

CHRB response to the destruction of a 46,000-year-old Aboriginal heritage site by Rio Tinto at Juukan Gorge in Western Australia on 24 May 2020

Date: 09 July 2020

Overview

Due to the destruction of a 46,000-year-old Aboriginal heritage site by Rio Tinto at Juukan Gorge in Western Australia on 24 May 2020, the Corporate Human Rights Benchmark (CHRB) and the World Benchmarking Alliance (WBA) have decided to append this statement to Rio Tinto's latest CHRB results.

CHRB and WBA condemn the destruction of invaluable cultural heritage at Juukan Gorge. This incident is a severe adverse impact on cultural rights that has engendered extreme concern and outrage among the Puutu Kuntji Kurrama and Pinikura traditional owners of the site as well as Aboriginal and Torres Strait Islander communities and their allies. CHRB and WBA call on Rio Tinto to take appropriate action to carry out an independent investigation of the incident, involving affected stakeholders, to provide effective remedy and to prevent similar impacts in the future, in Australia and elsewhere.

It would be inappropriate for CHRB to continue to assess and rank Rio Tinto in one of the highest-scoring bands and as the top mining company without reference to this incident. The CHRB seeks to provide robust and credible information on companies' actions to respect human rights across their business, and it would be misleading not to reference this severe impact as a complement to the latest results.

The CHRB assessment provides a snapshot in time, looking at a company's human rights performance over the course of an entire year. However, this incident highlights the need for CHRB to be able to respond to exceptional circumstances connected to benchmarked companies that occur between the yearly scoring periods. CHRB did so in 2019 when it suspended Vale as a consequence of the devastating Brumadinho dam collapse, which caused the death of more than 270 persons, extensive and long-term environmental and health impacts, and massive disruptions to communities.

This incident also highlights the need for a discussion on how such impacts should and could be captured by CHRB going forward. This topic is currently being explored in the context of the methodology review that CHRB is undertaking this year.

Detail

Since the publication of the first Benchmark in 2017, Rio Tinto has consistently ranked amongst the top scoring companies, with an initial score of 63% which went up to 76% in 2018 and was subsequently maintained in 2019. The destruction of the Aboriginal heritage site is in stark contradiction with these high scores and is an extremely concerning departure from the company's public commitment to respect human rights (indicator A.1.1), including

to free, prior and informed consent (indicator A.1.3), its commitment to engage with (potentially affected) stakeholders (indicator A.1.4) and its statements that it undertakes due diligence in line with the UN Guiding Principles on Business and Human Rights (indicators B.2.1-B.2.5). The incident at Juukan Gorge also highlights the possibility of a concerning disconnect between a company's commitments and procedures as described in public disclosures on the one hand, and its actual decisions and impacts on the other hand.

The severity of the impact and the context in which it took place, including the process that led to it and allegations of other similar impacts involving the company, raise concerns that go beyond this specific incident and point to possibly more systemic weaknesses in the company's approach to human rights.¹

The CHRB is undertaking a major review of its methodology this year. This incident emphasises the limitations that come with assessing the human rights performance of companies based on their policies and procedures with reference to corporate statements. CHRB does take into account third-party information on allegations of human rights abuses and assesses how companies respond to these allegations, but the methodology review invites stakeholder to discuss whether this is sufficient. In addition, the current static nature of the benchmark involving a once-a-year review, does not accommodate incorporating real-time impacts into the framework as a measure of assessing actual corporate performance.

To some extent, CHRB will always be a proxy measurement for corporate human rights performance. However, this latest incident confirms that these are questions that should be addressed for CHRB to remain a robust and credible source of data. We would like to invite stakeholders with suggestions to participate in the methodology review consultations (more information is available [here](#)).

Following the destruction at Juukan Gorge, CHRB understands that Rio Tinto has launched a board-led review of its heritage management processes.² For the review to be fair and credible, it will be crucial for it to be transparent, co-designed with the affected communities and independent, to avoid conflicts of interest. The review should look at systemic and structural issues to avoid repetition and should be made public to build trust in the results and as a measure of respect for the communities affected.³ Rio Tinto's response to the incident will also be assessed in the context of the CHRB's 2021 assessment, along with any other allegations involving the company that meet the CHRB severity threshold.

For responses from Rio Tinto and regular updates, WBA and CHRB would like to point users of the Benchmark results to the Business and Human Rights Resource Centre's dedicated page (accessible [here](#)).

¹ See e.g. [After the Mine, Living with Rio Tinto's deadly legacy](#), 1 March 2020.

² [Rio Tinto announces details of board-led heritage process review](#), 19 June 2020.

³ For more detailed recommendations, see [How Rio Tinto can ensure its Aboriginal heritage review is transparent and independent](#), 22 June 2020.

