

Company Name BHP Group
Industry Extractives
UNGP Core Score (*) 19.5 out of 26

Score **Out of** **For indicators**

Governance and Policy Commitments

2	2	A.1.1 Commitment to respect human rights
0.5	2	A.1.2 Commitment to respect the human rights of workers
2	2	A.1.4 Commitment to engage with stakeholders
1.5	2	A.1.5 Commitment to remedy

Embedding respect and Human Rights Due Diligence

Embedding respect

2	2	B.1.1 Embedding - Responsibility and resources for day-to-day human rights functions
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Human Rights Due Diligence (HRDD)

2	2	B.2.1 HRDD - Identifying: Processes and triggers for identifying human rights risks and impacts
2	2	B.2.2 HRDD - Assessing: Assessment of risks and impacts identified (salient risks and key industry risks)
1	2	B.2.3 HRDD - Integrating and Acting: Integrating assessment findings internally and taking appropriate action
1	2	B.2.4 HRDD - Tracking: Monitoring and evaluating the effectiveness of actions to respond to human rights risks and impacts
0.5	2	B.2.5 HRDD - Reporting: Accounting for how human rights impacts are addressed

Remedies and Grievance Mechanisms

1.5	2	C.1 Grievance channels/mechanisms to receive complaints or concerns from workers
2	2	C.2 Grievance channels/mechanisms to receive complaints or concerns from external individuals and communities
1.5	2	C.7 Remedyng adverse impacts and incorporating lessons learned

19.5 26

(*) Instead of the full list of indicators in the 2020 CHRB Methodology, this year's assessment uses the CHRB Core UNGP Indicators. These are 13 non-industry specific indicators that focus on three key areas of the UNGPs: high level commitments, human rights due diligence and access to remedy.

The 13 indicators selected from the full CHRB Methodology are scored on a simple unweighted basis, with a maximum of 2 points for each indicator for a maximum total of 26 points.

In addition, allegations of severe human rights impacts (Measurement Theme E) were also assessed but do not impact overall final scores

Please note that the "Not met" labels in the Explanation boxes below do not necessarily mean that the company does not meet the requirements as they are described in the bullet point short text. Rather, it means that the analysts could not find information *in public sources* that met the requirements *as described in full* in the CHRB 2020 Methodology document. For example, a "Not met" under "General HRs Commitment", which is the first bullet point for indicator A.1.1, does not necessarily mean that the company does not have a general commitment to human rights. Rather, it means that the CHRB could not identify a public statement of policy in which the company commits to respecting human rights.

Detailed assessment

Governance and Policies

Indicator Code	Indicator name	Score (out of 2)	Explanation
A.1.1	Commitment to respect human rights	2	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> Met: General HRs commitment: The Company states in its code of conduct 'We uphold international standards and guidelines, including our commitment to the United Nations Universal Declaration of Human Rights and Guiding Principles on Business and Human Rights. [...] We commit to operating in a manner consistent with the: United Nations (UN) Universal Declaration of Human Rights; UN Guiding Principles on Business and Human Rights; Ten Principles of the UN Global Compact; International Council of Mining and Metals (ICMM) indigenous peoples and mining position statement; Voluntary Principles on Security and Human Rights'. In addition, in its Human Rights Policy Statement, the Company states: 'We are committed to respecting and contributing to the realisation of all human rights'. [Our Code of Conduct, 08/2018: bhp.com & Human Rights Policy Statement, 2019: bhp.com] <p>Score 2</p> <ul style="list-style-type: none"> Met: UNGPs: As indicated above, the Company states in its code of conduct 'We uphold international standards and guidelines, including our commitment to the United Nations Universal Declaration of Human Rights and Guiding Principles on Business and Human Rights'. [Our Code of Conduct, 08/2018: bhp.com]
A.1.2	Commitment to respect the human rights of workers	0.5	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> Met: UNGC principles 3-6: The Company states: 'We commit to operating in a manner consistent with the: United Nations (UN) Universal Declaration of Human Rights; UN Guiding Principles on Business and Human Rights; Ten Principles of the UN Global Compact; International Council of Mining and Metals (ICMM) indigenous peoples and mining position statement; Voluntary Principles on Security and Human Rights'. The Company is a signatory to the UN Global Compact. [Our Code of Conduct, 08/2018: bhp.com & Human Rights Policy Statement, 2019: bhp.com] Not met: Explicitly list All four ILO apply to EX BPs: The Company's Code of Business Conduct states that: 'We expect our suppliers to apply our human rights related zero tolerance requirements in relation to child labour, inhumane treatment of employees, forced or compulsory labour, non-discrimination and diversity, freedom of association, living wage, workplace health and safety and community interaction. We encourage our non-operated joint ventures and minority interests to adopt similar principles and standards to BHP's.' Although the Company's collective bargaining agreements are publicly available, and these documents show that collective bargaining rights are being respected in its operations, this subindicator looks for a formal and explicit statement of commitment to respect each ILO core area in the Supplier Code (Minimum requirements for supplier document). [Our Code of Conduct, 08/2018: bhp.com & Minimum requirements for suppliers, 06/03/2020: bhp.com] <p>Score 2</p> <ul style="list-style-type: none"> Met: Explicit commitment to All four ILO Core: In its Human Rights Policy Statement, the Company indicates: 'We are committed to respecting and contributing to the realisation of all human rights [...].These include rights related to: workplace health, safety and labour conditions - including recognition of freedom of association and voluntary collective bargaining and the avoidance of forced and bonded labour, human trafficking and child labour; freedom from discrimination [...]'. [Human Rights Policy Statement, 2019: bhp.com] Met: Respect H&S of workers: In its Human Rights Policy Statement, the Company indicates: 'We are committed to respecting and contributing to the realisation of all human rights [...].These include rights related to: workplace health, safety and labour conditions [...]' [Our Code of Conduct, 08/2018: bhp.com & Human Rights Policy Statement, 2019: bhp.com]

