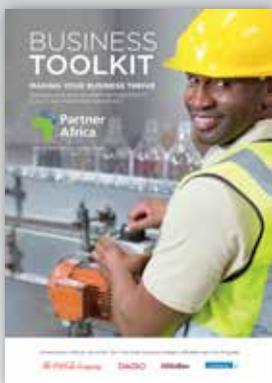


# DISCRIMINATION & HARASSMENT



## A CHAPTER FROM THE BUSINESS TOOLKIT

This is only one chapter of the toolkit. You can download the full document or any of the other chapters from the Partner Africa website.  
[www.partnerafrica.org/business-toolkit](http://www.partnerafrica.org/business-toolkit)

## WELCOME

This toolkit provides practical assistance on how to improve **Productivity, Quality and Workforce Management – areas which are inextricably linked**. People are a core and valuable asset for every business and in order to have an efficient, productive business, employees need to work in good conditions. Partner Africa, through its extensive auditing, training and consulting work have found that workers who are safe, respected and content in their work are more efficient and productive. For instance, productivity is increased by reducing the need for sick days and constant recruitment and onboarding due to high worker turnover. The connection also flows in the other direction: as productivity and efficiency improves, there are opportunities to improve wages and reduce excessive working hours without impacting price.

**Productivity, Quality and Workforce Management** are all essential elements to building a lasting business and a strong partnership with purchasing companies into the future.

The group of companies and organisations behind this toolkit want to share best practice and learning across the industry. This toolkit gives suppliers practical assistance on how to improve productivity, quality and workforce management in production sites. It will enable you to understand each issue and why it matters for your business, what is required, what that means in practice and will also enable you to assess your current situation and provide you with practical tools to make the necessary improvements.

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DIAGEO

ABInBev





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**The content of this Toolkit was developed by Partner Africa and consultants, in conjunction with the participating brands. Each company may have additional and/or specific requirements on the topics covered in this document and thus this Toolkit should be utilised as a reference guidance only.**



## 6.4 DISCRIMINATION AND HARASSMENT

### ? WHY THIS IS IMPORTANT TO YOUR BUSINESS

The right for every worker to be treated fairly and equally in the workplace is outlined in international labour conventions, national constitutions and laws.

Divided teams don't function effectively but team work, respect and good communication improves productivity and quality. Workers who feel safe and respected, participate in the work with more motivation.

### ✓ THE EXPECTATIONS

- Workplaces should be free from all types of harassment, intimidation, bullying or abuse of any employee including the threat of physical punishment or disciplinary action, or any abuse that is physical, sexual, psychological or verbal.
- No corporal punishment
- No disciplinary-related deductions from workers' pay
- Employees should all be treated fairly, with no discrimination (for recruitment, hiring, placement, training, compensation, advancement or any aspect of employment) on the basis of (but not limited to) factors such as race, colour, caste, ethnicity, religion, gender, age, political opinion/affiliation, national extraction, disability, marital status, health (including pre-employment medical exams), union membership, social origin, pregnancy and maternity, sexual orientation or any other arbitrary means
- Hiring and employment decisions (including those related to compensation, benefits, promotion, training, discipline, and termination) are made solely on the basis of the skill, qualifications, experience, ability and performance of workers
- Any security measures in place:
  - ◆ Must not harm the safety or security of local community members and other third parties
  - ◆ Must not undermine respect for the human rights of workers and third parties
  - ◆ Must not use force. If force is used, it shall be in a manner consistent with applicable laws and shall never exceed what is strictly necessary and appropriate to the situation





## WHAT THIS MEANS IN PRACTICE

This section can be used as a tool to self-assess your site.

Put a  if you think that point is in place in your business and put a  if it isn't or needs improvement. You can then create an action plan, to assign and follow up an action for every  (sample action plans are given at the back of the toolkit).

### Harassment

- The workplace is free from all harassment, intimidation and bullying. This means there shouldn't be shouting in the workplace or harsh treatment of workers, even in busy times
- Take a look at policies and practices to make sure there are no inappropriate or unacceptable punishments or penalties. What happens when a worker does something wrong? Are they shouted at? Are workers ever hit? Are workers fined? Have you ever heard of these things happening? None of these forms of punishment are acceptable
- The workplace is free from all sexual harassment, even subtle forms of inappropriate language and behaviour.
- Supervisors and team leaders are trained effectively to eliminate these practices (this is covered in the 'Practical Tips' section below)
- There is a culture of respect in the workforce
- Ensure payment/ wage procedures do not include financial deductions as punishment for bad behaviour, quality mistakes etc. You may need to think of more creative ways to reward good behaviour and production

