



# The Ambedkar Principles

## Principles and Guidelines to address Caste Discrimination in the Private Sector

The principles and guidelines are developed to address caste discrimination, which remains one of the most serious human rights issues in the world today.

They acknowledge the multiple forms of discrimination against Dalits in the private sector and include recommendations on how to eliminate such practices through an active non-discrimination policy and affirmative action, in line with international human rights standards.

They will enable national and multinational companies, as well as foreign investors, to contribute to eliminating caste discrimination in the labour market in South Asia where it continues to be a massive human rights issue.

Companies supporting the Ambedkar Principles are asked to work progressively towards their implementation and to regularly, preferably annually, report on their progress as part of their diversity or corporate social responsibility reporting, and also to consider engaging in some form of external audit.

The principles are built upon the urgent need in any society for positive or affirmative action for severely and structurally disadvantaged groups.



**International Dalit Solidarity Network**

WORKING GLOBALLY AGAINST CASTE DISCRIMINATION

# Employment and rights at work principles and guidelines to address caste discrimination

Implementing the 'Employment and rights at work principles and guidelines to address caste discrimination' implies that a company will be building on existing national anti-discrimination laws, policies and acts in the spirit of internationally recognised human and employment rights, while putting into practice the general commitments found in international standards, as referred to in the background section below.

## Companies adopting the Ambedkar Principles will:

1

**Include in any statement of employment policy a reference to the unacceptability of caste discrimination and a commitment to seeking to eliminate it.**

2

**Develop and implement a plan of affirmative action for Dalits,** paying special attention to Dalit women. Such a plan should include training on combating caste discrimination for all employees, as well as a special effort to recruit and train people with a Dalit background, especially if Dalits are under-represented as employees in relation to their proportion of the local population.

3

**Ensure that the company and its suppliers comply with all national legislation,** particularly in relation to bonded labour, manual scavenging and child labour; pay specific attention to the role that caste relations might play in legitimising or covering up such forms of labour, and actively contribute to the implementation of existing anti-caste laws.

4

**Use fair recruitment, selection and career development processes,** with clear objective criteria, and ensure that these processes are open to scrutiny from Dalits themselves as well as other civil society groups.

5

**Take full responsibility for their workforce, both direct and sub-contracted,** including in the supply chain, by seeking to detect and remedy any form of caste discrimination in employment conditions, wages, benefits or job security.

6

**Evolve comprehensive training opportunities for employees and potential recruits from Dalit communities** (preferably integrated with other staff where possible), including language support for English-deficient candidates, with the aim of enabling Dalit workers to fulfil their potential and where-ever relevant set targets for the number of Dalit employees.

7

**Designate a senior level manager to implement the policy** who will aim to maximise the benefits of a diverse workforce and ensure that the policy, its monitoring and the related practices are carried through.

8

**Develop effective monitoring and verification mechanisms of progress** at the level of the individual company, and also co-operate in monitoring at the levels of sector and the state, involving Dalit representatives including women in these mechanisms.

9

**Publish a report annually on progress in implementing the Ambedkar Principles**, preferably in relation to an appropriate section of the Annual Report, and be open to answer questions on policies and practices regarding this issue by organizations and the general public.

10

**Put in place a protective system for whistleblowers** in order to make sure that people exposing cases of discrimination or non-functioning policies against discrimination do not become victims of defending the human rights of Dalits and other discriminated groups.

11

**Appoint a board member with responsibility for oversight of this policy area.**

12

**Make use of the Dalit Discrimination Check** for assessment of caste-based discrimination in order to identify prevent and remedy discrimination and exploitation of Dalits in the workplace. Adapted to the Indian context, Indian companies and suppliers can use the checklist at <https://hrca.humanrightsbusiness.org/>.





# Community-related principles and guidelines to address caste discrimination

Companies who support the 'Community-related principles and guidelines to address caste discrimination', outlined below, will encourage and promote ownership of land and capital by Dalits, and broaden opportunities for skill development in the context of their social and economic rights. These principles should be a vital element in any social and/or environmental audit prior to investments, supply-chain or other trade relations. 'Socially excluded communities' refers primarily to Dalits but in particular contexts may include tribal peoples, women and religious minorities.

**Companies in support of the Ambedkar Principles, including the 'Community-related principles and guidelines to address caste discrimination', will:**

13

Require that all corporate support to community development programmes and other charitable activities in caste-affected countries or areas include the participation of Dalits in both planning and implementation, and that they receive an equal share in any benefits.

14

Where land is leased and/or purchased, ensure it has been done with the free and informed consent of those using it and has been properly compensated and not been misappropriated, or otherwise removed, from socially excluded communities.

15

Actively seek to place a proportion of supply and/or service contracts with local enterprises from socially excluded communities.

16

Avoid exploitation of local resources to the detriment of local communities and urge others, including companies and local authorities, to do likewise.

17

Aim to ensure nothing is done that may drive local communities towards ecologically insensitive activities or the desperation of violent protest, while undertaking free and informed local consultation to guarantee this.

