Rio Tinto

Why human rights matter

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A resource guide for integrating human rights into Communities and Social Performance work at Rio Tinto

Why human rights matter



About Rio Tinto

Rio Tinto is a global leader in finding, mining and processing mineral resources. Our products help to fulfil vital consumer needs and improve living standards around the world. We employ 68,000 people across more than 40 countries and are a leading producer of aluminium, copper, diamonds, coal, iron ore, uranium, gold and industrial minerals like borates, titanium dioxide and salt.

We are committed to delivering value at each stage of metal and mineral production. Our businesses include open pit and underground mines, mills, refineries and smelters as well as a number of research and service facilities.

The majority of our operations are in Australia and North America, but we also have businesses in South America, Europe, southern Africa and Asia.

Wherever we operate, health and safety is our first priority. We put sustainable development at the heart of all our Group businesses, working as closely as possible with host countries and communities and respecting local laws and customs.

We are also determined to minimise the environmental effects of our activities and ensure that local communities benefit as much as possible from our operations.

Our values – accountability, respect, teamwork and integrity – are expressed through our business principles, policies and standards and underpin the way we manage the economic, social and environmental effects of our operations and how we govern our business.

Our approach, coupled with our diverse portfolio of quality assets, positions us to deliver superior returns to our shareholders over time and continue to grow on a global scale.

Cover
Rio Tinto Exploration, Mozambique: local people observing a drill rig in between drilling locations.

Photographed by Grant Lee Nuerenberg.

Why human rights matter:
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Foreword

At Rio Tinto our respect for human rights is integral to the way we work.

Human rights are relevant to every part of our business – from the women and men working at sites off the beaten track in Australia's Pilbara, Simandou in Guinea, or Michigan's Upper Peninsula, to those in our corporate offices in capital cities. Our employees, their families, host communities, suppliers and consumers of our products all fall under the protective mantle of the Universal Declaration of Human Rights. Respect for human rights is essential in our Communities and Social Performance work, helping us build trust and collaborative relationships with host communities.

The world is paying more attention to our human rights performance. Investors, governments, non-government organisations, the media and industry associations are scrutinising the policies and processes we have in place to respect human rights, and are watching closely how we deal with adverse impacts if things go wrong. We are also moving into more challenging regions where there is a greater risk of human rights exposures through business relationships. We want to ensure that all field workers respect, can recognise and if necessary help remedy any human rights impacts.

We know that our decisions and actions, whether inadvertent or deliberate, can result in adverse human impacts. We also recognise that respecting human rights is a continual process which we will always strive to improve. We are determined to be proactive. While it is tempting to believe that simple human decency can be our compass, the complexity of our interaction with local communities, and the human rights issues which arise as a result, requires a systematic approach and expert guidance.

This guide focuses on what due diligence, risk assessment and community engagement mean in a human rights context, examines why human rights matter in Communities and Social Performance (CSP) work, and illustrates how our processes and systems align with international standards and expectations, using real-life examples we have encountered in our business.

The guide is written primarily for our CSP practitioners who interact daily with our host communities and want to 'do the right thing' in the face of the dilemmas they encounter. But we hope that it will be of use to all Rio Tinto employees, and of interest to our stakeholders who want to understand how we meet our 'responsibility to respect human rights'.

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Contributors to this guide

To capture international experiences of human rights issues and concerns and to promote good practice concepts, approaches and experiences, this guide has been reviewed by an Internal Working Group, consisting of Rio Tinto representatives from different departments and geographical locations, and by an External Review Panel of experts in human rights.

The panel was asked to advise and to challenge Rio Tinto's thinking, to suggest key resources and literature and to provide criticism. While it was not possible to incorporate all of the feedback, the panel's input has been invaluable. The listing of External Review Panel members does not imply their full endorsement of the content.

The Background reader was written by experienced professionals from the Business and Human Rights Department at the Danish Institute for Human Rights (DIHR). It is intended to provide more information on current international human rights standards as they affect businesses in general. It was not prepared by Rio Tinto and does not necessarily represent its views.

This guide has been developed in partnership with the Centre for Social Responsibility in Mining (CSRM), part of the Sustainable Minerals Institute at The University of Queensland.

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1. Introduction

Rio Tinto has updated its human rights policy to reflect recent developments in business and human rights, such as the revision of the OECD Guidelines on Multinational Enterprises and the 2011 endorsement of the UN Guiding Principles on Business and Human Rights. Our policy affirms that we support human rights in accordance with the Universal Declaration of Human Rights and respect those rights in conducting the Group's operations throughout the world. This guide has been prepared to assist our Communities and Social Performance (CSP) practitioners and other Rio Tinto employees across the organisation to integrate human rights considerations into their work.

Respecting human rights helps to underpin our business success.

Rio Tinto understands that not doing so poses very real risks to the company such as operational delays, legal disputes, reputational harm, investor challenges, loss of social licence to operate and employee dissatisfaction. On the other hand, the actions we take in support of human rights help us to build enduring and positive relationships across the community and the world.

Our Human Rights Framework, which aligns with our commitments under the OECD Guidelines for Multinational Enterprises and reflects the UN Guiding Principles on Business and Human Rights, has its foundations in human rights due diligence, carried out as part of our corporate processes. We recognise that certain rights may be more 'at risk' than others in our day-to-day operations.

The International Council on Mining and Metals (ICMM) has recently identified some prevailing human rights issues for the mining and metals sector[1]. Many of these issues such as resettlement, water services, and security are more likely to affect the human rights of communities where mining and metals companies operate than those of other businesses. It is important that our CSP practitioners and other employees working with local communities understand our human rights approach and the processes available to protect these communities' human rights. This document provides guidance and should be read in conjunction with the Group-wide Human rights policy and guidance, and other relevant tools (see appendices A and B).

1. International Council on Mining and Metals (2012). Human rights in the mining and metals industry: Integrating human rights due diligence into corporate risk management processes, March 2012. p64.

This guide consists of:

- **information on 'How to'** integrate human rights considerations into our CSP work;
- **a Background reader** prepared by the Danish Institute for Human Rights (DIHR) with more detailed information on international human rights instruments, their relevance to the business context, current debates and external resources; and
- **appendices** on Rio Tinto's Human rights policy and voluntary commitments relating to human rights.

This guide is written primarily for Rio Tinto employees and managers who encounter human rights issues when engaging with communities. Those employees may be employed in CSP roles but may also work in health and safety, environment, human resources, procurement, security or be involved in projects or other work that relate to communities. This guide also includes a number of tools, checklists and case studies. These have been included as examples of good practice and are for the purposes of guidance only. This guide does not attempt to cover all aspects of Rio Tinto's interface with human rights; these are outlined in the Human rights guidance and issue-specific guidances.

Why human rights matter is the third in a series of guides for CSP practitioners following *Why gender matters* and *Why cultural heritage matters*.

2. International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Box 1: The main elements of human rights

Universal and inalienable: held regardless of political, economic and cultural systems and are not to be taken away.

Interdependent and indivisible: All rights are equally important. There is no hierarchy between civil, cultural, economic, political and social rights. Human rights are not mutually exclusive. The enjoyment of one human right often relies wholly, or in part, upon the fulfilment of others. Similarly, the interference of one human right often negatively affects other human rights.

Equal and non-discriminatory: all humans have the same rights regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(Adapted from International Finance Corporation (2010) *Human Rights Impact Assessment and Management Tool*)

Box 2: Examples of human rights that relate to Rio Tinto's business

- Right to liberty and security
- Right not to be subjected to torture, cruel, inhuman and/or degrading treatment or punishment
- Right to equality before the law, equal protection of the law, non-discrimination
- Right to privacy
- Right to freedom of movement
- Right to own property
- Right to freedom of opinion, information and expression
- Right to freedom of assembly
- Right to freedom of association
- Right to participate in public life
- Right to social security, including social insurance
- Right to work
- Right to enjoy just and favourable conditions of work
- Right to an adequate standard of living
- Right to health
- Right to education
- Right to take part in cultural life, benefit from scientific progress, material and moral rights of authors and inventors
- Right of self-determination
- Right to safe and clean drinking water and sanitation

(Adapted from IFC (2010) *Human Rights Impact Assessment and Management Table*)

What are human rights?

Human rights are the inherent dignities and freedoms to which we are all entitled as human beings, wherever we live.

Box 1 explains the key elements of all human rights. In 1948, the UN adopted the Universal Declaration of Human Rights (UDHR), which contains 30 articles setting out universal human rights. The Declaration, together with two international instruments adopted in 1966[2] form the UN's International Bill of Human Rights. Other key instruments are the International Labour Organization's (ILO) eight core conventions set out in the Declaration on Fundamental Principles and Rights at Work. Box 2 lists some of the rights embedded in these instruments.

Today, it is widely accepted that businesses have a responsibility to respect human rights.

In 2008 the UN Special Representative to the Secretary General (SRSG) on Business and Human Rights developed a policy framework of *Protect, Respect and Remedy* to clarify the responsibilities of business and government in relation to business-related human rights harm (see Box 3). This was further elaborated in the *Guiding Principles on Business and Human Rights* (UN Guiding Principles), endorsed by the UN Human Rights Council in 2011. For more information on the UN Guiding Principles see Section 3.2 of the Background reader.

The UN Guiding Principles provide that, at a minimum, business enterprises should respect the human rights contained in the International Bill of Human Rights and the core ILO conventions. Box 4 provides further explanation of the business responsibility to respect. The UN Guiding Principles recognise that other international instruments may be relevant for businesses dealing with particular challenges, (also outlined in the Background reader).

To know and show that they respect human rights, the UN Guiding Principles recommend that businesses carry out human rights due diligence, modelled on risk management. The 'How to' section of this guide explains what human rights due diligence means for CSP practitioners.

The UN Guiding Principles require businesses to have mechanisms in place to address complaints and grievances and help remedy any rights abuses which they cause or contribute to. They also provide criteria to assess the effectiveness of company and other complaints and grievance processes. Rio Tinto's Community complaints, disputes, and grievance guidance and section 2.4.3 explain how we work to resolve human rights-related community complaints and grievances.

While the UN Guiding Principles do not require businesses to go beyond respecting human rights, they acknowledge that business enterprises may undertake other commitments or activities to support and promote human rights which may contribute to the enjoyment of these rights. But they make clear that a company cannot compensate for human rights harm through one act by 'doing good' elsewhere.

Wherever we operate, we engage with communities and seek to understand the social, cultural, environmental and economic implications of our activities. By doing so, we can respond to community concerns and work to optimise benefits and reduce negative impacts, both for the local community and for the company. We believe that this, together with our community engagement programmes (which may include enterprise development, community-based health, training, employment and social and cultural heritage initiatives) can contribute to the realisation of human rights and their enjoyment.

Table 1 lists examples of how mining, metals and associated operations may adversely impact the human rights of community members, although these issues vary in different contexts. The table is not comprehensive and does not address potential overlaps between various rights. Practitioners should consider the full suite of human rights, as outlined in the International Bill of Human Rights and the eight core ILO Conventions, in initial baseline assessments. See the Rio Tinto's Human rights guidance for a broader list of human rights that may be relevant to the Rio Tinto Group.

Box 3: The UN 'Protect, Respect and Remedy' Framework

In 2008 the UN Secretary General appointed a Special Representative (SRSG) on Business and Human Rights, Professor John Ruggie, who presented a policy framework for dealing with business-related human rights challenges consisting of three complementary pillars:

1. the State duty to **protect** against human rights abuses by third parties, including business, through appropriate policies, regulation and adjudication;
2. the business responsibility to **respect** human rights, which means to act with due diligence to avoid infringing on the rights of others and to address any adverse impacts; and
3. the need for greater access by victims to effective **remedy**, both judicial and non-judicial.

In 2011, the SRSG presented the *Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework* to the United Nations Human Rights Council, which unanimously endorsed it.

Box 4: What it means to 'respect' human rights.

The UN Guiding Principles on Business and Human Rights define the business 'responsibility to respect' to mean that companies should avoid infringing on the rights of others and address adverse impacts with which they are involved (GP 11). At its basic level, this means having a do-no-harm approach. Companies do not have a responsibility to fill gaps in state human rights provision but should address and/or avoid involvement in adverse human rights impacts and should respect human rights through their own activities and business relationships.

(Adapted from Ruggie (2011) *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*)

Table 1[3]: Examples of human rights related issues mining and metal companies might face

Right to housing	A mine relocates people from their homes and land. The resettlement process occurs without adequate consultation and results in poorer housing conditions post-relocation. Population influx resulting from a mining project drives up the price of local housing, forcing poorer members of a community to move into substandard dwellings.
Right to health	A mining operation exposes local communities to hazardous materials. Influx of construction workers contributes to the spread of STIs (sexually transmitted infections) in the local community. Population influx from a mining project places pressure on existing local health facilities and negatively impacts local access to services.
Right to education	A mine development causes the relocation or destruction of a local school, or entails resettlement of communities to a location without adequate educational facilities. Local teachers seek higher paying jobs in mining and local schools are left under staffed.
Right to an adequate standard of living	Mining activities restrict or prevent people's access to land used for subsistence livelihoods, affecting their food security. Disruption of natural water flows means that people are no longer able to irrigate crops or grow enough food for their needs. Artisanal small-scale mining is prohibited by a company or government affecting local traditional livelihoods.
Right to participate in cultural life	Mining activities lead to the destruction or loss of access to a significant cultural heritage. Mining operations significantly impede traditional or cultural ways of living. Unplanned in-migration leads to the decline of important cultural heritage practices.
Right to security of person	Public or private security personnel use excessive force while evicting illegal small-scale miners from the site or in breaking up community protests. Unplanned in-migration leads to law and order issues in the community. Influx of contract workers causes an increase in crime and risk of violence against women and children.
Right to freedom of opinion and expression	Government representatives and/or security forces present at company-held consultation meetings inhibit free expression by the community. A company discourages local media from publishing an unfavourable article regarding mining impacts. Contractor security forces quell a peaceful community protest.
Right to non-discrimination	A company only consults with male decision-makers in the community, excluding women and youth. A company only hires non-Indigenous men locally for labour positions and excludes local women and Indigenous people from employment opportunities.
Right to potable water and sanitation	Mining activities pollute a stream which local people rely on for drinking water. Mining impacts an aquifer, causing community wells used for drinking water to run dry.
Right to work including right to safe working conditions	Contractors do not pay their local workers in line with prevailing local economic conditions. Suppliers providing products such as food do not ensure safe working conditions for their employees in community-based enterprises.

3. This table provides hypothetical examples of negative impacts on human rights that mining, metals and associated operations may face. The list is not exhaustive and is not intended as a hierarchy. It is also recognised that some risks may arise from the cumulative impact of multiple operations and may not be solely attributable to Rio Tinto.

Our corporate human rights framework

Rio Tinto operates across the world in places with widely different social, economic, political and cultural norms. Notwithstanding this diversity of circumstance we are committed to respecting human rights wherever we operate, whether the country is developed or developing, and high risk or low risk for human rights impacts, and through all stages of the life of the operation.

Rio Tinto's human rights framework is established by:

- *The way we work.* Rio Tinto's global code of business conduct provides that we actively seek to ensure we are not complicit in human rights abuses and avoid situations that could be interpreted as tolerating human rights abuses.
- Our Human rights policy. This highlights Rio Tinto's commitment to respect human rights around the world and emphasises the voluntary commitments we have made to international instruments and initiatives with explicit reference to human rights (see Appendices). It also confirms that Rio Tinto's human rights framework is founded on human rights due diligence carried out as part of our corporate processes.

Our human rights framework is implemented through a number of existing internal controls and tools including those developed for CSP work. It is also supported by training, communication and governance processes including escalation and awareness-raising networks.

These elements are outlined in Rio Tinto's Human rights guidance.

This guide explains how to use our established CSP processes to ensure respect for human rights. These processes include:

- designing and undertaking community socioeconomic situational analyses, profiling or baseline work (refer to Rio Tinto's Socioeconomic knowledge base guidance);
- assessing social and community risks and undertaking comprehensive human rights risk analyses where these are considered necessary (refer to Rio Tinto's Social risk assessment (SRA) guidance and Human rights guidance);
- undertaking social impact assessments, whether driven by regulatory or operational purposes, and undertaking dedicated human rights impact assessments where these are considered necessary (refer to Rio Tinto's Social impact assessment (SIA) guidance and Human rights guidance);
- developing CSP multi-year plans that consider all social performance issues (refer to Rio Tinto's CSP multi-year planning guidance);
- designing and implementing site-based policies, procedures and plans that have implications for local communities, including:
  - workforce recruitment and management (eg human resource plans and procedures);
  - procurement of goods and services (eg use of contractors, local sourcing policies and procedures, local business development programmes);
  - security arrangements (see Rio Tinto's guidance, Implementing security and human rights principles and Providing support to public security forces);
  - community health and safety; and
  - training of our CSP practitioners in human rights.
- designing and implementing community programmes and initiatives;
- designing and implementing project-level complaints, disputes and grievance processes (refer to the Community complaints, disputes and grievance guidance);
- designing and implementing monitoring, evaluation and reporting frameworks;
- assurance through CSP site managed assessments (SMAs), Technical Evaluation Group (TEG) and closure plan reviews; and
- planning for operational closure and post-closure.

How to integrate human rights into our work with communities

CSP practitioners often work at the 'coal face' of human rights as they tend to be involved in issues such as resettlement, land access and acquisition, cultural heritage and Indigenous affairs. Furthermore, they are often the first point of contact for the community to raise concerns. Other parts of the business may make this role easier or harder depending on whether their own actions are respectful of human rights. It is important that CSP personnel understand their own responsibilities for avoiding adverse human rights impacts, and work closely with other employees to integrate respect for human rights into all aspects of our business.

Due diligence enables us to 'know and show' that we respect human rights. Box 5 explains the core elements of a due diligence approach.

Good practice in CSP work is consistent with implementing human rights due diligence. However there may be gaps that we need to address at particular sites to explicitly and comprehensively consider human rights in all aspects of our business activities.

This may include making human rights more explicit in our knowledge base studies and risk processes, helping employees to understand our responsibilities in this area and/or responding better when issues that relate to human rights arise.

Four phases of integrating human rights into CSP work

The four phases of Rio Tinto's CSP management system, based on the principle of inclusive engagement, align with the human rights due diligence approach set out in the UN Guiding Principles.

Rio Tinto's approach to integrating human rights into CSP work is shown in the following simplified conceptual framework (page 18). It has four phases, with **inclusive engagement** as a cross-cutting theme relating to all phases.

Inclusive engagement

Ensure that our engagement practices respect human rights.

Ensure that diverse voices of both women and men are heard and that vulnerable and 'at risk' groups can participate in engagement processes.

1. Know and understand

Build context-specific human rights knowledge and understanding, informed by our CSP assessments.

Identify and understand the impacts of our mining, associated operations and contractors, and the risks they pose to human rights throughout a business's lifecycle.

Identify and understand how government and public institutions engage with human rights issues.

Identify human rights and rights-holders who may be adversely impacted by our activities or our business relationships, for instance with contractors.

Identify strategies to prevent our involvement in adverse human rights impacts.

Identify opportunities to enhance the ability of local communities to enjoy their human rights.

2. Plan and implement

Follow through on our human rights commitments.

Integrate our human rights knowledge and understanding into existing control and oversight systems, including: policies at the business unit level; operational management plans; CSP strategies and multi-year plans; goals; objectives; targets and indicators; action plans; project level complaints, disputes and grievance process; and site-specific standard operating procedures and protocols.

Take action wherever we identify a human rights risk and/or impact in which we may be involved.

Influence our suppliers and contractors to improve their human rights performance where we may be directly linked to adverse human rights impacts by those partners.

Box 5: What is human rights due diligence?

Human rights due diligence is a process that companies should undertake to identify, prevent, mitigate and account for their impacts on human rights. The UN Guiding Principles define it as:

- **identifying and assessing** the actual and potential adverse human rights impacts of company activities and associated relationships;
- **integrating** the human rights findings from impact assessments across relevant internal functions and processes;
- **tracking** company human rights performance to verify whether adverse human rights impacts are being effectively addressed; and
- **communicating** publicly, including formal reporting where appropriate, on company responses to actual and potential human rights impacts.