Company Name Rio Tinto
Industry Extractives
UNGP Core Score (*) 23.5 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 |
| 2 | 2 | A.1.5 Commitment to remedy |
| Embedding respect and Human Rights Due Diligence | | |
| Embedding respect | | |
| 1.5 | 2 | B.1.1 Embedding - Responsibility and resources for day-to-day human rights functions |
| 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) |
| 2 | 2 | B.2.3 HRDD - Integrating and Acting: Integrating assessment findings internally and taking appropriate action |
| 2 | 2 | B.2.4 HRDD - Tracking: Monitoring and evaluating the effectiveness of actions to respond to human rights risks and impacts |
| 2 | 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 |
| 2 | 2 | C.7 Remedying adverse impacts and incorporating lessons learned |
| 23.5 | 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 Human rights policy 'Rio Tinto respects and supports the dignity, well-being and human rights of our employees, the communities in which we live and those affected by our operations'. [Human rights policy, 10/2015: riotinto.com] <p>Score 2</p> <ul style="list-style-type: none"> • Met: UNGPs: The Company states on its Human Rights website section: 'Our Human Rights Commitments: 'We have committed to follow a range of international standards, including: United Nations Guiding Principles on Business and Human Rights'. [Human rights on website, N/A: riotinto.com] • Met: OECD: The Company states that: 'We have committed to follow a range of international standards, including: [...] OECD Guidelines for Multinational Enterprises'. [Human rights on website, N/A: riotinto.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 is a signatory to the UN Global Compact [UNGC Website - Participant Company, N/A: unglobalcompact.org] • Not met: Explicitly list All four ILO apply to EX BPs: The supplier code of conduct contains explicit commitments to each ILO core area. With respect freedom of association and collective bargaining, the Code indicates: 'Respecting workers' rights to lawfully and peacefully form or join trade unions of their choosing and to bargain collectively.' The code includes business partners. 'The Way we work' also contains commitments to all ILO core and applies to consultants, agents, contractors and suppliers. In this case, the Company states with respect freedom of association and collective bargaining: 'We are committed to meeting local laws and international agreements about workforce labour. We recognise that people have the right to choose whether to belong to a union and to seek to bargain collectively.' It also indicates that it wants 'these principles to be respected by our joint venture partners and non-controlled companies'. However, no evidence found of alternative measures to support the rights to freedom of association and collective bargaining when they are restricted by law. Although the Company indicates that it includes this issue in its human rights assessment process in 'The way we work' document, it is not clear in its Supplier Code that it requires its supplier to respect the rights to freedom of association and collective bargaining in all situations, including alternative measures when these rights are restricted by law. In these cases (companies referring to local laws in freedom of association and collective bargaining), companies are expected to require alternative mechanisms or equivalent workers bodies where the right to freedom of association and collective bargaining is restricted under law. [Supplier code of conduct, 09/2016: riotinto.com & The way we work, 08/2017: riotinto.com] <p>Score 2</p> <ul style="list-style-type: none"> • Not met: Explicit commitment to All four ILO Core: The Human rights policy contains explicit commitment against forced and child labour. The 'way we work' document contains the code of conduct which includes explicit commitment to diversity (non-discrimination) and Freedom of Association and collective bargaining: 'We are committed to meeting local laws and international agreements about workforce labour. We recognise that people have the right to choose whether to belong to a union and to seek to bargain collectively. [...]'. Moreover, according to its Human Rights website section: 'At a minimum, we comply with national laws, applying our own standards when they are more rigorous. When national laws conflict with our standards, we look for ways to encourage the adoption of international standards, including through multi-stakeholder dialogue. We may also reconsider whether we can operate in such locations.' However, it is |

