

**Company Name** Tesla  
**Industry** Automobiles  
**Overall Score (\*)** 6.3 out of 100

Theme Score	Out of	For Theme
0.5	10	A. Governance and Policies
0.9	25	B. Embedding Respect and Human Rights Due Diligence
0.8	15	C. Remedies and Grievance Mechanisms
2.5	20	D. Performance: Company Human Rights Practices
0.6	20	E. Performance: Responses to Serious Allegations
0.9	10	F. Transparency

(\*) While other sectors are being measured against a reduced set of CHRB Core UNGP Indicators this year the Automotive Manufacturing sector is being measured against the full CHRB Methodology as it is the first year that the sector has been analysed.

Please note that any small differences between the Overall Score and the added total of Measurement Theme scores are due to rounding the numbers at different stages of the score calculation process.

Please note also 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

### A. Governance and Policies (10% of Total)

#### A.1 Policy Commitments (5% of Total)

Indicator Code	Indicator name	Score (out of 2)	Explanation
A.1.1	Commitment to respect human rights	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>Not met: General HRs commitment</li> <li>Not met: UNGC principles 1 &amp; 2</li> <li>Not met: UDHR</li> <li>Not met: International Bill of Rights</li> </ul> Score 2 <ul style="list-style-type: none"> <li>Not met: UNGPs</li> <li>Not met: OECD</li> </ul>
A.1.2	Commitment to respect the human rights of workers	0.5	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>Not met: ILO Core</li> <li>Not met: UNGC principles 3-6</li> <li>Not met: Explicitly list ALL four ILO for MO suppliers: The Company's Supplier Code of Conduct contains clauses regarding Discrimination, Forced Labour, and Child Labour. In relation to Freedom of association, the Company requires that 'as permitted by and in accordance with applicable law and regulations, suppliers shall respect the rights of employees to associate or not associate with any third party. No further details found, including requirement to respect collective bargaining. [Supplier Code of Conduct, 06/2017: <a href="https://www.tesla.com">tesla.com</a>]</li> </ul>

Indicator Code	Indicator name	Score (out of 2)	Explanation
			<p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Explicit commitment to All four ILO Core</li> <li>• Not met: Respect H&amp;S of workers: The code of ethics states that 'Tesla strives to provide each employee with a safe and healthy work environment. Our goal is to have as close to zero injuries as humanly possible and to have the safest factories in the auto industry. We will get there by continuing to ask our employees to raise safety concerns and to keep proposing ideas that make things even better'. [Code of business conduct an ethics (website), N/A]</li> <li>• Met: H&amp;S applies to MO suppliers: The Company states 'A safe and healthy working environment can enable and encourage innovation. We expect Tesla Partners to adopt and maintain Health and Safety Management Systems to limit exposure to occupational hazards, prevent emergencies, safeguard machines, manage physically demanding work, and provide access to clean toilets, potable water, and sanitary eating facilities. People's work conditions should not make them sick or cause them harm. Suppliers shall comply with all applicable laws related to maintaining a healthy and safe working environment. [Supplier Code of Conduct, 06/2017: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>• Not met: Working hours for workers</li> <li>• Not met: Working hours for MO suppliers: The Company states 'Suppliers shall not require workers to work more than the regular and overtime hours allowed by the law of the country where the workers are employed or perform work.' However, no evidence was found to ILO conventions on working hours, or require a maximum regular working week of 48 hours and minimum breaks. [Supplier Code of Conduct, 06/2017: <a href="https://www.tesla.com">tesla.com</a>]</li> </ul>
A.1.3.MO.a	Commitment to responsible sourcing of minerals	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"> <li>• Met: Responsible mineral sourcing in conflict areas: The Company has a 'human rights and conflict minerals policy'. The Company states 'Tesla is committed to sourcing responsibly and considers mining activities that fuel conflict as unacceptable' and includes human rights commitments. [Conflict Minerals Report 2019, 2020: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>• Met: Based on OECD Guidance: The Company states 'Our conflict minerals process and policy are designed to conform in all material respects with the OECD Guidance.' [Conflict Minerals Report 2019, 2020: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>• Met: Requires suppliers to follow the OECD Guidance: The Company states 'Tesla requires its suppliers to establish policies, due diligence frameworks, and management systems consistent with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas ("OECD Guidance").' [Conflict Minerals Report 2019, 2020: <a href="https://www.tesla.com">tesla.com</a>]</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Responsible conflict mineral sourcing covers all minerals [Human Rights and Conflict Minerals Policy, 05/2019: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>• Not met: Suppliers expected to make similar requirements of their suppliers</li> </ul>
A.1.3.MO.b	Commitment to respect human rights particularly relevant to the industry (ICT)	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"> <li>• Not met: Women's Rights</li> <li>• Not met: Children's Rights</li> <li>• Not met: Migrant worker's rights</li> <li>• Not met: Expecting suppliers to respect these rights</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: CEDAW/Women's Empowerment Principles</li> <li>• Not met: Child Rights Convention/Business principles</li> <li>• Not met: Convention on migrant workers</li> <li>• Not met: Respecting the right to water</li> <li>• Not met: Expecting suppliers to respect these rights</li> </ul>
A.1.4	Commitment to engage with stakeholders	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"> <li>• Not met: Commits to stakeholder engagement: The Company states that 'Tesla kicked off our first ever Global EHS Week with the goal of meaningful engagement with our employees about the importance of safety in the workplace. Through various activities and seminars, employees were encouraged to explore why EHS matters to them, how it impacts their work, and provide leaders suggestions on how to further improve safety at Tesla.' Furthermore, regarding cyber security, 'Whether through formal events, such as our Bug Bounty program or the Pwn2Own research competition, or less formal channels of communication, we are constantly working with academic researchers and security experts around the world. We have found that these relationships allow us to benefit from great work being conducted by stakeholders outside of our organization who are just as passionate</li> </ul>

Indicator Code	Indicator name	Score (out of 2)	Explanation
			about digital security as we are.' However, there is no evidence that Tesla is committed to engaging all of its potentially and actually affected stakeholders. [Impact Report 2019: <a href="https://www.tesla.com">tesla.com</a> ] <ul style="list-style-type: none"> <li>• Not met: Regular stakeholder engagement</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Commits to engage stakeholders in design</li> <li>• Not met: Regular stakeholder design engagement</li> </ul>
A.1.5	Commitment to remedy	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Commits to remedy</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Not obstructing access to other remedies</li> <li>• Not met: Collaborating with other remedy initiatives</li> <li>• Not met: Work with MO suppliers to remedy impacts</li> </ul>
A.1.6	Commitment to respect the rights of human rights defenders	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Zero tolerance attacks on HRs Defenders (HRDs)</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Expects MO suppliers to reflect company HRD commitments</li> </ul>

