

7: No Discrimination is Practiced

7.A: Ensure no discrimination is practiced, taking particular consideration of race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation.

Issue Titles available under this Workplace Requirement;

- Evidence of harassment or unfair treatment towards an individual or group based on their race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation, or other similar characteristic protected by law
- Evidence of harassment or unfair treatment towards an individual based on their sex, gender, gender identity, marital status or other similar characteristic protected by law
- Evidence of discrimination in hiring, compensation, access to training, promotion, terminations, or retirement based on an individual's race, caste, colour, national origin, religion, age, disability, sexual orientation, union membership, political affiliation or other similar characteristic protected by law

Interpretation guidance

Where there is evidence that discrimination is practiced against an individual or a group of workers, including non-directly hired workers, an NC should be raised. Auditors should examine the processes and implementation surrounding recruitment, payment, training, promotion opportunities, termination and retirement, and where appropriate also raise an NC in the corresponding Base Code Area. For example, if only non-direct hired workers do not receive remuneration for all time worked, including training, this should be recorded here as well as under WR 5E.

Where there is evidence of harassment and unfair treatment towards a worker or group of workers based on discrimination against a particular characteristic or trait, this should be recorded here and under Base Code 9.

Auditors should ensure that record sampling and interview selection is representative of the workforce, and takes consideration of the vulnerabilities and intersectionality of different worker profiles.

To identify gender-based discrimination, the auditor should adopt a gender-sensitive approach to auditing. The auditor should have an awareness of the role that gender plays in workplace issues, employment relationships and inequalities, payment gaps, and vulnerability to harassment, abuse, and discrimination, with a specific focus on women and non-binary workers, who are disproportionately affected by such issues globally. The auditor should also consider the presence and vulnerability of sub-groups within the women worker population, such as women who are pregnant, divorced, mothers, migrant workers, in temporary employment etc.

In order to use worker interviews to their full advantage, auditors should consider the factors that shape gender dynamics in the workplace, that may impact the best methodology for interviews, particularly local cultural norms, literacy levels and a lack of awareness or rights (BSR, [Gender Equality in Social Auditing Guidance](#)). One-to-one settings and single sex discussion groups may help to make women workers more comfortable in sharing their experiences, and mixed sex groups may be helpful for witnessing power imbalances and gender norms in action. Open-ended questions and conversational interview techniques can help to encourage workers to feel more comfortable sharing. Auditors should employ a mix of types of interview and techniques, as appropriate to the site.

Discrimination related issues often emerge through interviews and are sensitive in nature. Some of these issues can be challenging to corroborate and to report without placing workers, and especially the more vulnerable workers, at risk. Where worker evidence may put either the auditor or worker(s) at risk, the auditor should use the Sensitive Issues Process, and not include the evidence within the report.

7.B: Ensure that employment policies and processes are sufficient to prevent discrimination at all stages of employment. This includes hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation.

Issue Titles available under this Workplace Requirement;

- Insufficient evidence to demonstrate non-discrimination (e.g. lack of transparency in hiring, pay, etc.)
- No policy/system on wages and transparency in remuneration (e.g. to demonstrate non-discrimination) as required by law
- Different wage rates based on age alone for the same work and skill set and it is not contrary to local law
- No facility or provision to allow for religious activity (e.g. daily prayers) as per local law requirement
- Different wage rates based on gender/ race or other characteristic alone for the same work and skill set and it is not contrary to local law
- Policies, processes and training are not sufficient to prevent discrimination at all stages of employment
- Insufficient evidence to demonstrate non-discrimination in key areas of employment, where this has been raised as a concern by interviewed employees

Interpretation guidance

Auditors should expect to be provided evidence of the policies and processes developed and implemented at site. Documentation that may need to be examined to ascertain whether practices are discriminatory may include, but is not limited to:

- Policies that cover hiring, compensation, access to training, promotion, termination or retirement
- Risk assessments undertaken
- Training records on discrimination for identified relevant staff
- Recruitment records
- Job adverts
- Records of terminations
- Wage records
- Training records for all workers

Auditors should consider the breakdown of the workforce, and whether the processes in place cover and consider the needs of different worker demographics present. Auditors should also consider worker demographics not represented by the workforce and whether there is evidence of their exclusion through deliberate hiring practices.

Auditors should look for trends in the data available on site, to identify where systems may identify that policies and processes are not sufficient to prevent discrimination from occurring. The BSR, Gender Equality in Social Auditing guide identifies the following potential data sources, many of which can also be used/ adapted to assess other worker demographics:

- Comparison of workforce composition by category of workers (supervisors/managers versus workers)
- Comparison of women short-listed for interviews versus number of women applicants
- Number of women on maternity leave/returned from maternity leave
- Training records to evaluate training uptake by gender
- Number of women promoted in the past 18 months
- Pay by hour, piece rates, etc. versus a salary (include an overall percentage comparison of total workforce by gender, marital status, etc.)
- Number of dismissals/resignations due to family responsibilities, marital status, or pregnancy, including records of any exit interviews and feedback loop

(Source: BSR, [Gender Equality in Social Auditing](#))

Where workers raise significant concerns of discrimination being practiced in access to hiring, compensation, access to training, promotion, terminations, or retirement, the onus is on the supplier to provide evidence of how their systems prevent this from being the case, with particular attention to how the site monitors and adapts its systems to ensure they are functional. Where the site cannot clearly demonstrate the robust level of their systems the auditor should raise an NC based on worker testimonial.

7.C: Not require or allow health checks for workers to take place during the recruitment process or during employment where the results are used to unfairly avoid hiring or retaining workers with certain health issues or medical conditions. This includes pregnancy (unless explicitly required by law) or HIV/AIDS.