| Indicator Code | Indicator name | Score (out of 2) | Explanation |
|----------------|--|------------------|---|
| | | | <p>not clear whether the Company's standards commits to respect freedom of association and collective bargaining in all situations, including alternative measures where these rights are not supported by local law. This commitment is not included in its Human Rights Policy and it is not clear in its 'The way we work' document, even when it indicates that it includes this issue in its human rights assessment process. [The way we work, 08/2017: riotinto.com & Human rights policy, 10/2015: riotinto.com]</p> <ul style="list-style-type: none"> • Met: Respect H&S of workers: The 'way we work' document contains the Company's position in relation health and safety: 'we make the safety and wellbeing of our employees, contractors and communities our priority number one'. [The way we work, 08/2017: riotinto.com] • Met: H&S applies to EX BPs: Health and safety performance is included within the supplier code. [Supplier code of conduct, 09/2016: riotinto.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: In its Sustainability Report 2018, the Company indicates: 'Our stakeholders are vital to our success. What we learn from them helps us to create value for everyone. We consider any person or organisation with an interest in our activities a Rio Tinto stakeholder. This includes people potentially affected by our activities and those who influence our business decisions. We work with customers, suppliers, investors, governments, civil society and workers' organisations and local communities to understand stakeholders' concerns, stay competitive, manage the unique risk profiles of our businesses and secure access to new sources of essential materials.' The Company reports engagement with affected stakeholders. In addition, the Company reports about its engagement activities during 2019 in its Modern Slavery Statement 2019. [Sustainable Development Report 2018, 2019: riotinto.com & Statement on modern slavery 2019, 2020: https://riotinto.com] <p>Score 2</p> <ul style="list-style-type: none"> • Met: Commits to engage stakeholders in design: On pages 16-17 of Why human rights matter, the company describes how it engages with affected stakeholders in its human rights due diligence process. [Why human rights matter guide, 01/2013: riotinto.com] |
| A.1.5 | Commitment to remedy | 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 remedy: The Company states in its 'why human rights matter' guide that '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'. In addition, on its Human Rights website section, the Company indicates: 'Our responsibility to respect human rights includes providing (or cooperating in) remediation in cases where we identify that we have caused or contributed to an adverse human rights impact.' [Why human rights matter guide, 01/2013: riotinto.com & Human rights on website, N/A: riotinto.com] <p>Score 2</p> <ul style="list-style-type: none"> • Met: Not obstructing access to other remedies: The 'why human rights matter' referencing the Guiding principles indicates that 'a site-level process must not inhibit any individual or group's access to judicial recourse, nor put them at undue risk'. [Why human rights matter guide, 01/2013: riotinto.com] • Met: Work with EX BPs to remedy impacts: The Company indicates that it has worked through a complaints process with the IFC's Compliance Advisory Ombudsman (CAO) at our Oyu Tolgoi site (Oyu Tolgoi is jointly owned by the Government of Mongolia (34 per cent) and Turquoise Hill Resources (66 per cent, of which Rio Tinto owns 51 per cent). According to CAO website: 'In February 2013, a complaint was filed by a local nomadic herders and community members who reside and conduct livelihood activities close to the project site. The complainants' main concern is the Undai River diversion component of the project. The complainants contend that the river diversion jeopardizes their traditional nomadic lifestyle and livelihood. [...] After several joint meetings, the parties reached comprehensive agreements on the issues raised in the complaints, and developed detailed action plans for implementation.' On the Oyu Tolgoi website, the Company states: 'While at the time OT had (and continues to have) a robust complaints and grievance process which can be activated in these circumstances, the herders preferred to go through an externally mediated process. OT respected this choice, recognising that it was crucial to use a process that the herders felt would be the most legitimate in this situation'. The CAO website contains the Complaint resolution agreement from 2017. [CAO Case: Mongolia / Oyu Tolgoi-02/Southern |

| Indicator Code | Indicator name | Score (out of 2) | Explanation |
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| | | | Gobi, 17/05/2019: cao-ombudsman.org & Oyu Tolgoi: Partnering for progress: Bridging the divide, 25/06/2019: ot.mn |

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 | 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 ILO core conventions: See indicator A.1.2. Company is signatory to the UNGC. • Met: Senior responsibility for HR: The Company indicates in its 'Statement on modern slavery': 'Executive Committee accountability for the area is cross-functional and includes leaders responsible for our human rights approach (Corporate Relations), third party due diligence and broader business integrity work (Legal & Governance) and procurement (Commercial). Overall coordination of our modern slavery approach is part of our human rights programme and is led by human rights experts in our Corporate Relations team, in close collaboration with the functions that apply our processes on the ground including Ethics & Integrity, Human Resources and Procurement.' [Statement on modern slavery 2019, 2020: https://riotinto.com] <p>Score 2</p> <ul style="list-style-type: none"> • Met: Day-to-day responsibility: The 'slavery and human trafficking statement' indicates that a cross-functional human rights working group helps implement a coordinated human rights approach at an operational level. The Sustainable development report (2016) indicates that it includes human rights considerations in processes like social risk analysis, environmental and social impact assessments, incident reporting procedures and studies and programmes at high-risk sites when required. No new relevant evidence found in latest year statement. [Slavery and human trafficking statement 2016, 03/2017: riotinto.com] • Not met: Day-to-day responsibility for EX BRs: As indicated above, the Company indicates in its Statement on modern slavery 2019 that human rights is a 'cross-functional' responsibility, this document seems to refer only to coordination activities. On the other hand, the Company discloses information in different reports about how it works in Joint Ventures with respect the Voluntary Principles through its Group Security team (2018 VPSHR Report), that it has personnel present in Joint Ventures, and how it works on suppliers' awareness and procurement practices (Statement on modern slavery 2018 and Sustainable Development Report 2018). However, it is not clear how day to day responsibility for managing human rights for extractive business partners is allocated, team(s) involved. [Statement on modern slavery 2019, 2020: https://riotinto.com & 2018 Voluntary Principles on Security and Human Rights Report, 2019: riotinto.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 that 'We use integrated Group-wide processes such as social and environmental impact assessments as well as targeted studies such as human rights impact assessments to assess human rights risks across our business.' Additional details can be found in sub indicators below. [Statement on modern slavery 2018, 03/2019: riotinto.com] • Met: Identifying risks in EX business partners: See below. In addition the Company has a procedure called 'know your supplier' (includes services): 'our standardised integrity due diligence process designed to identify, for each supplier, the potential legal, ethical or reputational risks of engaging or renewing that supplier, including around human rights.' It takes a risk based approach, considering factors such as the goods or services, country of origin, vendor and spend level'. [Statement on modern slavery 2018, 03/2019: riotinto.com] <p>Score 2</p> <ul style="list-style-type: none"> • Met: Ongoing global risk identification: The Company indicates that it integrates 'human rights considerations, including modern slavery, into our own operations' risk management processes. These include site-based social risk analysis and impact assessment. [...] This work forms part of our commitment to implement human rights due diligence in line with the UN Guiding Principles on Business and Human rights'. Rio Tinto's 'why human rights matter' document provides guidance to employees on how to undertake human rights due diligence. [Why human rights matter guide, 01/2013: riotinto.com & Rio Tinto releases further details on tailings facilities, 12/06/2019: riotinto.com] |