Indicator Code	Indicator name	Score (out of 2)	Explanation
			<ul style="list-style-type: none"> Met: H&S applies to EX BPs: The Company's 'Our requirements for Supply' document indicates: 'The supplier must provide: safe and healthy working facilities and appropriate precautionary measures to protect employees from work-related hazards and anticipated dangers in the workplace; [...]' [Minimum requirements for suppliers, 06/03/2020: bhp.com]
A.1.4	Commitment to engage with stakeholders	2	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> Met: Regular stakeholder engagement: The Company states in its Human Rights Policy: 'We undertake regular engagement with our stakeholders to listen, understand, prevent and mitigate the adverse impacts of our activities on human rights from new country entry to closure. We recognise the significance of two-way dialogue in highlighting concerns and perspectives and human rights are a core element of our approach to social value assessments and planning.' In its Sustainability Report 2018, the Company presents a list of its Key stakeholders and summarizes the methods and frequency of engaging. For instance: 'At a regional and local level, each asset is required to plan, implement and document stakeholder engagement activities. This includes community forums, newsletters and reports; community perception surveys and consultation groups; implementing community complaints and grievance mechanisms; representation on specific industry association committees and initiatives; and engagement to develop community programs. As a key stakeholder group, we also engage with our people (employees and contractors) via tailored internal channels. These channels include our intranet; email and newsletters; town halls; and by inviting feedback and comment through employee perception surveys. Key internal announcements and videos are made available in English and Spanish.' [Sustainability Report 2018, 09/2018: bhp.com & Human Rights Policy Statement, 2019: bhp.com] <p>Score 2</p> <ul style="list-style-type: none"> Met: Regular stakeholder design engagement: The Company reports in its Human Rights Policy Statement: 'Our Forum on Corporate Responsibility provides access to independent civil society leaders in various sustainability fields who help us engage with our stakeholders, develop our standards and gain insight into current and emerging issues. This group meets regularly with BHP's CEO and other senior leaders and also engages with our Board'. In addition, in its Sustainability Report 2017, the Company discloses diagram which shows their collaborate community approach and how engaging with stakeholders influences the development of plans and grievance mechanisms. In its Sustainability Report 2018, although there is not sufficient evidence, the Company indicates: 'Society increasingly expects businesses to respect human rights throughout the value chain and we continue to work closely with our stakeholders to understand opportunities to make a positive contribution towards human rights'. [Human Rights Policy Statement, 2019: bhp.com & Sustainability Report 2018, 09/2018: bhp.com]
A.1.5	Commitment to remedy	1.5	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> Met: Commits to remedy: The Company's code of business conduct indicates to its workers to 'Ensure human rights concerns and complaints are investigated and remedied, if appropriate, and the outcomes are reported to relevant stakeholders.' In addition, in its Human Rights Policy Statement, it indicates: 'Where concerns are investigated and substantiated, we take appropriate remedial actions, advise the reporter (where possible) and document the outcomes. We will provide, or cooperate in providing, appropriate remediation where we have caused or contributed to adverse human rights impacts'. [Our Code of Conduct, 08/2018: bhp.com & Human Rights Policy Statement, 2019: bhp.com] <p>Score 2</p> <ul style="list-style-type: none"> Met: Not obstructing access to other remedies: In its Modern Slavery Act 2018, the Company indicates: 'Asset-level complaints and grievance mechanism procedures must be communicated to stakeholders and [...] not impede access to judicial or administrative remedies' [Modern Slavery Act 2015 (UK)FY2018 Statement, 08/2018: bhp.com & Operating with integrity - Our Approach, N/A: bhp.com] Not met: Work with EX BPs to remedy impacts: No evidence found in relation to how the Company is committed to work with extractive business partners to remedy adverse impacts linked to their operations through the extractive business partners own mechanism or through collaborating with those business partners in the development of third party non-judicial remedies. The Company provided sources to CHRB in relation to this indicator but they were not material as they were not related to remedy actions which imply the compensation to victims/communities affected. [Our Code of Conduct, 08/2018: bhp.com]