## A.2 Policy Commitments (5% of Total)

Indicator Code	Indicator name	Score (out of 2)	Explanation
A.2.1	Commitment from the top	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: CEO or Board approves policy: The Company's Modern Slavery Transparency Statement is signed by Chief Accounting Officer, Vaibhav Taneja. However, the CAO is not a member of the Board of Directors and no evidence has been found of said document being approved by the Company's Board. [2020 Modern Slavery Transparency Statement, 23/06/2020: <a href="https://www.tesla.com">tesla.com</a>]</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Board level oversight for HRs</li> <li>• Not met: Speeches/letters by Board members or CEO</li> </ul>
A.2.2	Board discussions	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Board/Committee review of salient HRs</li> <li>• Not met: Examples or trends re HR discussion</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Both examples and process</li> </ul>
A.2.3	Incentives and performance management	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Incentives for at least one board member</li> <li>• Not met: At least one key MO HR risk, beyond employee H&amp;S</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Performance criteria made public</li> </ul>

## B. Embedding Respect and Human Rights Due Diligence (25% of Total)

### B.1 Embedding Respect for Human Rights in Company Culture and Management Systems (10% of Total)

Indicator Code	Indicator name	Score (out of 2)	Explanation
B.1.1	Responsibility and resources for day-to-day human rights functions	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Commits to ILO core conventions</li> <li>• Not met: Senior responsibility for HR</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Day-to-day responsibility</li> <li>• Not met: Day-to-day responsibility for MO in supply chain</li> </ul>
B.1.2	Incentives and performance management	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Senior manager incentives for human rights</li> <li>• Not met: At least one key MO HR risk, beyond employee H&amp;S</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Performance criteria made public</li> </ul>
B.1.3	Integration with enterprise	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: HR risks is integrated as part of enterprise risk system: The Company states that 'In order to further increase the transparency of our cobalt supply chain,</li> </ul>

Indicator Code	Indicator name	Score (out of 2)	Explanation
	risk management		<p>we collect detailed data from relevant suppliers using the Responsible Minerals Initiative's ("RMI") Cobalt Reporting Template. Because Tesla recognizes the higher risks of human rights issues within cobalt supply chains, particularly for child labor in the Democratic Republic of the Congo ("DRC"), we have made a significant effort to establish processes to remove these risks from our supply chain.' Although the Company expresses concern about human rights risks related to its minerals supply chain, no evidence of human rights risks being integrated to the Company's risk management system was found. [Impact Report 2019: <a href="https://www.tesla.com/impact-report">tesla.com</a>]</p> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Audit Ctte or independent risk assessment</li> </ul>
B.1.4.a	Communication /dissemination of policy commitment(s) within Company's own operations	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"> <li>• Not met: Commits to ILO core conventions</li> <li>• Not met: Communicates its policy to all workers in own operations</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Commits to all 4 ILO core conventions</li> <li>• Not met: Communication of policy commitments to stakeholder</li> <li>• Not met: How policy commitments are made accessible to audience</li> </ul>
B.1.4.b	Communication /dissemination of policy commitment(s) to business relationships	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"> <li>• Not met: Commits to all 4 ILO core conventions for suppliers</li> <li>• Not met: Communicating policy down the whole MO supply chain</li> <li>• Not met: Requiring MO suppliers to communicate policy down the chain</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: How HR commitments made binding/contractual</li> <li>• Not met: Including on MO suppliers</li> </ul>
B.1.5	Training on Human Rights	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"> <li>• Not met: Scores at least 1 on A.1.2</li> <li>• Not met: Trains all workers on HR policy commitments: The Company states 'Tesla is absolutely against any form of discrimination, harassment or unfair treatment of any kind. We hold each other accountable for our actions and provide a structure by which employees can suggest improvements or report issues. This includes anti-discrimination and anti-sexual harassment training courses for employees.' However, no evidence found of all workers being trained on human rights. No further evidence found on more recent documents. [2018 Impact Report, 2019: <a href="https://www.tesla.com/impact-report">tesla.com</a>]</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Trains relevant MO managers including procurement</li> <li>• Not met: Score of 2 on A.1.2</li> <li>• Not met: Both requirements under score 1 met</li> </ul>
B.1.6	Monitoring and corrective actions	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"> <li>• Not met: Scores at least 1 on A.1.2</li> <li>• Not met: Monitoring implementation of HR policy commitments: Although the Company states that its Nominating and Corporate Governance Committee is responsible, among other things, for the monitoring of Tesla's corporate governance practices, no evidence regarding the monitoring of implementation of human rights policies was found. [Impact Report 2019: <a href="https://www.tesla.com/impact-report">tesla.com</a>]</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Monitoring MO suppliers</li> <li>• Not met: Score of 2 on A.1.2</li> <li>• Not met: Describes corrective action process</li> <li>• Not met: Example of corrective action</li> <li>• Not met: Discloses % of MO supply chain monitored</li> </ul>
B.1.7	Engaging business relationships	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"> <li>• Not met: HR affects MO selection of suppliers</li> <li>• Met: HR affects on-going MO supplier relationships: The Company states that 'Our Tier 1 automotive suppliers are required to register and complete the domestic and international material compliance requirements in the International Material Data System (IMDS) to meet EU and other international material and environmental related regulations. This requirement is mandated for all suppliers who supply their products or raw materials to us as part of our production-parts approval process. Tesla, along with our partners and independent third parties, conducts audits to observe these principles in action. If there is a reasonable basis to believe a supplier partner is in violation of the Code, Tesla will transition away from that relationship unless the violation is cured in a satisfactory manner'. Tesla's</li> </ul>

