over the years that have highlighted the grave problems faced by some of these industries.

For example, the “Sumangali” practice whereby young girls work in India’s spinning mills under deeply exploitative conditions has been widely studied. Where the Sumangali scheme has been abolished or discontinued, it has often been replaced by equally exploitative systems.

#### Factors contributing to the lowest castes being particularly at risk of slavery include:

- **Many low caste workers, particularly Dalits, live in poverty** as their opportunities to change their circumstances are reduced by deeply engrained discrimination. They are typically paying off debts or receiving unacceptably low wages; debts may also be inherited.
- **A certain type of work may have been prescribed to their caste for centuries**, they are born into the work and it is socially unacceptable for them to seek alternative work. If they do, they may face serious repercussions, including violence, damage to their property, and social and economic restrictions.
- **Caste bias within law enforcement and the judiciary** in caste-affected countries persists, and those enslaved by dominant caste land or business owners have little or no recourse to justice and lack opportunities to escape their bondage.
- **Many of the lowest castes are less educated and less aware of their rights** due to centuries of oppression, discrimination and lack of access to basic services.
- **Social, cultural and economic exclusion** result in a lack of opportunities, meaning that Dalits are at higher risk of human trafficking.

### 2. Freedom of association and the right to collective bargaining are respected

Freedom of association and the right to collective bargaining remains a challenge for most low-caste workers. Even when workers are permitted to join unions and such unions are present, these may be divided along caste lines, with those from the most disadvantaged castes having the least bargaining power. If unions do offer equal voice and bargaining power to different castes, the lack of low-caste representation among trade union leaders can lead to their issues being overlooked.

Dalit women, who face intersectional discrimination, are even more likely to be unsupported by trade union initiatives. There is a general lack of awareness of the benefits of trade unions among Dalit women. For example, reports on the Sumangali scheme in the garment industry have documented violations of the right to freedom of association in spinning mills, where workers commented that they did not think unions were open to them<sup>3</sup>. Similarly, in the leather industry, Dalit workers report that they are frightened to join unions.

“ It is increasingly difficult to mobilise workers... Every day workers in various units are getting victimised. We fail to give them adequate support. We have no rights here. ”

*Das, a Dalit leather worker<sup>4</sup>*

Anti-Slavery International’s extensive research on low-caste workers exploited in India’s brick kiln revealed that due to caste discrimination, workers can be excluded from or receive limited assistance from unions and are unable to negotiate for even the minimum wage.<sup>5</sup>

### 3. Working conditions are safe and hygienic

Within caste-affected countries, there is often a direct link between caste status and doing unclean and hazardous work. Widely held views and entrenched social norms dictate that certain castes are born to do such work, with such unsafe conditions rarely challenged by workers or managers.

Even if low-caste workers challenge these conditions, social acceptance of their lack of opportunities and income-generating options mean that their concerns may not be addressed. In addition to this, they may not have received health and safety training on issues such as exposure to chemicals or carrying heavy loads.

In some instances, workers also stay at company-run hostels or accommodation, where their living conditions may be very cramped and access to water, sanitation and nutritious food limited. Workers from the lowest castes are also the least likely to have proper access to healthcare facilities and are often not paid well enough to be able to afford treatment even if diagnosed.

#### 4. Child labour shall not be used

The connections between child labour and the caste system are significant, with numerous studies highlighting that those most at risk of engaging in child labour in caste-affected countries are the lowest castes and indigenous communities.

Interlinking factors including poverty, caste-based occupational expectations, lack of access to justice for the lowest castes and severe discrimination in schools,<sup>6</sup> leads Dalit and Advasi children to attend school infrequently or drop out completely. This pushes many low caste children into the labour market and perpetuates a cycle of exploitation, poverty and exclusion.

This may be the case even in countries such as India, where rates of school enrolment are typically high. According to UNICEF, the highest rate of exclusion from primary school in India and the highest dropout rates relate to Dalit girls.<sup>7</sup>

Some of the key industries in South Asia in which low caste children are working as child labourers include garment production, cotton-picking, cottonseed production, sports goods manufacturing, leather, synthetic gemstones, sugar, mining, carpet-weaving, tea and brick-making. Children often work alongside their parents on smallholdings or in small family businesses, with parents seeing no option other than to send their children to work in order to feed their families.