Human rights due diligence can sit within a company's broader risk management systems. However, beyond consideration of material risks to the company, it needs to include consideration of risks to, or impact on, external rights-holders.

Establishing project-level complaints, disputes and grievance procedures for employees and communities plays an important supporting role, as do statements of policy articulating the company's commitment to respect human rights.

Seek to ensure human rights awareness among, and compliance of, our local suppliers and contractors.

Ensure awareness and capacity of all of our employees to identify potential human rights issues when engaging with communities.

3. Monitor, evaluate and improve

Monitor and evaluate the outcomes of CSP strategies and initiatives aimed at mitigating human rights risks and enhancing the enjoyment of human rights.

Regularly review and assess our human rights performance (eg through CSP site managed assessments and diagnostic workshops, and project-level complaints processes).

As appropriate, align human rights factors with social performance indicators to track our human rights performance, including gender indicators.

Ensure these human rights indicators and monitoring activities reflect local context and have community support.

Act on findings to improve projects and programme outcomes.

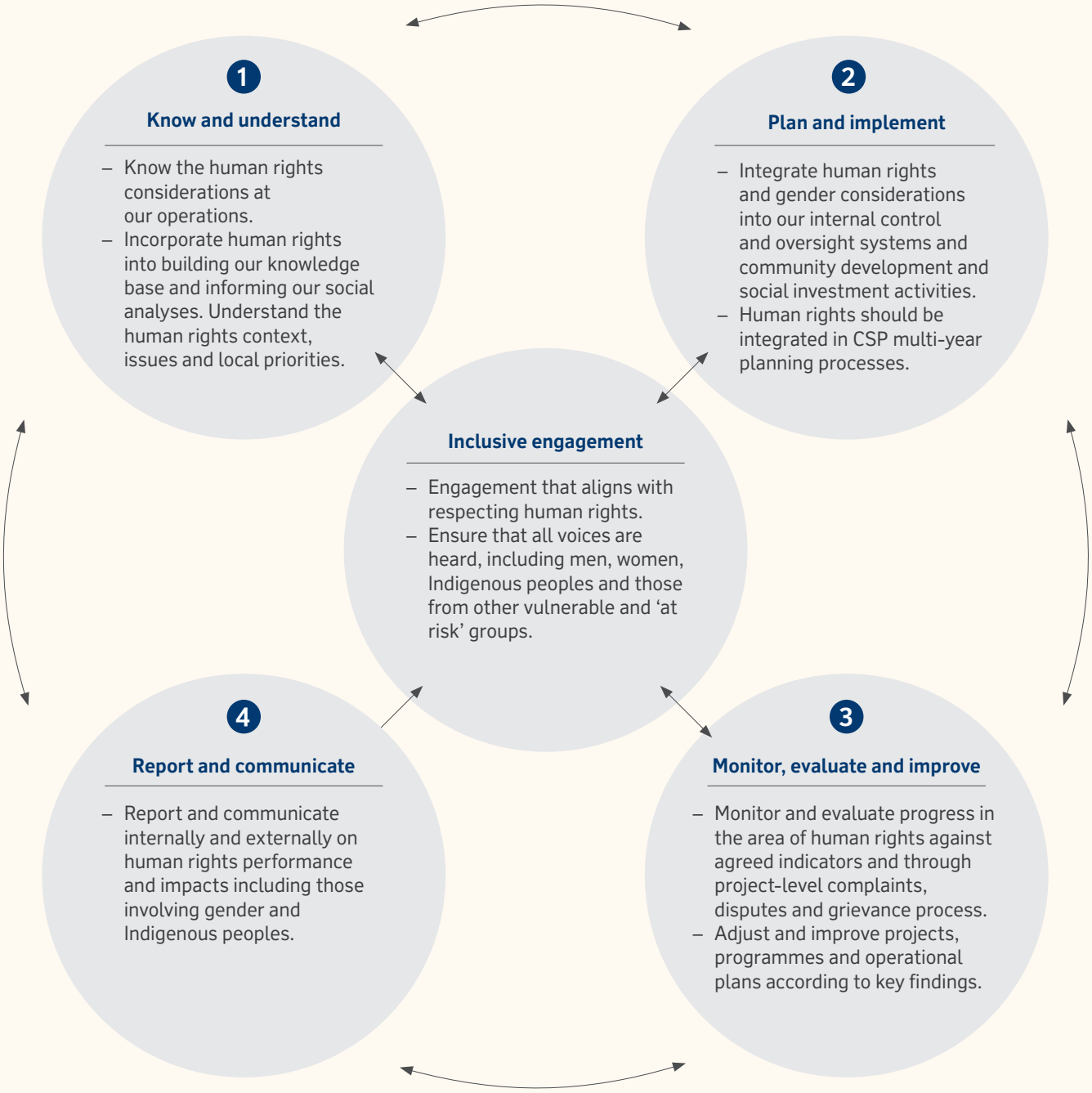
4. Report and communicate

Report and communicate internally and externally on how we are addressing human rights impacts, both positive and negative, in our CSP work.

Ensure that our communication is appropriate to the audience.

The following sections provide guidance on implementation and integration of each phase to CSP work using case studies, illustrative examples and tools.

Figure 1. Four phases of integrating human rights into CSP work



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2.1 At the centre - inclusive engagement

Our goal is to engage inclusively through all phases of our CSP work and all stages of a business's lifecycle. At Rio Tinto, engagement means the active exchange of information, listening to community concerns and suggestions, and developing an agreed improvement plan together. Inclusive engagement helps us to understand the complex and diverse human rights contexts in which we operate and enables us to identify opportunities to assist communities to enjoy their human rights.

	Checklist
[√]	Were local communities consulted early in the project cycle?
[√]	Are a broad range of local people and other stakeholders involved in identifying and understanding human rights considerations in relation to the company's activities in the area?
[√]	When engaging communities, has your operation taken special measures to include all groups, including vulnerable and 'at risk' groups?
[√]	Has your operation taken care to engage and consult with communities in ways that are gender sensitive and culturally appropriate?
[√]	Does your business proactively share timely, accurate and relevant information with communities about project development and implementation throughout the project lifecycle?
[√]	Are there multiple avenues for communities to engage; for example, through consultation, community visits and open days, and complaints, disputes, and grievance processes? Are there community offices or information points available?

It is crucial to engage with our host communities as human rights-holders as well as stakeholders (see Box 6).

Inclusive engagement ensures that all rights-holders, including vulnerable and 'at risk' groups, can participate in meaningful engagement processes, voice their concerns, share their experiences and participate in decisions that affect their human rights. (See Box 7 for a note on language used in this guide.)

An important way of engaging with communities is through our complaints, disputes and grievance processes, which are human rights compatible. For more information see section 2.4.3 and also Rio Tinto's Community complaints, disputes and grievance guidance.



Rio Tinto Alcan employees at Weipa in Queensland Australia (from left) Jerry Wapau, Bella Savo, Moira Hart and Bianca Graham with Senior Wik Waya Traditional Owner Tony Kerindun.

Box 6: Stakeholders and rights-holders

In the realm of business and human rights, it is important to understand the relationship between stakeholders and rights-holders.

Within the CSP field, a **stakeholder** is often referred to as a person who has an interest in a particular decision or activity, either as an individual or as a representative of a group. This includes people who influence a decision, or can influence it, as well as those affected by it. Stakeholders can also represent organisations and agencies.

In the context of human rights, a **rights-holder** is a person whose human rights are potentially 'at risk', both individually and in some cases collectively. All human beings are rights-holders in a personal context.

A person can be both a rights-holder and stakeholder. However, when discussing human rights impacts, the language of 'rights-holder' is often employed to identify those people whose rights are (or may be) personally impacted. By definition, all stakeholders are rights-holders somewhere, but not all stakeholders will have their human rights 'at risk' in the context of our activities.

When conducting stakeholder identification, sites and projects should ensure all potentially affected rights-holders are given equal opportunity to participate in engagement processes, including special measures to include vulnerable groups, such as women, children, Indigenous groups and others.

(Adapted from Boesen, J.K. and Martin, T. (2007) *Applying a Rights-based Approach*, DIHR)

Box 7: Vulnerable and 'at risk' – a note on terminology

In the human rights arena, the language of 'marginalised', 'vulnerable' and 'at risk' is often used to describe people who may need special attention due to their social, cultural, economic, environmental, and/or political circumstances. Women, Indigenous groups, ethnic and religious minorities, children, elderly people, people with disabilities, single-headed households, migrant workers, and non-landholders, among others, are not necessarily *inherently* vulnerable, but may be at greater risk of adverse impacts on their human rights. These groups often have fewer resources to draw upon, or are less able than other groups to influence decisions. The severity of impacts may also be more significant for these groups than for others. In this guide we refer to 'vulnerable and 'at risk' groups' to encompass these various groups. For further explanation see page 23 in the Background reader.

2.1.1 'Process' principles of engagement

Box 8: Talking about human rights

Many people do not use 'human rights language' to describe human rights-related impacts or grievances. This may be because they are not familiar with the official human rights terms and concepts, cultural preferences or political context. However, even where human rights language is not used, there may be issues or concerns that affect human rights.

While we aim to respect human rights wherever we operate there may be situations where we need to be sensitive to local factors in using human rights terminology or encouraging others to do so, especially if it would put them 'at risk'. For example, in some countries, people who openly discuss human rights face persecution by their own governments.

In practice, it is useful to focus discussion on the content of the right. For example, rather than talking about 'freedom of association' we might ask about local unions or other worker representation. Similarly, rather than discussing the 'right to life, liberty and security' we might ask about police presence and activity in the area. Whatever the context, it is always helpful to tie a 'right' to the actual context and give examples.

Human rights due diligence relates to 'process' (how we do things) as much as 'outcomes' (the results we achieve). The methods we use to engage individuals and groups are important from a human rights perspective as they can impact on rights such as freedom of expression and opinion, self-determination, non-discrimination and the special rights of Indigenous peoples.

Rio Tinto aims to pursue a process of ongoing, free and informed consultation with all communities with whom we engage. This includes establishing a mutually-agreed consultation process and providing information in a transparent, timely and appropriate fashion (refer to Rio Tinto's Community consultation and engagement guidance). Beyond consultation, we seek broad-based community support for our projects based on the following principles:

– mutually informed understanding of interests and activities;
– deep respect for social values and cultural property;
– good faith, mutual respect and long-term commitment;
– access to reliable independent advice;
– comprehensive information on proposed activities, including potential negative impacts and positive opportunities;
– community participation in social and environmental assessments;
– community participation in any resettlement planning and in elements of project design that may affect communities; and
– active support for local economic opportunity and participation.

Human rights language may sometimes be unfamiliar to people, may raise sensitive issues, or its use may even put individuals 'at risk'. Assessing people's awareness, comfort and understanding, and tailoring the engagement accordingly are important to ensure it is effective. Box 8 provides some suggestions for talking about human rights in different contexts.

Right to freedom of opinion and expression
The right to freedom of expression includes the right to seek, receive and impart information and ideas of all kinds and forms (International Covenant on Civil and Political Rights (ICCPR) Article 19). In order to respect this right, our engagement should be transparent and accessible.

'Transparent' means we proactively share information with communities about how our decisions, activities and impacts may affect them throughout a project lifecycle. It also means making public in a general sense, the nature of their concerns, complaints and grievances.

'Accessible' means information must be easily understood and readily available in formats, languages and locations that are convenient and non-threatening to diverse groups within each community. In communities where literacy is low, we may need to share information orally, rather than through written material.

We may need to build the community's capacity to understand what it is being told and to express informed views. This might require us to provide access to unbiased expert advice or engage a credible outside organisation to help the community understand what is being proposed. We may also need to build our own internal capacity to engage on these issues (see section 2.3.4).

Right to self-determination

Securing broad-based community support before the start of any project is important to honouring the right to self-determination. The right to self-determination allows all peoples to freely determine their political status and to advance their social, economic and cultural development within a sovereign context. It includes the right to manage their land's wealth and natural resources without prejudice (ICCPR, ICESCR Article 1). The right to self-determination is considered a collective right held by 'peoples' and is most relevant to us in relation to Indigenous peoples (see Box 9).

Rights of Indigenous peoples

Indigenous peoples are entitled as individuals to all human rights enshrined in the Universal Declaration of Human Rights. In addition, international law recognises that they have collective rights to their land and its resources, including special and spiritual relationships, that warrant particular attention and protection.

The United Nations Declaration on the Rights of Indigenous peoples (UNDRIP), which we support, recognises the right of Indigenous peoples to 'maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources' (Article 25).

Box 9: Individual and collective rights

When discussing human rights the question of 'individual rights' and 'collective rights' often arises. The basic distinction is that collective rights protect a group of people, while individual rights protect the individual.

Individual rights are rights held by the individual regardless of their membership or association to a group. For example, right to security of person is an individual right held by a person though shared in common by all people.

Collective rights are rights held by individuals by virtue of being part of a particular group. The rights of Indigenous peoples are examples of collective rights.

Though they are interlinked, collective rights and individual rights may sometimes be at odds with each other. Weighing the demands of the groups with the demands of the individuals can be complex. For example, some states uphold the rights of Indigenous groups to engage in traditional subsistence fishing, often allowing Indigenous groups to access a fishery before allowing commercial harvest. Non-Indigenous fishermen have argued that this 'preferential' treatment for Indigenous groups infringes on individual livelihoods.

Box 10: International Finance Corporation (IFC) Guidance on FPIC and Indigenous peoples

Projects are required to achieve Free, Prior and Informed Consent (FPIC) with the affected communities of Indigenous peoples with regard to project design under the IFC's Performance Standards on Environmental and Social Responsibility. These cover:

- impacts on lands and natural resources subject to traditional ownership or under customary use;
- relocation of Indigenous peoples from lands and natural resources they have traditionally owned or used;
- significant impacts on critical cultural heritage that is essential to the identity and/or cultural, ceremonial, or spiritual aspects of Indigenous peoples' lives, eg sacred groves, sacred bodies of water, sacred trees, and sacred rocks; and
- use of cultural heritage, including knowledge, innovations or practices of Indigenous peoples for commercial purposes.

Box 11: Respecting cultural norms to achieve inclusive engagement

Societies sometimes encompass a degree of discrimination by giving preference to people of a particular gender or social standing and excluding other members of the community. Where traditional structures exclude the participation of certain groups in company-community engagement processes, it may be necessary to obtain input by less direct means so that we do not perpetuate existing patterns of discrimination and exclusion and in so doing adversely impact on human rights.

Engaging directly with particular groups may, in some instances, place them 'at risk'. In situations where direct consultation is risky, or simply not possible, alternatives for engagement should be explored. These alternatives may involve consulting third-party experts, NGOs, or others who work closely with these groups.

(Rio Tinto's Community consultation and engagement guidance and ICMM 2010 *Good Practice Guide: Indigenous Peoples and Mining*)

ILO Convention 169, also supported by Rio Tinto, stresses the importance of safeguarding the rights of Indigenous peoples concerning the natural resources of their lands. This includes the right to participate in the use, management and conservation of these resources (Article 15).

We recognise that every Indigenous community is unique. Accordingly, we seek to reach agreement with each community on how it wants to engage with us in the development and performance of our operations in their social landscape. This includes setting out how each community may express its support and concerns over our activities. We recognise that this sometimes means we cannot explore certain lands or develop some projects, even if legally permitted to do so (see Rio Tinto's Community agreements guidance including Appendix 1).

Rio Tinto seeks to operate in a manner that is consistent with the UNDRIP. In particular, we strive to achieve the Free, Prior, and Informed Consent (FPIC) of affected Indigenous communities as defined in International Finance Corporation Performance Standard 7 (IFC PS 7) and its supporting guidance (see Box 10 and refer to Rio Tinto's Community consultation and engagement guidance).

Rio Tinto respects the laws of the countries in which we operate, so we also seek consent as defined in relevant jurisdictions and ensure consistent agreement-making processes. Neither Rio Tinto policy, nor IFC PS 7, intends for the implementation of FPIC to contradict the right of sovereign governments to make decisions on resource exploitation[4].

Right to non-discrimination

In accordance with international standards, we have a responsibility to avoid discrimination on the basis of race, gender, national origin, religion, age, sexual orientation, politics, or on the basis of any personal characteristic protected by law. Our engagement must be inclusive to ensure that all individuals, communities, employees and other relevant stakeholders have equal opportunity to voice their opinion and be listened to in relation to policies and activities that may affect them. Special measures may be needed to ensure the inclusion of people whose human rights may be 'at risk' (see Box 11). Operations are sometime located on lands that hold particular significance for Indigenous peoples. Recognising their perspective and the need to actively engage with them is an important aspect of community engagement, securing land access and social licence, as well as ensuring that we respect their human rights. The following case study from Western Australia illustrates how our operations can recognise and honour the rights of Indigenous peoples.

4. IFC PS7 GN26: "States have the right to make decisions on the development of resources pursuant to applicable national law, including those laws implementing host country obligations under international law. Performance Standard 7 does not contradict the State's right to develop its resources. A State may have obligations or commitments to ensure that Indigenous peoples provide their free, prior, and informed consent for matters pertaining to the overall development of Indigenous territories."

Case study 1: Rio Tinto in the East Kimberley, Australia
Indigenous Land Use Agreement





East Kimberley
Australia

The context
Since 1985 the Argyle diamond mine in the East Kimberley region of Western Australia, has operated on the traditional lands of the Miriwoong, Gija, Malgnin and Woolah peoples, in an area known as Barramundi Gap. This place is of significant cultural importance to local Aboriginal communities, particularly to Miriwoong and Gija women, as it represents the Barramundi fish dreaming story.

During exploration in the late 1970s, the company encountered strong opposition to the project from local Aboriginal people. There were few state regulations or policies at this time to provide guidance on how to engage with Aboriginal communities. Despite this, an agreement to mine was signed in 1980 by the exploration company and four senior Aboriginal traditional owners. The agreement has been criticised for its lack of inclusive and informed consultation of all affected Aboriginal groups. Several Aboriginal people, particularly women, felt that their concerns about the destruction of their sacred site and the impact of the mine in general were not adequately addressed. As a result, relationships between Rio Tinto and the affected Aboriginal communities deteriorated.

Indigenous Land Use Agreements
By 2001, the Australian Government had established regulations, such as the Native Title Act and Indigenous Land Use Agreements (ILUAs), recognising the rights of Aboriginal people in relation to lands and territories. An ILUA is a voluntary agreement between a group of Aboriginal or Torres Strait Islander peoples and other parties, such as government or companies, about the use and management of land and waters with which the Indigenous group has a connection. Other requirements around consultation of Aboriginal people and the adherence to regulatory procedural rights also aim to ensure the respect of the rights of Indigenous peoples in Australia.

The Argyle agreement
Seeking to redress past shortcomings and to include those who were excluded from the previous agreement, Rio Tinto and local traditional owners began a comprehensive process of renegotiation in 2001. The resulting Argyle Participation Agreement was signed in 2004. It reflects a commitment by Rio Tinto and surrounding communities to work together to create mutually respectful relationships and long-term benefits for the future of the mine and for community development. Among other things, the agreement expresses the mutual recognition of rights, and acknowledges the cultural significance of the Barramundi Gap to local Aboriginal women. Traditional owners' ceremonial and cultural responsibilities to the landscape in mine lease areas are acknowledged in the agreement.



Child's hand Argyle Diamond Mine, Australia.

The agreement has two parts. The first part governs formal compensation payment details and other benefits, including employment and business opportunities for local Aboriginal people. The second part contains eight management plans that detail a range of day-to-day activities at the site and facilitate implementation of the agreement. The management plans, some of which are outlined below, support the respect of Indigenous and women's rights and encourage inclusive and transparent engagement.