18

Encourage and enable a degree of ownership of the investing and/or trading company or institution by socially excluded communities, including Dalits.

19

If the company is a bank or financial institution, ensure that lending to priority sectors (in India a legal requirement) seeks to assist Dalit community groups and Dalit entrepreneurs to the maximum extent possible.

20

Support educational projects for socially excluded communities at all levels, primary, secondary and tertiary, as well as in the form of training for posts at executive or management level.

21

Promote and support the teaching of English to Dalit communities, and encourage state and government authorities to do the same, as the use of English greatly increases employment potential for excluded people.

# Background

**The Employment and rights at work principles and guidelines to address caste discrimination** are rooted in and seek to build upon the labour rights that are already supported by the international community – governments, trade unions and employers' associations alike – in the form of the Conventions of the International Labour Organisation (ILO). The Employment Principles and Guidelines can be seen as the practical application of a number of these rights for a large section of the South Asian population – approximately 200 million people in India alone – who have been discriminated against for centuries, on the basis of being born into a particular caste or social group.

The obligations of states with regard to implementing labour rights are increasingly being complemented by instruments calling upon the corporate sector to be responsible and accountable for its impact on the wider society, including those whom it employs or whose employment it influences through the sub-contracting chain. One of these instruments is the UN Global Compact, of which Principle 6 requires companies to seek 'the elimination of discrimination in respect of employment and occupation'.

At the global level, the work of the UN Special Representative on Business and Human Rights is important. The Special Representative has developed a common framework for states to protect human

rights (as impacted by companies), for companies to respect human rights (by exercising due diligence) and for both to provide access to remedies for victims of corporate abuses.

The OECD Guidance for Multinational Companies provides relevant guidelines on business behaviour in the form of recommendations of its member states to companies in or from their respective member states. One of the recommendations is: 'Not [to] discriminate against their employees with respect to employment or occupation on such grounds as race, colour, sex, religion, political opinion, national extraction or social origin [the latter includes caste].'

At the national level, some states have introduced voluntary frameworks and guiding regulations for private companies for fair and equal recruitment and treatment of Dalits in the work place, and for a fair share of purchasing orders in public procurement by Dalit owned companies.

**The Community-related principles and guidelines to address caste discrimination** focus on the potential negative and positive impacts of companies on Dalit communities specifically, as well as in the context of impacts on larger local or regional communities. They are based on international standards or other broadly recognized practices in the field of human rights as well as community development and involvement.

**Caste discrimination** is referred to by the United Nations as 'discrimination by work and descent' and was the subject in August 2002 of General Recommendation 29 by the UN Committee for the Elimination of Racial Discrimination.

In the Ambedkar Principles the term **Dalits** is used, as that is the term chosen by many of the people often known as 'untouchables' in a number of South Asian countries, or 'Scheduled Castes' as the Indian Government refers to them. In this context 'Dalits' also includes indigenous people(s) (in India referred to as 'Scheduled Tribes').

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

In 2009, the final report of two Special Rapporteurs on the issue of discrimination based on work and descent was published as a UN document, including principles and guidelines to combat this form of discrimination. The draft UN Principles and Guidelines on the effective elimination of discrimination based on work and descent, a framework contained in the UN study on caste-based discrimination published by the Human Rights Council (A/HRC/11/CRP.3), include the following recommendations on special measures to be taken by the private sector to prevent caste-based discrimination:



### **Forced, bonded and child labour**

National and local governments, corporations, labour groups, and international labour, financial, and development organizations should collaborate to ensure concrete mechanisms for the prevention, identification and eradication of exploitative labour arrangements and the implementation of rehabilitation schemes for forced, bonded and child labourers with special attention to affected communities.

Paragraph 38, UN Draft Principles and Guidelines on the effective elimination of discrimination based on work and descent.

### **Market enterprises and financial allocations**

International financial institutions and private companies should affirm the unacceptability of discrimination based on work and descent within own organizations as well as within their sphere of influence. This includes supplies and business partners, with a special focus on equal access to markets and services and actively implementing anti-caste laws. Such entities should also

incorporate caste and gender analyses as well as anti-discrimination policy measures into their corporate social development strategies.

In the past, similar principles aiming to create equality in employment have been developed and used by corporations. These include the Wood-Sheppard Principles in the UK and the MacBride Principles in Northern Ireland – relating to racial and religious discrimination respectively. There have also been principles developed in relation to investment in countries with serious and structural human rights violations, such as the Sullivan Principles drawn up in the 1970s to address apartheid in South Africa. The Global Sullivan Principles, which state among other things that companies will ‘work with governments and communities in which we do business to improve the quality of life in those communities, their educational, cultural, economic and social well being and seek to provide training and opportunities for workers from ‘disadvantaged backgrounds’.

Paragraph 59, UN Draft Principles and Guidelines on the effective elimination of discrimination based on work and descent.

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