Indicator Code	Indicator name	Score (out of 2)	Explanation
			supplier code of conduct covers aspects related to human rights. [Impact Report 2019: <a href="https://www.tesla.com">tesla.com</a> & Supplier Code of Conduct, 06/2017: <a href="https://www.tesla.com">tesla.com</a> ] Score 2 <ul style="list-style-type: none"> <li>• Not met: Both requirement under score 1 met</li> <li>• Not met: Working with MO suppliers to improve performance</li> </ul>
B.1.8	Approach to engagement with potentially affected stakeholders	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Stakeholder process or systems</li> <li>• Not met: Frequency and triggers for engagement</li> <li>• Not met: Workers in MO SC engaged</li> <li>• Not met: Communities in the MO SC engaged</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Analysis of stakeholder views and company's actions on them</li> </ul>

## B.2 Human Rights Due Diligence (15% of Total)

Indicator Code	Indicator name	Score (out of 2)	Explanation
B.2.1	Identifying: Processes and triggers for identifying human rights risks and impacts	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Identifying risks in own operations: The Company's 10k report informs of risk within their operations. However, no evidence was found on identification of HRs risks. [2019 10k Form, 13/02/2020: <a href="https://ir.tesla.com">ir.tesla.com</a>]</li> <li>• Not met: Identifying risks in MO suppliers</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Ongoing global risk identification</li> <li>• Not met: In consultation with stakeholders</li> <li>• Not met: In consultation with HR experts</li> <li>• Not met: Triggered by new circumstances</li> </ul>
B.2.2	Assessing: Assessment of risks and impacts identified (salient risks and key industry risks)	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Salient risk assessment (and context)</li> <li>• Not met: Public disclosure of salient risks</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Both requirements under score 1 met</li> </ul>
B.2.3	Integrating and Acting: Integrating assessment findings internally and taking appropriate action	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Action Plans to mitigate risks</li> <li>• Not met: Including in MO supply chain</li> <li>• Not met: Example of Actions decided</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Both requirements under score 1 met</li> </ul>
B.2.4	Tracking: Monitoring and evaluating the effectiveness of actions to respond to human rights risks and impacts	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: System to check if Actions are effective</li> <li>• Not met: Lessons learnt from checking effectiveness</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Both requirement under score 1 met</li> </ul>
B.2.5	Communicating : Accounting for how human rights impacts are addressed	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Comms plan re identifying risks</li> <li>• Not met: Comms plan re assessing risks</li> <li>• Not met: Comms plan re action plans for risks</li> <li>• Not met: Comms plan re reviewing action plans</li> <li>• Not met: Including MO suppliers</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Responding to affected stakeholders concerns</li> <li>• Not met: Ensuring affected stakeholders can access communications</li> </ul>

## C. Remedies and Grievance Mechanisms (15% of Total)

Indicator Code	Indicator name	Score (out of 2)	Explanation
C.1	Grievance channel(s)/mechanism(s) to receive complaints or concerns from workers	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"> <li>• Met: Channel accessible to all workers: The Company states 'We believe in regular and transparent communication with employees. We encourage Tesla employees to share their feedback openly (and anonymously if they prefer), and the company provides easy methods to do so. We regularly conduct employee surveys to identify strengths and opportunities for improvement. We have a robust action planning process to ensure we proactively address the concerns or feedback. As a result of recent feedback, we have invested additional resources in our performance and leadership training. We also have a whistleblower hotline through which employees can report concerns at any time. [2018 Impact Report, 2019: <a href="https://tesla.com">tesla.com</a>]</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Number grievances filed, addressed or resolved</li> <li>• Not met: Channel is available in all appropriate languages</li> <li>• Not met: Expect MO supplier to have equivalent grievance systems: The supplier code states that 'Workers should also have mechanisms in place to bring matters of attention to management without fear of reprisal within an environment that fosters respectful interactions among all co-workers including company representatives'. However, no evidence found of suppliers being required to convey the same expectations to their own suppliers. [Supplier Code of Conduct, 06/2017: <a href="https://tesla.com">tesla.com</a>]</li> <li>• Not met: Opens own system to MO supplier workers</li> </ul>
C.2	Grievance channel(s)/mechanism(s) to receive complaints or concerns from external individuals and communities	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"> <li>• Not met: Grievance mechanism for community</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Describes accessibility and local languages</li> <li>• Not met: Expects MO supplier to have community grievance systems</li> <li>• Not met: MO supplier communities use global system</li> </ul>
C.3	Users are involved in the design and performance of the channel(s)/mechanism(s)	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"> <li>• Not met: Engages users to create or assess system</li> <li>• Not met: Example of how they do this</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Engages with users on system performance</li> <li>• Not met: Provides user engagement example on performance</li> <li>• Not met: MO suppliers consult users in creation or assessment</li> </ul>
C.4	Procedures related to the mechanism(s)/channel(s) are publicly available and explained	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"> <li>• Not met: Response timescales</li> <li>• Not met: How complainants will be informed</li> <li>• Not met: Who is handling the complaint</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Escalation to senior/independent level</li> </ul>
C.5	Commitment to non-retaliation over complaints or concerns made	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"> <li>• Not met: Public statement prohibiting retaliation: The Company statement 'The company keeps information reported by employees in confidence, whether through the hotline or another channel. Our policies prohibit retaliatory actions against employees for raising concerns or making complaints.' However, no evidence found if this commitment being extensive to external stakeholders. [Impact Report 2019: <a href="https://tesla.com">tesla.com</a>]</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Practical measures to prevent retaliation</li> <li>• Not met: Has not retaliated in practice</li> <li>• Not met: Expects MO suppliers to prohibit retaliation</li> </ul>
C.6	Company involvement with State-based judicial and non-	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"> <li>• Not met: Won't impede state based mechanisms</li> <li>• Not met: Complainants not asked to waive rights</li> </ul>

Indicator Code	Indicator name	Score (out of 2)	Explanation
	judicial grievance mechanisms		Score 2 <ul style="list-style-type: none"> <li>• Not met: Will work with state based or non judicial mechanisms</li> <li>• Not met: Example of issue resolved (if applicable)</li> </ul>
C.7	Remediating adverse impacts and incorporating lessons learned	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Describes how remedy has been provided</li> <li>• Not met: Says how it would remedy key sector risks</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Changes introduced to stop repetition</li> <li>• Not met: Approach to learning from incident to prevent future impacts</li> <li>• Not met: Evaluation of the channel/mechanism</li> </ul>