The **Aboriginal site protection management plan** includes a heritage clearance process whereby mine management will submit a work programme to traditional owners before any ground-disturbing work is conducted. It also facilitates discussion in the field so that continual and transparent communication between the mine and traditional owners ensures proposed work does not interfere with Aboriginal cultural heritage sites. This heritage clearance process recognises that cultural and spiritual concerns will not always be the same for men and women, but ensures the rights of both are respected.

Training and employment programmes aim to ensure greater direct participation by local Aboriginal people in the economic life of the mine. For example, recruitment policies favour the employment of local traditional owners where applicants have the same skill level. The mine also runs an apprenticeship programme specifically targeted at local Aboriginal communities.

Cross-cultural training is compulsory for all mine employees and long-term contractors. Cross-cultural training is conducted by male and female traditional owners and complements other activities that encourage cross-cultural understanding and respect. For instance, female traditional owners perform regular ceremonies at key milestones in the development of the underground mine and on other occasions. A traditional welcome ceremony called Manthe is conducted for new employees by both the Miriwoong and Gija people to welcome them to the country and keep them safe while on Miriwoong and Gija land.

1

2.1.2 Early and ongoing community engagement



Rio Tinto Exploration community meeting in Mozambique.

Inclusive engagement should occur in all four phases of our CSP work. It should be initiated early on and continue throughout the life of the project from exploration to mine closure. Fostering open and transparent engagement with our communities is important for long-lasting, positive relationships.

The case study on page 29, Rio Tinto Diamonds in Zimbabwe demonstrates how early and effective community engagement in the resettlement process can help to improve livelihood outcomes and avoid inadvertently affecting host community human rights.

Table 2 outlines factors that may hinder inclusive engagement at our sites.

Table 2: Factors that may hinder inclusive engagement on human rights

Misconceptions / lack of awareness of human rights	A lack of awareness or understanding of human rights and the breadth of relevant human rights issues among our stakeholders as well as our own employees. For example, site-level employees in a developed country may not realise that issues relating to discrimination or cultural heritage are also human rights issues.
Access to individuals	Existing legislation or social norms may mandate consultation with particular decision-makers. However, this may hinder engagement with the broader community. Some vulnerable and marginalised groups may be hard to reach for various reasons. Work demands or other commitments may prevent some people from engaging with the company, for example domestic responsibilities and childcare may prevent women from participating.
Cultural protocols	Social and cultural protocols may prevent women or young people from participating in meetings where men or elders are present. Non-participation in formal meetings does not necessarily mean these groups do not influence the process, or feel that their interests are not represented. It is important to understand these social dynamics and make every effort to ensure inclusivity.
Access to information	Knowledge and information about human rights is often context sensitive. Direct engagement may place individuals 'at risk' for disclosing certain information or for being seen as participating in the engagement process. It may be restricted by gender, age, ethnicity, caste or affiliation.
Logistical constraints	Remoteness, rugged terrain preventing easy travel, power imbalance (knowledge and education, language and procedural understanding), history of inadequate engagement by other organisations, cost, distance, information flow and other factors can hinder engagement.
Sensitivity	Experiences relating to human rights can be highly sensitive and difficult to share. This requires skilled practitioners with adequate training to engage with the community. For example, it may be more appropriate for a female, rather than a male, to engage female stakeholders, or vice versa. Special provisions may be needed when consulting with children.

Case study 2: Rio Tinto in Zvishavane, Zimbabwe
Improving livelihoods during resettlement





Zvishavane
Zimbabwe

The context
The Murowa Diamond Mine is a small-scale operation located in the Zvishavane District in south-west Zimbabwe. Rio Tinto first discovered diamond-bearing material in the area in 1992 and began operations in 2004. The Murowa Diamond Mine produces around 250,000 carats of diamonds per year.

The surrounding area is climatically dry, relatively undeveloped and has a number of communities that live a traditional subsistence lifestyle. By 1999, Rio Tinto determined that the Murowa mining lease footprint would require 1,200 hectares of land. In order for mine development to proceed, Rio Tinto would first need to resettle 142 families living on that land, including the relocation of some 250 graves.

Impacts of resettlement
It was recognised that the proposed resettlement could adversely affect people's livelihoods by impacting their housing, land tenure, economic activity, community networks and access to resources and services – and consequently their human rights, such as right to property, right to health, right to water and sanitation and right to an adequate standard of living. Many human rights are interlinked and affecting one may harm others. Furthermore, the relocation of the graves posed a risk of affecting the community's cultural rights.

Rio Tinto committed to meet international performance standards for resettlement, in particular the requirement for the livelihoods of the resettled communities to be restored, if not improved. Rio Tinto stressed the importance of securing land tenure for the resettlers and replacing lost assets in a suitable and fair manner. These measures were not standard government-backed procedures in Zimbabwe at the time.

Fair engagement
Transparent and thorough community engagement is integral to a fair and just negotiation process and can help to ensure that the community's rights are recognised and respected. To accomplish this, Rio Tinto conducted a comprehensive programme of community consultation. The social and environmental impact assessment (SEIA) incorporated a public involvement programme (PIP) that identified stakeholders and potentially affected rights-holders.

In 2000 negotiations began between Rio Tinto, the government, NGOs and affected communities to establish mutual understanding and develop a co-managed approach for the resettlement programme. Special attention was paid to women and children, ensuring equal opportunities for all community members to participate in the consultation process. The process was approved by all affected parties. Negotiations were mediated by an external moderator and the community elected a representative committee, including representatives for women and youths.



Levie Moyo in the kraal built by Murowa Diamond Mine, which was a part of the resettlement farm facilities. These were provided to ensure resettled families could maintain their traditional livelihoods after resettlement.

Negotiating and securing land

Following negotiations, Rio Tinto identified and purchased six blocks of land totalling 15,000 hectares, known as the 'Shashe Block', in the nearby Masvingo Province to develop a new resettlement community. However, due to the Zimbabwe Government's 'Land Reform and Resettlement Programme', a large number of Masvingo families had already commenced settling on the same blocks of land Rio Tinto had intended for the Murowa resettlement. Although Rio Tinto needed to uphold its commitments to the Murowa resettlers, Rio Tinto did not want to evict the Masvingo families living on the Shashe Block or adversely impact upon their right to land. Rio Tinto recognised that the resettlement plan would need to be revised in order to address potential adverse impacts on all stakeholders, including the Masvingo families. As a result Rio Tinto undertook two years of extensive negotiations and achieved a common solution which allowed for both Masvingo and Murowa families to resettle in the Shashe Block. Throughout the process of securing land, Rio Tinto maintained transparency with the government, the communities and the landowners and ensured that all perspectives were heard. Though the successful resettlement of the Murowa community was a priority, Rio Tinto also recognised the rights of other nearby communities and the impact resettlement would have on them. As a result, a mutually-agreed resettlement solution was achieved that minimised impacts on the human rights of all affected stakeholders.

Outcome

By 2003, Rio Tinto had relocated all Murowa families' moveable assets to Shashe and compensated them for any additional losses. To improve the livelihoods of the resettled community, Rio Tinto also built a school, a rural health centre, housing for teachers and nurses, a church, roads and water provision in Shashe for the benefit of all stakeholders living there. Within one year of resettlement, farmers reported better harvests in Shashe than those achieved at their original community in Murowa. At the handover of the resettlement scheme to the government at the end of 2003, Rio Tinto committed to a 'Communities Action Plan' working with local authorities to provide health, training and agricultural capacity building programmes for ten years after resettlement.

2

2.1.3 Internal engagement

In order to strengthen Rio Tinto's human rights performance when interacting with communities, it is important to discuss the topic of human rights as part of our day-to-day business and integrate it into all operational areas. Managers are encouraged to raise human rights-related issues and topics in project planning and briefing meetings, in the same way they would for safety and the environment. Our aim is to foster an organisational culture that is aware and respectful of human rights. Engaging internally is critical to ensuring consistency in human rights matters across the business.

Better communication and knowledge transfer between departments will help to resolve human rights issues that may arise in future. Rio Tinto has several cross-functional and product group mechanisms for dealing with specific and systemic human rights issues. These mechanisms aim to build a stronger network of human rights 'champions' to share best practice, compile case studies and act as a forum for raising and discussing dilemmas.

Engaging through the project lifecycle

It is important for CSP practitioners and other employees working with communities to be aware of all aspects of a project that could impact on human rights. They should share this with other areas of the business in order to assess any impacts that may arise throughout the project lifecycle from exploration to operations to final mine closure.

Human rights risks can emerge and evolve over time and so continual reassessment is important. Mine design can significantly influence the level of human rights exposure and so it is important to integrate human rights considerations early in project design. The table below illustrates how human rights due diligence can be integrated throughout the project lifecycle, recognising that inclusive engagement of our stakeholders is an integral aspect of each stage. It is not intended as a definitive roadmap and there is no 'one size fits all' template.



Employees at Rio Tinto Alcan's bauxite mine in Weipa, Queensland, Australia.

Table 3: Integrating human rights due diligence through the project lifecycle

Project stage	Primary business activity and purpose	Human rights consideration
Concept / exploration	New country entry – identifying terrains with geological potential.	Identify key human rights exposures based on the political, cultural and social context. Identify all vulnerable and 'at risk' groups. Engage with them inclusively at all stages. Review knowledge base on human rights-related country risk (available from External Affairs, including internal Prospect portal) and apply recommendations, according to project scope. Consider commissioning targeted country risk assessment. Use the project risk analysis process to consider the need for a comprehensive human rights risk analysis. In line with guidance from Global Security, ensure the project complies with the Voluntary Principles on Security and Human Rights (VPSHR), especially if there is armed security involved and/ or if the project's risk assessment shows that armed police or military may be required.
Order of magnitude	Develop early stage business case; complete initial social and environmental characterisation; identify major issues; develop indicative permitting timelines.	Review knowledge base on human rights-related country risk and apply recommendations. In carrying out social risk analysis, consider the need for a dedicated human rights risk analysis. Review and update assessments and refine activities as needed. Ensure the project is compliant with the VPSHR and other relevant voluntary commitments including those relating to resettlement plans and free, prior and informed consent of Indigenous peoples.
Pre-feasibility	Study project development options; weigh cost, environment, communities risk and benefits; study infrastructure options; preserve optionality until final recommendation to arrive at proposed development options.	Monitor any human rights exposures that emerge during pre-feasibility. Review and update assessments and refine activities as needed. Audit the project's compliance with the VPSHR and other relevant voluntary commitments, including those relating to resettlement plans and free, prior and informed consent of Indigenous peoples.

Feasibility	Investigate chosen option in detail; undertake SEIA; execute requirements for permits	Monitor any human rights exposures that emerge during feasibility. Review and update assessments, including considering human rights in the Social and Environmental Impact Assessment (SEIA) and refine. Audit the project's compliance with the VPSHR. Include impacts associated with the VPSHR in the SEIA process. Global Security may also decide that a separate security and human rights assistance visit is appropriate. Audit compliance with relevant voluntary commitments including relating to resettlement plans and free, prior and informed consent as part of the SEIA process. Ensure engineering, procurement, and construction management (EPCM) and other contractor documentation includes minimum requirements on personal behaviour of employees and penalties for transgression. Undertake training, awareness building and monitoring of all employees and contractors. Establish a complaints, disputes and grievance process. Ensure its visibility, acceptability to the local community and its wide application.
Construction / implementation	Implementation of construction designs; EPCM on site.	Monitor any human rights exposures that emerge during construction and operations. Review and update assessments and refine activities as needed (including country risk assessment, considerations for a comprehensive human rights risk analysis, etc.) Establish rules for the personal behaviour of employees and their interaction with the local community. Continue to train, build awareness and monitor all employees and contractors. Continue to audit compliance with the VPSHR and other relevant voluntary commitments. Ensure that the project and the EPCMs comply with all national laws and international standards. Monitor the use and effectiveness of the complaints, disputes and grievance process.
Operations	Expansions; redundancies; change of footprint, etc.	Review operational environment for additional human rights exposures. Monitor complaints, disputes and grievance process, and other existing controls. Continue training, awareness building and monitoring of employees and contractors.
Closure	Site remediation, asset transfer etc.	Identify and monitor any potential human rights exposures resulting from an operation's closure. Monitor complaints, disputes and grievance process, and other existing controls. Continue training, awareness building and monitoring.

Adapted from Rio Tinto (2012). *CSP Projects Roadmap.*

2.2 Know and understand

From Rio Tinto's first entry into an area through to our exit, we need to invest time and effort in building our knowledge base of the communities in that area. This includes understanding the possible human rights impacts associated with our activities, including what local people may perceive as actual or potential adverse impacts. Continually building our knowledge and understanding is essential to our commitment to respect human rights.

	Checklist
[√]	Are a variety of sources used to understand the country and local-level human rights context of your activities?
[√]	Does your operation explicitly include human rights in knowledge base studies and social risk analyses?
[√]	If you are in a high-risk context, is your operation undertaking a dedicated human rights risk assessment?
[√]	Are knowledge base studies and engagement processes inclusive and tailored to a diversity of stakeholders, including vulnerable and 'at risk' groups?
[√]	Is your operation considering human rights impacts that might emerge at different stages of an operation's life, including in different parts of the supply chain and at closure?

This section provides guidance on how human rights may be integrated into studies to build our knowledge base and ensure that our social risk analyses and social impact assessments include human rights considerations.

2.2.1 Including human rights in knowledge base studies

Our Communities standard requires that we develop and regularly update a 'fit for purpose' knowledge base. 'Fit for purpose' means that the project or operation has sound understanding of the social, cultural, environmental, economic and legal context within which it operates, including the conditions, trends, and social interactions, and likely social and human rights impacts. This includes identifying stakeholders and rights-holders that may be directly affected by our operations, and the nature of the impact. (See Box 12 for examples of human rights topics to include in knowledge base studies. For guidance on knowledge base studies see Rio Tinto's Socioeconomic knowledge base guidance.)

Building knowledge of local human rights exposures typically starts with a desktop review of existing studies, information and data. These studies are often referred to by different names, such as baseline community assessments, socioeconomic situational analyses, social risk analyses and social impact assessments. The studies variously describe the affected communities, detail key social, environmental and economic factors and analyse the level of social risk. Identifying human rights implications from existing knowledge base studies will not only improve our overall understanding of our host communities, but will also help to identify human rights risks well in advance. (Box 13 lists some points for consideration in the initial desktop review. There is a wide variety of resources available from CSP and External Affairs to help understand the context of human rights in specific countries. These include country guides on the Danish Institute for Human Rights portal, which are available through External Affairs. They are generally not prepared specifically for Rio Tinto, but can be on request.)

Studies should be updated throughout the project lifecycle and when any significant operational change is likely to take place, such as a project delay, extension or decommissioning. Analysis should also be updated if there is a major change to the human rights operating context, such as new legislation or policy change either by the government or within Rio Tinto. Studies should also be undertaken (or updated) when we acquire new assets, including entry into joint venture partnerships.

Box 12: Possible human rights topics to include in knowledge base studies

Much of the information collected in knowledge base studies is relevant to human rights. The following topics can explicitly address them:
– general national, regional and provincial human rights context;
– status of alleged past and current violations, including those relating to potential business partners;
– political and social history of the community, region, and/or state; and
– issues specific to the local area, such as known challenges relating to security or child labour.

(Adapted from Rio Tinto's Socioeconomic knowledge base guidance)

Box 13: Human rights considerations for knowledge base studies	
Overall human rights framework	Legal and regulatory frameworks, including gaps or conflicts in national legislation relating to human rights protection and human rights expectations of third parties, eg investors, lenders, NGOs.
Operating context	Human rights challenges particular to the context. For example, is the project in a weak governance zone, or on the lands of Indigenous peoples? Which groups or individuals are most 'at risk', eg women, children, Indigenous or tribal groups? Weak or disproportionate enforcement of local laws and regulations by host government.
Range of business relationships	Business relationships, including local supply chain, joint venture partners, government or contractors. Measures that seek to ensure human rights compliance by these parties, eg contractual requirements, training, performance monitoring, codes of conduct.
Key milestones in the project's lifecycle	Human rights challenges particular to the stage of operation, eg land use and access patterns at pre-feasibility, security forces employed during operation, implications of operation's closure on community livelihoods and living standards.
Local context	Gender and cultural context eg roles and relationships between men and women, cultural systems, and social and cultural hierarchies. Interests and priorities of a diverse range of groups, including women and men, the vulnerable and 'at risk' groups. Local history of human rights violations, community tensions and conflicts.

Adapted from IBLF, IFC, UNGC (2010). *Guide to Human Rights Impact Assessment and Management.*

Human rights terminology

The inclusion of human rights terminology and concepts in studies helps us to understand key human rights issues that shape the context of our operations. An example of human rights terminology is the use of 'rights-holders' to describe our stakeholders (see Box 6 on page 21). As previously described, there are important sensitivities in using human rights language that should be considered (see Box 7 on page 21). To ensure non-discrimination, the inclusion of sex-disaggregated data in baseline studies is important. This knowledge can then be used to understand human rights risks, develop impact mitigation strategies and identify opportunities to support the human rights enjoyment of affected communities in a gender sensitive way.

Sharing knowledge

CSP teams are usually responsible for socioeconomic knowledge base studies. However, other areas of the business should be made aware of the findings and implications relevant to their function as these will feed into social risk analysis more broadly. It is important to avoid the 'silo effect' that often occurs when responsibility for human rights is attributed to a particular business department or function. Whenever possible, cross-functional collaboration should be encouraged.

Findings from the knowledge base should also be shared with affected communities in a transparent and accessible manner. This can serve as a starting point for discussions on community priorities and concerns.

2.2.2 Understanding the human rights context

We need to consider the broader human rights context when assessing the social impacts of mining, metals and associated operations. This includes understanding how governments, other industries and companies and our own business have handled human rights in the past. Knowing which human rights issues are important within a particular context, enhances our ability to identify, predict and avoid adverse human rights impacts.

An analysis of the human rights context should also identify whether people have access to judicial and/or non-judicial complaints and grievance processes. This will assist us in establishing a project-level complaints, disputes and grievance process (see section 2.4.3).

The broader human rights context can be understood via desktop analysis, but is best accomplished by engaging directly with the rights-holders who may be impacted. While this may not always be possible, engagement enables our projects and operations to better understand actual and potential impacts.

Legacy issues

Mining often takes place amid pre-existing social, cultural and political tensions. In many places, colonisation, war, ethnic conflict, natural disasters and other social disruptions have led to human rights violations and abuse. This can make it difficult for companies to understand their own specific human rights responsibilities. For example, if a host government has committed human rights violations this may increase the risk of actual or perceived corporate involvement in an adverse human rights impact and pose reputational, legal and other risks. Local community distrust of existing state institutions may also compromise company-community engagement from the outset. In these situations, we must work hard to understand how our actions will impact human rights and work to build trust through engagement and dialogue with community representatives. The case study on page 39 illustrates how pre-existing tensions can be factored into our assessments processes.

While we strive to respect human rights, we also acknowledge that we have our own human rights legacy. This continues to affect our reputation and our ability to engage with host communities today. The case study on page 82 explains how we responded to past allegations of human rights abuses at one of our operations.

Cumulative impacts

Cumulative impacts are increasingly considered from an environmental perspective, but they also apply to social impacts that build up in a particular place over time. Taken individually, a particular human rights impact may not pose a risk, and may appear minor, but a series of minor impacts may add up to an ‘abuse’. It is important to consider the cumulative impact of the actions of host governments, other industries, institutions and our own activities when developing a human rights knowledge base. For example, a community may raise a concern about health impacts from dust, which affects the right to a clean environment and the right to health. Environmental monitoring may indicate that dust levels from our operations are well within legal limits. However, if there are several companies or industries operating nearby, the combined levels of dust could pose a serious health risk or severely affect quality of life. Community perceptions of excessive dust levels may also indicate poor communication and engagement generally. In such situations a collaborative, multi-stakeholder approach involving other companies, affected communities, NGOs and government authorities may help to identify and resolve cumulative dust-related impacts.



Children at Rio Tinto Exploration community consultation in Mozambique.