### Security

- The security measures in place do not threaten the safety or security of the local community
- All security staff are trained and understand that their role and actions must never undermine workers' or third parties' human rights and they should always try to avoid the use of force and if force is used it should only be what is strictly necessary. (This includes contract labour providing security services)
- As you walk around the production site and observe the interactions between security staff and workers, check, do workers seem scared and intimidated by them? If so, you may need to investigate this to check that force or inappropriate behavior is not occurring

### Discrimination

- Providing a workplace free from discrimination
- Temporary workers are offered the same rights as permanent staff
- Review the recruitment procedure and questions asked in interviews and application forms. Does it include any information about the worker that you think could be being used to discriminate against them in recruitment/hiring (eg religion, race, pregnancy, union membership)? Ensure all staff involved in recruitment understand the importance of no discrimination
- Merit-based selection criteria for recruitment
- Review pay records. Ensure that women are paid the same as men for the same job. Ensure people of different races, religions, nationality etc are paid the same for the same job. If this isn't the case you will need to speak to HR managers to ensure that this is rectified
- Take an overview of the employees, is there a pattern of the kinds of people who are more often promoted/ advanced (eg certain genders or races)? You need to put policies, procedures and practices in place to ensure advancement is purely based on experience, skills, character, performance and merit, not other factors
- If there is a medical exam as part of the recruitment purpose, what is that for? Is there a valid non-discriminatory reason for it? Can you guarantee that the results of the medicals are not jeopardising people's employment potential?

### Resolving concerns

- A confidential and effective procedure for managing complaints regarding discriminatory or harassing behavior is in place (see chapter on Grievance Procedures, page 75-77)
- If a concern is raised, action needs to be taken, with no recrimination of the person raising a genuinely felt concern. The manager must ensure they are fully informed of the facts before taking action. The action must be, and be seen to be, fair, appropriate and proportionate to the concern raised



# PRACTICAL TIPS AND TOOLS FOR IMPROVEMENT

## Resources

- Bullying and harassment at work: a guide for managers and employers'. Advice leaflet. Link in the endnote references. <sup>74</sup>
- 'Tackling discrimination and promoting equality' produced by Acas (Advisory, Conciliation and Arbitration Service) in the UK. Link in the endnote references. <sup>75</sup>
- Practical guide on disciplinary processes and appeals, which includes sample templates of written warnings etc. <sup>76</sup>  
[https://www.siza.co.za/documents/Ethical\\_Disciplinary\\_and\\_Appeals.pdf](https://www.siza.co.za/documents/Ethical_Disciplinary_and_Appeals.pdf)

## Training

### Develop a policy on harassment and discrimination

Discuss acceptable and unacceptable behaviors and what should be done when unacceptable behavior is demonstrated. Ensure that this is set out in a clearly written statement.

#### The basics

Training your staff (both workers and management) about the issues of discrimination and harassment needs to cover the basics of:

- Why it's important to the business to tackle these issues
  - ◆ the business will only thrive if the whole workforce is moving together
  - ◆ divided teams don't function effectively but team work, respect and good communication improves productivity and quality
  - ◆ workers who feel safe and respected participate in the work with more motivation
  - ◆ workers who feel threatened and scared won't offer suggestions of how production/ productivity/ quality can be improved, and the business benefit of the innovation and ideas is lost
  - ◆ stress, fear and anxiety caused by discrimination and harassment leads to higher absenteeism, poor performance and higher turnover
- What your policy is on these issues
  - ◆ allow discussion on what are acceptable and unacceptable behaviors so that employees at all levels can identify when a situation is not in line with the policy
- Roles and responsibilities
- How situations/issues should be resolved
  - ◆ ensure everyone knows what to do if they experience or see behavior which is not acceptable
  - ◆ it should be clear that no recriminations will occur for raising a genuinely felt concern
- Special input into teams responsible for recruitment, selection, appraisal, supervision etc

#### Mapping the issues

Although the basic level of training above is beneficial, this factual type of training will not be sufficient to shift the culture in your organisation if discrimination and harassment are happening.

### In planning for training, brainstorm as a team:

#### Discrimination

- What are the most common forms of discrimination in your workplace? Is it gender? Race? Religion? A combination of those? Other?
- How does that most often manifest? In how supervisors talk to/deal with workers? In recruitment?
- What needs to change for every person to be treated equally?
- Are there particular people who are worse at discriminating? Have they been spoken to/disciplined?
- Is the management leading by example by actively treating every person equally?