Embedding Respect and Human Rights Due Diligence

Indicator Code	Indicator name	Score (out of 2)	Explanation
B.1.1	Responsibility and resources for day-to-day human rights functions	2	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> Met: Commits to ILO core conventions: See indicator A.1.2. The Company is signatory to the UN Global Compact. [Our Code of Conduct, 08/2018: bhp.com] Met: Senior responsibility for HR: Responsibility of the code is set at CEO, Manager, and individual employee level. The Company states that Management have primary responsibility for the design and implementation of an effective HSEC management system. The Company also states that 'Each of our operations assigns accountability for compliance with our mandatory human rights performance requirements to appropriate senior managers and leaders'. Chief External Affairs Officer has accountability for human rights policy and process. No new relevant evidence was found in the latest report. [Modern Slavery Act 2015 (UK) FY2017 Statement, 22/12/2017: bhp.com] <p>Score 2</p> <ul style="list-style-type: none"> Met: Day-to-day responsibility: The Company also states that 'Each of our operations assigns accountability for compliance with our mandatory human rights performance requirements to appropriate senior managers and leaders'. BHP's Board oversees our sustainability approach, with the Sustainability Committee assisting with governance and monitoring. No new relevant evidence was found in the latest report. [Modern Slavery Act 2015 (UK) FY2017 Statement, 22/12/2017: bhp.com] Met: Day-to-day responsibility for EX BRs: In its Annual Report 2019, the Company indicates: 'We engage with our NOJV partners and operator companies through our Non-Operated Joint Ventures team, to sustainably maximise returns and manage risks of our investment in NOJVs. The team engages with our NOJV partners and companies and other relevant internal and external stakeholders and provides a single point of accountability for all NOJVs within BHP. While NOJVs have their own operating and management standards, we seek to influence operator companies to adopt appropriate governance and risk management standards (within the limits of the relevant joint venture agreements).' In addition, in its MSA Statement 2019, the Company reports: 'In FY2019, we decided to embed a Human Rights Centre of Excellence team within our Commercial function (our commercial businesses). This team will manage the oversight of the ethical supply chain and transparency due diligence program and delivery of our ethical supply chain and transparency road map and priorities (refer to Assessing and managing risk in our supply chain section) by working closely with our procurement teams'. [Annual Report 2019, 05/2019: bhp.com & MSA Statement 2019, 2019: bhp.com]
B.2.1	Identifying: Processes and triggers for identifying human rights risks and impacts	2	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> Met: Identifying risks in own operations: The Company states in its 2019 Modern Slavery Statement that: 'We use due diligence across our business to identify and assess risks, including those relating to modern slavery and human trafficking. Human rights due diligence is required in applicable circumstances across all our assets and functions. We undertake regular and meaningful engagement with community stakeholders to learn, understand, prevent and mitigate the adverse human rights impacts of our activities, from new country entry to closure. Human rights are deeply personal and we recognise the significance of two-way dialogue in highlighting the human elements. [...]Human rights impact assessments (HRIAs) are performed by Corporate Affairs for our assets. Where a HRIA identifies a material risk, a Human Rights Management Plan (HRMP) is required to be implemented under the Our Requirements for Communications, Community and External Engagement standard and reviewed annually.' [MSA Statement 2019, 2019: bhp.com]

Indicator Code	Indicator name	Score (out of 2)	Explanation
			<ul style="list-style-type: none"> Met: identifying risks in EX business partners: The Company states in its MSA 2019: 'A human rights risk assessment was conducted in FY2019 on our global supply chain. Nine cross-functional teams across eight global locations participated in the two-day session. Behaviour resulting in human rights abuse by a direct or indirect supplier within BHP's supply chain was identified as a material risk to the business.' In addition, it indicates that 'assets' or 'operations' cover operated joint ventures. The 2017 Modern Slavery Statement also states that the Company 'requires the human rights implications of all our activities to be considered and for due diligence to be undertaken on our partners and contractors to assess their alignment with our human rights standards'. In 2018, the Company introduced some changes which include the launch of the Global Contracting Management System (GCMS). According to its Modern Slavery Act 2018 the Company's new project included the development of a 'process to integrate human rights due diligence into the supply chain.' In addition, it indicates: 'BHP recognises that integrating human rights due diligence into our supply chain requires a multi-year, cross-functional approach, designed to align, formalise and continuously review and deepen our understanding and assessment of suppliers. This includes engaging with our direct suppliers to assess and encourage continuous improvement in their own capacity to manage human rights risks (including modern slavery) in their subcontractors and broader supply chain.'. [MSA Statement 2019, 2019: bhp.com & Modern Slavery Act 2015 (UK)FY2018 Statement, 08/2018: bhp.com] <p>Score 2</p> <ul style="list-style-type: none"> Met: Ongoing global risk identification: The Company states that at all times they 'Identify human rights impacts by performing a human rights impact assessment by following Appendix 1 and verify with stakeholders every three years. Review if there are changes that may affect the impact profile. If operating in a country where the Maplecroft Human Rights Risk Index is less than 5.0, validate the impact assessment every three years with a qualified human rights specialist.' In addition, as indicated above a HR risk assessment was conducted in 2019 in the global supply chain. [Community Requirements GLD, 29/05/2018: bhp.com] Met: In consultation with stakeholders: The Company indicates in its website that 'Every three years, each HRIA is verified through an independent engagement process with stakeholders and, in medium and high-risk jurisdictions, validated by qualified human rights specialist.' In addition, in its Sustainability Report 2018 it states: 'We seek to identify and manage human rights risks and perform due diligence across all our activities. We engage regularly with communities, investors, civil society and industry associations on human rights-related issues and impacts of our operations on communities'. [Sustainability Report 2018, 09/2018: bhp.com & Operating with integrity - Our Approach, N/A: bhp.com] Met: In consultation with HR experts: The Company indicates in its website that 'Every three years, each HRIA is verified through an independent engagement process with stakeholders and, in medium and high-risk jurisdictions, validated by qualified human rights specialist.' [Operating with integrity - Our Approach, N/A: bhp.com] Met: Triggered by new circumstances: In the 2019 Modern Slavery Statement, the Company indicates: 'Human rights impact assessments (HRIs) are performed by Corporate Affairs for our assets. Where a HRIA identifies a material risk, a Human Rights Management Plan (HRMP) is required to be implemented under the Our Requirements for Communications, Community and External Engagement standard and reviewed annually. A HRIA is also required for investment in major projects, in accordance with the Our Requirements standards, for each of the key project phases.[...] We recognise human rights may be impacted by a range of business transactions and use due diligence investigations to seek to minimise the risk and prevent adverse impacts (including to external stakeholders) as a result of these activities. The Our Requirements standards require we take a risk-based approach that includes consideration of human rights, social and community impact issues for decisions around major transactions including all major divestments and, where appropriate and able to be undertaken, major acquisitions. These standards also apply to new activities in high-risk countries and major projects.' [MSA Statement 2019, 2019: bhp.com] Met: Explains use of HRIs or ESIA (inc HR): The Company details the use and method of Human Rights Impact Assessments in the Community GLD. [Community Requirements GLD, 29/05/2018: bhp.com]