Conflict sensitivity

The UN Guiding Principles recognise that the risk of companies becoming involved in adverse human rights impacts, including complicity in international crimes, is heightened in conflict-affected areas. This applies particularly in states with a history of corruption and political instability, regions with social or cultural unrest, and communities where there are clashes between ethnic groups. In such contexts, we must be aware that our presence can inflame these conflicts and heighten the risk of a human rights breach. For example, the risk of sexual and gender-based violence is often much higher where conflict is present.

It is important to study the history of conflict at a national, regional and local level when conducting our knowledge base studies, social risk analyses, and social impact assessments. We need to analyse conflict drivers, factors, actors and dynamics and understand how this relates to our own activities, so we can reduce the risk of involvement in harm. It is often more difficult to engage with communities that have experienced or are experiencing conflict. In such cases, establishing engagement characterised by trust and respect will take more time and commitment.

In areas affected by conflict, operations should undertake thorough assessments of their communities and security risks. Using guidance from Global Security, this includes understanding who our security partners are and ensuring that we meet our commitments under the VPSHR (see Rio Tinto's guidance notes Implementing security and human rights principles and Providing support to public security forces).

The following case study from the La Granja project in Peru demonstrates how human rights considerations can be integrated into security and CSP assessments during pre-feasibility. It also illustrates good practice principles for collaborating internally with other departments in conducting assessments and sharing knowledge.

Case study 3: Rio Tinto at La Granja Peru
Integrating human rights considerations into security assessments





La Granja
Peru

The context
La Granja is a copper project managed by Rio Tinto Minera Peru and located in northern Peru in the region of Cajamarca and the district of Querecoto. It is in the pre-feasibility stage, conducting extensive exploration activities to determine the viability of potential resource development. In 2009, Rio Tinto Minera brought together Rio Tinto's security and community relations experts to undertake a comprehensive security and communities assessment. The assessment considered risks and potential conflicts that might impact the safety and security of the La Granja project, including company assets and personnel, as well as the risk that the project posed to surrounding communities. The assessment provided a basis for a comprehensive security strategy and helped to shape the broader security risk assessment of the entire project.

Previously, Rio Tinto's main approach was to focus on the interaction between company security personnel, local and national security forces, and surrounding communities. At La Granja, Rio Tinto sought to extend this by understanding how existing social conflicts and intra-community issues might exacerbate security and human rights issues, and how company behaviour could in turn aggravate these.

Background
A number of factors that influence the security situation around the La Granja project were considered. For example, social protest and blockades of transportation routes are often used in Peru by different stakeholder groups to express dissatisfaction and draw attention to their concerns. Sometimes these actions have led to violent acts.

The overlapping role of the *Rondas Campesinas* and the National Police also influence security considerations. The Rondas are the primary providers of public security in areas around the project. In the absence of civil and state policing functions, they emerged in the 1970s as locally-based social organisations to counter cattle rustling and banditry. In the project area, the Rondas actively partake in the governance of health, education and citizen life, in addition to citizen defence and public security. For example, the Rondas lead the internal coordination of health and education issues in the community and also represent the interests of the community to the health and education ministries. In terms of security, the state and the National Police have little presence.



Training with community members near La Granja copper project in Peru.

Processes and tools used for the security and communities assessment

The Rio Tinto Minera Peru assessment team included employees from both site and corporate office and a variety of functional areas, including CSP, Security and the general manager. This approach built understanding in a range of functional areas.

The assessment team carried out:

1. interviews with key stakeholders;
2. conflict assessment using International Alert's Conflict-Sensitive Business Practice: *Guidance for Extractive Industries*[5] ;
3. independent human rights assessment, including security analysis; and
4. assessment against the Voluntary Principles on Security and Human Rights[6] using International Alert's *Voluntary Principles on Security and Human Rights: Performance Indicators*[7].

Stakeholder interviews

Interviews were undertaken with a wide range of stakeholders, including local community leaders, police, government representatives, Peruvian experts on security and human rights, and Peruvian anthropologists and economists with experience in the project's area of influence. The interviews helped identify and understand existing social conflicts and the potential for Rio Tinto Minera Peru to exacerbate them or contribute to new ones. The interviews helped clarify links between socioeconomic and security impacts.

Conflict assessment

International Alert's Conflict-Sensitive Business Practice matrix was used to assess actual and potential conflicts in the project area. The matrix includes topics such as: identification of structural/root causes, proximate causes, conflict issues, actual or potential sources of conflicts, impacts and current and potential controls. The analysis focused primarily on directly impacted communities as well as regional and national issues.

Independent human rights assessment

An independent human rights expert was commissioned to review human rights issues that might arise around mining projects in Peru. Many of the findings mirrored the critical issues identified through the interviews, including: the history of conflict in the project area; the overlapping public security roles of local community groups and the National Police; local culture; behaviours related to small firearms and conflict; the state of public security in the project area; and both real and perceived economic inequities associated with mining. The independent assessment helped to consolidate insights gained from stakeholder interviews.

Assessment against the Voluntary Principles on Security and Human Rights

An assessment of the project's security programme was undertaken using International Alert's *Voluntary Principles on Security and Human Rights: Performance Indicators*. The assessment identified opportunities to improve Rio Tinto Minera Peru's management of private security contractors.

5. Available at: http://www.international-alert.org/pdf/conflict_sensitive_business_practice_section_1.pdf
6. Available at: www.voluntaryprinciples.org.
7. Available at: http://www.international-alert.org/pdf/Voluntary_Principles_on_Security_and_Human_Rights.pdf



Panoramic view of La Granja, Cajamarca region, Peru.

Finally, an adapted version of the conflict assessment matrix from the International Alert Guide was used to structure the information gathered from all four lines of inquiry to generate the Security and Communities Assessment.

Findings and next steps

The assessment concluded that potential human rights issues that are related to security are not the sole responsibility of the company's security function. Instead of merely 'protecting the perimeter', the company's security strategy should take a preventive approach that seeks to avoid all forms of conflict that might lead to security and human rights risks. This required a thorough understanding of existing community tensions and conflicts, and the potential for the mine's socioeconomic impacts to exacerbate such conflicts or ignite new ones.

The assessment also concluded that the primary source of peace and security for the La Granja project lay in the project's ability to work with local communities and organisations, such as the Rondas to manage the social and economic changes brought by the project. Key recommendations included:

- develop protocols to effectively work with the Rondas;
- establish a formal complaints, disputes and grievance resolution process;
- periodically review social risks;
- proactively identify impacts; and
- improve management of private security forces.

The assessment also prompted Rio Tinto Minera Peru to review its local employment, social investment and community engagement activities to better understand and anticipate socioeconomic impacts and strengthen the integration of project activities into the local economic and social context. The project is also considering how to diversify its interactions with the Rondas, rather than continuing engagement solely on a bilateral basis. For example, the Mesa (roundtable) was established to regularly bring the Rondas together with various other stakeholders to discuss issues, including security.

3

2.2.3 Risk analysis and impact assessment

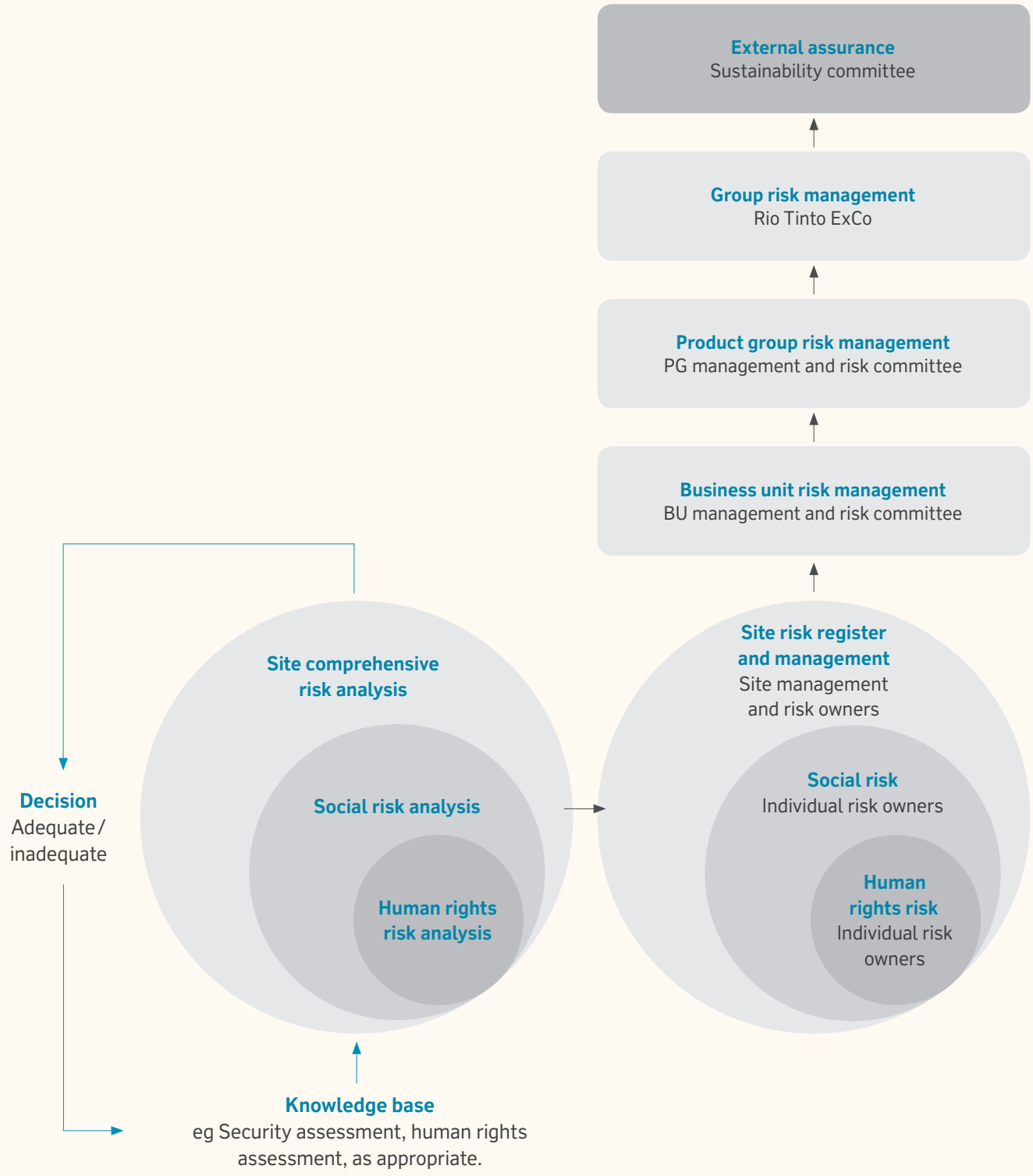
Rio Tinto expects its businesses to undertake social risk analysis (SRA) and social impact assessment (SIA). SRA focuses on risks (threats and opportunities) and potential consequences **to the company** arising from its interaction with the host society. This can include operational delays, community distrust and reputational damage. It takes place at all critical gateways in a project's and operation's lifecycle. Conversely, SIA focuses on the **risk to communities** arising from the activities of the proposed project and is generally carried out at feasibility stage, often as a regulatory requirement.

As set out in Figure 1, human rights considerations should be integrated into both SRA and SIA. In some cases, dedicated human rights risk analysis and impact assessment should be carried out. Integrated processes avoid duplication and isolating human rights from mainstream processes, however a dedicated process may be necessary in high-risk situations where focused attention to human rights needs to be demonstrated.

The relationship between SRA and SIA is iterative, they inform each other. For instance, it is impossible to carry out effective SRA, including what risks the company might face from involvement in a human rights breach, without properly understanding the types of potential human rights impacts that might arise in the specific context under consideration.

Integrating human rights into social risk analysis
Rio Tinto's business risk management processes and Communities standard requires us to undertake social risk analysis regularly and at critical project gateways. As Figure 1 highlights, the aim is to consider human rights risk as part of social risk analysis, either integrated into this analysis or via a dedicated human rights risk analysis where appropriate. The Social risk analysis guidance explains what types of risks need to be considered and how to assess human rights-related risks through likelihood and consequence determinations. Rio Tinto's Human rights guidance explains the human rights risk framework more generally, including factors to consider when carrying out a dedicated human rights risk analysis, for example where we are operating in countries with a high incidence of human rights exposures and there is a high risk of our inadvertent involvement in abuse perpetrated by others (see Box 14 for some key questions to consider). Rio Tinto's Global Practice Leaders External Affairs and CSP should be contacted for further guidance including which internal or external human rights experts might be invited to participate in social risk analysis or to carry out a dedicated human rights risk analysis.

Figure 1: Example of site-based human rights risk management process at Rio Tinto



Box 14: Questions that may be asked when considering human rights in a social risk analysis

Operation: – What stage of operation are we at – what projects are in place or in development? – What is the scale of our project? – What are our business relationships? – What are the perceived impacts of company operations on people?	Context: – What does the record of human rights in the country tell us about existing violations/abuses? – Does the country context present any 'red flags'? – Who are the most vulnerable/'at risk' and/or most likely victims of human rights abuse? – What are likely to be our most significant human rights issues? – Who are the most likely perpetrators of abuse? – Is there a gap between local law and international human rights standards? – Is local law enforced effectively?
Involvement: – What company activities or relationships might result in company involvement in a human rights violations or abuse? – Have we considered the potential or actual human rights risks or complicity associated with our business relationships such as operating partners, security providers, government agencies, contractors or suppliers? – Are there any human rights abuses that may be associated with the company?	Analysis / methodology: – Have we included human rights in our risk analysis? – Is there sufficient internal expertise to understand our human rights risk, including through engaging with affected stakeholders as part of developing our knowledge base? – Have we allocated responsibility for addressing any risks identified?

Adapted from Taylor, Zandvliet and Forouhar (2009). *Due Diligence for Human Rights: A Risk-Based Approach 9*

Integrating human rights into impact assessments

Mapping and analysing potential human rights impacts is essential for determining how to avoid identified risks and develop effective mitigation strategies. Human rights impact exposure mapping is also useful to understand the relationships between several human rights impact exposures.

Our social impact assessments may already cover many human rights topics, such as gender, resettlement, cultural heritage, Indigenous communities, employment and vulnerable groups. However, they may not consider these topics from a human rights perspective. There may also be other human rights exposures that we have not considered. Accordingly we should take care to identify and address gaps in existing studies (see Box 15).

When conducting impact assessments, we should be aware of the full range of our business involvement, described in Box 16. Questions of 'complicity' may arise when a business contributes to, or is seen as contributing to, adverse human rights impacts caused by other parties. Complicity has both non-legal and legal meanings including a specific and technical meaning in criminal law which is akin to 'aiding and abetting'. For more information about complicity, see page 15 in the Background reader.

	Example of an impact assessment checklist
[√]	Has your operation considered Rio Tinto's Human rights policy and Group-wide guidance (including function specific guidance such as Global Security guidance notes), relevant international human rights standards, national and local laws and regulations, and any human rights-related requirements of third parties, such as financiers?
[√]	Does the operation's impact assessment draw on the human rights information gained through initial scoping, baseline studies and risk analyses?
[√]	Were people with human rights expertise involved?
[√]	Are your impact assessment processes respectful of human rights in terms of non-discrimination in consultation, accessibility etc?
[√]	Are vulnerable and 'at risk' groups included in impact assessment processes?
[√]	Are impact assessment processes with local communities gender sensitive and culturally appropriate?
[√]	Does the assessment make practical recommendations to address the human rights risks and potential impacts identified?
[√]	Are the findings and recommendations of the impact assessment integrated into management plans and systems?
[√]	Has your operation shared key findings from your impact assessment with communities and other relevant stakeholders?

Adapted from Lenzen, O. and d'Engelbronner, M. (2009) Human rights in business: Guide to corporate human rights impact assessment tools. Aim for Human Rights. p. 9-10 and Ruggie, J. (2007) Human rights impact assessments – resolving key methodological questions.

Box 15: Combining social and human rights impact assessment

A conventional social impact assessment might only consider human rights issues in an implicit way, but not address them comprehensively. It can thus overlook human rights violations that are embedded in a society, for example where freedom of association is discouraged or denied, or where gender discrimination is a socially accepted norm. Instead, we need to consider how a project may interact with each human right (Ruggie 2007 *Human rights impact assessments – resolving key methodological questions*).

By using international human rights standards as the reference point, rather than just focusing on potential changes from the current socioeconomic baseline, important human rights issues can be more clearly defined. Explicit consideration of human rights may also highlight challenges within the broader operating context that could affect our ability to build trust with local communities, such as state restrictions on freedom of expression (ICMM 2012 *Human rights in the mining and metals industry: Integrating human rights due diligence into corporate risk management processes*).

In any impact assessment, the methodology should respect human rights, in particular, the rights which specifically relate to the operation's context (see Box 2 for a description of these rights).

In particular circumstances, it may be more appropriate to do a dedicated human rights impact assessment. See section 2.3.3 for more information, as well as Rio Tinto's Human rights guidance.

Box 16: Business involvement in adverse human rights impacts according to the UN Guiding Principles

Type of involvement	Response	Complicity	Example
Causes: Business causes adverse human rights impacts through its own activities.	Business should avoid causing this harm and redress it if it occurs.	No, the business has caused the harm itself.	A mining company engages in discriminatory recruitment practices against women, such as refusing to hire female drivers.
Contributes to: Business contributes to adverse human rights impact through its own activities.	Business should take the necessary steps to cease or prevent its contribution and use its leverage to mitigate any remaining impact to the greatest extent possible. Business should provide for or cooperate in remediation.	Potential for criminal or civil complicity actions as well as more general allegations of complicity even if not based in legal terms.	A mining company asks a private security company to protect its site at all costs from community protests. Upon claims of unreasonable force being used, as well as disregard for other human rights, it does nothing.
Directly linked to: Adverse human rights impact is directly linked to business' operations, products or services via its business relationships.	Business should seek to prevent or mitigate harm, including by using its leverage over suppliers.	Potential for more general allegations of complicity based on non-legal terms.	A mining company contracts an apparel company to provide its uniforms. The apparel company has second tier suppliers in which there is child labour.

Issue-specific or dedicated human rights impact assessment

While our aim is to integrate human rights into existing processes, in some circumstances it will be more appropriate to undertake a dedicated human rights impact assessment (HRIA) especially where it concerns a human rights-specific issue such as resettlement. An HRIA may be necessary, for example, when operating in high-risk environments or where a human rights topic that warrants particular attention has emerged. It may also be the case that a review of our social impact assessment highlights the need to better understand the human rights context of an operation and a dedicated assessment is required to fill that gap. In either case – dedicated or integrated – human rights need to be considered explicitly. See the Human rights guidance for more detail.

The following case study from Rio Tinto in Guinea illustrates where dedicated assessments can help identify and address the potential impacts and risks around the human rights topic of health.

Case study 5 (page 49) in Sarawak, Malaysia, demonstrates how mapping and analysing human rights risks can assist businesses to plan effective mitigation strategies. By working with other stakeholders and promoting international best practice, Rio Tinto Alcan assisted in building the local and regional capacity to implement human rights-compatible processes and ensure that a potential project would not result in adverse human rights impacts in the future.

Case study 4: Rio Tinto at Simandou in Guinea
Focus on health in baseline and impact assessments





Simandou
Guinea

The context
Simandou Iron Ore project is located in the Republic of Guinea, some 700km to the east of the capital Conakry. The project is in pre-feasibility phase and when developed will have a mine life that may extend beyond 50 years.

Why a focus on health?
At Simandou Iron Ore, community and employee health was identified as a key issue through a screening study undertaken at the exploration phase, through some early baseline and impact assessment work, and a more recent social baseline study. These studies did not include explicit human rights indicators but did consider several topics relevant to human rights, such as education, nutrition and vulnerable groups. From these topics, the studies identified several factors that may contribute to health related impacts such as in-migration, which can adversely affect nutrition, sanitation and the spread of disease. The studies also noted that access to quality, affordable and acceptable health care facilities was a major challenge in the Simandou Iron Ore project area. Challenges to the right to health impinge upon the enjoyment of other human rights, such as the right to an adequate standard of living and the right to potable water and sanitation.