| Indicator Code | Indicator name | Score (out of 2) | Explanation |
|----------------|--|------------------|---|
| | | | <ul style="list-style-type: none"> • Met: In consultation with stakeholders: The Company states: 'our Communities and social performance (CSP) standard requires sites to include human rights issues in social risk analyses and impact assessments, and to commission specific human rights risk and impact assessments in high risk contexts; [...]' [Statement on modern slavery 2018, 03/2019: riotinto.com & Community and Social Performance (CSP), 2015: riotinto.com] • Met: In consultation with HR experts: The Company indicates that 'to improve our understanding of local human rights contexts, as well as exposure to related issues such as corruption, we use tools including [...] Global slavery Index and Verisk Maplecroft Human Rights Index. When we are seeking more in-depth information on identified risks, country industry and company-specific resources such as the US Department of State's Trafficking in persons report and country narratives [...]. On its website, it also indicates that it has worked with the Danish Institute for Human rights to co-created the Human rights and business country guide, a tool for international business to better understand human rights risks in different contexts. [Statement on modern slavery 2018, 03/2019: riotinto.com & Human rights on website, N/A: riotinto.com] • Met: Triggered by new circumstances: The due diligence process is implemented to 'identify and taking appropriate action regarding adverse human rights impacts in which we may be involved [...]' 'Some goods and services we procure may be higher risk than others. We have assessed construction, shipping, cleaning, catering and other transport services to be among these because of a variety of factors including the use of sub-contracting, migrant workers and lower-skilled labour. In addition to identifying these sectors as higher risk as part of our initial supply chain risk mapping, we monitor expert analysis – such as research from governments, international institutions and think tanks – to ensure an up-to-date understanding of high-risk sectors. We also recognise that increased due diligence may be needed when suppliers bring employees or contractors to Rio Tinto locations.' The 'why human rights matter' guide indicates that there is a 'new country entry' procedure. [Statement on modern slavery 2018, 03/2019: riotinto.com & Why human rights matter guide, 01/2013: riotinto.com] • Met: Explains use of HRIAs or ESIA (inc HR): The Company states that 'we undertake social and economic impact assessments to understand the implications of our activities and reduce any negative impacts throughout the life cycle of our operations'. In the 'why human rights matter' guide the Company indicates that it 'expects its business to undertake social risk analysis (SRA) and social impact assessments (SIA)'. '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'. 'Human rights considerations should be integrated in both SRA and SIA'. No new relevant evidence found in latest revision.. [Sustainable development report 2017, 2018: riotinto.com & Why human rights matter guide, 01/2013: riotinto.com] |
| 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): The Company has human rights considerations through the life of the projects, including risk assessments in the first stages: When it enters in a new country or identifies terrains with geological potential it takes the following considerations: 'identify key human rights exposures based on the political, cultural and social context. Identify vulnerable and 'at risk' groups. Engage with them inclusively at all stages'. Then, it develops and 'early stage business case' including the following considerations: 'review knowledge base on human rights-related country risk and apply recommendations. In carrying out the analysis, consider the need for a dedicated human rights risk analysis. [...]' Ensure the project is compliant with the VPSHR and other relevant voluntary commitments including those related to resettlement plans and free, prior and informed consent of Indigenous peoples'. Assessments also included in the other stages of the project. [Why human rights matter guide, 01/2013: riotinto.com] • Met: Public disclosure of salient risks: The Company states that its most salient human rights issues include those relating to 'operational security, land access and resettlement, Indigenous people's rights, environmental issues such as access to water, labour rights, and issues related to migration such as access to local health services.' The Company discloses information about each one of its salient human rights on its website section 'Human Rights'. [Sustainable Development Report 2018, 2019: riotinto.com & Human rights on website, N/A: riotinto.com] <p>Score 2</p> <ul style="list-style-type: none"> • Met: Both requirements under score 1 met |