“ Every single child labourer that I have documented comes from a highly impoverished family unit and belongs to a low-caste or minority community. ”

*Siddharth Kara, Director of the Program on Human Trafficking and Modern Slavery at Harvard University<sup>8</sup>*

#### Key factors putting low caste workers at risk of child labour:

- The low **socio-economic status of low-caste families and their social marginalisation** means they typically receive low wages that are insufficient to feed their family. Therefore, the whole family, including children, must work if the family is to survive.
- With children working and not attending school, **the cycle of poverty** and inadequate access to their rights continues generation after generation, perpetuating a system of child labour exploitation in caste-affected countries.
- **Caste discrimination in education** means that, in particular, Dalit and Advasi children are often not offered the same education opportunities as other pupils. Segregation, bullying and discrimination at school may result in these children dropping out and being put to work instead of getting an education.
- **Caste discrimination in access to the labour market** also means that some families do not prioritise education, as the perception is that even when educated on an equal footing with those of dominant castes, their children will not be offered the same opportunities.
- **Caste bias within law enforcement and the judiciary** in caste-affected countries persists, and those working in child labour for dominant caste land or business owners have little or no recourse to justice and lack opportunities to escape.

#### 5. Living wages are paid

Workers from the lowest caste are rarely paid a living wage and usually earn less than members of dominant castes for similar work. The monthly income of 85% of Dalit workers ranges between Rs. 500 to Rs. 3,000 per month, according to a 2008 study on the plight of Dalits in Pakistan supported by the Indian Institute of Dalit Studies. However, even at the maximum level of Rs. 3,000, this is 35% less than the official national minimum wage of an unskilled worker.<sup>9</sup> Low caste workers in Pakistan typically work in agriculture, sugar, sports goods production, leather, brick-making and other industries linked to global supply chains.

A study of tea workers in Bangladesh, 90% of whom are Dalits, found that Dalit workers received wages below the legal minimum. Labourers saw no option other than to have their children work alongside them and toil for extremely long hours with very few days off, in order to pluck the required volume of leaves and feed their families.<sup>10</sup>

In India, sub-minimum wages are also a widespread phenomenon when it comes to the lowest castes. Often, they are part of an invisible workforce whose wages are not recorded or who are working to pay off debts and interests controlled by their employers. An extensive study by the University of California on home-based garment workers in India found that 99% of workers, the majority of whom were either Dalits or Muslims, toiled in conditions of forced labour under Indian law. The study also found that most workers received between 50% and 90% less than the state-stipulated minimum wage. The prevalence of child labour was over 15% and many cases of bonded labour were also documented.<sup>11</sup>

Even in urban settings and among skilled workers, urban Dalit women earn half the average daily wage earned by non-Dalit women, and urban Dalit men earn 62% of the wage earned by non-Dalit men.<sup>12</sup>

#### 6. Working hours are not excessive

Due to their marginalised status in society – and dependence on accepting whatever form of work is available to them – the lowest castes, especially Dalits, are often exploited in the workplace and forced to work excessive hours without being compensated accordingly. They may also face threats and physical or verbal abuse if they refuse to do the extra work. Their vulnerability to exploitation is reinforced by their lack of awareness of their rights, and lack of access to redress for violations of these rights.

Violations of working hours are found across all the sectors mentioned in this guidance, and the lower the caste, the more difficult it is for workers to stand up to employers and refuse to work the hours demanded of them.





## 7. No discrimination is practised

The perception that South Asia's lowest castes, and particularly Dalits, should be restricted to their traditional low status occupation is widespread, and those who have obtained educational qualifications can find it difficult to get work. Widespread discrimination exists in both hiring processes and in terms of who is offered training, promotions and other benefits.<sup>13</sup> Deeply engrained caste biases also means that those of the lowest castes may not be offered certain positions, training or promotions purely on the basis of their caste. Discrimination also occurs in terms of access to work-related services, including meals, water, services and accommodation. Low caste, and particularly Dalit and Adivasi women, face multiple types of discrimination, making them particularly vulnerable to the worst forms of labour exploitation.