Issue Titles available under this Workplace Requirement;

- Site requires medical tests that may lead to discrimination against certain workers (e.g. against pregnant workers, workers with HIV/AIDS, etc.)

Interpretation guidance

Where any health checks are undertaken on workers, the site must provide evidence that these are required for a non-discriminatory reason, for example, to ensure workers' health has not been negatively impacted by working conditions.

Sites should not undertake pregnancy or HIV/ AIDS tests unless legally mandated. Where they are mandated, the site should provide evidence that they do not use the results to impact hiring decisions, e.g., records of worker terminations, hiring records. Where workers' health or medical conditions make them unsuitable for certain work-tasks the site should provide evidence of why certain skills or worker fitness levels are needed.

7.D: Ensure that grievance mechanisms are accessible to all workers, regardless of race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership and political affiliation.

Issue Titles available under this Workplace Requirement;

- Certain groups or individuals do not have access to or are not made aware of the grievance mechanism (e.g. due to language/technology barriers, inclusion in training)

Interpretation guidance

This requirement is focused on the accessibility of grievance mechanisms to the workforce. Findings relating to the adequacy and functionality of the grievance mechanisms should be recorded under Code Area 9.

Auditors should consider the accessibility needs of different workforce demographics, for example language, levels of literacy, access to required technology, and whether the functionality of any grievance mechanisms precludes workers from using them, and whether the methods of communication by the site concerning the grievance mechanisms are adequate to reach all workers.

The auditors should check grievance records against worker testimonial to fully assess whether all workers are aware of the grievance mechanisms, and whether different worker demographics feel comfortable using the provided mechanisms.. If particular worker groups are not raising any issues, auditors should use worker interviews to understand if this is through a perceived or deliberate exclusion to the process.

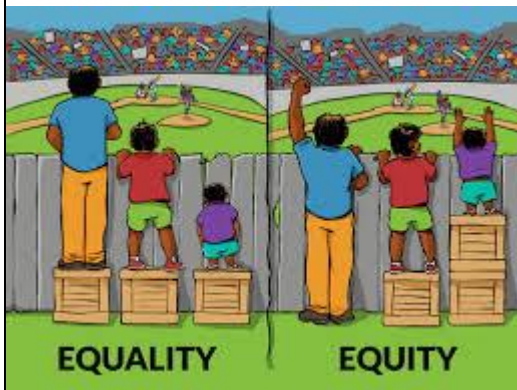
COLLABORATIVE ACTION REQUIRED 7.E: Have a dedicated equity approach in recruitment, training, development and promotion processes.**Issue Titles available under this Workplace Requirement;**

- COLLABORATIVE ACTION REQUIRED: There is no dedicated equity approach regarding recruitment, training, development and promotion processes
- COLLABORATIVE ACTION REQUIRED: There is a dedicated equity approach but it is inadequate

Interpretation guidance

Gender equity is the process of being fair to all genders according to their respective needs. Gender equality is the intended result, where all genders are treated equally and have access to the same opportunities. Gender equity is how this is achieved, by ensuring that the approach taken and resources provided fit the needs of the gender in question, taking into account their specific needs.

This diagram provides a visual representation of how providing equal resources to all may not provide equal access to opportunities, evidencing that different needs should be assessed and provided for:



To implement a gender equity approach a site must assess the barriers faced by different genders, and intersectional groups, and develop specific strategies to enable fair progression and access to opportunities. For example, a common misconception or a gender equity approach is that a site should be working towards an even gender split across all roles and opportunities on site in order to achieve equality, however, there may be roles and opportunities where this is not appropriate. The site should instead focus on where there may be systemic or societal barriers that create inequality. Examples of these barriers include, paying higher rates of pay for roles that utilise skills more commonly associated with men than women, when the other criteria for the roles, such as education level, years of experience etc, are the same; or mandating working shift-times that clash with regular family care

responsibilities, excluding parents (more frequently mothers), from opportunities. Auditors may wish to use this information to support suppliers in understanding the difference between equity and equality in closing meetings.

This is a new introduction into the SMETA audit methodology. At present an auditor is not required to undertake a full-assessment of the approach, but should raise a CAR where there is no approach in place, or where the approach does not clearly include a stated plan of action for recruitment, training, development and/ or promotion processes, or when specific worker demographics have been excluded from the approach, all of which would be considered inadequate. Fixing societal barriers can take time and may need the input of additional stakeholders, such as local expert organisations. Unlike the discrimination requirements, it is not expected that sites will provide evidence of having resolved the challenges and barriers of gender equity, rather they should provide evidence of their approach and planned activities. Examples of evidence of a gender approach a site may provide include a written policy and procedures on gender equity; a stand-alone action plan on gender equity; policies or activities that address gender-based barriers; evidence of on-site gender equity programmatic work; partnership with an independent third-party, eg. an expert NGO. Where this evidence is provided a site should not raise a CAR. In all cases the auditor should record what evidence was provided in the 'Systems and Evidence provided to validate the Code Area' freetext box.

7.F: Comply with all other applicable laws that impose conditions on Code Area 7.

Issue Titles available under this Workplace Requirement;

- A systemic, deliberate or severe breach of a local law which represents a danger to workers or others, or which denies a basic human right (relating to Code Area 7: No Discrimination is Practised but which cannot be captured under another Workplace Requirement)
- A systemic breach of a local law that could present a danger to workers or violate upon a human right (relating to Code Area 7: No Discrimination is Practised but which cannot be captured under another Workplace Requirement)
- An isolated breach of local law which represents low risk to workers (relating to Code Area 7: No Discrimination is Practised but which cannot be captured under another Workplace Requirement)

Interpretation guidance

No further guidance required