| Indicator Code | Indicator name | Score (out of 2) | Explanation |
|----------------|--|------------------|--|
| B.2.3 | Integrating and Acting: Integrating assessment findings internally and taking appropriate action | 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: Action Plans to mitigate risks: The Company indicates that it undertakes due diligence in line with the UNGPs which includes 'identifying and taking appropriate action regarding adverse human rights impacts in which we may be involved'. The 'Communities and Social Performance Standard' (CSP standard) explains human rights requirements in the Company's business and managed operations, including human rights risk concerns in social risk analyses and impact assessments. The social risk analysis must be maintained at operations and the CSP plan must integrate with business planning processes and must have targets and performance indicators and be developed in collaboration across the business departments. It also must be reviewed and updated consistent with the business planning cycle. The Social risk analysis guidance note indicates that some issues will be seen and categorised as human rights risks because the very nature of the risk is our potential involvement in human rights and issues in other areas may have implications for human rights if expected or required outcomes are not secured. [Further CHRB Disclosure, 24/08/2018: business-humanrights.org & Statement on modern slavery 2018, 03/2019: riotinto.com] • Met: Including amongst EX BPs: The Company has a due diligence process to identify and assess human rights risks in its supply chain. It describes how has specific measures for some operations: 'Some of our functions and sites have initiated their own supplier risk assessment and mitigation processes alongside those of the Group. For example, our Marine team implements its chartering and due diligence processes to respond to third-party risks, which help ensure that all vessels arriving at our ports can provide assurance of compliance with the Maritime Labour Convention. [...] Our China Sourcing team is largely focused on suppliers from China and South East Asia. They use a supplier self-assessment that covers a range of issues, including several potential indicators of modern slavery, such as the use of prison labour, retention of identity documents and payment of recruitment fees.' [Statement on modern slavery 2018, 03/2019: riotinto.com] • Met: Example of Actions decided: To face modern slavery issues in vessels: 'Rio Tinto's Marine team recently revised standard agreements for ship owners requiring compliance with applicable modern slavery laws. Ship owners will be notified of this new modern slavery clause as the new agreements are rolled out. The Marine team also takes part in internal audits to track compliance of their procedures with key policies and standards, including our Human rights policy.' [Statement on modern slavery 2018, 03/2019: riotinto.com] <p>Score 2</p> <ul style="list-style-type: none"> • Met: Both requirements under score 1 met: See above. |
| B.2.4 | Tracking: Monitoring and evaluating the effectiveness of actions to respond to 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: System to check if Actions are effective: In the 'why human rights matter' guide the Company devotes a section to monitoring and evaluation of actions. It indicates that evaluation is essential in order to identify whether plans are achieving objectives, whether risk mitigation measures are effective and determine cause and provide basis for corrective actions if procedures and plans are ineffective. The Company does this through 'Speak-OUT, the Rio Tinto business solution (RTBS) Incident reporting system [...] technical Evaluation Group reviews and the monitoring undertaking through annual compliance reports and compliance audit forums'. Also, CSP site managed assessments have a diagnostic with a specific key performance area on human rights. 'The findings of each SMA [site managed assessments] 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 business and divisions are aware and learn from them'. The Company also discloses its management system documents which includes the specific rules for 'performance assessment and auditing' of the risk management system (including health, safety, environment and communities), and incident and action management procedure with the intent to ensure that all incidents and lessons learnt are recorded and corrective and preventive actions are identified and communicated. [Why human rights matter guide, 01/2013: riotinto.com & Rio Tinto management system standard, 04/2015: riotinto.com] |