## 8. Regular employment is provided

The lowest castes, and particularly Dalits, are often employed in irregular, by-the-hour employment or work as seasonal labourers with no job security. Their marginalised position in society and the job market means they are forced to accept poor terms of employment. Similarly, they may not be aware of their rights in terms of expecting a contract or regular employment after many years' service. Studies have found that 48% of Dalit workers are engaged as casual labourers and only 12% of Dalits are regularly employed workers.<sup>14</sup> Casual labour occurs within all the industries mentioned in this guidance.

## 9. No harsh or inhumane treatment is allowed

Beyond being forced to carry out hazardous work, other safety concerns apply. For Dalit women, sexual harassment and rape at the workplace are serious concerns. Dalit women are traditionally viewed as inferior, and due to engrained caste bias, their recourse to justice in cases of sexual abuse is very limited. Consequently, there is a widespread perception that dominant caste perpetrators can abuse Dalit women with no penalty, and many turn a blind eye to such abuses.

For example, Human Rights Watch reported that during their years of bonded labour in Tamil Nadu's spinning mills, young Dalit women were subjected to serious workplace abuses, severe restrictions on freedom of movement and communication, sexual abuse, sexual exploitation, sex trafficking, and some even died. Most Sumangali workers did not report such abuses for fear of retribution.<sup>15</sup>

## Recommendations to eliminate caste discrimination in businesses and supply chains:

Doing business in caste-affected countries creates direct employment for millions, contributes indirectly to employment for millions more and adds to governments' available funding for healthcare, education and other social services. A proactive engagement by business on the issue of caste can help ensure that these benefits are shared more equally across society, particularly among those who would otherwise be excluded. Working to address caste-based discrimination in South Asia's supply chains may also be one of the most effective ways of combating ETI Base Code violations in the region. However, there are currently few examples of businesses that are able to address the root causes, highlighting the need to accelerate efforts.

Tackling caste discrimination and ensuring respect for labour rights is integral to corporate responsibility and goes beyond legal compliance. [The UN Guiding Principles on Business and Human Rights \(UNGPs\)](#) provide a framework to help businesses prevent and address the risk of human rights abuses in general, including in their supply chains. Discrimination based on caste is a violation of human rights and must be addressed by businesses operating in caste-affected countries.

In order to identify, prevent, mitigate and account for how companies address their adverse human rights impacts, it is vital to conduct human rights due diligence. This process should include assessing actual and potential adverse human rights impacts, integrating and acting on the findings, tracking responses, and communicating how issues are addressed.

This guidance provides a roadmap for companies of all sizes and in all tiers of the global supply chain to develop step-by-step approaches to addressing caste discrimination. It draws on the UNGPs and [ETI's Human Rights Due Diligence Framework](#) as the basis for conducting due diligence.

### STEP 1: Assess human rights risks

#### 1. Review actual and potential risks of caste discrimination in business operations and supply chains

Firstly, review overall country risks as well as risks within particular supply chains. The [Dalit Discrimination Check](#)<sup>16</sup> and the [Ambedkar Principles](#)<sup>17</sup> provide guidance on whether caste-based discrimination is likely to be an issue within business operations or supply chains in particular countries. Include an assessment of supplier human resource systems, contracting and recruitment practices. It is important to cross-reference information where possible, and to consider whether there is a need for third party advice.

#### 2. Map supply chains to assess the status of the most vulnerable and socially excluded workers

Where possible, include worker surveys to better understand employment conditions, wages and benefits, taking into consideration gender-related differences. Note that the most vulnerable workers often remain invisible within the supply chain. Map any trade unions recognised in associated factories to determine their capacity and position on tackling caste discrimination, including how this can be translated into workplace education activities.



## STEP 2: Identify leverage, responsibility and actions

### 3. Assess the extent to which your supply chain is affected by caste discrimination

Establish how your business operations may have directly or indirectly caused or contributed to caste discrimination against workers. Consider the actions that could be taken with your suppliers to mitigate and manage the risks.

### 4. Assess your leverage with suppliers, agents and contractors

Identify where and how you could exercise a positive influence among suppliers, agents and contractors by building trust and developing long-term business partnerships. Engage with suppliers as much as possible and support supplier capacity building rather relying on a compliance-based auditing approach.

### 5. Review supplier policies and practices on recruitment, pay, working hours, health and safety, focusing on lower-caste groups

Where gaps are identified, work with suppliers to improve their policies and practices, in order to reduce the risk of caste discrimination. Ensure that suppliers are familiar with national legislation related to caste and are aware of the need to monitor operations for breaches. An overview of national caste-related legislation can be found in Annex 4.