As a result, Rio Tinto commissioned a dedicated impact assessment focusing on health. This enabled Simandou Iron Ore to identify and mitigate potential adverse health impacts as well as identify opportunities for the company to enhance the local enjoyment of the right to health and other related human rights.

Health baseline and impact assessments
The International Finance Corporation (IFC) holds a five per cent stake in the Simandou Iron Ore operation, requiring the operation to have in place measures for minimising adverse health impacts. To comply with the IFC's Performance Standard 4 and to respond to early study findings, Simandou Iron Ore established a steering group comprising Rio Tinto personnel and external consultants to undertake four steps in developing a community health management plan (CHMP):
– health scoping study;
– baseline health survey;
– health impact assessment; and
– development of the CHMP.

The scoping study identified gaps in available community health data from local and national statistics, which were needed for the baseline survey and impact assessment. The study aimed to understand health impacts that could be associated with Simandou Iron Ore as well as existing health needs of people in the area.

The baseline study assessed the existing health context, as well as informed the initial Community Development Programme areas. The study methodology required the collection of both qualitative and quantitative data and inclusive consultation with stakeholders. Focus group



Right
Health programme in a village in Guinea.

Bottom
Children in a village in Guinea where Rio Tinto is conducting baseline and impact assessments focusing on health as part of its Simandou Iron Ore project.

discussions helped to confirm certain issues as priorities for local people, such as water and sanitation. They also helped Simandou Iron Ore understand community views and understandings of their own health concerns. For example, the discussions revealed a low level of understanding among communities about how malaria is transmitted, and led to raising community awareness about malaria.

Quantitative data was gathered through questionnaires and biomedical sampling at homes and schools. As health care services and health statistics are the role of the state, Simandou Iron Ore worked closely with government health authorities to do this.

The health impact assessment systematically evaluated different health determinants and outcomes through the use of 12 environmental health areas developed by the World Bank and integrated into the IFC Health Impact Assessment toolkit. The methodology of the assessment complied with IFC guidelines and standards and followed the IFC good practice note on health impact assessments.[9]

The result of all this is a community health management plan (CHMP) based on evidence gathered in the health scoping, and baseline and impact assessments, and stakeholder input. The CHMP includes measures to mitigate health impacts associated with project development, but also contribute to social investment programmes to



improve health services and the enjoyment of the right to health. Monitoring and evaluation forms a key component of the CHMP and involves active participation by the affected communities. The plan also aligns with national policies on health.

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9. To access this document see: http://ifcext.ifc.org/ifcext/sustainability.nsf/Content/Publications_Handbook_HealthImpactAssessment

Case study 5: Rio Tinto in Sarawak, Malaysia
Working with government to improve resettlement





Sarawak
Malaysia

The context
Rio Tinto Alcan undertook a pre-feasibility study for the construction of an aluminium smelter 60 kilometres north of the town of Bintulu in Sarawak, the largest state in the Federation of Malaysia on the island of Borneo. The smelter may draw power from two major hydroelectric power (HEP) dams: the 2,400mW Bakun dam and the 940mW dam at Murum. To enable construction of the Bakun dam, in 1989, the Sarawak Government resettled around 10,000 Orang Ulu or Indigenous up-river people, from five ethnic groups, to the Bakun Resettlement Scheme at Sungai Asap. The dam was completed in late 2010 and is expected to be fully operational in 2013. Resettlement by the Sarawak Government of 1,300 Penan and Kenyah people for development of the Murum dam is expected in 2012.

Resettlements in Sarawak can impact a number of human rights, in particular the rights of Indigenous peoples through internal displacement and loss of land, cultural heritage and property. These impacts are further aggravated if people are not properly consulted or adequately compensated. While resettlement was not occurring where the smelter was to be located, Rio Tinto Alcan had an interest in ensuring that any resettlement linked to its operation was conducted according to international best practice and human rights due diligence. Rio Tinto Alcan needed to be aware of the full range of its business involvement, including the activities of the host government. To this end, Rio Tinto Alcan undertook a number of initiatives in partnership with the Sarawak Government to encourage favourable resettlement outcomes that respect human rights.

The government resettlement process
The majority of those to be resettled for the Murum HEP dam were Penan Indigenous forest dwellers who maintain a subsistence way of life, hunting and drawing on forest resources for roughly 70 per cent of their livelihoods. They also hold strong spiritual connections to the forest and lands where they live. The Sarawak Government had been criticised over aspects of the Bakun resettlement, completed in the 1980s, in particular the limited consultation and public disclosure of information. Rio Tinto Alcan collaborated in several initiatives with the Government to improve its performance on the resettlement at Murum.

Rio Tinto Alcan initiatives
1. Rio Tinto Alcan was a member of the Murum Working Group, which is a technical committee of government departments, consultants and NGOs with interests in the dam. This is a forum for communicating and resolving resettlement and other challenges in accordance with international standards. This included regular consultation with affected communities, preparation of a contemporary ethnography, establishing a Land Acquisition and Resettlement Action Plan, and key documents made available for public comment.

2. Rio Tinto Alcan assisted the government to develop a complaints and grievance procedure which allows the affected communities and government to discuss and reconcile resettlement concerns while the Resettlement Action Plan was underway.



Cleared land near the Murum dam site in Sarawak, Malaysia.

3. The company advised consultants that were engaged by the state to carry out the social and environmental impact assessment (SEIA) for Murum. Rio Tinto Alcan also connected the government and its consultants to third party experts who further contributed to the process.

4. Rio Tinto Alcan assisted the Natural Resources and Environment Board (NREB), the state regulator responsible for SEIAs. The company helped organise workshops to discuss the application of international best practice in HEP and other infrastructure development in Sarawak. NREB has since run its own workshops that included speakers from NGOs, investing stakeholders and banks that apply the Equator Principles.

5. Rio Tinto Alcan published joint papers with the State Planning Unit on the application of international standards and facilitated dialogue between Sarawak state leaders, the World Bank, the Asian Development Bank and other international institutions.

6. Financial support was provided to the Asap Koyan Development Committee (AKDC), an independent community organisation that had the dual aim of promoting the human rights of people resettled at Sungai Asap, and of organising those to be resettled at Murum to better engage with the Government. AKDC facilitates dialogue between affected communities and the state to address negative legacies of the Bakun resettlement and to seek funds from state and federal ministries for development projects at Sungai Asap.

The future

While resettlements for the Bakun and Murum dams remain complex and challenging, there are signs that the government is taking active steps to improve its processes and accountability. Recently, Sarawak laws governing social and environmental performance have been redrafted with greater emphasis on public disclosure and consultation. In 2010 the Sarawak State Government made a public commitment to apply international standards for future resettlements within the Sarawak Corridor of Renewable Energy (SCORE), an area dedicated to the development of hydroelectric power, plantations and heavy industries. Communication and engagement between the Government and NGOs has improved and other stakeholders have also been brought into the dialogue including SUHAKAM, the Malaysian Human Rights Commission.

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2.2.4 Data collection

Data for risk analyses and social impact assessments that incorporate human rights considerations can be drawn from primary or secondary sources.

Primary sources are original information or first-hand testimony about a topic of study. Primary data can be collected through interviews, surveys and consultations with relevant stakeholders. In some contexts, the collection of primary data can be sensitive or may put vulnerable groups at further risk. It should be made clear why data is being collected, how it will be used, how it will be stored and who has access to it. Provision of data is voluntary and consent should always be obtained prior to data collection. Rio Tinto must always respect the right to privacy and create a safe environment for discussing human rights. Great care must be taken to consider the risks to individuals and their families and to proceed with caution.

The interests of different stakeholder groups relating to human rights will vary and present different types of information and perspectives. Stakeholder groups that should be considered in primary data collection should include:
– diverse groups within the local communities, including 'at-risk' and vulnerable groups;
– employees and contractors;
– different levels of government;
– local human rights organisations, development agencies, union representatives and NGOs; and
– local universities or other research groups.

Secondary data is derived from the analysis, synthesis and interpretation of original information (primary sources). These include:
– documents and reports such as official census statistics and public health data;
– previous social impact assessments and baseline studies;
– government or NGO reports or surveys;
– university studies; and
– human rights reports by international organisations such as the United Nations.

The Background reader provides information on a range of useful resources, including the Danish Institute for Human Rights (DIHR) Human Rights and Business Portal and the Business and Human Rights Resource Centre, that may assist companies to identify, assess and address human rights risks in their operations (see also *Key websites* and *Business and human rights organisations* on page 92).

It is difficult to reduce a human rights issue to isolated data sets, numbers and figures. Primary and secondary data often complement each other. When collecting data, it is important to have a mix of primary and secondary sources from different perspectives to build a more robust understanding of the issues. Data should be both quantitative and qualitative (see Box 19 in section 2.4.2). Table 4 provides examples of data and information that can be used to integrate human rights in our knowledge base studies.



Community consultation near the La Granja copper project in Peru.

Table 4: Examples of human rights data and information for assessments

Country and local performance on human rights	The level of implementation of human rights obligations by the state at the time of the assessment. Human rights violations or tensions that exist locally and nationally.
Community and subgroups within the community	Gender roles. Indigenous communities. Groups of people who are already vulnerable. Existing relationships between and within community groups.
Community infrastructure and resources	Inventory of local facilities, resources, food and water supplies. Patterns of use and formal or informal rights to the above. Cultural infrastructure, resources and practices.
Discriminatory employment patterns	Existing patterns of discrimination in the broader workforce, including gender and ethnic discrimination.
Land use and ownership	Traditional land use patterns. Claims to land title, formal, traditional and communal ownership structures. Existing rights of Indigenous peoples to land use.
Access to basic public services	Current level of access to public services such as health care and education.
Security services	The record of local public and private security organisations in addressing security situations and interacting with communities, and any protestors and detainees. Level of crime, including incidence of violence, protests, sexual harassment and abuse, etc.

Adapted from IBLF, IFC, UNGC (2010). *Guide to Human Rights Impact Assessment and Management*: p.33-34.

2.3 Plan and implement

Human rights exposures identified in knowledge base studies, risk analyses and impact assessments need to be integrated into project-level policies, plans and procedures at every stage of a project lifecycle. This needs to be included within CSP multi-year plans, as well as at the programme level for specific community initiatives. Human rights should also be considered across a number of discipline areas, including human resources, procurement and health and safety.

	Checklist
[√]	Does the CSP multi-year plan at your operation explicitly address human rights risks, impacts and opportunities, as identified through knowledge base studies?
[√]	Are policies, plans and standard operating procedures at your operation informed by human rights considerations?
[√]	Has the issue of human rights within the supply chain and how it may impact communities been explicitly addressed?
[√]	Are human rights included in training for management, employees and contractors?
[√]	Does your operation have an effective complaints, disputes and grievance process that communities and employees can access to raise any concerns?
[√]	Are human rights standards and principles considered when entering partnerships and agreements with third parties?
[√]	Has your operation engaged inclusively when planning and implementing community programmes and initiatives?

2.3.1 CSP multi-year plans

Each of our projects and operations must have a CSP multi-year plan (MYP) based on business objectives, and a robust analysis of community issues, risks and priorities (see Rio Tinto's Communities and social performance multi-year planning guidance). These plans define mutually agreed initiatives with local communities, as well as identifying resource requirements, objectives, targets and indicators to achieve them. The plans assign specific responsibility for achieving objectives and targets to the appropriate management level and functional department.

Multi-year plans should address human rights risks, impacts and opportunities that have been identified through knowledge base assessments. Any significant human rights risks or impacts should be recorded.

Annual updates of our multi-year plans provide an opportunity to reflect on, learn from and respond to any changes in the human rights context as the project progresses through its lifecycle.

Box 17 lists questions to help determine whether a multi-year plan has adequately captured human rights priorities.

The following case study from Australia demonstrates how human rights can be incorporated into human resources planning and decision making to implement programmes that address the human rights principles of non-discrimination and equality. It illustrates the importance of thorough planning to identify challenges, develop a strategy and implement programmes that achieve meaningful results. Rio Tinto Iron Ore in Western Australia identified barriers to employment faced by Aboriginal people and used the findings to inform its Aboriginal employment strategy. The strategy promotes employment through education and training, and ensuring fair and equal employee opportunity.

Box 17: Integrating human rights into CSP multi-year plans

Have diverse groups within the community been involved in the development of the plan and its associated programmes and initiatives? Have the views of both women and men been considered? Does the plan take into account the views of vulnerable and 'at risk' groups and their interests and priorities?

Does the plan include provision for monitoring human rights performance? Has consideration been given to how the community might participate?

Do objectives, targets and indicators for programmes and initiatives reflect human rights standards and principles?

Does the plan link to other operational plans such as procurement and workforce or recruitment and development plans that may impact on the human rights enjoyment of communities?

Does the plan clearly allocate responsibility for implementation, monitoring and reporting on initiatives and programmes?

If the operation is nearing closure, does the plan adequately address human rights implications associated with operational closure, plant decommissioning and site rehabilitation?

Case study 6: Rio Tinto in the Pilbara, Australia
Indigenous employment





Pilbara
Australia

Right
Operator at Rio Tinto's Mesa A iron ore mine in Western Australia's Pilbara region.

The context

Rio Tinto Iron Ore (Iron Ore) operates in the Pilbara region of Western Australia. In 2005 a study commissioned by Iron Ore identified persistent levels of economic exclusion of Aboriginal people from employment. This exclusion may translate to an adverse impact on the right to non-discrimination, various labour rights and the right to an adequate standard of living. Based on the study, Iron Ore determined that a 'business as usual' approach might perpetuate or even worsen the barriers to participation experienced by the Aboriginal population. In order to address these potential impacts, Iron Ore made new commitments to increasing Indigenous employment opportunities across the business.



Challenges and barriers faced by Aboriginal applicants and employees

The 2005 study, as well as other research, identified several common challenges and barriers faced by Aboriginal applicants in seeking employment, and if employed, their retention and promotion. This included:

– a lack of skills and work experience required to gain employment or career advancement;
– cultural and family commitments that may conflict with company work patterns; and
– discrimination and stereotyping towards Aboriginal employees by management and co-workers.

Right
Rio Tinto's Cape Lambert iron ore operations in Western Australia's Pilbara region.

Bottom
Trainee at Rio Tinto's Iron Ore operations in Western Australia's Pilbara region.



Rio Tinto Iron Ore Aboriginal Employment Strategy

To address some of these challenges, the Iron Ore Aboriginal Employment Strategy adopted a long term approach that encompasses education and support programmes, mentoring and cross-cultural awareness training. For instance, the company established a work readiness programme that assists potential applicants with addressing issues such as basic vocational skills, health issues and obtaining a driver's licence. The programme is run as an accredited training course by third party providers. Iron Ore also runs cross-cultural awareness training for all employees and key contractors to discourage discrimination against Aboriginal employees in the workplace. The training was developed and is delivered by local Aboriginal people and includes information about their connections to land.



These specific measures are supported by general policies, including a termination policy that prohibits dismissal of employees on grounds of race or for fulfilling family responsibilities. Iron Ore's Workplace diversity and equal opportunity policy prohibits discrimination or disparagement on grounds of race, consistent with the right to work and to non-discrimination enshrined in the Universal Declaration of Human Rights.

In June 2012 Pilbara Aboriginal employment was 13 per cent of the total workforce, on track for a target of 14 per cent by 2015, compared with an average of 9 per cent for Rio Tinto Australia overall.

6

2.3.2 Global Communities target

Rio Tinto is committed to playing its part as a private enterprise in the achievement of the United Nations Millennium Development Goals (MDGs). In October 2009, the Rio Tinto Board Sustainability committee approved a global Communities target that meets stakeholder expectations. This target requires that Rio Tinto demonstrates how our businesses contribute to the economic development and wellbeing of the communities and regions where we operate (see Rio Tinto's Communities and social performance target guidance).

The Global Communities target states:

"All operations will have locally appropriate, publicly reported social performance indicators that demonstrate a positive contribution to the economic development of the communities and regions where we work, consistent with the Millennium Development Goals, by 2013."

Human rights and the MDGs are closely related and share the objective of promoting the wellbeing and dignity of all people. However, there are several distinctions. Human rights are mandatory requirements and universal in scope and application, whereas the MDGs are voluntary objectives for developing regions. Despite this difference, contributions to the MDGs often align with our responsibility to respect and enhance the enjoyment of human rights. Reporting on the Communities target is not a substitute for human rights due diligence. The development of local social performance indicators should be embedded in the CSP multi-year planning process. These indicators measure the level of achievement that businesses have made towards the economic development of local communities.

Community programmes, projects and initiatives
Rio Tinto acknowledges it has a responsibility to avoid and alleviate any adverse human rights impacts that occur through our presence, own activities or business relationships. For example, we can support agricultural training for resettled communities whose livelihoods may have been negatively impacted. Additionally if knowledge base studies are indicating a decline in traditional practices and livelihoods due to job opportunities in mining, we can support programs that help to safeguard traditional cultural practices. Our CSP programmes should also support the enjoyment of human rights generally. For example, in an area where there are not enough schools, the right to education is generally unfulfilled. While not causing this situation, we might be able to collaborate with local government or an NGO to provide better school facilities and improve the right to education. This also aligns with our MDG-related global Communities target.

It is important our community priorities are mutually agreed with local people. Working inclusively with communities and encouraging their participation in planning and implementing community programmes helps to ensure that our work is responsive to local priorities and that the communities retain a level of ownership and control over the development process.

All community programmes should be carried out in ways that respect human rights – for example education programmes should be designed to ensure that they do not perpetuate discrimination or other human rights issues.

The following case study describes how community programmes and activities can be designed to address broad human rights issues and improve the local communities' enjoyment of these rights. Rio Tinto in Bunder, India, has engaged in several activities that focus on women and gender equality.

Table 5: Checklist to consider when integrating human rights considerations into community initiatives

Goals	Do the goals of the initiative help to mitigate actual or potential adverse human rights impacts or risks? Do the goals take into account the long-term human rights enjoyment of communities? Will the initiative be carried out in such a way as to avoid any adverse impacts on human rights?
Beneficiaries	Have vulnerable and 'at risk' groups been identified and prioritised within the target group? Have the rights of women, children and Indigenous peoples been considered?
Objectives and targets	Do programme objectives and targets align with the priority human rights identified through assessments and community engagement? Are objectives and targets clear, specific, time-bound and able to be measured and monitored?
Activities	Do planned activities involve inclusive engagement with communities? Do we work with independent third parties where beneficial? For example, local NGOs or government stakeholders who have knowledge and expertise of a particular issue.
Indicators	Do we have indicators to monitor and measure programme objectives and targets for human rights performance? Do the indicators reflect relevant human rights standards and principles? Are gender indicators included?
Implementation	Have we identified barriers to successful implementation along with strategies to overcome them? For example, we may need to develop ways of consulting with women or 'at risk' groups.
Monitoring and evaluation	Do we monitor and evaluate our community programmes and initiatives to assess how they affect people's enjoyment of their human rights? Do we have an accessible and effective complaints, disputes, and grievance process in place?
Impact assessment	Have we fully considered all the risks and unintended consequences? Have we developed contingencies for mitigation should they occur? For example, human rights awareness training may put some community members 'at risk' in certain contexts.
Budget	Do financial inputs reach and benefit 'at risk' groups?
Communication	Do communication strategies meet the community's needs and preferences for information sharing? Is information about programmes, initiatives and projects shared proactively with communities in a timely manner and in accessible formats? Do communication strategies enable participation, dialogue and engagement on an ongoing basis?

Adapted from Rio Tinto (2009), *Why gender matters*, which draws on UNDP (2007), *Gender mainstreaming in practice: a toolkit*.

Case study 7: Rio Tinto in India
Empowering women for greater gender equality





Bundelkhand
India

The context

The Bunder diamond project is located in the Bundelkhand region of Madhya Pradesh, 500km south east of Delhi.

Rio Tinto Exploration (RTX) discovered the Bunder deposit in 2004 as part of a regional diamond exploration programme. An order of magnitude study was conducted in 2006 and determined an inferred resource of around 27.4 million carats. The project is now wholly owned by Rio Tinto Diamonds and Minerals Group.