Indicator Code	Indicator name	Score (out of 2)	Explanation
B.2.2	Assessing: Assessment of risks and impacts identified (salient risks and key industry risks)	2	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> • Met: Salient risk assessment (and context): In its Modern Slavery Act Statement the Company discloses information regarding the Company's salient risk assessment and management. This information is in the Due Diligence section and the Risk Assessment section of the Statement and includes information regarding how different factors impact the assessment. The Company states that their risk identification and assessment processes in relation to human rights apply the risk management framework to specific business activities. No evidence found in relation to factors taken into account in last report. [Modern Slavery Act 2015 (UK)FY2018 Statement, 08/2018: bhp.com & MSA Statement 2019, 2019: bhp.com] • Met: Public disclosure of salient risks: The Company discloses in its 2019 Sustainability Report that 'The most relevant human rights to BHP are those specific to our business and of vulnerable or marginalised groups impacted by our operations. These include rights related to: workplace health, safety and labour conditions (including non-discrimination and the avoidance of forced and bonded labour and child labour); activities of security providers; land access and use; water and sanitation; impacts on the rights of Indigenous peoples and other communities that live near our operations, including resettlement and consultation and consent processes.' [Sustainability Report 2019, 05/2019: bhp.com] <p>Score 2</p> <ul style="list-style-type: none"> • Met: Both requirements under score 1 met
B.2.3	Integrating and Acting: Integrating assessment findings internally and taking appropriate action	1	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> • Not met: Action Plans to mitigate risks: The Company states in its Sustainability report 2019: 'Where a HRIA identifies a material risk, a Human Rights Management Plan (HRMP) is required to be implemented under the Our Requirements for Communications, Community and External Engagement standard and reviewed annually.' However, no further details found of descriptions regarding systematic operation of action plans to prevent, mitigate or remediate its salient issues. [MSA Statement 2019, 2019: bhp.com] • Not met: Including amongst EX BPs: In its 2019 Modern Slavery Statement, the Company reports: 'We piloted our extended ethical supply chain and transparency due diligence and screening process in FY2019. This due diligence process is based on the stated expectations in the UN Guiding Principles on Business and Human Rights and promotes synergy during the supplier onboarding process, aligned with BHP's existing anti-corruption due diligence process.' However, no further information found describing how the Company is responding to the salient human rights issues found in its due diligence process in its extractive partners. [MSA Statement 2019, 2019: bhp.com] • Met: Example of Actions decided: In its 2017 Modern Slavery statement, in relation to seafarers, the Company indicates that to better understand risks, including the potential of forced labour or unacceptable working conditions to which charter vessels may be exposed to and validate an inspection process designed to identify as many as of these impacts as possible, carried out a project proposal with 'Business for Social Responsibility'. It aims to review and build the current assessment. In the 2018 statement, it indicates that it identified opportunities to work with Rightship to include additional questions regarding human rights risks for seafarers in its existing health and wellness assessment. Finally, in its latest MSA Statement 2019, the Company indicates that 'Vessel selection, upfront vetting and ongoing monitoring are key pillars of our focus on the welfare of seafarers in our supply chain. Vessel selection and vetting processes include compliance checks to detect violation of relevant sanctions or regulations and performance reviews from organisations such as RightShip.' [Modern Slavery Act 2015 (UK)FY2018 Statement, 08/2018: bhp.com & MSA Statement 2019, 2019: bhp.com] <p>Score 2</p> <ul style="list-style-type: none"> • Not met: Both requirements under score 1 met

Indicator Code	Indicator name	Score (out of 2)	Explanation
B.2.4	Tracking: Monitoring and evaluating the effectiveness of actions to respond to human rights risks and impacts	1	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> Not met: System to check if Actions are effective: In its 2019 Modern Slavery Statement, the Company indicates: 'Our Internal Audit and Advisory (IAA) team evaluates the design and effectiveness of our sustainability processes. These results are considered in the development of plans to address improvements where required. Results are reported to the Executive Leadership Team and senior operational leaders, with summary reports provided to the Sustainability Committee and the Risk and Audit Committee. We obtain assurance of operational compliance with our mandatory minimum human rights performance requirements through independent internal audits'. However, evidence seems to focus in effectiveness of processes rather than effectiveness of action plans. This indicator looks for description of systems to check whether specific action plans to mitigate specific salient human rights risks are being effective. [MSA Statement 2019, 2019: bhp.com] Met: Lessons learnt from checking effectiveness: In its Sustainability Report 2019, the Company indicates: 'Following the investigation into the causes of the dam failure, Samarco and its shareholders identified a number of specific actions to help prevent a similar event from occurring. The actions were in addition to the overall improvements we identified to further improve the management of our tailings dams [...]; Monitoring: A centralised monitoring system and control room with emergency warning and response protocols has been established for the Samarco tailings dams. [...]; Dam decommissioning plan [...]'; Emergency drills [...]' <p>[Sustainability Report 2019, 05/2019: bhp.com]</p> <p>Score 2</p> <ul style="list-style-type: none"> Not met: Both requirement under score 1 met
B.2.5	Communicating : Accounting for how human rights impacts are addressed	0.5	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> Met: Comms plan re identifying risks: See indicator B.2.1. The Company carries out a global risk identification and assessment process that includes both its own operations and business partners, and describes at least some features of the process Met: Comms plan re assessing risks: See indicator B.2.2 Not met: Comms plan re action plans for risks: In order to be awarded this indicator, the Company has to achieve a full score in B.2.3 Not met: Comms plan re reviewing action plans: In order to be awarded this indicator, the Company has to achieve a full score in B.2.4 Not met: Including EX business partners: In order to be awarded this indicator, the Company has to achieve a full score in B.2.2/B.2.3/B.2.4 and at least 1,5 points in B.2.1 <p>Score 2</p> <ul style="list-style-type: none"> Not met: Responding to affected stakeholders concerns Not met: Ensuring affected stakeholders can access communications