## D. Performance: Company Human Rights Practices (20% of Total)

### D.5 Automotive Manufacturing

Indicator Code	Indicator name	Score (out of 2)	Explanation
D.5.1.a	Living wage (in own production or manufacturing operations)	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Living wage target timeframe: The Company states 'Tesla offers competitive wages and benefits in every market in which we operate. In addition, we periodically review each employee's total compensation and make adjustments as necessary. We also believe in pay-for-performance and in providing ample opportunities for individuals to receive incremental base-pay increases and equity awards as they build their Tesla careers.' However, no evidence was found on living wages. Additional evidence was not found in more recent documents. [2018 Impact Report, 2019: <a href="https://tesla.com">tesla.com</a>]</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Describes how living wage determined</li> <li>• Not met: Achieved payment of living wage</li> <li>• Not met: Regularly review definition of living wage with unions</li> </ul>
D.5.1.b	Living wage (in the supply chain)	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Living wage in supplier code or contracts: The Company states 'Compensation paid to workers should comply with all applicable wage laws, including those relating to minimum wages, overtime hours and legally mandated benefits. Punitive deductions from wages as a disciplinary measure are prohibited.' However, no evidence was found on living wages. [Supplier Code of Conduct, 06/2017: <a href="https://tesla.com">tesla.com</a>]</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Improving living wage practices of suppliers</li> <li>• Not met: Both requirements under score 1 met</li> <li>• Not met: Provide analysis of trends demonstrating progress</li> </ul>
D.5.2	Aligning purchasing decisions with human rights	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Avoids business model pressure on HRs</li> <li>• Not met: Positive incentives to respect human rights</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Both requirements under score 1 met</li> </ul>
D.5.3	Mapping and disclosing the supply chain	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Identifies suppliers back to product source: The Company discloses its list of smelters within their Conflict Minerals Policy, stating 'The following list of facilities are smelters or refiners believed to be in Tesla's supply chain who have completed the RMAP audit program and are listed as conformant for responsible sourcing practices.' However, no evidence was found on disclosure of manufacturing suppliers, including indirect suppliers. Additional evidence was not found in more recent documents. [Human Rights and Conflict Minerals Policy, 05/2019: <a href="https://tesla.com">tesla.com</a>]</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Discloses significant parts of supply chain and why</li> </ul>

Indicator Code	Indicator name	Score (out of 2)	Explanation
D.5.4.a	Prohibition on child labour: Age verification and corrective actions (in own production or manufacturing operations)	0.5	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>Met: Does not use child labour: The Company states 'Tesla also advocates freedom of employment, which means all work should be done voluntarily. No employee should be forced to work against their will. Our employees may terminate their employment by giving any required contractual or statutory notice. Child labour and the employment of children below the applicable minimum legal age is strictly forbidden at Tesla. [2018 Modern Slavery Transparency Statement, 06/2019: <a href="https://www.tesla.com">tesla.com</a> &amp; Code of business conduct an ethics (website), N/A]</li> <li>Not met: Age verification of job applicants and workers</li> </ul> Score 2 <ul style="list-style-type: none"> <li>Not met: Remediation if children identified</li> </ul>
D.5.4.b	Prohibition on child labour: Age verification and corrective actions (in the supply chain)	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>Not met: Child Labour rules in codes or contracts: The Company states 'Work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development, as defined by the International Labor Organization, is inconsistent with Tesla's values. Suppliers shall employ and use only workers who are at least the age of 15, have reached the age of completion of compulsory education, or meet the legal minimum age for employment, whichever is highest'. No evidence found, however, in relation to age verification requirements and remediation programmes. [Supplier Code of Conduct, 06/2017: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>Not met: How working with suppliers on child labour</li> </ul> Score 2 <ul style="list-style-type: none"> <li>Not met: Both requirements under score 1 met</li> <li>Not met: Provide analysis of trends demonstrating progress</li> </ul>
D.5.5.a	Prohibition on forced labour: Debt bondage and other unacceptable financial costs (in own production or manufacturing operations)	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>Not met: Pays workers in full and on time</li> <li>Not met: Payslips show any legitimate deductions</li> </ul> Score 2 <ul style="list-style-type: none"> <li>Not met: How these practices are implemented and monitored for agencies, labour brokers or recruiters</li> </ul>
D.5.5.b	Prohibition on forced labour: Debt bondage and other unacceptable financial costs (in the supply chain)	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>Not met: Debt and fees rules in codes or contracts: Although the Company requires to commit against forced labour, no specific provisions found in relation to the imposition of financial burdens on workers. [Supplier Code of Conduct, 06/2017: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>Not met: How working with suppliers on debt &amp; fees</li> </ul> Score 2 <ul style="list-style-type: none"> <li>Not met: Both requirements under score 1 met</li> <li>Not met: Provide analysis of trends in progress made</li> </ul>
D.5.5.c	Prohibition on forced labour: Restrictions on workers (in own production or manufacturing operations)	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>Not met: Does not retain documents or restrict movement</li> </ul> Score 2 <ul style="list-style-type: none"> <li>Not met: How sure about agencies or brokers</li> </ul>
D.5.5.d	Prohibition on forced labour: Restrictions on workers (in the supply chain)	1	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>Met: Free movement rules in codes or contracts: The Company states 'Withholding of, or destruction of, employee identity or immigration documents, passports or work permits is prohibited.' [Supplier Code of Conduct, 06/2017: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>Not met: How these practices are implemented and monitored for agencies, labour brokers or recruiters</li> </ul> Score 2 <ul style="list-style-type: none"> <li>Not met: Both requirements under score 1 met</li> <li>Not met: Provide analysis of trends in progress made</li> </ul>