### 6. Identify opportunities for collaborative action, including with NGOs, trade unions and other companies

Given that caste-based discrimination is heavily influenced by societal norms and cultures, there are gains to be made by engaging with international, national and local NGOs working with Dalit communities, trade-unions and other companies also tackling caste discrimination.

## STEP 3: Take action by mitigating risk and providing remedy for workers

### POLICY COMMITMENT

#### 7. Develop a policy on anti-discrimination and equal opportunities specifically addressing caste discrimination in business operations

This should include implementation steps and responsibility for implementing the policy. Ensure the policy is communicated to all suppliers in caste-affected countries.

#### 8. Encourage suppliers to develop a policy prohibiting all forms of harassment and degrading treatment in the workplace

The policy should specifically mention the prohibition of caste-based harassment. Support suppliers in communicating these policies to all employees.

#### 9. Undertake caste awareness and diversity and inclusion training for senior leaders dealing with caste-affected countries or populations

This can be developed in conjunction with NGOs, discrimination experts or human rights organisations. Organisational leaders may also find it useful to familiarise themselves with the *UN Guidance Tool on Descent-based Discrimination*<sup>18</sup> and other resources listed in the annexes, including the Ambedkar Principles<sup>19</sup> and The Dalit Discrimination Check.<sup>20</sup>

#### 10. Demand zero tolerance for caste-bias and caste-related abuse

Be clear that your business will not tolerate caste-based abuse or caste-bias, whether it takes place on factory floors or in HR departments, in procurement or anywhere else in your operations or those of suppliers.

## RECRUITMENT PRACTICES

### 11. Work with suppliers to ensure fair recruitment, selection and career development processes for workers

This type of partnership can be a concrete step towards mitigating the risks of caste discrimination. Encourage suppliers to pay particular attention to Dalits, Adivasis and other socially-excluded groups.

### 12. Support suppliers in introducing a plan to include and support socially marginalised groups, particularly Dalits and Adivasis, paying special attention to women

Plans may include efforts for suppliers to recruit and train people with specialist knowledge of particular socially excluded groups, particularly if these groups are under-represented as employees in relation to their proportion of the local population. This could include developing comprehensive (and ideally joint) training opportunities for employees and potential recruits from socially excluded communities. Where relevant, businesses could also consider setting targets for the number of employees that suppliers ought to recruit from socially excluded groups.





Photograph by Claudia Janke

### Case study: TATA takes action on supplier diversity and inclusion

TATA established its Tata Affirmative Action Programme (TAAP) in 2007, following a company-wide survey to assess the caste composition of the organisation's workforce across all Tata companies and trusts. This was a pioneering move at a time when large businesses in India were not focusing on caste discrimination. Having researched the issue in depth, the TATA group found that it would not be possible to counter discrimination without directly addressing caste.

Following the caste survey, TATA set out to improve equal opportunities and overcome historic prejudices by launching an ambitious programme of affirmative action (whereby an employer makes a significant effort to hire, train and promote employees of previously excluded groups), together with supplier diversity initiatives. Beyond screening its companies for existing caste biases in hiring and promotion, TATA also took positive discrimination measures for Dalit and Adivasi candidates, and providing extra training.

TATA's initiatives to help ensure supplier diversity emphasised the importance of supporting Dalit and Adivasi entrepreneurship and promoting the use of companies run by Dalits or Adivasis as suppliers. As a result, substantial sections of the business are now outsourced to Dalit-run companies. Additionally, TATA now offers training to Dalit entrepreneurs.<sup>21</sup> TATA has also focused its corporate responsibility activities on supporting education for Dalits and Adivasis, offering thousands of scholarships and other education initiatives.

These measures have seen TATA take a leading position in India in terms of combating caste-based discrimination in its operations. Following TATA's example, several other major Indian companies, including the Forbes Marshall Group, Godrej Consumer Products Limited, Infosys Technologies, Crompton Greaves and Moder, have launched affirmative action or supplier diversity policies aimed at diversifying their workforce.<sup>22,23</sup>

### WORKER REPRESENTATION

#### 13. Ensure suppliers understand the value of worker representation and the inclusion of all workers, regardless of caste

Where no formal trade unions exist, work with suppliers to ensure lower-caste workers have access to democratically elected representatives who can represent their interests effectively.