Remedies and Grievance Mechanisms

Indicator Code	Indicator name	Score (out of 2)	Explanation
C.1	Grievance channel(s)/mechanism(s) to receive complaints or concerns from workers	1.5	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> Met: Channel accessible to all workers: EthicsPoint is BHP Billiton's 24-hour, multilingual business conduct hotline and online case management system, which is managed by an independent third party. EthicsPoint can be accessed by anyone (including all workers) to raise any concerns regarding the behaviour of BHP Billiton employees or those representing BHP Billiton. EthicsPoint also links to the Code of Business Conduct - which covers human rights - and sets the standard for behaviour and guidance. [Ethics Point website, N/A: https://secure.ethicspoint.com/domain/media/en/gui/23435/index.html#secure.ethicspoint.com]

Indicator Code	Indicator name	Score (out of 2)	Explanation
			<p>Score 2</p> <ul style="list-style-type: none"> Not met: Number grievances filed, addressed or resolved: The Company discloses the percentage of business conduct cases by category. This includes 14% of cases related to health and safety and 10% of Other cases which includes among other: maintaining supplier relationships; engaging with our communities competition. This includes concerns that have been raised through line managers or Human Resources Personnel and through EthicsPoint. The Company discloses that there were no significant security-related incidents with possible human rights implications in FY2019. In addition, it also reports: 'In FY2019, there were no new social, environmental or human rights grievance cases recorded by our asset teams. However, the number of community complaints received through our local complaints and grievance mechanisms increased during the 12-month reporting period, from 71 to 138 incidents.[...] We continue to work with these stakeholders to seek to address their concerns through engaging in open and honest dialogue.' However, it is not clear how many human rights related complaints were resolved or addressed. [Sustainability Report 2019, 05/2019: bhp.com] Met: Channel is available in all appropriate languages: The Code of Conduct states the EthicsPoint is a 'a global service that can be contacted if you wish to speak up or ask questions. EthicsPoint can be accessed online or over the phone 24/7, and you can choose to remain anonymous.' EthicsPoint website can be accessed in English, Spanish, Portuguese, and Chinese. There are also numbers to call across Australia, Asia, Europe, Africa and the Americas. [Our Code of Conduct, 08/2018: bhp.com] Met: Opens own system to EX BPs workers: In its Annual Report 2019, the Company indicates: 'Reports can also be raised by anyone, whether they are employees, contractors, vendors/suppliers, customers, shareholders or community members, through EthicsPoint, a 24-hour, multilingual service for confidential reporting of potential misconduct.' [Annual Report 2019, 05/2019: bhp.com]
C.2	Grievance channel(s)/mechanism(s) to receive complaints or concerns from external individuals and communities	2	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> Met: Grievance mechanism for community: The Company states in its Annual Report 2019 that: 'Reports can also be raised by anyone, whether they are employees, contractors, vendors/suppliers, customers, shareholders or community members, through EthicsPoint, a 24-hour, multilingual service for confidential reporting of potential misconduct.' In addition, in the Sustainability Report 2018, the Company indicates that 'At a regional and local level, each asset is required to plan, implement and document stakeholder engagement activities. This includes newsletters and reports; community perception surveys and consultation groups; implementing community complaints and grievance mechanisms; and representation on specific industry association committees and initiatives.' [Sustainability Report 2018, 09/2018: bhp.com & Annual Report 2019, 05/2019: bhp.com] <p>Score 2</p> <ul style="list-style-type: none"> Met: Describes accessibility and local languages: In its Sustainability Report 2018, the Company indicates that its EthicsPoint is a '24-hour, multilingual service for confidential reporting of potential misconduct. This service is accessible online or via telephone and reports can be raised anonymously.' The EthicsPoint site is available in English, Spanish, Portuguese, Chinese. Furthermore there are free call numbers for countries across Asia, Africa, United Kingdom and across the Americas and Caribbean. [Ethics Point website, N/A: https://secure.ethicspoint.com/domain/media/en/gui/23435/index.html#secure.ethicspoint.com & Annual Report 2019, 05/2019: bhp.com] Met: EX BPs communities use global system: See above. EthicsPoint can be used by anyone to raise any questions or concerns regarding the behaviour of BHP Billiton employees or those representing BHP Billiton - which includes contractors (as emphasised in the Code of Conduct as well). [Annual Report 2019, 05/2019: bhp.com & Ethics Point website, N/A: https://secure.ethicspoint.com/domain/media/en/gui/23435/index.html#secure.ethicspoint.com]
C.7	Remedying adverse impacts and incorporating lessons learned	1.5	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> Met: Describes how remedy has been provided: In its Sustainability Report 2019, the Company reports on the situation of the Samarco Case: 'More than three years into the recovery process, we remain committed to doing the right thing for the people and the environment in the Rio Doce region in a challenging and complex operating context. The Framework Agreement entered into between Samarco, Vale and BHP Billiton Brasil and the relevant Brazilian authorities in March 2016 established Fundação Renova, a not-for-profit, private foundation that has