#### Harassment

- What types of harassment happen in your workplace? Shouting? Bullying? Sexual harassment? Inappropriate comments?
- When are these most likely to happen? And to whom?
- What needs to happen for every person to be treated with dignity and respect?
- Are there particular people who are worse at this behavior? Have they been spoken to/disciplined?
- Is the management leading by example by eliminating any shouting, bullying or harsh treatment in their own behavior?

#### Changing mindsets

Once you have an idea as a team about what the key issues are in your work place you can plan some interactive training that engages people, in addition to the factual basic training above. People will only start treating people differently if their mindsets about the value of other people are shifted, not just because they have been told to. Your training could include:

- **Seeing each other:** Giving opportunities for employees to engage with people of different levels (workers/ management) and of different genders/races/religions (or any other factor you think is key in terms of discrimination and harassment). You can set up small groups for discussion, within one big room and set questions for people to ask each other in pairs (within the small group). The pairs should be with someone of a different level, race, gender, religion etc. Suggest questions that



enable that person to see the other as human, as not so different to themselves. They could listen to the other person and then introduce them to the rest of the small group, sharing a summary of what they've heard. Questions could include:

- ◆ How many siblings do you have?
- ◆ Where did you grow up?
- ◆ What did you enjoy doing as a child?
- ◆ Do you support a sports team?
- ◆ What foods do you like?
- ◆ What do we have in common?
- **Finding commonality:** Another exercise you could try would be asking everyone in a large room to move around and each find someone else who is a different level, gender or race (or other factor) to themselves, but shares the same:
  - ◆ Month of birth
  - ◆ Home town/area
  - ◆ Number of siblings
  - ◆ Favorite sports team
- **Role play:** Setting up fictional situations where harassment or discrimination most often happen and discussing different ways to handle the situation and asking different people to act it out. You can use these role plays to put people 'in someone else's shoes' - to experience what it is like to be on the receiving end of discrimination and harassment. They can also be used to brainstorm what employees think is acceptable and not-acceptable and to explain what the policy is.



## CASE STUDY: GENDER EQUALITY IN THE WORKFORCE IN INDIA

Tata Steel is an equal opportunities employer, has a code of conduct and non-discrimination policy and has encouraged employment of women through its apprenticeship programme. However they still didn't have many female employees. They decided to focus attention on this and carried out the following:

- For managerial levels: developed a programme called 'Empowering Women Managers to Succeed', which encourages women to look at themselves "not as women executives but as executives that happen to be women"
- Shop floor levels: inducting women into jobs previously reserved for men including driving heavy vehicles, forklifts and skills like welding and lubrication
- Set up the Women Empowerment Cell, of women executives, to hold regular dialogues with female employees to discuss and address issues
- Sexual harassment is addressed through a special committee

The result is that the number of applications from women has been steadily rising each year.<sup>77</sup>

## TACKLING TOUGH SITUATIONS

WHAT DO YOU NOTICE

A facility manufacturing food products in a country where HIV/AIDS rates are high decides to apply a pre-hiring test to identify any potential HIV positive people. The management claims that they are afraid that a negative campaign could affect their brand if consumers relate them to the disease.



PAUSE



THINK



WHAT NEXT

Employment decisions should be made fairly, without discrimination. The only medical tests that can be done pre-employment relate to the health of the worker relevant to the task they will be doing. HIV/AIDS does not fit into this category.

WHAT DO YOU NOTICE

Joe requires female workers to take a pregnancy test before they are hired. His intent is to protect them from duties that may be not suitable for their health.



PAUSE



THINK



WHAT NEXT

There should be no discrimination for hiring or employment, including based on pregnancy. Requiring a pregnancy test or other type of pre-employment medical test is often against the law and can be perceived as a form of discrimination. However, he may need to educate workers on workplace health topics, such as the risks of performing certain jobs while pregnant. A worker should feel safe telling her manager that she is pregnant and would like to move to a suitable position, without being afraid that there will be negative repercussions for her request.





# REFERENCES

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- <sup>74</sup> Advice leaflet - Bullying and harassment at work: a guide for managers and employers. Acas (Advisory, Conciliation and Arbitration Service). <http://www.acas.org.uk/index.aspx?articleid=794>
- <sup>75</sup> Tackling discrimination and promoting equality. Acas (Advisory, Conciliation and Arbitration Service). [http://m.acas.org.uk/media/pdf/j/2/B16\\_1.pdf](http://m.acas.org.uk/media/pdf/j/2/B16_1.pdf)
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