The project's host communities consist of 15 villages with approximately 15,000 inhabitants in the Chhatapur District. Bunder currently employs about 400 people, of whom 70 per cent are local. If the project proceeds it will offer unprecedented socioeconomic opportunities in the region. Early in the evaluation project, RTX sought to identify any rights-holders who might be negatively impacted by the development, or excluded from its benefits. A socioeconomic baseline study in 2006/7 found widespread feudal and patriarchal traditions with gender-based discrimination. The study showed that women had low levels of literacy, health, nutrition and participation in community decision-making. The study also revealed an opportunity for RTX to enhance local women's enjoyment of human rights and address existing gender discrimination at a pace of the community's own choosing.

Women's empowerment

The Communities team engaged early and transparently with the local communities, stressing Rio Tinto's equal opportunity, non-discriminatory engagement and employment policies. By engaging inclusively with all members of the community irrespective of caste or gender, Rio Tinto upheld commitments to promoting the principles of equal rights and freedoms set forth in the Universal Declaration of Human Rights. Anecdotal evidence suggests that Rio Tinto's approach to non-discrimination has helped to address sensitively the entrenched caste and gender inequity.

Responding to the findings on social and economic barriers for women, RTX developed a women's empowerment project which aims to mitigate exclusion and restriction of women as set out in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). To achieve this, community awareness programmes were run on women's status and rights, their role in community building and their contribution to the household and to community economic life as a whole.

In its pilot year in Sagoria Village, the women's empowerment project conducted several women's engagement programmes. Community sessions were held explaining human rights with the overall objective of raising awareness of the issues in the community. Women's focus groups were held to educate women about their rights and to encourage network building and social bonding. These focus groups are ongoing and have been implemented in other villages.

Right
Maternal and child health programme run in partnership with UNICEF at Rio Tinto Diamonds, Bunder.

Bottom
Women learning to drive as part of the women's empowerment programme.



Women's driver training programme

Projects to help support the empowerment of local women include a women's driver training programme. In Chhatapur it is not common for women to know how to drive. By providing women with the opportunity to learn driving skills, Rio Tinto has helped them enlarge their employment prospects and enhance their self-sufficiency.

In 2012, 11 women aged 18–35 participated in the pilot programme. In addition to learning how to drive, they also learned basic car mechanics and repair, like changing a flat tyre. Four of the graduates subsequently secured employment with Rio Tinto as drivers, and all gained broader economic and other opportunities. The programme has actively fostered women's self-empowerment and confidence with their own community's support.

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2.3.3 Human rights training

Rio Tinto believes that all employees should be aware of its human rights commitments and how they relate to their work. Those who deal with human rights exposures more directly and regularly, such as CSP employees, require more detailed training. Risk analysis should also identify other employees that will benefit from human rights training and related issues, such as local cultural awareness. For example, security personnel and those working in procurement may need specific training.

In April 2012 a revised Group-wide human rights training approach was approved to address operating contexts with the greatest human rights exposures. It has the following elements:

– training on *The way we work* for all employees now includes a human rights section;
– human rights is included in Rio Tinto's induction training particularly for managers and above;
– an updated web-based human rights learning tool;
– tailored action-learning for high risk sites; and
– function-specific training for employees with high exposure to human rights issues, including CSP, procurement and security employees.

Human rights will also be incorporated into other Rio Tinto leadership training and learning academies, where appropriate.

The following case studies demonstrate how human rights training with external human rights expertise can help build the awareness of employees and contractors and improve our overall social performance.

Case study 8: Rio Tinto in Mongolia
Human rights training programme at Oyu Tolgoi





Oyu Tolgoi
Mongolia

The project

Located in southern Mongolia, Oyu Tolgoi is a world-class copper-gold project that is being developed in conjunction with Turquoise Hill Resources (formerly Ivanhoe Mines) and the Government of Mongolia. First commercial production is forecast to commence in 2013. Oyu Tolgoi is one of several mines in the region, and rapid development in the region is accompanied by a range of social, economic and environmental impacts and changes. Local residents are keen to benefit from the opportunities but also want to ensure that their concerns regarding traditional culture, environmental degradation and social mobility are addressed and their human rights respected.



Human rights training in collaboration with the National Committee on Human Rights

As part of the operation's effort to comply with national law as well as Rio Tinto policies and standards (in particular those relating to human rights), the CSP department at Oyu Tolgoi initiated human rights training for all employees and contractors. To ensure sufficient expertise in the training, Oyu Tolgoi asked the Mongolian National Committee on Human Rights (NCHR) to be involved. The NCHR is a state institution that aims to foster a human rights-aware culture in Mongolia. It has a mandate to promote human rights in a variety of ways, including through education and training. Although the committee provides human rights training to a number of organisations, this was the first time that the committee had been asked by a mining company to conduct training.

10. The Government of Mongolia owns a 34 per cent stake in Oyu Tolgoi LLC. Turquoise Hill Resources (formerly Ivanhoe Mines), in which Rio Tinto now holds a majority interest, owns the remaining 66 per cent of Oyu Tolgoi LLC. Rio Tinto is the manager of the Oyu Tolgoi project.



Training for Rio Tinto employees at Oyu Tolgoi copper mine in Mongolia.

The training programme

Through the training, Oyu Tolgoi sought to:
– introduce and explain human rights to employees and contractors, including civil, political, social, economic and labour rights guaranteed by the Constitution of Mongolia and international treaties and conventions;
– improve the human rights knowledge of company employees in charge of training; and
– show leadership by encouraging wider respect for human rights.

Senior managers, employees, contractors, safety and security personnel and the Employees Advisory Committee[11] attended the training, covering:
– introduction to human rights;
– civil and political rights;
– economic, social and cultural rights; and
– employment rights.

Security personnel and the Employees Advisory Committee received extended training, including safety, security and freedom from torture, cruel, inhuman and degrading treatment. The participants said the training was helpful in building understanding of their own rights, as well as the rights of others.

Working collaboratively Oyu Tolgoi is working on further human rights training. For example, the Human Resources department is developing an online training module on human rights that is linked to existing training modules as part of the overall induction and training package for employees and contractors. This will complement face-to-face training conducted in collaboration with the NCHR. The working relationship with the national committee was instrumental in providing local expertise. Oyu Tolgoi plans further collaboration with the committee including human rights awareness sessions for local communities.

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11. The Employee Advisory Committee is a representative body of Oyu Tolgoi's employees. The committee consists of seven members that are elected annually by employees. It serves as a bridge between the senior management and the employees.

Case study 9: Rio Tinto Exploration in the Democratic Republic of Congo
Human rights training





Orientale
Democratic Republic of Congo

The context
Rio Tinto Exploration (RTX) is party to a joint venture agreement to explore for iron ore in the Democratic Republic of Congo (DRC). Known as the Orientale iron ore project it takes its name from the province in the north-east of DRC in which it is located.

Identifying the need
As Rio Tinto had no previous presence in the DRC, RTX implemented a 'new country entry' process and commissioned the Danish Institute for Human Rights (DIHR) to conduct a desktop human rights risk assessment for operating in the DRC. This identified the legacy of human rights abuse in the region as posing a major risk. Various other human rights issues were flagged, including arrangements for managing security, the need for a complaints procedure, and engagement with Indigenous peoples. Recommendations from the DIHR report were integrated into management plans that included proactive mitigation strategies. Before the start of field activities, RTX CSP employees provided comprehensive human rights training for the project team.

Drawing on external expertise
To ensure the training was relevant to issues in the DRC, CSP employees consulted two external organisations with human rights expertise as well as knowledge of the exploration area. The initial risk assessments included an independent country risk assessment that identified key human rights areas of concern in the DRC context, which was used to develop procedures and risk mitigation measures. RTX also engaged an external consultant with experience in the DRC mining context to conduct the human rights training, ensuring its content was highly attuned to the needs of the project team.

Human rights training content
Training content included: guidance on how to respond to context specific human rights incidents; the international human rights framework (including international crimes and complicity); the corporate responsibility to respect all individuals; and where human rights fit within Rio Tinto policies and guidelines. It also included specific attention to the Voluntary Principles on Security and Human Rights and how these related to work in the DRC.

Right
Human Rights and Communities training sessions with Rio Tinto Exploration employees, Orientale Project, Democratic Republic of Congo.

Bottom
Rio Tinto Exploration's Dimitrios Kastis and Kelly Nazambe return to camp after a day of mapping in the Democratic Republic of Congo.



The training was based around a practical scenario case study, which helped participants to focus on the sort of situations they might encounter in practice. Participants worked through the case study with human rights material and content integrated throughout. Organisers and participants reported that structuring training around a practical case study was effective, as it fostered participation, engagement and sustained interest.



Feedback reported that it has helped raise awareness of potentially risky or challenging scenarios that would not previously have been so easily identified, such as how to engage with security personnel accompanying the RTX team in the field. This included heightened alertness and awareness to any requests by security that may lead to Rio Tinto causing, contributing to or being directly linked to an adverse human rights impact.

As a result of the training, RTX also identified a need to update its pre-qualification questionnaire for suppliers. The revised questionnaire now contains clauses relating to child labour, gender, community issues, history of criminal offences and misconduct and other human rights related topics.

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2.3.4 Procurement – human rights risks in the supply chain

It is important that we understand how our business relationships with suppliers, including contractors, may impact on the human rights of community members and ensure that these partners, and other third parties acting on Rio Tinto's behalf, align with our standards. At the site or project level, suppliers include construction contractors, local providers of food or equipment as well as recruitment agencies, cleaning companies and security services.

Suppliers may affect human rights in many ways. For example, a security provider may use excessive force when dealing with community members and people may think they have been instructed to do so. A catering company may discriminate against certain community members when hiring employees or fail to provide local workers with safe and healthy work conditions. A construction contractor could impact on the right to health and to an adequate standard of living through harmful waste disposal practices.

Involvement by Rio Tinto in adverse impacts by our suppliers may mean we fail to meet our own responsibilities and standards in respecting human rights. As with situations where we cause harm ourselves, this indirect involvement can adversely affect our business through legal, reputational and other risks.

A Group-wide approach is required to address these indirect contractor exposures – key departments are Rio Tinto Procurement, Global Security, Communities and Social Performance and Human Resources. Sites often handle small procurement contracts themselves and they need to ensure that suppliers follow our standards. This will generally involve speaking directly with suppliers to ensure that they have adequate processes in place to prevent potential human rights impacts. Local situations can often be complex and may necessitate dialogue between site and supplier to improve the supplier's response to any actual or perceived exposure or impacts. An example is child labour, which Rio Tinto opposes. Site-level employees need to analyse and understand local contexts where, for instance, children may be working in family businesses. We then need to understand whether children are 'at risk' – including whether they are engaged in hazardous or other work harmful to their health or safety, or missing school. Mitigation is not necessarily as simple as a unilateral ban on children working. For example, a supportive family environment and complementary access to formal education can be important considerations.

Contractual arrangements, such as the engineering procurement construction and management (EPCM) contract for the construction phase, can be used to ensure that suppliers are aware of our expectations on human rights. This can include provisions around training, incident reporting and complaints handling, as well a code of conduct outlining the expected behaviour of the supplier's employees towards the local community, including consequences for non-compliance.

Rio Tinto's *Procurement principles* explicitly note that we support and respect human rights consistent with the Universal Declaration of Human Rights, and actively seek to ensure we are not complicit in human rights abuses committed by others. In addition, the principles state that we expect our suppliers to maintain policies that respect basic human rights and dignity, without distinction on any basis. Suppliers are expected to have a process to assure compliance. The *Procurement principles* also affirm that we require our suppliers to adhere to applicable laws, standards and regulations and that we oppose and prohibit employment of forced, bonded or child labour.

In working with suppliers, it is important to know about their past practice and whether it is likely that they will satisfy the *Procurement Principles*. This may necessitate preliminary screening as part of the pre-qualification process, embedding certain protections into agreements, monitoring of the suppliers' human rights performance throughout the relationship, and if necessary, working with suppliers to improve their performance.

Table 6 provides a checklist, which are examples to assist and guide CSP practitioners and others on how to work with suppliers. Further guidance is available from Rio Tinto Procurement. There are specific guidance notes for dealing with security providers and Global Security should be contacted with any questions.

Table 6: Basic human rights that may be considered for supply chains

Screening	Human rights standards and performance are considered in initial screening of new suppliers. For example: — check private security providers' history on the appropriate use of force, past criminal offences or misconduct; — screen suppliers to ensure their employees have adequate working conditions and that they do not employ child labour; and — check records of suppliers' prior human rights performance on the company's other major capital projects.
Contracts	A meaningful commitment to respect human rights is included in the contract. Incorporated provisions will vary upon context, but could include: — alignment with procurement standards and other company commitments relating to human rights, such as Voluntary Principles on Security and Human Rights (refer to Appendix B); — commitments by both parties to engage in capacity building activities such as human rights awareness courses or training on other company standards, such as health and safety; — clear consequences for non-compliance with the company's procurement standards or other commitments; and — a clear reporting structure for human rights-related incidents.
Monitoring and reporting	The human rights performance of suppliers is regularly monitored, eg through monthly reports, periodic audits and site visits. This could include: — suppliers provide their employees and local communities with access to effective complaints and grievance processes to raise human rights related concerns; — suppliers provide assurance of their compliance with the company's procurement standards including on human rights; and — the agreement provides for independent audit of the human rights performance of suppliers.

Adapted from Voluntary Principles on Security and Human Rights; Business & Human Rights Initiative (2010), *How to Do Business with Respect for Human Rights: A Guidance Tool for Companies*, p.43-46, 60; IBLF, IFC, UNGC (2010) *Guide to Human Rights Impact Assessment and Management*, p.27-30.

We also recognise that some of our business decisions may affect the actions and performance of our suppliers and contractors. We are often at the top of the supply chain so our decisions can affect the ability of our suppliers and service providers to respect human rights. The following case study about a pilot study in India shows how Rio Tinto can proactively encourage the improvement of human rights standards in our business relationships with third parties and associated business ventures. It illustrates how we can assess and improve human rights performance throughout our supply chain.

Case study 10: Rio Tinto in India
Argyle Manufacturing Model





Mumbai
India

The context
Rio Tinto Diamonds' India representative office is located in Mumbai and works closely with customers and their manufacturing facilities. Diamonds from Rio Tinto's Argyle Diamond Mine, known as 'Argyle rough', are cut and polished in factories in the Indian state of Gujarat. Rio Tinto Diamonds surveyed manufacturing facilities in Gujarat and identified several common challenges, particularly in relation to manufacturing practices and Health, Safety, Environment and Communities (HSEC) standards. In response, Rio Tinto Diamonds drafted the Argyle Manufacturing Model (AMM), an initiative to improve the work environment and manufacturing practices of facilities which process Argyle diamonds in India.

Survey of manufacturing facilities
Many of the Gujarat facilities processing Argyle rough diamonds operate in the small scale sector of the diamond processing industry, where HSEC and manufacturing conditions may be below standard.

Rio Tinto Diamonds' survey identified several recurring themes, including:
– a general lack of awareness of HSEC;
– HSEC risks associated with lack of space, traditional manufacturing practices, long term exposure to carbon dust, inadequate personal protective equipment (PPE), high ergonomic stress and long working hours;
– limited capacity of owners/contractors to improve working conditions in their facility due to physical and financial constraints;
– inadequate provision of basic necessities like hygiene and sanitation; and
– high turn-over rates among workers.

Adequate working conditions are an essential human right recognised in the Universal Declaration of Human Rights and laid out by the International Labour Organization. This includes the right to work in safe and hygienic conditions, and to adequate remuneration and rest periods.

The Argyle Manufacturing Model (AMM)
The AMM programme is designed to improve working conditions and manufacturing practices in selected cutting factories by benchmarking them to the standards of the AMM and engaging them in a structured improvement process.

Core objectives are:
– safe, clean and healthy working conditions;
– adaption of efficient manufacturing practices; and
– motivation of workers to build a stable work force.

The AMM project currently enrols approximately 50 facilities employing 7,500 workers, with an annual polishing capacity of 400,000 carats of Argyle rough diamonds.

Right and below
Diamond cutters at work in Gujarat, India.



The six steps

The AMM consists of the following six steps:

1. Define the features of an 'Argyle Model Manufacturing Facility' that will address all the shortcomings and be a benchmark for comparing existing facilities.
2. Generate awareness among the manufacturing facilities about the need to address the prevalent issues and enrol facilities that are willing to participate.
3. Conduct gap analysis using the 'Model Manufacturing Facility' as a benchmark.
4. Based on the gap analysis and discussions with facility management, agree on desired improvements, set targets, and design an action plan to achieve them.
5. Assist each facility to implement the action plan and provide training to employees.
6. Monitor progress of implementation through regular visits to confirm sustained improvements.

Sustainable Manufacturing Support Programme

The AMM is intended to guide the development of a structured programme that can be implemented across all Argyle manufacturing regions. This will include induction programmes and training for new workers.

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2.3.5 Human rights and security

Workforce and workplace safety and security is an area of particular importance to Rio Tinto and other resource sector companies. The human rights dimension of security work requires particular attention and expertise. With this in mind, in mid-2008 Rio Tinto created a Global Security Group to ensure globally consistent standards. The group currently has 15 security managers and advisers based in London, Montreal, Paris, Johannesburg and Brisbane. This structure supports Rio Tinto's ability to implement the Voluntary Principles on Security and Human Rights worldwide with professional oversight of all businesses.

Global Security conducts security and human rights assistance visits in critical and high risk locations to ensure our security measures respect human rights. Complete security and human rights training can be organised for all security personnel involved in a site/project security strategy as required (eg Rio Tinto employees, private providers and/or public security forces).

The Security Group selects preferred security providers with appropriate due diligence, such as background checks on management and personnel including past human rights performance. New security contractors working with Rio Tinto are required to comply with a code of conduct for private security companies, which draws on the voluntary principles, on European and wider international best practice, and on the relevant UN codes and principles. (See Rio Tinto's guidance notes Implementing security and human rights principles and Providing support to public security forces for further information on security and human rights.)

2.4 Monitor, evaluate and improve

Monitoring and evaluation are essential learning processes for integrating human rights considerations into our CSP work. They allow us to see both the successes and shortcomings of our work so that we can adjust and improve.

This section provides an overview of monitoring and evaluation as it relates to human rights. It also provides guidance that may assist when tracking human rights impacts.

	Checklist
[√]	Does your operation have indicators for tracking performance against key human rights risks that have been identified, including indicators for gender?
[√]	Are these indicators underpinned by credible data, and are they updated regularly?
[√]	Do the indicators align with the Millennium Development Goals where appropriate?
[√]	Does monitoring of the human rights performance of your operation take place in a planned way and on a regular basis?
[√]	Is responsibility for monitoring and reporting clearly and appropriately allocated?
[√]	Do human rights monitoring and evaluation processes at your operation involve communities wherever possible including, in particular, vulnerable and 'at risk' groups?
[√]	Do monitoring and evaluation processes at your operation include requirements for reporting back to communities on findings?
[√]	Do management systems include procedures for highlighting and responding to any emerging human rights issues, including serious allegations, regardless of whether or not they are well-founded?
[√]	Are changes and adjustments made to programmes and activities based on the results of monitoring?
[√]	Does the monitoring and evaluation framework use information from your operation's complaints, disputes and grievance processes?

Adapted from Rio Tinto (2009), *Why gender matters*, and IBLF, IFC, UNGC (2010), *Guide to Human Rights Impact Assessment and Management*, p.58-59.

2.4.1 Monitoring and evaluation

The Rio Tinto Communities standard requires us to monitor and evaluate our social performance. As part of this we aim to integrate human rights monitoring and evaluation into existing processes.

Box 18 explains the difference between monitoring and evaluation.

Monitoring involves tracking, in a systematic way, how operational activities affect communities and other stakeholders, both positively and negatively. Lessons from monitoring and evaluation, including from our complaints, disputes and grievance processes, should be integrated into revised plans, objectives and targets. Corrective action should be taken where needed.