Indicator Code	Indicator name	Score (out of 2)	Explanation
			<p>developed and is implementing 42 remediation and compensatory programs to restore the environment and re-establish affected communities. As well as remediating the impacts of the dam failure, Fundação Renova is implementing a range of compensatory actions aimed at leaving a lasting, positive legacy for the people and environment of the Rio Doce. BHP is focused on supporting Fundação Renova's operations through representation on the Board of Governors and Board Committees, making available secondees who work within Fundação Renova to provide their technical expertise on priority areas, and regular peer engagement on issues such as safety, risk management, human rights and compliance.¹ In addition, the Company details the resettlements at Cerrejon in the 2016, 2017 and 2018 Sustainability Report. The Company highlights a range of concerns that have been expressed by the surrounding community associated with resettlements, health, sustainable livelihoods and drought conditions. A roundtable process has been established so that the resettled communities and Cerrejon can address common issues and concerns post resettlement, including livelihood creation. [Sustainability Report 2019, 05/2019: bhp.com & Sustainability Report 2018, 09/2018: bhp.com]</p> <p>Score 2</p> <ul style="list-style-type: none"> • Met: Changes introduced to stop repetition: The Company also provides in depth details of their response to the Samarco dam disaster, including changes to systems and new practices adopted to prevent similar adverse impacts. The Company publicly committed to disclosing results of their investigation into the disaster and has committed to preventing a similar event from occurring. No new relevant evidence found in last year reports. [Sustainability Report, 2017: bhp.com] • Not met: Evaluation of the channel/mechanism: Although the Company has discussed the Cerrejon and Samarco case studies, the Company does not provide information regarding the evaluation of the effectiveness of the grievance channel/mechanism. The Company provided information to CHRB in relation to this indicator but it was not material.

Performance: Responses to Serious Allegations (Not included in the overall score)

Indicator Code	Indicator name	Score (out of 2)	Explanation
E(1).0	Serious allegation No 1		<ul style="list-style-type: none"> • Headline: Samarco Dam Burst • Area: Health & Safety/Environmental damage • Story: On 5 November 2015, a dam holding back waste water from the Germano iron ore mine in Brazil burst, causing mudslides that engulfed a nearby town and killed at least 16 people. The mine is owned by Samarco, a joint venture between Vale and BHP Billiton. In February 2016, it was reported that Brazilian authorities had charged the president of Samarco and six others – five Samarco executives and one contractor - with homicide over the dam disaster. An official report by the Brazilian police into the incident concluded that it was caused by excess water in the dam, lack of proper monitoring, faulty equipment and failure of the drainage system. It discarded the possibility of any minor earthquakes during the incident and said that Samarco's emergency plan to warn nearby villagers was insufficient. <p>In March 2018, IndastriAll along with other trade unions filed a OECD complaint with the UK NCP. According to the labour organizations, the companies failed to provide adequate remedy and establish a legitimate remediation process that involves affected communities and workers.</p> <p>In June 25th, 2018, Samarco and parent companies Vale and BHP Billiton have signed a deal with Brazilian authorities to settle a BRL 20 billion (USD 5.3 billion) lawsuit related to Samarco disaster. Under this agreement, the companies agreed to establish a fund for clean-up costs and remediation and for compensation of impacts relating to the Fundão tailings dam failure. The agreement settled the billion Civil Claim, enhances community participation in decisions related to the remediation and compensation programs under the Framework Agreement (Programs), and establishes a process to renegotiate those Programs over two years and to progress settlement of the BRL155 billion (USD 41 billion) Civil Claim (Governance Agreement).</p> <p>In March 2018, IndastriAll along with other trade unions filed a OECD complaint with the UK NCP. According to the labour organizations, the companies failed to provide adequate remedy and establish a legitimate remediation process that involves affected communities and workers.</p> <p>In November 2018, more than 240,000 plaintiffs, including Brazilian municipalities and Krenak indigenous communities, filed a lawsuit at the UK High Court in Liverpool against BHP Billiton. The lawsuit seeks compensation for damages caused by the dam collapse.</p> <p>Additionally, In May 2018, shareholders filed lawsuits against BHP Billiton in Australia, alleging that the company misled them as it was aware of the safety risks prior to the disaster. In December 2018, one of the suits was allowed to proceed. In August 2018, the company settled a similar lawsuit filed by US shareholders, agreeing to a \$67 mln. compensation without admitting liability.</p> <p>In March 2019, court documents have been revealed, alleging that Samarco executives and board members, including BHP and Vale-appointed directors, were aware of significant problems at their jointly-owned Samarco dam years before it burst. These court documents include board meeting minutes and expert reports.</p> <ul style="list-style-type: none"> • Sources: [The Guardian, 08/11/2015: theguardian.com][Brisbane Times - 03/03/2019: smh.com.au][BBC News, 17/11/2015: bbc.com][Company press release, 08/01/2016: bhp.com]
E(1).1	The Company has responded publicly to the allegation	2	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> • Met: Public response available [Samarco response, N/A: bhp.com] <p>Score 2</p> <ul style="list-style-type: none"> • Met: Response goes into detail: The Company has responded to the allegations through press releases, reports, joint statements and in the press. Samarco issued a report on 5 January 2016. <p>Following the accident, Samarco said in an initial statement that it had not yet determined why the dam burst or the extent of the disaster. It also stated that competent authorities, such as the Civil Police, were carrying out investigations into the causes of the accident and that Samarco was supplying all the information necessary to expedite the process. It stated: 'In parallel, the Company is counting</p>