#### 14. Invest in education and awareness-raising on workplace equality

This could take place through recognised unions, federations, workers associations or labour rights NGOs, particularly those with a focus on addressing caste discrimination.

#### 15. Include commitments to combat caste-based discrimination within Global Framework Agreements (GFAs)

Where GFAs exist between international and national trade unions and multi-national corporations, include practical measures, in line with the guidance above, to advance commitments to preventing caste discrimination.

### GRIEVANCE & REMEDY

#### 16. Ensure that there are grievance mechanisms in place that support socially excluded groups in bringing their concerns and cases of discrimination

These mechanisms should be widely publicised, so that all groups are aware of them and able to use them. They should meet the following core criteria: legitimacy; accessibility; predictability; equality; compatibility with internationally acceptable rights; transparency.

#### 17. When you uncover instances of having unintentionally contributed to adverse human rights impacts, ensure timely and effective remedy for all affected people

Develop and implement a plan to address and remedy any discriminatory practices that has affected caste workers. It is critical to first understand the nature and severity of an incident and then develop an appropriate response, including by engaging with the affected workers and other stakeholders.

#### 18. Prevent re-occurrence through training on combating caste discrimination

Through dedicated training, ensure that both your company and suppliers comply with all national legislation. The training should also include partnering with suppliers on time-bound corrective action plans.

#### 19. Collaborate with other companies, NGOs and trade unions to combat caste discrimination at a systemic level

Given the complexities of caste-discrimination, there are significant benefits to be derived from collaborating with other stakeholders to achieve scale, impact and lasting change.



Photograph by Claudia Janke

### Case study: Combating modern slavery in India's textile industry

ETI tripartite members initiated a programme aimed at eliminating exploitative practices in the textile and garment industry of South India in 2012, following numerous reports<sup>24</sup> documenting modern slavery and serious labour rights violations in the region's spinning mills.

The ETI Tamil Nadu Multi-Stakeholder (TNMS) programme consists of three components:

- A worker peer group programme (WPGP) at mill or factory-level, aiming to establish mechanisms for workers to exercise their rights within factories and mills
- A community outreach programme, educating and raising awareness within communities where recruitment takes place
- A policy and legislative reform effort, aiming to tackle policy gaps at industry level that enable exploitative practices (like the Sumangali scheme) to exist.

The project has made important advances in changing working conditions in these mills by empowering the local workers to organise themselves into committees and starting to address migrant workers' issues. Participating stakeholders also provided gender awareness training for male supervisors to help prevent harassment. Additionally, the project offered training to low-caste families considering sending their daughters to work in mills, in order to help them learn and understand their daughters' rights (rather than warning them against seeking employment). In this way, the girls would know that they were entitled to contracts, minimum wages and other employment benefits before entering the mills.

The Sumangali practice persists in the industry, however, programmes like the ETI TNMS project are contributing to some progress for the girls and women concerned.

### STEP 4: Monitor, review, report and improve

#### 20. Develop KPIs and verification measures to help track prevalence of discriminatory behaviour

Ensure that such measures monitor any discrimination against socially excluded groups and any changes in working conditions.

#### 21. Involve Dalits and other socially excluded caste groups in improving company policies

Promote an inclusive approach to assessing, establishing and monitoring company policies on caste discrimination, making sure to involve all castes, and ask suppliers to do the same.

#### 22. Report annually on progress towards eliminating caste discrimination

This should include progress against the key performance indicators identified above, and demonstrate quantifiable changes in working conditions for caste-affected workers.

## Annex 1: Existing guidance and tools

**The Confederation of Indian Industries Code of Conduct for Affirmative Action**<sup>25</sup> relates to non-discrimination, assistance and transparency with respect to employees, applicants or vendors from the Scheduled Castes and Scheduled Tribes communities.

**The Ambedkar Principles**<sup>26</sup> published by the International Dalit Solidarity Network (IDSN) contain a set of employment and other principles to address economic and social exclusion of Dalits in South Asia. Achieving systemic change of this kind, while ensuring the maximum social benefit and the fewest unintended negative consequences, requires a strong understanding of the most fundamental power dynamics within a society. Many of these dynamics relate to gender and caste. It is vital that all of these issues should be understood.