| Indicator Code | Indicator name | Score (out of 2) | Explanation |
|----------------|---|------------------|--|
| | | | <ul style="list-style-type: none"> • Met: Lessons learnt from checking effectiveness: The Company describes the learnings from the implementation of the 'Know your supplier' procedure in how to best identify and act on modern slavery risks. Challenges included lack of publicly available information on suppliers' commercial backgrounds; Reluctance of suppliers to share relevant policies and processes (or lack of awareness of which information should be shared); and deciding which mitigation options may be the most effective in the operating context. The Company addressed these challenges through: targeted training for the Due Diligence team about the types of adverse findings, based on publicly available information that may suggest a risk of modern slavery; engagement with procurement staff to facilitate more effective discussions with suppliers about their approach to modern slavery and cross-functional coordination to discuss mitigation options. No new relevant evidence found in last revision. The Company provided new comments to CHRB regarding this indicator. However, evidence was not material (seems to refer to a monitoring process). [Slavery and human trafficking statement 2016, 03/2017: riotinto.com] <p>Score 2</p> <ul style="list-style-type: none"> • Met: Both requirement under score 1 met: See above. |
| B.2.5 | Communicating : Accounting for how human rights impacts are addressed | 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: Comms plan re identifying risks: See B.2.1 • Met: Comms plan re assessing risks: See B.2.2 • Met: Comms plan re action plans for risks: See B.2.3 • Met: Comms plan re reviewing action plans: See B.2.4 • Met: Including EX business partners: See indicator B.2.1 to B.2.4 [Statement on modern slavery 2018, 03/2019: riotinto.com] <p>Score 2</p> <ul style="list-style-type: none"> • Met: Responding to affected stakeholders concerns: The Company indicates that it has work through a complaints process with the IFC's Compliance Advisory Ombudsman (CAO) at our Oyu Tolgoi site (Oyu Tolgoi is jointly owned by the Government of Mongolia (34 per cent) and Turquoise Hill Resources (66 per cent, of which Rio Tinto owns 51 per cent). Since 2010, Rio Tinto has been the manager of Oyu Tolgoi project. According to CAO website: 'In February 2013, a complaint was filed by a local nomadic herders and community members who reside and conduct livelihood activities close to the project site. The complainants' main concern is the Undai River diversion component of the project. The complainants contend that the river diversion jeopardizes their traditional nomadic lifestyle and livelihood. They are specifically worried that the diversion will lead to several water systems drying up, deteriorated pastureland yields, diminished water supply to forests and a cultural impact to what they view as a sacred river. [...] After several joint meetings, the parties reached comprehensive agreements on the issues raised in the complaints, and developed detailed action plans for implementation.' In addition, in Oyu Tolgoi website the Company states: 'Four years of negotiation included OT designating adequate resources to prepare for, attend and report on meetings. Support from Rio Tinto's global team was continuously available for the local site-based team. [...] Agreed milestones were devised to ensure a common understanding was reached on key issues and included the completion of independent studies on water impacts and herder compensation. The CAO also provided conflict resolution training to all parties participating in the mediation process, which helped to upskill and build trust between participants. The 2017 agreements included commitments from OT, as well as local governments, to construct new water wells and upgrade existing ones, develop a pasture management plan, and conduct regular participatory monitoring of the project's environmental impacts. OT also committed to review compensation outcomes and agreed to undertake further initiatives to boost the livelihood sustainability of all local herders, including enhanced training and employment initiatives. The CAO's administrated process formally closed in March 2019 – seven years after the complaint was lodged and six years after the mediation started.' [CAO Case: Mongolia / Oyu Tolgoi-02/Southern Gobi, 17/05/2019: cao-ombudsman.org & Oyu Tolgoi: Partnering for progress: Bridging the divide, 25/06/2019: ot.mn] |

| Indicator Code | Indicator name | Score (out of 2) | Explanation |
|----------------|----------------|------------------|---|
| | | | <ul style="list-style-type: none"> Met: Ensuring affected stakeholders can access communications: The 'why human rights matter' guide contains guidelines on this: 'Our reporting needs to be clear and easily accessible to local communities, our workforce and other interested stakeholders'. 'For human right issues and allegations at site-level, the focus should be on a 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 newsletter or at community meetings. Reporting on human rights risk management as well as incidents and performance is important for transparent communication with our stakeholders and to build trust'. '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'. Also, the 'approach to communities and social performance' standards establishes the framework for engagement and the priorities for effective performance with communities. [Why human rights matter guide, 01/2013: riotinto.com & Approach to communities and social performance: riotinto.com] |

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: The Company states in its Modern Slavery Statement: 'Our confidential whistleblowing programme, Talk to Peggy, is available to all of our people, suppliers (and their workers), community members, other stakeholders and the public to bring allegations of issues and inappropriate behaviour to the attention of senior management. [...] Talk to Peggy may be used to raise concerns about modern slavery.' In addition, on its website it indicates the following: 'Our confidential and independently operated multilingual whistleblowing service, Talk to Peggy, is available to all our employees and their families, contractors, business partners and communities'. [Statement on modern slavery 2019, 2020: https://riotinto.com & Ethics and Integrity, N/A: riotinto.com] <p>Score 2</p> <ul style="list-style-type: none"> Not met: Number grievances filed, addressed or resolved: The Company reports on its website: '805 incidents reported either through Talk to Peggy, compliance managers or team leaders, up 19% over 2018. 34% of reported incidents were substantiated. Types of Cases Raised: 441 personnel (55%); 142 business integrity (18%); 111 information security (14%); 54 health and safety (7%); 49 miscellaneous; 5 finance; 3 communities'. It also discloses graphs and tables with the evolution of incidents reported by type, including: safety, health, environment and community concerns and information security. In addition, in its Modern Slavery Statement it reports: 'There were 805 Talk to Peggy cases raised in 2019. The issues raised via Talk to Peggy broadly relate to personnel, business integrity, information security, health and safety, finance and communities. The Talk to Peggy cases that related to personnel in 2019 included issues relating to benefits and compensation, discrimination and bullying and harassment amongst other employee-related matters. The Talk to Peggy cases involving suppliers largely related to alleged conflicts of interest between suppliers and employees. We are not aware of any modern slavery related issues raised via Talk to Peggy in 2019. If a modern slavery-related concern was raised through Talk to Peggy, it would likely be categorised under personnel as an unfair labour practice issue. There is also a separate sub-category for child labour related complaints to ensure these types of complaints can be identified and addressed. We are also not aware of any modern slavery complaints raised through site-level mechanisms in 2019.' However, it is not clear how many complaints / reports were related with human rights issues (i.e. labour right, indigenous, land, water, etc.), and how many of them were addressed / resolved during the year. [Ethics and Integrity, N/A: riotinto.com & Statement on modern slavery 2019, 2020: https://riotinto.com] Met: Channel is available in all appropriate languages: The Talk to Peggy website is available in 45 languages. On it, the Company indicates that it is confidential and independently operated. [Talk to Peggy (Hotline)- website, N/A] Met: Opens own system to EX BPs workers: As indicated above, the Company's system is available to all employees and their families, contractors, business partners and community members. [Statement on modern slavery 2019, 2020: https://riotinto.com] |