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			<p>on the support of international firms, which are working on the investigations and collecting as much information as possible. The objective is for the data obtained – with the participation of experts in geotechnical engineering, geology, seismology and soil mechanics, among others – to explain the causes of the accident and also provide input for potential improvements in the Samarco's production and safety procedures. There is no set date for the completion of the investigations, but in view of the complexity of the accident, it is expected that conclusive reports will be issued within six to twelve months'.</p> <p>Vale and BHP issued a joint statement on 11 November, having visited the site. It included the following: 'As an immediate step, Vale and BHP Billiton pledge to support Samarco in creating an Emergency Fund for rebuilding works and to help the affected families and communities. It is our intention to work with the authorities to get this fund functioning as soon as possible. Vale and BHP Billiton also have health, safety, environment and geotechnical experts onsite supporting Samarco's response. We have also had discussions with Samarco and the authorities about the additional support we can provide. Investigations are continuing and Samarco will provide further updates relating to the response and operations.' [Samarco response, N/A: bhp.com]</p>
E(1).2	The Company has appropriate policies in place	2	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> • Met: Company policies address the general issues raised: In its Human Rights Policy Statement, the Company indicates: 'We are committed to respecting and contributing to the realisation of all human rights [...]. These include rights related to: workplace health, safety and labour conditions [...]' [Human Rights Policy Statement, 2019: bhp.com] • Met: Policies apply to the type of business relationships involved: The Company's 'Our requirements for Supply' document indicates: 'The supplier must provide: safe and healthy working facilities and appropriate precautionary measures to protect employees from work-related hazards and anticipated dangers in the workplace; [...]' [Minimum requirements for suppliers, 06/03/2020: bhp.com] <p>Score 2</p> <ul style="list-style-type: none"> • Met: Policies address the specific rights in question: In its 2018 Sustainability Report the company discloses qualitative information on H&S related to total recordable injury frequency and also workplace fatalities. [Sustainability Report 2018, 09/2018: bhp.com]
E(1).3	The Company has taken appropriate action	1.5	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> • Met: Engages with affected stakeholders: The Company states that it engaged with the community throughout the process it undertook to reach its framework for compensatory actions and the remediation of the impacts from the failure. [Sustainability Report, 2016: bhp.com] • Met: Provides remedies to affected stakeholders: The company agreed to pay USD 181 million in financial support to the Renova Foundation and Samarco Mineração until June 30th, 2018. The Company details the steps it has taken in response to the Samarco dam failing on pages 2-5 of its Sustainability Report 2016: "In March 2016, an agreement was entered into by Samarco, BHP Billiton Brasil, Vale and the Brazilian Authorities to provide a framework for compensatory actions and the remediation of the impacts from the failure." This agreement includes "17 environmental and 22 socio-economic programs, to restore and compensate the communities and environment affected by the dam failure". [Sustainability Report, 2016: bhp.com] • Met: Has reviewed management systems to prevent recurrence: Following the dam failure, BHP undertook a governance review of its non-operated joint venture operations and made changes to its risk management and processes; accountability and structure and training to staff on risks. It also conducted a risk review of all significant dams across their operated assets and joint ventures [Sustainability Report, 2016: bhp.com] <p>Score 2</p> <ul style="list-style-type: none"> • Not met: Remedies are satisfactory to the victims: Though the company reached an agreement with the Brazilian authorities, a class action lawsuit was filed on behalf of more than 240,000 plaintiffs in UK courts against the company. • Met: Has improved systems and engaged affected stakeholders: See above [Sustainability Report, 2016: bhp.com]
E(2).0	Serious allegation No 2		<ul style="list-style-type: none"> • Headline: Colombia's Constitutional Court decided to suspend Cerrejón's permit to divert stream over lack of consultations with local indigenous groups. • Area: Access to water/Land rights/Right to livelihood/Right to security of persons • Story: BHP Billiton is a joint-venture partner (with Glencore and Anglo American) in the Cerrejón coal mine in Colombia. On August 21, 2017 Colombia's

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			<p>Constitutional Court suspended Cerrejón's permit to divert a stream because of inadequate consultation with local indigenous groups. The court postponed the start of mining activity towards the natural course of Bruno Creek for a period of three months while it considered an application for the protection of constitutional rights (tutela) relating to the communities of La Horqueta, Paradero and Gran Parada. In November the court found the project to divert the river would indeed threaten fundamental rights. The Constitutional Court also ordered that works continue on the maintenance, stabilization, and preservation of the new course in accordance with the respective environmental plan and the authorizations granted by the environmental authorities. It is also alleged that the transnational mining conglomerate Carbones del Cerrejón, who owns the El Cerrejón mine, consumes 24 million liters of water per day in a department like Guajira where 87 percent is desert. The population is experiencing a dramatic shortage of water, which in the last two years has reportedly caused the death of hundreds of children due to malnutrition and the diseases caused by water scarcity. In February 2019, indigenous and afro-descendent communities in the state of La Guajira launched a legal challenge against a recent modification of the environmental license for the Cerrejón coal mine. They argued that the alteration was carried out without an Environmental Impact Assessment, and requested the suspension of any further alteration of the license that would allow an expansion of mining activities. Jakeline Romero, a plaintiff from the community organisation, Fuerza de Mujeres Wayúu, said that the mine has impacted on the health of the Wayúu people, as well as impacting on the environment and access to water. The legal team claimed that the expansion of the mine would exacerbate the current humanitarian crisis in La Guajira caused by the mine, including a loss of food security and lack of access to water that has influenced the deaths of 5,000 children and malnutrition of 40,000. The Indigenous Wayuu people of Colombia have also alleged that when the Cerrejón coal mine opened the river they rely on to grow crops began to dry up and became contaminated. The Guardian also stated in an October 2018 article that: "In the neighbouring department of El Cesar, three Drummond mine union leaders were murdered in 2001. More recently in La Guajira, activists who resist Cerrejón's expansion plans have received renewed death threats. Despite the 2016 Colombian Peace Agreement, there has been a spike in assassinations of social leaders nationwide. At least 123 were murdered in the first six months of 2018".</p> <ul style="list-style-type: none"> Sources: [Business & Human Rights Centre - 21/08/2017 :- business-humanrights.org][Mines and Communities - 27/02/2016 : londonminingnetwork.org][The Guardian, 1/10/2018: theguardian.com -][Business & Human Rights Centre - 2/03/2019: business-humanrights.org]
E(2).1	The Company has responded publicly to the allegation	0	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> Not met: Public response available: Though Cerrejón itself has responded in detail, BHP has not responded publicly to the allegations, nor has it pointed to Cerrejón's comments and therefore does not meet CHRB indicator. [Cerrejón response, November 2018: cerrejon.com] <p>Score 2</p> <ul style="list-style-type: none"> Not met: Response goes into detail: Though Cerrejón itself has responded in detail, BHP has not responded publicly to the allegations, nor has it pointed to Cerrejón's comments and therefore does not meet CHRB indicator. [Cerrejón response, November 2018: cerrejon.com]
E(2).2	The Company has appropriate policies in place	0.5	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> Not met: Company policies address the general issues raised: On its 'Our Approach' website the company says "Within our operations, we contribute to the realisation of human rights...while also respecting the land tenure rights of landowners and the rights of communities that live near our operations. "However BHP also states that as part of its risk management process "If community resettlement is required, it must be undertaken in accordance with the International Finance Corporation Performance Standard 5: Land Acquisition and Involuntary Resettlement". This is therefore not a clear commitment to respecting ownership and use of land. In its 2018 Water Report the BHP states "Respecting human rights is critical to the sustainability of BHP's business and we recognise water access and sanitation are basic human rights. Taking a rights-based approach to water means we take into account risks to people and communities, not just to our business. This includes assessing the direct impacts on people, the interrelationship with other human rights, such as Indigenous spiritual and cultural rights, and any specific implications for vulnerable and/or marginalised groups". This is a sufficient commitment. The company also commits to the UDHR. [Water