**The Dalit Discrimination Check**<sup>27</sup> was developed by the Human Rights and Business Programme of the Danish Institute for Human Rights and IDSN with the support of the Danish Ministry of Foreign Affairs. It is a specialised approach under the Human Rights Compliance Assessment (HRCA) and applies HRCA content and methodology to detecting abuses related to caste discrimination in South Asia. The Check is available for free online: [https://hrca2.humanrightsbusiness.org/docs/file/DALIT\\_DISCRIMINATION\\_CHECK\[1\].pdf](https://hrca2.humanrightsbusiness.org/docs/file/DALIT_DISCRIMINATION_CHECK[1].pdf)

**ILO, Combating Forced Labour: A Handbook for Employers and Business**  
[www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_101171.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_101171.pdf)

### ETI Base Code Guidance Documents

- [ETI Base Code Guidance: Modern Slavery](#)
- [ETI Base Code Guidance: Child Labour](#)
- [ETI Base Code Guidance: Gender Equality Part A and Part B](#)

### UN Guidance Tool on Descent-Based Discrimination: Key Challenges and Strategic Approaches to Combat Caste-Based and Analogous Forms of Discrimination – United Nations Network on Racial Discrimination and Protection of Minorities

<sup>28</sup>

The UN Office of the High Commissioner for Human Rights (OHCHR) published a comprehensive [guidance tool](#) addressing caste-based discrimination in 2017. The tool is designed to support UN country teams, agencies and other stakeholders, including businesses operating and sourcing in caste-affected countries, in combating caste-based discrimination.

### Draft UN Principles and Guidelines for the Effective Elimination of Discrimination based on Work and Descent

<sup>29</sup>

This is the most comprehensive legal framework developed to [eliminate discrimination based on work and descent](#), the UN terminology for [caste discrimination](#). Based on existing international human rights principles and obligations, the framework proposes general and special measures to be taken by multiple stakeholders. Although still a draft, the UN Principles and Guidelines constitute a strong tool to encourage specific anti-discrimination legislation and relevant policy measures for governments and their agencies, UN and other international agencies, educational institutions, non-governmental organisations and the private sector.

The soft law framework is the result of a [UN study on discrimination based on work and descent](#) undertaken by the former UN Sub-Commission on the Promotion and Protection of Human Rights. The mandate was formally endorsed by the Commission on Human Rights in 2005 and the [final report](#), including the draft principles and guidelines, was published by the Human Rights Council at its 11th session in 2009.

### The UN Guiding Principles on Business and Human Rights (UNGPs)

The UNGPs highlight the importance of non-discrimination, with particular attention to the rights and needs of, as well as the challenges faced by, individuals from vulnerable groups or populations.

### UN Global Compact

The UN Global Compact Principle 6: “Businesses should uphold the elimination of discrimination in respect of employment and occupation.” See also the Good Practice Note on Non-Discrimination and Equal Opportunity, in which caste is mentioned.<sup>30</sup>

### ISO 26000

The ISO 26000 standard on social responsibility for all organisations was finalised in 2010. The standard has been developed by stakeholder groups comprising, among others, industry, government, labour, consumers and NGOs, with working groups in 83 countries. The standard includes references to people discriminated against on the basis of descent, including caste: *“Hundreds of millions of people are discriminated against because of their hereditary status or descent. This form of discrimination is based on a history of rights abuse justified by the wrongful notion that some people are considered unclean or less worthy because of the group into which they are born. An organization should avoid such practices and, where feasible, seek to contribute to eliminating these prejudices.”*<sup>31</sup>

## Annex 2: The legal international framework for the elimination of caste-based discrimination

### ILO Convention concerning Discrimination in Respect of Employment and Occupation no. 111<sup>32</sup>

This convention underlines the responsibility to eliminate any form of discrimination and further specifies that “special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.” (Article 5)

### ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy<sup>33</sup>

The principles laid down in this universal instrument offer guidelines to multi-national companies, governments and employers’ and workers’ organisations in areas such as employment, training, working conditions and quality of life, and industrial relations. Its provisions are reinforced by International Labour Conventions and Recommendations.

Article 21. “All governments should pursue policies designed to promote equality of opportunity and treatment in employment, with a view to eliminating any discrimination based on race, colour, sex, religion, political opinion, national extraction or social origin.”