| Indicator Code | Indicator name | Score (out of 2) | Explanation |
|----------------|---|------------------|---|
| 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 Sustainable development report indicates, in the context of community relationships that 'All of our sites must have a complaints, disputes and grievance mechanism in line with the UNGPs Criteria of Effectiveness for Non-Judicial Grievance Mechanisms'. In addition, on its website, the Company states: 'Our confidential and independently operated multilingual whistleblowing service, Talk to Peggy, is available to all our employees and their families, contractors, business partners and communities'. [Sustainable Development Report 2018, 2019: riotinto.com & Ethics and Integrity, N/A: riotinto.com] <p>Score 2</p> <ul style="list-style-type: none"> Met: Describes accessibility and local languages: In addition to the requirements for the mechanism for communities mentioned above, the Talk to Peggy line is available on website in 45 languages. It indicates that the line is confidential and independently operated, and discloses a document with all countries available. [Sustainable Development Report 2018, 2019: riotinto.com & Talk to Peggy (Hotline)- website, N/A] Met: EX BPs communities use global system: As indicated on its website Talk to Peggy is a 'confidential and independently operated multilingual whistleblowing service,[...], is available to all our employees and their families, contractors, business partners and communities.' [Ethics and Integrity, N/A: riotinto.com] |
| C.7 | Remedying adverse impacts and incorporating lessons learned | 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: Describes how remedy has been provided: The Company states on its website 'In July 2015 it was alleged that the crew of a ship, chartered by Rio Tinto from a commercial operator, were underpaid and forced to live and work in poor conditions [...] Once the allegation was confirmed, we requested the ship's head owner address the incident with immediate and adequate remedy. Rio Tinto also provided funds to immediately improve the poor work conditions. Rio Tinto has taken a number of measures to mitigate the risk of future incidents. In addition to blacklisting the head owner and commercial operator, Rio Tinto Marine has reviewed its time chartering and due diligence processes leading to an improved approach to time charter vessels'. This disclosure is from 2016 and no equivalent information has been found for the last three reporting years. To alleviate the reporting burden for companies during the Covid-19 crisis, the CHRB will (on an exceptional basis) relax the three-year timeframe and include information from 2016 in the 2020 assessment. [Case study: Managing human rights risks in our maritime supply chain, 2015] Not met: Says how it would remedy key sector risks <p>Score 2</p> <ul style="list-style-type: none"> Met: Changes introduced to stop repetition: Following the case above, the Company indicates in its Modern slavery statement for FY 2018 that 'responding to identified risks around payment of wages and working conditions on chartered ships, in 2016 Rio Tinto Marine (RTM) implemented initiatives to help ensure all vessels arriving at Rio Tinto ports provided a Maritime Labour Certificate and/or associated declaration of maritime labour compliance. [...] Rio Tinto's Marine team recently revised standard agreements for ship owners requiring compliance with applicable modern slavery laws. Ship owners will be notified of this new modern slavery clause as the new agreements are rolled out. The Marine team also takes part in internal audits to track compliance of their procedures with key policies and standards, including our Human rights policy.' In addition, in its latest modern slavery statement the Company reports: ' [...] our Marine function underwent a strategic review in 2019. This review involved a cross-functional internal audit team, including our human rights experts, visiting ports and vessels. The audit team also engaged with key business partners, including ship managers based in Singapore. The review highlighted that our internal policies and procedures were being implemented across the Marine function to help manage human rights risks prevalent across the shipping industry'. [Statement on modern slavery 2018, 03/2019: riotinto.com & Statement on modern slavery 2019, 2020: https://riotinto.com] Met: Evaluation of the channel/mechanism: The Company indicates that 'we are aware of one incident in 2016 of failure to pay wages on a ship chartered by a subsidiary. When concerns were raised RTM immediately asked the ship owner and manager to resolve any wages and working conditions matters. RTM will continue to review its chartering and due diligence processes to further respond to third-party risks, including non-payment of wages'. No more recent evidence found. [Slavery and human trafficking statement, 03/2017: https://riotinto.com] |