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			<p>Report 2018, 08/2018: https://bhp.com companies list of disclosure - excel format.xlsx#BHP!E1 & Sustainability Report 2018, 09/2018: bhp.com</p> <ul style="list-style-type: none"> Met: Policies apply to the type of business relationships involved: In its CoC BHP states, "All employees, directors, officers, contractors and suppliers (where under relevant contractual obligation) and controlled entities must adhere to the Code, regardless of location or role. Non-controlled joint ventures and minority interests are encouraged to adopt similar principles and standards" [Our Code of Conduct, 08/2018: bhp.com] <p>Score 2</p> <ul style="list-style-type: none"> Not met: Policies address the specific rights in question: The Company states in their 2018 Sustainability report 'We seek to identify the customary owners, occupiers and users of land who may be affected by our activities. Following this identification process and collaboration with Indigenous peoples' representative organisations, we may amend work plans to reduce potential impacts on landowners and users.' However, there is no description of the process that is undertaken to identify land tenure rights, thus this is not sufficient. The company is a member of the CEO Water Mandate. The company is a participant of the Voluntary Principles of Security and Human Rights. [Sustainability Report 2018, 09/2018: bhp.com]
E(2).3	The Company has taken appropriate action	0.5	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> Met: Engages with affected stakeholders: In a letter published online, Lina Echeverri, Vice President of Public Affairs and Communication at Cerrejon, says that the company has engaged in consultations with the members of the Roche community to discuss issues of re-settlement, water shortages and compensation payments. Additionally the company also outlines the consultations undertaken with nearby communities in relation to the modification of the Bruno Creek riverbed. [Cerrejon letter Bruno Creek, 09/05/2019: cerrejon.com & Cerrejon letter Roche Community, 29/01/2019: business-humanrights.org] Not met: Encourages linked business to engage affected stakeholders: The CHRB was unable to find any publicly available evidence of BHP Billiton encouraging its linked business (Cerrejon) to engage with the affected stakeholders. Not met: Provides remedies to affected stakeholders: The letter from Cerrejon's Lina Echeverri, states that internal conflicts between the Roche Black Afro-descendent Community Council and its legal representatives resulted in "a situation preventing an agreement being reached" of which subsequently the Ministry of the Interior officially protocolised the consultation without an agreement. The letter states "We understand that, with this result, the expectation of many families who hoped to gain access to the compensations and indemnification have not been met". On the basis of this evidence no remedy has been provided to the affected community stakeholders. [Cerrejon letter Bruno Creek, 09/05/2019: cerrejon.com & Cerrejon letter Roche Community, 29/01/2019: business-humanrights.org] Not met: Has reviewed management systems to prevent recurrence: The CHRB has not identified any publicly available evidence that Cerrejon has reviewed its management systems in light of the engagement with the Roche community to prevent similar complications and impacts occurring in the future. [Cerrejon letter Bruno Creek, 09/05/2019: cerrejon.com & Cerrejon letter Roche Community, 29/01/2019: business-humanrights.org] <p>Score 2</p> <ul style="list-style-type: none"> Not met: Remedies are satisfactory to the victims: Cerrejon has not provided any compensation to the 33 families identified as beneficiaries on the basis Council of State of criteria defined by the Council of State, thus remedy cannot be considered satisfactory. [Cerrejon letter Bruno Creek, 09/05/2019: cerrejon.com & Cerrejon letter Roche Community, 29/01/2019: business-humanrights.org] Not met: Has improved systems and engaged affected stakeholders: The CHRB has not identified any publicly available evidence that Cerrejon has improved its management systems in light of the engagement with the Roche community to prevent similar complications and impacts occurring in the future. [Cerrejon letter Bruno Creek, 09/05/2019: cerrejon.com & Cerrejon letter Roche Community, 29/01/2019: business-humanrights.org]

Disclaimer

A score of zero for a particular indicator does not mean that bad practices are present. Rather it means that we have been unable to identify the required information in public documentation.

See the 2020 Key Findings report and the 2019 technical annex for more details of the research process.

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As WBA, we want to emphasise that the results will always be a proxy for good human rights management, and not an absolute measure of performance. This is because there are no fundamental units of measurement for human rights. Human rights assessments are therefore necessarily more subjective than objective. The Benchmark also captures only a snap shot in time. We therefore want to encourage companies, investors, civil society and governments to look at the broad performance bands that companies are ranked within rather than their precise score because, as with all measurements, there is a reasonably wide margin of error possible in interpretation. We also want to encourage a greater analytical focus on how scores improve over time rather than upon how a company compares to other companies in the same industry today. The spirit of the exercise is to promote continual improvement via an open assessment process and a common understanding of the importance of the UN Guiding Principles on Business and Human Rights.

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