Indicator Code	Indicator name	Score (out of 2)	Explanation
D.5.6.a	Freedom of association and collective bargaining (in own production or manufacturing operations)	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Commits not to interfere with union rights and collective bargaining and prohibits intimidation and retaliation</li> <li>• Not met: Discloses % covered by collective bargaining</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Both requirement under score 1 met</li> </ul>
D.5.6.b	Freedom of association and collective bargaining (in the supply chain)	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: FoA &amp; CB rules in codes or contracts: The Company states 'As permitted by and in accordance with applicable law and regulations, suppliers shall respect the rights of employees to associate or not associate with any third party. Workers should also have mechanisms in place to bring matters of attention to management without fear of reprisal within an environment that fosters respectful interactions among all co-workers including company representatives.' However, no evidence was found on collective bargaining and requirement to non-discriminate against union members or representatives. [Supplier Code of Conduct, 06/2017: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>• Not met: How working with suppliers on FoA and CB</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Both requirements under score 1 met</li> <li>• Not met: Provide analysis of trends in progress made</li> </ul>
D.5.7.a	Health and safety: Fatalities, lost days, injury rates (in own production of manufacturing operations)	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Injury Rate disclosures: The Company discloses its recordable injuries for Fremont factory. However, no further evidence was found. [Impact Report 2019: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>• Not met: Lost days or near miss disclosure</li> <li>• Not met: Fatalities disclosures</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Set targets for H&amp;S performance</li> <li>• Not met: Met targets or explains why not</li> </ul>
D.5.7.b	Health and safety: Fatalities, lost days, injury rates (in the supply chain)	0.5	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Met: Sets out clear Health and Safety requirements: The Company states 'A safe and healthy working environment can enable and encourage innovation. We expect Tesla Partners to adopt and maintain Health and Safety Management Systems to limit exposure to occupational hazards, prevent emergencies, safeguard machines, manage physically demanding work, and provide access to clean toilets, potable water, and sanitary eating facilities. People's work conditions should not make them sick or cause them harm. Suppliers shall comply with all applicable laws related to maintaining a healthy and safe working environment. [Supplier Code of Conduct, 06/2017: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>• Not met: Injury rate disclosures</li> <li>• Not met: Lost days or near miss disclosures</li> <li>• Not met: Fatalities disclosures</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: How working with suppliers on H&amp;S</li> <li>• Not met: Provide analysis of trends in progress made</li> </ul>
D.5.8.a	Women's rights (in own production or manufacturing operations)	1	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Met: Process to stop harassment and violence: The Company states 'Tesla is absolutely against any form of discrimination, harassment or unfair treatment of any kind. We hold each other accountable for our actions and provide a structure by which employees can suggest improvements or report issues. This includes anti-discrimination and anti-sexual harassment training courses for employees and mandatory training for managers and executives to understand and discuss their role as leaders to continually improve our work environment.' [2018 Impact Report, 2019: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>• Not met: Working conditions take account of gender</li> </ul>

Indicator Code	Indicator name	Score (out of 2)	Explanation
			<ul style="list-style-type: none"> <li>• Not met: Equality of opportunity at all levels: The Company states 'At Tesla, we strive to hire the best and brightest employees, regardless of race, color, religion, sex, sexual orientation, age, national origin, disability, protected veteran status, gender expression or gender identity, and any other protected status under applicable law. We work hard to create a diverse and inclusive workforce composed of talented individuals not just because it's the right thing to do, but because our differences are what make us stronger and smarter as a company. Focusing on hiring outstanding talent, we also work to ensure that we have a diverse pipeline of candidates by completing outreach in the communities where we operate. However, no specific details requiring equality of opportunity that is maintained at all levels of employment. Additional evidence was not found in more recent documents. [2018 Impact Report, 2019: <a href="https://www.tesla.com">tesla.com</a>]</li> </ul> Score 2
D.5.8.b	Women's rights (in the supply chain)	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Women's rights in codes or contracts: The Company states 'Providing an environment in which employees are provided opportunities to succeed in their roles without fear of prejudice or abuse is essential to the values of our company. Discrimination &amp; Harassment are strictly prohibited. This includes on the basis of [...] gender, sexual orientation, gender identity or expression, veteran status, or any other status protected under federal, state, or local law.' However, no evidence was found on measures related to wage parity, equal opportunities regardless of gender or H&amp;S concerns for women workers. [Supplier Code of Conduct, 06/2017: <a href="https://www.tesla.com">tesla.com</a>]</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: How working with suppliers on women's rights</li> <li>• Not met: Both requirement under score 1 met</li> <li>• Not met: Provide analysis of trends in progress made</li> </ul>
D.5.9.a	Working hours (in own production or manufacturing operations)	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Respects max hours, min breaks and rest periods in its own operations</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: How it implements and checks this</li> </ul>
D.5.9.b	Working hours (in the supply chain)	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Working hours in codes or contracts: The Company states 'Suppliers shall not require workers to work more than the regular and overtime hours allowed by the law of the country where the workers are employed or perform work.' However, no evidence was found on international standards or regarding minimum breaks and rest periods &amp; maximum amount of weekly hours. [Supplier Code of Conduct, 06/2017: <a href="https://www.tesla.com">tesla.com</a>]</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: How working with suppliers on working hours</li> <li>• Not met: Both requirements under score 1 met</li> <li>• Not met: Provide analysis of trends in progress made</li> </ul>
D.5.10.a	Responsible Mineral Sourcing: Arrangements with Suppliers and Smelters/Refiners in the Mineral Resource Supply Chains	0.5	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Met: Due diligence in accordance with OECD Guidance in supplier contracts: The Company states 'Partners are accountable for developing and implementing their own due diligence program in alignment with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. Supplier Partners must identify, address and mitigate any risks in their supply chain related to the mining of minerals originating from regions at high risk'. It indicates in the conflict minerals report: ' Our contracts with suppliers also require them to adhere to Tesla's policies, including our Code, Policy, and environmental and safety requirements. [...] Our contractual terms with suppliers (i.e., General Terms and Conditions) also include our expectation that all Tesla suppliers are accountable for performing conflict minerals due diligence aligned with the OECD Guidance as required by Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act'. [Supplier Code of Conduct, 06/2017: <a href="https://www.tesla.com">tesla.com</a> &amp; Conflict Minerals Report 2019, 2020: <a href="https://www.tesla.com">tesla.com</a>]</li> </ul>