Evaluation usually takes place once the work or programme has been completed and asks the question: "How did we do?". While monitoring measures ongoing progress against indicators and targets, evaluation centres mostly on outcomes and impacts with the aim of identifying factors that have contributed to – or detracted from – achieving success. Evaluation is important to ensure our responses to our involvement in adverse human rights impacts are effective and appropriate and that we are effectively integrating human rights due diligence into our work.

In addition to internal controls, we may also face particular monitoring and evaluation requirements as signatory to a number of human rights-related voluntary commitments (see Appendix B). Additional requirements may be required by local laws, contractual provisions or funding conditions.

Monitoring and evaluation of human rights impacts and performance is essential in order to:

- measure progress against our commitments to human rights, including the rights of women and Indigenous peoples;
- measure compliance with internal and external policies, standards, and commitments;
- assess whether human rights issues and impacts have occurred on a one-off or systemic basis, including gender and cultural considerations;
- identify whether project management procedures and plans are being implemented and are achieving their objectives;
- identify whether impact and risk mitigation measures are effective;
- determine the cause, and provide a basis for corrective actions if our procedures, plans and activities are ineffective;
- identify any unanticipated human rights issues and impacts that have occurred, their consequences, and the response taken; and
- identify whether management is receiving effective 'early warnings' of new human rights challenges, including appropriate advice on how to resolve these challenges.

(Based on Rio Tinto (2009) *Why gender matters* and IBLF, IFC, UNGC (2010), *Guide to Human Rights Impact Assessment and Management*, p.58-59)

In addition to CSP-specific monitoring and evaluation tools, several Group-wide procedures exist which may assist CSP practitioners, and others working with communities, to monitor our human rights performance in affected communities.

These include Speak-OUT, the Rio Tinto business solution (RTBS) Incident Reporting system, which includes a category for community incidents and a sub-category for human rights incidents. Assurance also includes Technical Evaluation Group (TEG) reviews and the monitoring undertaken through annual compliance reports and compliance audit forums. Other functions may also conduct relevant monitoring such as the security and human rights assistance visits carried out by Global Security. (See section 2.5.1 and the Human rights guidance for more advice on how these internal processes can assist us to monitor and evaluate our human rights performance comprehensively.)

Box 18: Distinguishing 'monitoring' from 'evaluation'

Monitoring is the ongoing measurement of change (positive or negative) against defined indicators.

Evaluation is the systematic assessment of the effectiveness of management strategies and programmes. Evaluations can focus either on process (how well has the initiative been implemented?) or outcomes (have the desired impacts been achieved?).

CSP site managed assessment

CSP site managed assessments (SMA) ensure our businesses comply with our Communities standard and legislative requirements. The process evaluates the performance of a site against a number of key performance areas (see Rio Tinto's CSP site managed assessment guidance). It is an evaluation owned by the site and is intended to identify any actual or potential issues and areas for improvement. It is conducted regularly, usually every three years, and/or at key phases of the project cycle. It may also be initiated by special circumstances such as an allegation of a serious human rights abuse.

SMAs include a structured diagnostic with a specific key performance area on human rights. A SMA can also, where deemed appropriate, take a more in-depth review of human rights exposures and assess whether proper prevention and mitigation strategies are in place. The findings of each SMA are owned by the business unit concerned and the recommendations go to the CEO of that business. Aggregate results are shared throughout Rio Tinto to ensure all businesses and divisions are aware of and learn from them.

Other opportunities for monitoring and evaluation of our human rights performance include:
– CSP multi-year plans; and
– complaints, disputes and grievance processes.

2.4.2 Indicators for human rights performance

Credible data are essential for effective monitoring. While it is difficult to measure human rights impacts and risks precisely, monitoring systems should be robust enough to enable operations to assess whether they are making progress towards key targets and objectives, and to identify issues that require attention.

Indicators provide a valuable reference point for assessing and monitoring human rights impacts and performance over time and against targets. They help us to understand where we are, where we are going and how far we are from our goal or objective.

Indicators that measure human rights performance need to be based on human rights standards and findings from previous knowledge base assessments. In line with our global Communities target, indicators should also be consistent with the Millennium Development Goals.

Some of our social performance indicators already reflect human rights considerations. For example, all operations are required to report data on workforce composition, such as sex-disaggregated data. Health and safety data, such as lost time injury frequency rates (LTIFRs), relate to the right to just and favourable working conditions and the right to health, liberty and security. Therefore, as a first step we should check how well existing indicators align with human rights, identify any gaps and make necessary adjustments. Our knowledge base studies and complaints, disputes and grievance processes are good sources of human rights data.

Both quantitative and qualitative indicators can be used to build a full picture (see Box 19 for definitions and Table 7 for examples). Quantitative indicators provide mainly numerical evidence whereas qualitative measures add context in the form of description, opinions and experiences. When dealing with human rights issues, qualitative indicators are often essential to obtain a thorough understanding of an issue. They allow us to capture people's individual perspectives and experiences. For this reason, it is critical that human rights performance tracking include appropriate qualitative and quantitative metrics and include sex-disaggregated data, as men and women sometimes hold different views of a situation.

Box 19: Types of indicators

Quantitative indicators refer to attributes of a situation, process, or activity to which we can attach a number, percentage, ratio or other statistical descriptor. They can be drawn from data systems and records that already exist or are specifically collected.

Qualitative indicators refer to attributes of a situation, process or activity whose status or condition is determined by opinions, perceptions, or personal judgements, or by quality of an experience expressed as a story, not as numbers.

Indicators can often be developed in consultation with community groups.

Table 7: Examples of quantitative and qualitative measures

Type	Example quantitative measure	Example qualitative measure
Input	$$$ spent; number of hours of employee-time.	Employee and community satisfaction survey.
Output	Number of activities. Number of participants.	Categories of participants; areas of human rights improvement/enhancement.
Outcome	Number of people whose lives have been changed /improved.	Nature of change in skills, knowledge, behaviour or practices (eg on-the-ground performance or policy changes).
Impact	Number of human rights threats averted. Number of human rights impacted (positive and negative).	Personal and community views on the changing status of human rights in the region.

Table 8 provides examples of human rights performance indicators. The table is not intended to be exhaustive or a blueprint for a monitoring system but instead to provide suggestions on possible indicators. The indicators listed may not apply to every context and are intended to encourage thinking about how to include different perspectives when developing indicators.

Table 8: Examples of human rights performance indicators

Type of human rights performance indicator	Example indicators
Indicators on the implementation of human rights related processes within a company – these demonstrate how widely an organisation has human rights-compatible procedures in place.	Company training programmes are culturally appropriate, gender sensitive and respectful of diversity. Employees and community members have access to a complaints, disputes and grievance process. The company has a protocol clearly defining the role and responsibility of security guards. The company has implemented a procedure to evaluate and select suppliers which takes into account human rights, social commitment and performance.
Indicators of incidents – these reflect the frequency with which the activities of a company result in a problem or abuse of human rights. These indicators have the benefit of being able to define a trend over time.	The number of 'significant' Communities incidents. The number of security-related complaints received from the community. The number of fatigue-related accidents. The number of formal complaints by employees.
Indicators of other dimensions of human rights performance – these generally relate to measurable changes in the quality of life of stakeholder groups in areas of relevance to human rights.	Workers' representatives and employees confirm that the work environment is culturally sensitive and non-discriminatory. Records show that the company systematically and objectively reviews any complaints filed and implements corrective action if necessary. Community representatives and other relevant external parties confirm that company security guards only use the minimal force necessary to handle security-related situations. Community representatives hold the view that the company is sensitive to their human rights. Women are satisfied with non-discrimination measures. The number of local children receiving primary/ secondary education. The percentage of local population with access to clean water and improved sanitation. The community is generally satisfied with its access to clean water, education, health measures and other services relevant to their rights.

Adapted from GRI, Realizing Rights, and UNGC (2009) *A Resource Guide to Human Rights Reporting*, DIHR (2006) *Human Rights Compliance Assessment (HRCA): Quick Check*; and BSR and CSR Europe (2001) *Measuring and Reporting on Corporate Performance on Human Rights*.

2.4.3 Complaints, disputes and grievance processes

As part of our responsibility to respect human rights we actively engage and cooperate in remediating any adverse impacts that we have caused or contributed to. Rio Tinto may do this alone or in conjunction with others.

Complaints and disputes are common in community life, whether from external or intra-community causes. Inevitably, many communities will complain about unintended impacts of mining, metals and associated operations, such as dust, noise and increased traffic flows. For definitions of complaints, disputes and grievances see Box 20.

In major new developments, particularly in remote and/or developing contexts, the disruption to existing community life can be great. The key to successfully managing community complaints is to act immediately. Proactively resolving complaints and disputes avoids community issues escalating into a grievance. Most complaints can be resolved quickly and satisfactorily by:
– dealing with complaints in person;
– apologising for inadvertent breaches;
– identifying and rectifying root causes; and
– assuring complainants of future preventative action.

Sometimes, however, complaints will still escalate. To maintain good relationships with communities, it is vital that the site has formal processes for managing and, where necessary, escalating complaints to disputes and grievances. These processes need to be easily understood, transparent and accessible to the community. The company's internal processes should not undermine legal processes nor attempt to supplant criminal law, labour law or commercial matters.

The UN Guiding Principles identify operational or project-level complaints, disputes and grievance processes as an effective means of remediation for those potentially impacted by a company's activities. Importantly, site-level processes also form part of broader 'early warning' monitoring by identifying systemic issues. The Guiding Principles require site-level complaints, disputes and grievance processes to be: legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continual learning, and based on engagement and dialogue (see Box 21). A site-level process must not inhibit any individual or group's access to judicial recourse, nor put them at undue risk.

Complaints, disputes and grievance processes provide data for management decision-making. The scope and scale of the process will vary according to the community context; nevertheless, they should all include consultation with stakeholder groups to ensure that it meets their needs and that they will use it in practice. This includes facilitating community participation in resolution processes, where appropriate.

Women may sometimes be reluctant to voice gender-sensitive complaints, so it is important to establish more than one contact point. For example, appointing a female complaints officer may increase access for women in lodging issues such as sexual harassment or gender discrimination. Similarly, complaints, disputes and grievance processes should be culturally appropriate and designed to suit the needs of local and Indigenous communities. The ability or willingness of all 'at risk' or vulnerable groups to participate in such processes should be taken into account.

The performance of complaints, disputes and grievance processes should be reviewed regularly to ensure that processes are working effectively. Regular analysis of the patterns of complaints (including frequency and contributing factors) can provide continuous learning as well as publicly reportable data. For details of Rio Tinto's policy and procedures see the Community complaints, disputes and grievance guidance as well as the Human rights guidance. Also note that other Group-wide grievance processes intended for employees, such as Speak-OUT, may be used by community members. CSP employees can help in raising awareness of these processes.

This case study from Rio Tinto Alcan's Weipa operation in north Queensland, Australia shows how community complaints, disputes and grievance processes can be used to engage inclusively with communities and continually improve business activity and social performance.

Box 20: Definitions of complaints, disputes and grievances

A **community complaint** is a notification provided by a community member, group or institution to the business that they have suffered some form of offence, detriment, impairment or loss as a result of business activity and/or employee or contractor behaviour.

A **community dispute** is a complaint that has not been accepted as valid by one party or the other and has escalated into disagreement between the parties.

A **community grievance** is a complaint or dispute that has escalated to the point where it requires third party intervention or adjudication to resolve. Typically grievances involve more than one community member or family and relate to disputes that have remained unresolved for some time.

Box 21: Principles of an effective complaints and grievance process

Based on the UN Guiding Principles, the six overarching principles for non-judicial grievance processes articulated in Rio Tinto's Complaints, disputes and grievance guidance are:

Legitimate – The process should be transparent and sufficiently independent to ensure no party can interfere with fair conduct.

Accessible – The process should be publicised in such a way that all community members can understand and have access to it, including groups who may face barriers to access.

Predictable – The process should be consistent, have a time frame for each stage and be clear on the types of process and remedy that are available.

Equitable – Aggrieved parties must have reasonable access to sources of information, advice and expertise to engage in the process on fair and equitable terms.

Transparent – Process and outcomes should be sufficiently transparent to meet public interest concerns without jeopardising the identity of individuals. Parties to a complaint, dispute or grievance should be regularly informed about its progress to resolution.

Rights-compatible – Process and remedies must accord with internationally recognised human rights.

A source of continuous learning – Drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms.

Project-level complaints, disputes and grievance processes should also be based on **engagement and dialogue**, consulting with stakeholder groups on its design and performance.

(Adapted from Rio Tinto's Complaints, disputes and grievance guidance and UN Guiding Principles)



Children carrying water in rural village in Mozambique.

Links to other complaints and grievance processes

In addition to project-level procedures, external non-judicial and/or customary processes are also available, such as national human rights commissions, national ombudsman offices and/or a council of elders (or similar) in Indigenous communities. It is important to be aware of how these other processes may influence or complement site-level processes. A useful way of achieving this is to map existing external processes as part of human rights due diligence.

Rio Tinto is committed to a number of international conventions that provide for or require formal complaints, disputes and grievance processes. For example, Rio Tinto has a voluntary commitment to the OECD's Guidelines for Multinational Enterprises which incorporate the UN Guiding Principles. The guidelines are supported by national contact points (NCPs) which provide a mediation and conciliation platform for resolving practical issues or 'specific instances' that may arise.

By responding to stakeholders at an early stage through our own complaints, disputes and grievances procedures, we can avoid situations where stakeholders feel it necessary to pursue action through legal or other external processes. However, we should not impede or discourage stakeholders from accessing other judicial and non-judicial processes, if they so wish. If this occurs, the legal department or Rio Tinto Global External Affairs can work with the team concerned on a response.

Case study 11: Rio Tinto in Weipa, Australia
Integrating complaints, disputes and grievance resolution into management systems





Weipa
Australia

The context
Rio Tinto Alcan has mined and shipped bauxite from Weipa in far North Queensland, Australia, since 1963. Weipa employs about 1,000 full-time people, and produced 20.6 million dry product tonnes of bauxite in 2011. Local communities surrounding the operation on the Western Cape include the township of Weipa and the three nearby Indigenous communities of Aurukun, Mapoon and Napranum. The original (northern) bauxite reserves are gradually being depleted and with continued demand for bauxite, the business has identified significant reserves south of the Embley River.

Weipa community feedback system
The site CSP team administers the community feedback system – a formalised process whereby members of the local community can provide both positive and negative feedback on the company's operations, including adverse human rights impacts.

The Weipa community feedback system reflects the six overarching principles for non-judicial grievance processes – legitimate, accessible, predictable, equitable, transparent, and rights-compatible. To ensure accessibility, multiple contact points are available, including a toll-free phone number and direct contact with Rio Tinto Alcan Weipa personnel. To promote local awareness of the feedback system, the process is advertised in the local newspaper, site newsletters, community noticeboards and informally when CSP personnel visit local communities.

Feedback received is logged by the team following a well-established process. The procedure is also aligned with the Rio Tinto business solution, which provides tools to log incidents, assign follow-up actions and track the closure of issues and incidents. The system enables incidents to be escalated to appropriate management levels based on significance, and also ensures all relevant work areas are informed.

Once feedback has been received and logged, the CSP team undertakes an initial assessment to identify and contact the relevant function. The functional leader and CSP superintendent then establish an investigation team, classify the incident, investigate it to determine the root cause(s) and identify any actions that are required to address the incident. Where an incident is classified as 'significant', the CSP manager, relevant function manager and the general manager are notified. The feedback procedure includes provisions for engagement and dialogue with the affected persons. For example, when feedback is first received the community member is asked about their expectations, including any suggestions they may have about resolution. Across-site participation is also encouraged internally by the CSP team adopting a facilitative role, rather than resolving the issue directly in isolation from other functions.



Consultation with traditional owners from local community in Weipa.

The requirements for internal reporting, both confidentially at the specific level, and generally at the aggregate level, help to communicate incident findings and to share learnings across this site. A Weipa Community Forum provides opportunities to engage directly with members of local communities on matters of interest, and to discuss business activities that are likely to impact the community. The forum also enables the company to report back to the community on how complaints are received and addressed.

Integrating complaints, disputes and grievance resolution into operations and management

The CSP team involves relevant functions in any complaints resolution, to improve across-site accountability and to ensure that function leaders across the operation are also recognised for positive feedback received. This deepens understanding across the business that working with communities is everybody's work and ensures various business functions engage directly with stakeholders potentially impacted by their activities.

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2.4.4 Community involvement

Wherever possible, we seek to involve communities and other relevant stakeholders in monitoring and evaluating our human rights performance. This helps to ensure that these processes are co-managed, rather than solely driven by the operation. For example, we try to involve communities in developing indicators, collecting data, or resolving community complaints. This helps to ensure that our response addresses their needs and is appropriate to the context. Collaborative and participatory monitoring can build rapport with communities and stakeholders by sharing lessons and improving self-management. We always seek to share monitoring and evaluation information and results transparently.

At times, we may need independent third party input into our human rights monitoring and evaluation processes. Ideally, third party evaluators should be approved and trusted by the communities concerned. The Global CSP and External Affairs teams can advise on selection of third party human rights experts and evaluators.

The outcomes of monitoring and evaluation provide a firm basis for reviewing and updating plans and systems and taking corrective action. Reflecting on lessons learnt is a valuable source of information for continual improvement and should be recorded as case studies wherever possible.

The following case study on community compensation claims at Kelian in Indonesia illustrates how a challenging human rights situation produced valuable organisational lessons.



Rio Tinto Exploration team consulting with local villagers in India.

Case study 12: Rio Tinto in Kelian, Indonesia
Settlement of community compensation claims





Kelian
Indonesia

The context

Exploration at Kelian began in 1985 by PT Kelian Equatorial Mining (KEM), a company that was, at that time, 90 per cent owned by Rio Tinto. The gold mine was located at the foot of a central Kalimantan mountain range northwest of Samarinda, the capital of East Kalimantan Province. The company carried out commercial production from 1992 to 2005 when activities ceased after the ore stockpile was exhausted.

During construction and development, events occurred that community members alleged constituted human rights abuses. These events were brought to the National Commission for Human Rights and the National Commission for Anti-Violence Against Women for investigation. Kelian Equatorial Mining and Rio Tinto subsequently acknowledged that human rights abuses had occurred and settled a number of human rights claims with the help of third party involvement. This experience taught us several important lessons and demonstrates that Rio Tinto recognises its obligation to address and remediate any adverse human rights impacts.

The human rights claims

The human rights-related claims submitted by members of the Kelian community related to three areas:

1. The ill-treatment of persons during the relocation of settlers in the mine area by Kelian Equatorial Mining security personnel and police officers, including the eviction of artisanal miners and the destruction of their living places and working equipment, causing loss of livelihoods. Some claims involved allegations of serious physical abuse by security forces carrying out the relocation.
2. The ill-treatment of protesters by company security personnel and police, including cruel and degrading treatment during arrest and detention following demonstrations against Kelian Equatorial Mining.
3. Sexual harassment and sexual abuse of women by Kelian Equatorial Mining employees.



Kelian Equatorial Mine site (when still operational).

Investigation and settlement of claims

The human rights abuse claims raised by community members were investigated by the National Commission for Human Rights and the National Commission for Violence Against Women, which identified, documented and investigated the allegations. The commissions found that Kelian Equatorial Mining had no legal liability; however, they suggested that sympathetic assistance would be appropriate for a number of the claims.

In response to these findings, Kelian Equatorial Mining and Rio Tinto publicly acknowledged that human rights abuses had occurred during the early development of the mine and undertook to use the reports by the commissions as the basis for compensatory settlement. The terms of resolution included a public expression of regret, as well as a traditional reconciliation ceremony with communities.

During the resolution process, the local government acted as a mediator and witness. Communities were represented by national and local NGOs who assisted with filing claims, mediation, negotiation and acting as witnesses to compensation payments.