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: Rio Tinto's subsidiary Compagnie des Bauxites de Guinée accused of land grab & pollution in Guinea • Area: land rights • Story: In March 2019, residents of 13 villages in western Guinea have filed a formal complaint against the International Finance Corporation (IFC), the World Bank's private-sector arm, for funding the expansion of a bauxite mine. Compagnie des Bauxites de Guinée is partially owned by Rio Tinto. The 540 complainants alleged that the company operating the mine has taken land, destroyed livelihoods and damaged the local environment. The complainants were seeking full and fair redress for the harms they have suffered, along with protection from future violations. They have asked the Compliance Advisor Ombudsman to facilitate mediations with the IFC and Compagnie des Bauxites de Guinée to address their grievances. The villagers allege that have lost agricultural land, which has led to a significant decline in their incomes and quality of life. Villagers claim have also lost access to water resources, which have been polluted, among other negative impacts. The situation was reportedly especially perilous for the residents of Hamdallaye village, who have been told by the company that they will be imminently resettled, without their consent, in a former mining area that was not properly rehabilitated. • Sources: [Mines and Communities - 07/03/2019: minesandcommunities.org][Rio Tinto's human rights webpage: riotinto.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: On its website the company refers to the allegation: 'The Sangaredi bauxite mine in Guinea is operated by our partner the Compagnie des Bauxites de Guinee (CBG). The project is currently the subject of a complaint to the International Finance Corporation's Compliance Advisor Ombudsman (CAO) around human rights related concerns including resettlement. We have shared lessons with CBG around our positive engagement with the CAO regarding our Oyu Tolgoi mine and provided capacity building around stakeholder engagement including encouraging dialogue with local and global civil society organisations' [Response to Guinea allegation by CBG, 2018: hrw.org] <p>Score 2</p> <ul style="list-style-type: none"> • Met: Response goes into detail: In its response to HRW, CBG sends a detailed response. [Response to Guinea allegation by CBG, 2018: hrw.org] |
| 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: The company states that it is "committed to working in a way that respects [indigenous peoples] rights and reflects their perspectives." The company states that each of its operations has a system to identify and understand cultural heritage values, their significance and options for managing any issues that arise. It also states that this includes providing cultural awareness training to employees and contractors. [Why agreements matter, 03/2016: riotinto.com] • Met: Policies apply to the type of business relationships involved: The Human rights policy contains a commitment to the Voluntary principles as stated above. In relation to this policy's scope, it says that 'through appropriate contractual arrangements and procurement principles, we make our consultants, agents, contractors and suppliers aware of and expect their compliance with our human rights commitments. We strive to ensure our joint venture partners and non-controlled companies in which we participate also to respect our commitments to uphold human rights. In relation to indigenous rights, 'the way we work' document, which also applies to business partners, the Company states that 'we operate in a manner consistent with the UN Declaration on the Rights of Indigenous Peoples in those jurisdictions that have signed the Declaration, and elsewhere in accordance with the Declaration's principles'. [Why agreements matter, 03/2016: riotinto.com & The way we work, 08/2017: riotinto.com] <p>Score 2</p> <ul style="list-style-type: none"> • Met: Policies address the specific rights in question: In the 'why agreements matter' guide the Company describes how to identify communities to engage with (including indigenous communities with customary land connections and historic connections) representative institutions. It indicates that identifying the primary parties requires an understanding of the local community and context, and that agreement-makers need to consider all people with land-use interests in the impact area and recognise the diverse socioeconomic and socio-political situations of these groups (In India for instance lower castes may not be recognised since |

| Indicator Code | Indicator name | Score (out of 2) | Explanation |
|----------------|--|------------------|--|
| | | | they do not gave formalised legal land titles). [Why agreements matter, 03/2016: riotinto.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 affected communities and CBG both agreed to engage in mediations. [Response to Guinea allegation by CBG, 2018: hrw.org] • Met: Encourages linked business to engage affected stakeholders [2019 Update on Voluntary Principles on Security and Human Rights, 2020: angloamerican.com] • Not met: Provides remedies to affected stakeholders: As there the process of mediation is still on going no remedy has been finalised yet. The company has been willing to enter mediation. • Met: Has reviewed management systems to prevent recurrence: In it response to the HRW report CBG states that 'it has modernized its environmental management systems to conform to SFI standards, on the EIES water management recommendations'. [Response to Guinea allegation by CBG, 2018: hrw.org] <p>Score 2</p> <ul style="list-style-type: none"> • Not met: Remedies are satisfactory to the victims: There is no evidence to suggest that the company has provided remedies that are satisfactory to the victims. • Met: Has improved systems and engaged affected stakeholders: See above [Response to Guinea allegation by CBG, 2018: hrw.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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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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