Indicator Code	Indicator name	Score (out of 2)	Explanation
			<ul style="list-style-type: none"> <li>• Not met: Works with smelters/refiners and suppliers to build capacity: The Company reports: ' Tesla engaged a reputable third-party service provider with experience in conflict minerals data collection to assist with the engagement and training of suppliers, collection on CMRTs, validation of responses, smelter identification, initial risk assessment, and conflict minerals report review. [...] Educate suppliers on the importance of understanding the 3TG content of their products and maintaining consistency between their CMRT responses and IMDS submissions'. However, no evidence found describing how the Company works with smelter and refiner to build their capacity in risk assessment and improving their due diligence performance. [Conflict Minerals Report 2019, 2020: <a href="https://www.tesla.com">tesla.com</a>]</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Met: Contractual requirement to disclosure smelter/refiner information: The Company states 'Tesla Supplier Partners are expected to strictly follow all U.S. and applicable foreign law, and are required to provide full disclosure on material sourcing in accordance with the United States Government Securities and Exchange Commission (SEC) and Section 1502 of the 2010 Dodd–Frank Wall Street Reform and Consumer Protection Act, including by providing complete and accurate IMDS submissions as requested by Tesla'. It indicates in the conflict minerals report: 'Our contracts with suppliers also require them to adhere to Tesla’s policies, including our Code, Policy, and environmental and safety requirements. Tesla also requires our suppliers to provide evidence to us of their operations that address these social, environmental, and sustainability issues as well as their sourcing in a responsible manner.' As indicated above, this is contractually required. [Supplier Code of Conduct, 06/2017: <a href="https://www.tesla.com">tesla.com</a> &amp; Conflict Minerals Report 2019, 2020: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>• Not met: Contractual requirement covers all minerals</li> </ul>
D.5.10.b	Responsible Mineral Sourcing: Risk Identification in Mineral Supply Chain	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"> <li>• Not met: Risk identification and disclosure in line with OECD Guidance: The Company states that 'Our conflict minerals process and policies are designed to conform in all material respects with the OECD Guidance.' Regarding risk identification and assessment, it says 'Tesla’s risk identification and assessment process begins with the RCOI process detailed above and by leveraging the CMRT. In-scope Tier 1 suppliers are engaged multiple times during this process, and internal stakeholders, such as global supply managers, are also engaged to emphasize to our suppliers the importance of their participation. Supplier data is collected over a ten-week period in order to allow for follow-up and further validation. Supplier responses are continually reviewed throughout the process to ensure consistency with expected responses, and suppliers are asked to provide evidence of their own due diligence processes. Utilizing a reputable third party, we also assess each CMRT received and follow up with suppliers who provided incomplete or invalid responses. Smelter information is assessed against information provided by the RMI for validity as a smelter. Valid smelters are then reviewed for their status as “conformant to” or “active in” a conflict-free audit program. Tesla also leverages the RMI’s Risk Readiness Assessment tool to better understand where smelter risk may emerge in our supply chain. Tesla carefully monitors responses from suppliers on their own internal policies and processes regarding conflict minerals. If a supplier’s policy does not meet our expectations, we not only emphasize the importance of these practices, but also work with that supplier to ensure that its policies are updated to properly address the appropriate process within their supply chain.' However, no evidence found on risks identified. [Conflict Minerals Report 2019, 2020: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>• Met: Identification of smelter/refiners and OECD Guidance: The Company indicates that 'we send out an inquiry letter to the Tier 1 suppliers that have products determined to likely contain 3TG minerals'. Supply chain survey uses CMRT, requesting Tier 1 suppliers to identify smelters and refiners and country of origin of the conflict minerals. Using the CMRT, we receive reports back on Tier 1 supplier progress and collect the determined list of smelters used in the supply chain'. Additionally 'we continuously compare the updated list of facilities that are certified by the RMI as conflict free smelters or refiners against our own CMRT results'. [Human Rights and Conflict Minerals Policy, 05/2019: <a href="https://www.tesla.com">tesla.com</a>]</li> </ul>

Indicator Code	Indicator name	Score (out of 2)	Explanation
			<p>Score 2</p> <ul style="list-style-type: none"> <li>• Met: Discloses smelters/refiners judged in line with OECD Guidance: The Company's Conflict Minerals Report showcases a list of smelters for 3TG, stating 'The following list of facilities are smelters or refiners believed to be in Tesla's supply chain who have completed the RMAP audit program and are listed as conformant for responsible sourcing practices. We publish this list to hold these smelters and refiners accountable and to give credit for their continued participation in the RMAP. In addition, we hope that this encourages the remaining smelters and refiners in our supply chain to accelerate their efforts to demonstrate responsible mineral procurement through the RMAP'. [Conflict Minerals Report 2019, 2020: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>• Not met: Risk identification and disclosure covers all minerals</li> </ul>
D.5.10.c	Responsible Mineral Sourcing: Risk Management in the Mineral Supply Chain	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"> <li>• Met: Describes mineral risk management plan for supply chain: The Company reports in the section 'Design and Implement a Strategy to Respond to Identified Risks' from its Conflict Minerals Report: 'Any concerns with supplier responses throughout the data collection process are brought to the attention of the Steering Committee for further review and action. Suppliers who do not respond are also brought to the attention of a Steering Committee member for escalation. In alignment with the OECD Guidance, Tesla shares the names of smelters provided to us that have not been validated to the RMI for validation and audit. With recognition of the importance of cross-industry collaboration, Tesla continues to participate in the RMI and the Silicon Valley Conflict Minerals and Human Rights Forum.' In addition, in the section 'Continuous Improvement', it indicates: 'Tesla is always working to continually improve and our goal remains to source all of our 3TG through conflict-free and conformant smelters and refiners. In an effort to further strengthen our efforts, we also: Continue to participate in cross-industry groups such as the RMI and Silicon Valley Conflict Minerals and Human Rights Forum; Continue to work with in-scope suppliers to improve response rates to our audits, improve the quality of their responses and ensure their sourcing from conformant smelters and refiners; Continue to include participation in our RCOI process as a contractual requirement for our suppliers; Encourage suppliers to conduct responsible sourcing from the DRC and its adjoining countries by using conformant smelters, and discourage the creation of a de facto embargo on sourcing from the region; Through participation in RMI's Smelter Engagement Team, encourage smelters to participate in RMAP protocol and discourage a potential embargo of the DRC region; and Educate suppliers on the importance of understanding the 3TG content of their products and maintaining consistency between their CMRT responses and IMDS submissions'. [Conflict Minerals Report 2019, 2020: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>• Not met: Monitoring, tracking and whether better risk prevention/mitigation over time: The Company states 'In an effort to continuously improve, we will monitor our due diligence progress over the year as we receive supplier responses to our inquiries and have continued to target a 100% response rate. We expect to participate in more RMI smelter engagement outreach efforts and provide feedback to our own supply chain to improve the quality of responses from our suppliers. However, no further details found, including measures to reduce risk and how it monitors them. Current evidence seems to refer to identify the level of exposure through the survey response. No new evidence found in latest revision. [Human Rights and Conflict Minerals Policy, 05/2019: <a href="https://www.tesla.com">tesla.com</a>]</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Disclose better risk prevention/mitigation over time</li> <li>• Not met: Suppliers and stakeholders engaged in risk management strategy</li> <li>• Not met: Risk management and response processes cover all minerals</li> </ul>