Internally, Rio Tinto formed a team to address and settle the claims. Some of the responses included carrying out external audits of social, community and environmental reports and conducting human rights training for all employees and contractors.

Lessons learnt

The human rights abuse claims at Kelian, their investigation and the resulting settlement process yielded important lessons for Rio Tinto.

Human rights training for employees and contractors, especially security personnel, police and army personnel posted at company operations, was recognised as critical. Also highlighted was the need to exercise due diligence by ensuring that fair and efficient complaints, disputes and grievance procedures are available to hear allegations, such as the need for a contact point in the company for complaints relating to sexual harassment and abuse.

Lessons about the investigation and settlement process included:

- Dealing directly with the various parties involved was important to understand the issues and build trust.
- Involving independent institutions helped ensure that the investigation of claims was neutral and their reports could be referred to by the company in settling claims.
- Involving credible NGOs during negotiations was effective for making sure that claimants were not subject to pressure from other parties.
- Having independent parties as witnesses during compensation payments promoted transparency.
- Documenting the entire settlement process ensured accountability and facilitated subsequent learning and review.

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2.5 Report and communicate

Regular and open reporting, both internal and external, enables dialogue around our human rights commitments and performance. This increases our accountability, guides our decision-making and helps to improve our human rights performance.

The following checklist includes examples that may assist and guide in reporting on human rights.

	Checklist examples for reporting on human rights
[√]	Do public reports, including site websites, contain information about actions taken to address human rights impacts in communities as well as the outcomes of these actions?
[√]	Does your site include human rights considerations in internal reporting requirements?
[√]	Do site reports include human rights indicators in key performance areas?
[√]	Does your site report human rights performance to local communities in user-friendly ways?
[√]	Does reporting include disaggregation of information, especially in relation to vulnerable and 'at risk' groups?
[√]	Does reporting include activities and outcomes, both positive and negative?
[√]	Does reporting pay attention to both qualitative and quantitative data?
[√]	Does reporting include information on performance trends?
[√]	Does the site report human rights incidents?
[√]	Do reporting indicators cover, at a minimum, high-risk human rights issues?

Adapted from GRI, Realizing Rights, GC (2009) *A resource guide to corporate human rights reporting*, Section 3.

2.5.1 Internal reporting

Rio Tinto has a number of key internal reporting requirements that include a human rights dimension. Individual business units need to report on:

– implementation of our Human rights policy and Communities standard as part of regular updates on multi-year Communities plans;
– recent or emerging human rights issues in internal HSEC reports;
– compliance-related human rights issues as part of annual compliance reports;
– human rights compatible performance indicators as part of the annual community workbook data collection process; and
– human rights-related incidents into Rio Tinto business solution (RTBS) which, above a significance threshold, escalate to the Rio Tinto Executive Committee (ExCo) and Board.

Rio Tinto's RTBS enables community incidents to be logged in seven impact areas: safety, health, environment, community, quality, security and process. Within the 'community' area, there is a category for human rights related complaints. Records of feedback should be used to inform management decisions and be shared across departments within the business unit to improve overall performance and address complaints. In cases of any actual, potential and alleged breaches of human rights that involve community members, we must report immediately to the relevant product group chief executive and the global practice leader – CSP, as required by Rio Tinto's Communities standard.

In addition to these formal processes, it is important that we also report on our human rights performance in informal ways. This helps us to maximise learning within and across projects. For example, human rights can be a regular agenda item at forums such as team meetings, toolbox talks, or other work area unit meetings, enabling it to be discussed as part of everyday business. This will help to develop a rights-aware corporate culture (see the Human rights guidance for further information.)

2.5.2 External reporting and communicating

The UN Guiding Principles call for businesses to communicate publicly about how they have responded to actual and potential adverse human rights impacts, particularly those with severe or irremediable consequences, such as a breach of the right to life.

Our reporting needs to be clear and easily accessible to local communities, our workforce, our investors and other interested stakeholders, recognising that these require different methods of communication. For human rights issues and allegations at site-level, the focus should be on local-level communication with stakeholders. Human rights performance can be reported through the 'social management and performance' section of our local, business unit and corporate sustainable development reports. It may also be appropriate to include it in newsletters or at community meetings. Reporting on human rights risk management processes as well as incidents and performance is important for transparent communication with our stakeholders and to build trust (see Box 22).

The Guiding Principles require external reporting to be accessible and provide sufficient information for our stakeholders to evaluate our human rights performance. Where we are reporting on our performance at a specific project or site, efforts should be made to write documents in local languages and communicate them through various means to ensure all stakeholders have equal access to the information. For instance, plain language summaries or oral presentations can be used in communities where there is limited literacy. All reporting and communication strategies should be culturally appropriate, gender sensitive and not pose risks to affected parties or to legitimate commercial confidentiality.

Websites are another valuable way of communicating with external stakeholders about our human rights processes and performance. This is particularly true where there is strong media interest, and/or the site considers an issue to be a material risk. Such information, together with the more general information we make available through our corporate reporting and website, may be used by investors, investor indexes such as FTSE4Good, as well as other stakeholders looking to better understand our human rights performance. It is therefore important that this information is included on our websites at corporate and individual business unit levels and that the information is easy to find.

Information reported by sites may also be included in external reports at the corporate level. Any significant issues around human rights may be covered in the *Rio Tinto Group Annual Report*. The annual, corporate *Sustainable Development Report* also includes a human rights section http://www.riotinto.com/sustainabledevelopment2011/governance/human_rights.html. We work to continually improve this reporting. We also report in line with the International Council on Mining and Metals (ICMM) Sustainable Development Framework.

As a signatory to the UN Global Compact (UNGC) , Rio Tinto Global External Affairs reports annually at a corporate level through our Communication of Progress (COP), a public disclosure to our stakeholders on our progress in implementing the UN Global Compact principles (two of the ten principles refer explicitly to human rights). As a member of the UNGC's Human Rights Working Group and various local networks for the UN Global Compact, we also contribute case studies for wider learning (see our Human rights guidance for further information on our external reporting framework).

Box 22: Types of reporting

Process reporting: Reporting on our management processes provides our stakeholders with an understanding of our capacity and willingness to respect human rights by explaining the steps we take to integrate them into our systems and procedures.

Incident reporting: Reporting on our performance and specific incidents demonstrates the effectiveness of our processes in mitigating human rights risks or contributing towards a community's ability to enjoy and exercise their human rights.

12. The UN Global Compact consists of ten core principles in the areas of human rights, labour, environment and anti-corruption. For more information see http://www.unglobalcompact.org/.

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Appendix A: Rio Tinto human rights policy (2012)

We support human rights consistent with the Universal Declaration of Human Rights and Rio Tinto respects those rights in conducting the Group's operations throughout the world.

We seek to ensure that Rio Tinto's presence fosters sound relationships and avoids civil conflict wherever we are. Rio Tinto respects and supports the dignity, wellbeing and human rights of Group employees, our families and the communities in which we live, as well as others affected by the Group's operations.

Our Human Rights Framework, which is in line with our commitments under the OECD Guidelines for Multinational Enterprises and reflects the UN Guiding Principles on Business and Human Rights, has its foundations in human rights due diligence, carried out as part of our corporate processes.

Where human rights are threatened, we seek to have international standards upheld and to avoid any involvement in human rights abuses, including through the misuse of our equipment and facilities. Through appropriate contractual arrangements and *Procurement principles*, we expect that our consultants, agents, contractors and suppliers will be made aware of, and comply with, *The way we work* in all their dealings with or on behalf of the Group. In our dealings with joint venture partners and non-controlled companies in which we participate, we will make every effort to ensure that the standards of conduct in *The way we work* are respected at all times.

The Group's security procedures draw on, and are consistent with, our commitment to, and active participation in, the Voluntary Principles on Security and Human Rights. These procedures include guidelines and restrictions on the use of force, and are reinforced by security and human rights risk assessments for high risk sites, incident reporting, and training for Group employees and contract security personnel. We also actively encourage human rights training for public security where we identify a gap, and help to facilitate this training in certain circumstances.

We respect the diversity of Indigenous peoples, acknowledging the unique and important interests that they have in land, water and environment as well as their history, culture and traditional ways.

Wherever we operate, we engage with communities and seek to understand the social, cultural, environmental and economic implications of our activities, so that we can respond to concerns and work to optimise benefits and reduce negative impacts, both for the local community and for the overall economy. We believe that this contribution to development, together with our community engagement programmes (which may include enterprise development, training, employment, community-based health and social and cultural heritage initiatives), can further contribute to the upholding of human rights.

Left
Health education in rural village near Rio Tinto Iron Ore Project, Simandou, Guinea.

Appendix B: Our voluntary commitments related to human rights

As a group, Rio Tinto has made voluntary commitments to several initiatives which make explicit reference to human rights. These include the:
– OECD Guidelines for Multinational Enterprises, which incorporate the UN Guiding Principles on Business and Human Rights.
– Voluntary Principles on Security and Human Rights.
– ILO Declaration on Fundamental Principles and Rights at Work.
– UN Global Compact.
– International Council on Mining and Metals Sustainable Development Framework.
– Responsible Jewellery Council.

It is mandatory for all business units to comply with Group voluntary commitments.

Rio Tinto is committed to playing our part in the achievement of the Millennium Development Goals (MDGs). Since 2009 our communities global target states: 'All operations to have locally appropriate, publicly reported social performance indicators that demonstrate a positive contribution to the economic development of the communities and regions where we work, consistent with the Millennium Development Goals, by 2013'.

Rio Tinto has also publicly expressed support for the:
– Universal Declaration of Human Rights.
– International Labour Organization Convention 169: Concerning Indigenous and Tribal Peoples in Independent Countries.
– Extractive Industries Transparency Initiative.
– Global Sullivan Principles of Social Responsibility.

(See http://compliance.riotinto.org/voluntarycommitments.asp for a full list of Rio Tinto's voluntary commitments and supported agreements.)

Rio Tinto has also entered into partnerships to promote and contribute to the broader business and human rights discourse. In 2011, Rio Tinto and the Danish Institute for Human Rights (DIHR) signed a three-year agreement to collaborate on developing and promoting human rights tools for international businesses and on further enhancing Rio Tinto's global human rights policies. Under the agreement, Rio Tinto provides support for the expansion of the DIHR's Human Rights and Business Country Portal, a freely available website that helps businesses identify, assess and address human rights risks in specific countries. As noted above, Rio Tinto is a member of the UNGC's Human Rights Working Group (http://www.unglobalcompact.org/issues/human_rights/Human_Rights_Working_Group.html) and also provides input into human rights initiatives led by the International Council on Mining and Metals (http://www.icmm.com/page/225/business-and-human-rights).

The Millennium Development Goals

The Millennium Development Goals (MDGs) are eight international development goals, adopted by all 193 UN members in 2000, which recognise explicitly the relationships between growth, poverty and sustainable development. Signatories have agreed to endeavour to achieve these goals by 2015:

Goal 1: Eradicate extreme poverty and hunger.
Goal 2: Achieve universal primary education.
Goal 3: Promote gender equality and empower women.
Goal 4: Reduce child mortality.
Goal 5: Improve maternal health.
Goal 6: Combat HIV/AIDS, malaria and other diseases.
Goal 7: Ensure environmental sustainability.
Goal 8: Develop a Global Partnership for Development.

Read more about Rio Tinto's commitment to the MDGs at http://www.riotinto.com/ourapproach/mdg.asp

Rio Tinto's policies, standards and guidances

Full documents available to Rio Tinto employees on Prospect:

Group-wide
– *The way we work*
– Human rights policy
– Human rights guidance
– New country entry procedure

Communities and social performance
– Communities policy
– Communities standard
– Communities and social performance multi-year planning guidance
– Communities and social performance target guidance
– Community agreements guidance
– Community complaints, disputes, grievance guidance
– Community consultation and engagement guidance
– Community contributions and activities guidance
– Community trust, funds and foundations guidance
– Compensation and benefits for land access guidance
– CSP site managed assessment guidance
– Cultural heritage management guidance
– Cultural heritage management standard for Australian businesses
– Cultural heritage management system guidance for Australian businesses
– Resettlement guidance
– Social impact assessment guidance
– Social risk analysis guidance
– Socioeconomic knowledge base guidance
– *Why cultural heritage matters: A resource guide for integrating cultural heritage management into Communities work at Rio Tinto*
– *Why gender matters: A resource guide for integrating gender into Communities work at Rio Tinto*

Other functions
– *Procurement principles*
– Implementing security and human rights principles guidance note
– Providing support to public security forces guidance note
– Land access policy
– Closure standard

Key websites

BASESWiki: Business and Society Exploring Solutions, A dispute resolution community
www.baseswiki.org

Business and Human Rights Resource Centre
www.business-humanrights.org

SRSG Portal
www.business-humanrights.org/SpecialRepPortal/Home

Extractives Industry Transparency Initiative
www.eiti.org

IFC Performance Standards on Social and Environmental Sustainability
www1.ifc.org/wps/wcm/connect/Topics_Ext_Content/IFC_External_Corporate_Site/IFC+Sustainability/Sustainability+Framework/Sustainability+Framework+-+2012/Performance+Standards+and+Guidance+Notes+2012/

IFC, UN Global Compact, IBLF – Online Guide to Human Rights Impact Assessment and Management
www.guidetohriam.org/welcome

International Labour Organization (ILO)
www.ilo.org

ISO 26000 on Social Responsibility
www.iso.org/iso/iso26000

OECD Guidelines on Multinational Enterprises
www.oecd.org/document/28/0,3343,en_2649_34889_2397532_1_1_1_1,00.html

UN Office of the High Commissioner for Human Rights (OHCHR)
www.ohchr.org

UN Working Group on Business and Human Rights
www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx

United Nations Global Compact
www.unglobalcompact.org

UN Global Compact, and OHCHR - Human Rights and Business Learning Tool
www2.ohchr.org/training/ungchr_demo/ungchr_demo/index.html

Voluntary Principles on Security and Human Rights
www.voluntaryprinciples.org

UN Special Rapporteur on the Rights of Indigenous peoples
www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/SRIPeoplesIndex.aspx

Business and human rights organisations

Business Leaders Initiative on Human Rights
http://blihr.org/

Danish Institute for Human Rights: Human Rights and Business Department
www.humanrightsbusiness.org/country+portal

Global Business Initiative on Human Rights
www.global-business-initiative.org

Institute for Human Rights and Business
www.institutehrb.org

Shift
http://shiftproject.org/

List of acronyms

ADB	Asian Development Bank
AKDC	Asap Koyan Development Committee
AMM	Argyle Manufacturing Model
BSR	Business for Social Responsibility
CEO	Chief Executive Officer
CHMP	Community Health Management Plan
COP	Communication on Progress
CSEA	Rio Tinto's Sustainability Committee
CSP	Communities and Social Performance
CSR Europe	Corporate Social Responsibility, Europe
DIHR	Danish Institute for Human Rights
EPCM	Engineering, Procurement, and Construction Management
FPIC	Free, Prior and Informed Consent
UNGC	UN Global Compact
GRI	Global Reporting Initiative
HEP	Hydroelectric Power
HRCA	Human Rights Compliance Assessment
HRIA	Human Rights Impact Assessment
HSEC	Health, Safety, Environment and Communities
HSEQ	Rio Tinto's Health, Safety, Environment and Quality
IBLF	International Business Leaders Forum
ICMM	International Council on Mining and Metals
ICQ	Internal Control Questionnaire
IFC	International Finance Corporation
ILO	International Labour Organization
LTIFRs	Lost Time Injury Frequency Rates
MDGs	UN Millennium Development Goals
mW	Megawatts
NGO	Non-Governmental Organisation
NREB	Natural Resources and Environmental Board

PPE	Personal Protective Equipment
RTBS/SEART	Rio Tinto Business Solution/Social and Environmental Assurance Reporting Tool
SEIA	Social and Environmental Impact Assessment
SCORE	Sarawak Corridor of Renewable Energy
SIA	Social Impact Assessment
SMA	Site Managed Assessment
SRA	Social Risk Analysis
SSA	Socioeconomic Situational Analysis
STI	Sexually Transmitted Infections
TAFE	Technical and Further Education
TEG	Technical Evaluation Group
UN	United Nations
UNICEF	United Nations Children's Fund
UNDP	United Nations Development Programme

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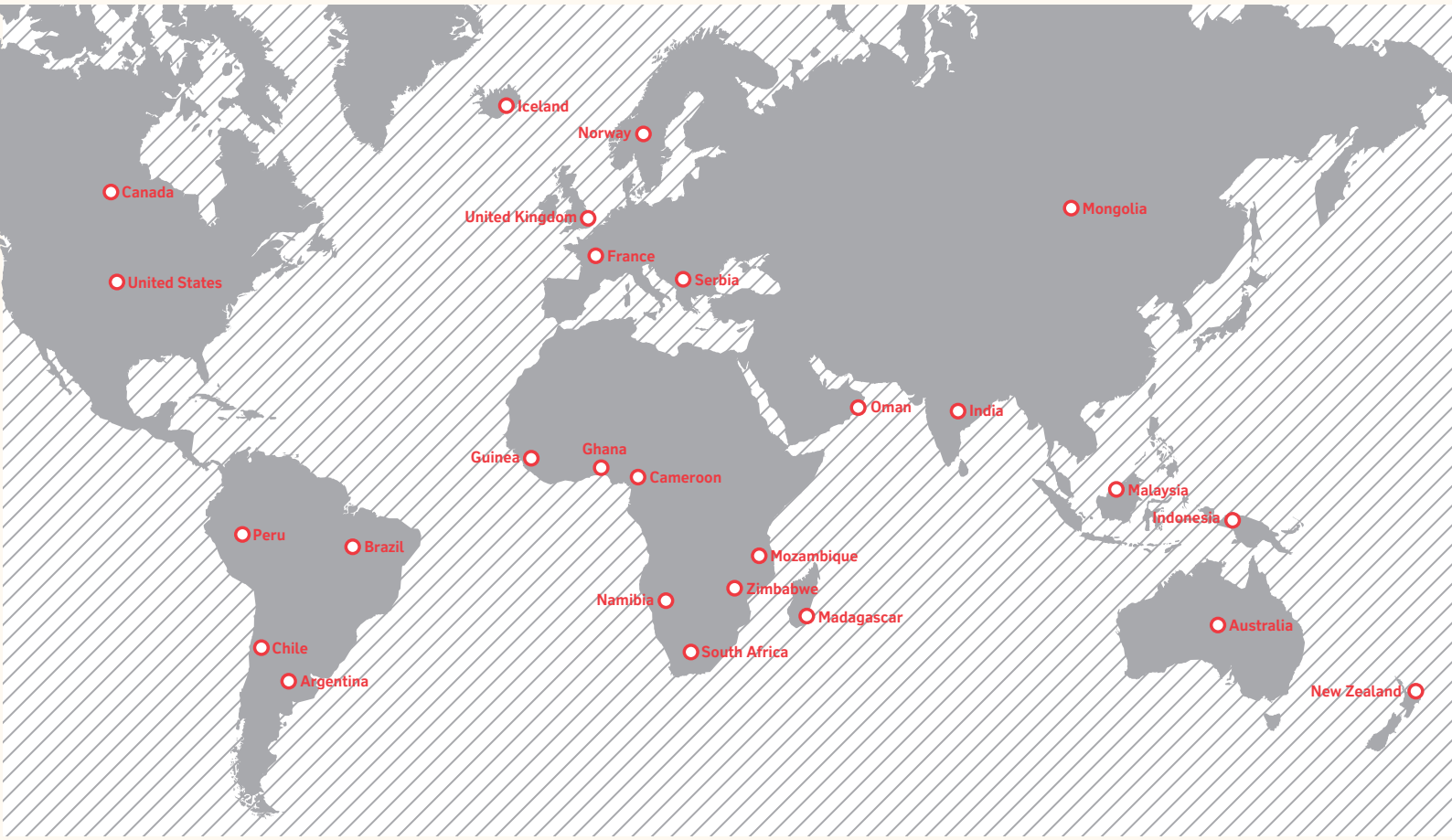
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Major operations and projects



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