Article 22. “Multinational enterprises should be guided by this general principle throughout their operations without prejudice to the measures envisaged in paragraph 18 or to government policies designed to correct historical patterns of discrimination and thereby to extend equality of opportunity and treatment in employment. Multinational enterprises should accordingly make qualifications, skill and experience the basis for the recruitment, placement, training and advancement of their staff at all levels.”

### CERD General Recommendation 29 on descent-based discrimination

The UN Committee on the Elimination of Racial Discrimination (CERD) takes caste-based discrimination into consideration when examining countries of particular concern. In 2002, CERD adopted General Recommendation 29 on the term “descent” in article 1(1) of the Convention. The General Recommendation reaffirmed that caste-based discrimination falls within the scope of the Convention and therefore constitutes an effective framework to improve analysis and reporting on governments’ performances. Affected countries are now obliged to report to CERD, taking into consideration the specific recommendations made by the Committee. > [Link to CERD General Recommendation 29 on descent](#)

### CESCR General Comment No. 20 on non-discrimination

This General Comment was adopted by the UN Committee on Economic, Social and Cultural Rights (CESCR) at its 42nd session in May 2009. In this General Comment, the Committee reaffirms that “the prohibited ground of birth also includes descent, especially on the basis of caste and analogous systems of inherited status”. The Committee recommends State parties to “take steps, for instance, to prevent, prohibit and eliminate discriminatory practices directed against members of descent-based communities and act against dissemination of ideas of superiority and inferiority on the basis of descent”. > [Link to CESCR General Comment No. 20 on non-discrimination](#)



## Annex 3: Related national legislation in India, Pakistan and Bangladesh

### India – National legislation on caste-related labour rights

#### Constitution of India – especially Part III – Fundamental Rights

#### The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989

An Act to prevent atrocities against the members of the Scheduled Castes (Dalits) and Scheduled Tribes (Adivasis), provide for special courts for the trial of such offences and help promote the relief and rehabilitation of the victims.

#### The Bonded Labour System (Abolition) Act, 1976 (especially Sections 2 and 4)

**Other relevant acts include:** The Plantations Labour Act, 1956; The Factories Act, 1948; The Payment of Gratuity Act, 1972; The Employees' Provident Fund and Miscellaneous Provision Act, 1952; The Equal Remuneration Act, 1976; The Payment of Bonus Act, 1965; The Maternity Benefit Act, 2017; and The Child Labour (Prohibition and Regulation) Act, 1986 (Amended in 2012).

Find a full overview of the caste and labour relevant sections of the legislation on [www.idsn.org/caste-labour-legislation-india](http://www.idsn.org/caste-labour-legislation-india)

### Pakistan – National legislation on caste-related labour rights

#### Constitution of Pakistan (Articles 11; 17; 25 and 37(e))

#### The Factories Act, 1934, amended in 1997, (Sections 18; 20; 21; 32; 34; 36; and 47)

#### The West Pakistan Maternity Benefit Ordinance, 1958 (Sections 3 and 4)

#### The Industrial and Commercial Employment (Standing orders) Ordinances, 1968 (Sections 2(A); 10-B and 12)

#### Prevention and Control of Human Trafficking Ordinance, 2002 (Section 3)

#### The Tea Plantations Labour Ordinance, 1962 (Sections 8; 9; 10; 14; 15 and 16)

Find a full overview of the caste and labour relevant sections of the legislation on [www.idsn.org/caste-labour-legislation-pakistan](http://www.idsn.org/caste-labour-legislation-pakistan)

### Bangladesh – National legislation on caste-related labour rights

#### Constitution of Bangladesh Part II – Articles 10; 14; 15; 19; 20 & Part III – Articles 28; 34; 38

#### Bangladesh Labour Law 2006 (Sections 2; 3(A); 5; 11; 29; 30; 31; 46; 100; 121; 123; 140; 148; 2(15))

Find a full overview of the caste and labour relevant sections of the legislation on [www.idsn.org/caste-labour-legislation-bangladesh](http://www.idsn.org/caste-labour-legislation-bangladesh)

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## Notes

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**17** In 2006, revised in 2009, the International Dalit Solidarity Network proposed the Ambedkar Principles, named after the architect of the Indian constitution, as a guidance to business on how to respond effectively to the challenges of caste. These ETI principles are based upon those robust ideas.

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