Indicator Code	Indicator name	Score (out of 2)	Explanation
D.5.11	Responsible Materials Sourcing	[SD.5.10]	<p>The individual elements of the assessment are met or not as follows:</p> <p>Score 1</p> <ul style="list-style-type: none"> <li>• Met: Due diligence for raw materials in supplier code/contracts: The Company states 'In addition to global laws and regulations focused on 3TG due diligence specifically, Tesla believes that it is of equal importance to ensure that all of our products and material inputs are sourced with the same proactive approach, irrespective of material or region. Of particular importance to us is the sourcing of raw materials contained in the battery cells used in Tesla's products. Tesla has built strong partnerships with our direct battery cell suppliers. We work closely together to identify and engage with raw materials suppliers that support cell production, which does not typically include 3TG. We require suppliers to provide documentation and descriptions of risk management and mitigation policies on an annual basis, receive certificates of origin for raw materials, and visit production sites whenever possible to observe, review, and discuss these risks and how they are addressed. During these visits, we look for potential human rights risks, in addition to safety or environmental risks, and discuss mitigation efforts directly with the operators.' [Human Rights and Conflict Minerals Policy, 05/2019: <a href="https://www.tesla.com">tesla.com</a>]</li> <li>• Not met: Works with suppliers to build capacity in risk assessment and due diligence: The Company states 'We have visited many cobalt mines and processing plants that support Tesla's main supply chain, as well as potential future suppliers throughout the world. We discuss with these suppliers the major risks they face and the practices they have implemented to mitigate these risks, including chain of custody controls and iterative checks performed from mining until customer delivery to combat illegal or artisanal ore use; on-site security and access control; hiring practices and management engagement to protect against child labor onsite; internal and third party audit practices; and engagement with local communities to maintain a positive social license to operate'. However, no specific details found in relation to capacity building activities, also including other raw materials such as rubber, leather and other minerals not covered in conflict-minerals indicators. Additional evidence was not found in more recent documents. [Human Rights and Conflict Minerals Policy, 05/2019: <a href="https://www.tesla.com">tesla.com</a>]</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Meets all requirements under score 1</li> <li>• Not met: Identify the sources of high-risk raw materials in its supply chain</li> </ul>

## E. Performance: Responses to Serious Allegations (20% of Total)

Indicator Code	Indicator name	Score (out of 2)	Explanation
E(1).0	Serious allegation No 1		<ul style="list-style-type: none"> <li>• Headline: Court condemns Tesla over alleged labour violations in the United States</li> <li>• Area: FoA and CB</li> <li>• Story: On September 27, 2019, Bloomberg reported that a federal court ruled that Tesla committed a series of violations of the National Labor Relations Act in 2017 and 2018 at the Company's manufacturing facility in Fremont, California. The Company reportedly illegally threatened and retaliated against employees and repressed their attempts to unionize. According to the judge's ruling, Tesla created rules that prevented off-duty employees from distributing union leaflets, fired a pair of workers, and questioned employees about union activities.</li> </ul> <p>The violations included a Musk tweet in May 2018 implying that employees who join a union would have to give up company-paid stock options. The judge ruled that the tweet was "threatening to employees" and suggesting that they would lose their stock options if they voted to unionize.</p> <p>This event does not change our opinion on the severity of the case.</p> <ul style="list-style-type: none"> <li>• Sources: [Business Journal - 30/09/2019: <a href="https://www.bizjournals.com">bizjournals.com</a>][Bloomberg - 27/09/2019: <a href="https://www.bloomberg.com">bloomberg.com</a>][Business Human rights center - 01/10/2019: <a href="https://www.business-humanrights.org">business-humanrights.org</a>][CNN - 28/09/2019: <a href="https://www.edition.cnn.com">edition.cnn.com</a>]</li> </ul>
E(1).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"> <li>• Not met: Public response available: Elon Musk, CEO of the Company, tweeted about the possibility and consequences of forming a union. However, no recognition of the alleged violations and threats towards those who wanted to exercise their right to freedom of association could be found. [Elon Musk may have violated labor laws with a tweet, 29/08/2018: <a href="https://www.money.cnn.com">money.cnn.com</a>]</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Response goes into detail</li> </ul>

Indicator Code	Indicator name	Score (out of 2)	Explanation
E(1).2	The Company has appropriate policies in place	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"> <li>• Not met: Company policies address the general issues raised</li> <li>• Not met: Policies apply to the type of business relationships involved: According to the Supplier Code of Conduct, 'suppliers shall respect the rights of employees to associate or not associate with any third party.' However, it is unclear if this extends to unions, and if employees are allowed to bargain collectively. [Supplier Code of Conduct, 06/2017: <a href="https://www.tesla.com">tesla.com</a>]</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Policies address the specific rights in question</li> </ul>
E(1).3	The Company has taken appropriate action	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"> <li>• Not met: Denies allegations, but has engaged affected stakeholders: According to the press, 'The judge has called for Tesla to reinstate Ortiz with back pay, writing that "an employer may not terminate an employee for lying in response to questions regarding" union organizing; and revoke the warning to Moran, noting that Tesla did not seem to have rules against browsing or screenshotting Workday profiles. The ruling also orders Tesla to hold a company meeting at the Fremont plant that Elon Musk must attend, where either he or an agent with the NLRB must read aloud to employees that the board found that Tesla had broken the law. [...] Tesla denies wrongdoing, and is expected to appeal the ruling to the National Labor Relations Board in Washington, D.C.' No evidence could be found that the Company followed through with the required actions. [Firings, leaflets and a tweet: Judge finds multiple labor law violations at Tesla, 30/09/2019: <a href="https://www.bizjournals.com">bizjournals.com</a>]</li> </ul> <p>Score 2</p> <ul style="list-style-type: none"> <li>• Not met: Denies allegations, but reviewed systems to prevent such impacts</li> <li>• Not met: Denies allegations, but implements review recommendations</li> <li>• Not met: Denies allegations, and ensures systems prevent such impacts</li> </ul>
E(2).0	Serious allegation No 2		<ul style="list-style-type: none"> <li>• <b>Headline:</b> Tesla accused of child labour in DRC</li> <li>• <b>Area:</b> Child labour, working hours, health &amp; safety</li> <li>• <b>Story:</b> On December 15, 2019, a legal complaint has been filed in US by human rights group Rights Advocates on behalf of 14 families from the Democratic Republic of Congo (DRC) against Tesla, Microsoft, Alphabet, Dell, and Apple. The lawsuit accused the companies of aiding and abetting in the death and serious injury of children who they claim were working in cobalt mines owned by Glencore. It alleged that the defendants have known for a "significant period of time" that Congo's mining sector "is dependent upon children." The claim further alleged that cobalt from the Glencore-owned mines was then sold to Umicore, which in turn then sells battery-grade cobalt to Apple, Google, Tesla, Microsoft, and Dell.</li> </ul> <p>The lawsuit alleged that the children, some as young as 6 years old, were forced by their families' extreme poverty to leave school and work in cobalt mines owned by Glencore. According to the complaint, 6 of the 14 children were killed in tunnel collapses, while others suffered life-altering injuries, including paralysis. Some children were allegedly paid USD 1.50 a day, working 6 days a week.</p> <p>According to the complaint, the main drivers of the cobalt supply chain are Glencore/Umicore and Zhejiang Huayou Cobalt Company. Knowing that the tech boom was going to cause a major surge in demand for cobalt, these companies allegedly stepped in to dominate the market and develop reliable sources for DRC cobalt.</p> <p>The complaint claimed that "Umicore and Glencore formally agreed to form a venture in which Glencore's DRC cobalt from, among other places, Glencore's mines operated by KCC, MUMI and Katanga Mining, where most of the plaintiffs were severely injured or killed, and Umicore would sell the cobalt to the defendants. All of these companies were formally locked in a "venture" that was created to mine cobalt using young children to perform hazardous labor. The venture was also allegedly established to preserve the existing supply chains of cobalt in the DRC to create plausible deniability for all involved. In the refining process, Umicore reportedly intentionally mixes the cobalt mined by children working under hazardous conditions with other cobalt and takes other steps to impair the traceability of the DRC cobalt to give Defendants Apple, Alphabet, Dell, Microsoft and Tesla plausible deniability as to the source of the cobalt they purchase from Umicore."</p>

Indicator Code	Indicator name	Score (out of 2)	Explanation
			The lawsuit further alleged that "based on the Congolese Mining Code, only Congolese nationals can work as artisanal miners, so Glencore arranged to set up a sham cooperative, CMKK (Coopérative Minière Maadini kwa Kilimo), with Congolese nationals as leaders. CMKK then put a Lebanese man known as "Ismail" in charge of buying the output of the artisanal miners at Tilwezembe to sell to Glencore." <ul style="list-style-type: none"> <li>• Sources: [CNN - 18/12/2019: <a href="http://edition.cnn.com">edition.cnn.com</a>][CBS News - 17/12/2019: <a href="http://cbsnews.com">cbsnews.com</a>][Sky News - 17/12/2019: <a href="http://news.sky.com">news.sky.com</a>][Daily Maverick - 17/12/2019: <a href="http://dailymaverick.co.za">dailymaverick.co.za</a>]</li> </ul>
E(2).1	The Company has responded publicly to the allegation	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Public response available</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Response goes into detail</li> </ul>
E(2).2	The Company has appropriate policies in place	0.5	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Company policies address the general issues raised</li> <li>• Met: Policies apply to the type of business relationships involved: The Supplier Code of Conduct includes a policy on child labour. [Supplier Code of Conduct, 06/2017: <a href="http://tesla.com">tesla.com</a>]</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Policies address the specific rights in question</li> </ul>
E(2).3	The Company has taken appropriate action	0	The individual elements of the assessment are met or not as follows: Score 1 <ul style="list-style-type: none"> <li>• Not met: Engages with affected stakeholders</li> <li>• Not met: Provides remedies to affected stakeholders</li> <li>• Not met: Has reviewed management systems to prevent recurrence</li> </ul> Score 2 <ul style="list-style-type: none"> <li>• Not met: Remedies are satisfactory to the victims</li> <li>• Not met: Has improved systems and engaged affected stakeholders</li> </ul>

## F. Transparency (10% of Total)

Indicator Code	Indicator name	Score	Explanation
F.1	Company willingness to publish information	0.93 out of 4	Out of a total of 60 indicators assessed under sections A-D of the benchmark, Tesla made data public that met one or more elements of the methodology in 14 cases, leading to a disclosure score of 0.93 out of 4 points.
F.2	Recognised Reporting Initiatives	0 out of 2	The individual elements of the assessment are met or not as follows: Score 2 <ul style="list-style-type: none"> <li>• Not met: Company reports on GRI</li> <li>• Not met: Company reports on SASB</li> <li>• Not met: Company reports on UNGPRF</li> </ul>
F.3	Key, High Quality Disclosures	0 out of 4	Tesla met 0 of the 10 thresholds listed below and therefore gets 0 out of 4 points for the high quality disclosure indicator. Specificity and use of concrete examples <ul style="list-style-type: none"> <li>• Not met: Score 2 for A.2.2 : Board discussions</li> <li>• Not met: Score 2 for B.1.6 : Monitoring and corrective actions</li> <li>• Not met: Score 2 for C.1 : Grievance channel(s)/mechanism(s) to receive complaints or concerns from workers</li> <li>• Not met: Score 2 for C.3 : Users are involved in the design and performance of the channel(s)/mechanism(s)</li> </ul> Discussing challenges openly <ul style="list-style-type: none"> <li>• Not met: Score 2 for B.2.4 : Tracking: Monitoring and evaluating the effectiveness of actions to respond to human rights risks and impacts</li> <li>• Not met: Score 2 for C.7 : Remedying adverse impacts and incorporating lessons learned</li> </ul> Demonstrating a forward focus <ul style="list-style-type: none"> <li>• Not met: Score 2 for A.2.3 : Incentives and performance management</li> <li>• Not met: Score 2 for B.1.2 : Incentives and performance management</li> <li>• Not met: Score 1 for D.5.1.a: Living wage (in own production or manufacturing operations)</li> <li>• Not met: Score 2 for D.5.7.a: Health and safety: Fatalities, lost days, injury rates (in own production of manufacturing operations)</li> </ul>

### 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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