



Our special process for assessing Rio Tinto in our 2023 Corporate Human Rights Benchmark due its destruction of the Juukan Gorge rock shelters

April 2023

Introduction

While providing a snapshot in time of corporate human rights practices, the Corporate Human Rights Benchmark (CHRB) methodology does not adequately address major catastrophic events with severe negative human rights impacts. In order to better reflect such exceptional circumstances, the CHRB applies the 'special process for major catastrophic events'.

If a company that is assessed by the CHRB is involved in a major catastrophic event with severe negative human rights impacts, the CHRB reserves the right to temporarily suspend the company from the Benchmark and/or to reduce the company's score in the benchmark and assess whether appropriate remedial steps have been taken. The assessment, as set out in the special process for major catastrophic events methodology, investigates whether and the extent to which the company has taken short- and long-term steps to assess the causes of the event, to prevent similar episodes from occurring in the future and to provide remedies to the affected stakeholders. The assessment is meant to better reflect a company's response, ensure that the benchmark remains a robust and credible source of data, and encourage benchmarked companies to respond to such events in a transparent manner that prioritises actions to engage with and provide remedy to affected stakeholders.

The special process for major catastrophic events methodology establishes three short-term (within 12 months after the event) and three long-term (within 24 months after the event) remedial steps that the company must take in response to the major catastrophic event in order to restore its placement and scoring in the Benchmark. Based on the score obtained in this assessment, the company will be able to regain a percentage of its score in the 2023 CHRB.

The methodology divides events into two categories:

- Category 1 considers events with severe negative human rights impacts to the right to life or health of affected stakeholders that were caused or contributed to by the company. In this category the company's underlying score in the CHRB is capped at 50%.
- Category 2 considers other types of severe negative human rights impacts caused or contributed to by the company. In this category, the company's underlying score in the CHRB is capped at 70%.

This assessment covers the following Category 2 event involving Rio Tinto in 2020.

Overview of the event

On 24 May 2020, activities at Rio Tinto's operations to expand its Brockman 4 iron ore mine in the Pilbara region of Western Australia caused the destruction of rock shelters (known as Juukan 1 and Juukan 2) on the land of the Puutu Kunti Kurrama and Pinikura people (PKKP). The Juukan Gorge is a heritage site of exceptional archaeological and cultural significance with 46,000 years of continual occupation and a 4,000-year-old genetic link to present-day Traditional Owners which has now been destroyed.

The CHRB recognises that the event the in question has caused a severe negative impact on the human rights of affected stakeholders and that, as a consequence of that, it is likely and quite understandable that there are stakeholders who may never agree with or accept Rio Tinto's reparative steps in response to the event. The CHRB acknowledges that much of the impact can never be fully repaired and in no way does it intend to diminish the adversity suffered as a result. The methodology instead seeks to prompt companies involved in such events to take appropriate immediate and longer-term remedial actions for and with affected stakeholders and to do so as transparently as possible to prompt lessons learned for the company, the sector, the country and the wider business and human rights community.

Research process

Sources

For the majority of the requirements, the CHRB special process considers publicly available information that is disclosed by the company. To provide a more comprehensive analysis of the indicators on remedies to affected stakeholders, the assessment also takes into account selected publicly available third-party evidence, including from the Business and Human Rights Resource Centre and government investigations.

Company engagement

Following Rio Tinto's involvement in a major catastrophic event with severe negative human rights impact, the company was informed of its suspension from the benchmark and the application of the special process for major catastrophic events methodology. Prior to the assessment, Rio Tinto was provided with the opportunity to share publicly available evidence they would like the CHRB to take into account. The CHRB research team has assessed the evidence provided by the company, other publicly available information from the company, and selected third-party sources to produce a draft assessment. This draft assessment was discussed with the company and the company provided written feedback, which was assessed to produce the final assessment.

Scoring (Category 1)

The CHRB assessment is divided into six indicators for the three short-term and three long-term remedial steps, which are divided into different elements. For each element, the company may score 0, 1 or 2 points. Elements 2.B and 4.B, which assess stakeholder involvement and satisfaction with the remediation, have been double weighted for a total of 4 points each.

Timeframe	Indicator	Element	Max. score	
Short-term	1	A	2	
		B	2	
		C	2	
	2	A	2	
		B (<i>double weighted</i>)	4	
		C	2	
	3	A	2	
		B	2	
	Max. score short-term remedial steps			18
	Long-term	4	A	2
B (<i>double weighted</i>)			4	
C			2	
5		A	2	
		B	2	
6		A	2	
		B	2	
		C	2	
Max. score long-term remedial steps			18	
Max. total score			36	

Prior to the assessment, the company's underlying score for the CHRB has been capped at 70%. A company that receives the maximum available score for the short- and long-term remedial steps (36 points) can regain its full underlying score for the CHRB. When a company receives less than the maximum available score, the percentage the company can regain will be calculated accordingly. For

example, a company in Category 2 that has scored 15/36 points in the special process will regain 15/36 of 30%, meaning it will regain 13% and its underlying score in the CHRB will be capped at 83%.

Assessment

12 months after the event

<p>1. The company conducted and made public an immediate assessment of its systems, including related operational processes and infrastructure, to prevent further harm from the incident and to take any immediate steps to prevent similar impacts from happening in the future. The views of affected stakeholders should be sought and disclosed as part of this assessment and the company should make public conclusions reached.</p>
<p>2</p> <p>(a) Public and immediate assessment of its systems <i>Based on the following information, the CHRB has assessed the company as having conducted an immediate assessment of its systems, including related operational processes and infrastructure, to prevent further harm from the incident and to take any immediate steps to prevent similar impacts from happening in the future.</i></p> <p>In August 2020, the Board of Rio Tinto conducted a Board Review of Cultural Heritage Management ('Board Review' hereinafter) aimed at assessing whether Rio Tinto's processes for the management of cultural heritage issues are appropriate as well as identifying improvements to the company's internal processes and governance on the issue (Rio Tinto - Board Review, 3). The Board Review identified root causes of the impact and detailed steps that can be taken immediately to prevent similar future impacts (pp. 20-26, Board Review). In addition, the Board committed to apply the Board Review's learnings across the Rio Tinto Group (Rio Tinto - Board Review, 3).</p> <p>The Board Review examined key moments that led to the destruction of the Juukan rock shelters in May 2020, starting from 2003, the year when engagement between Rio Tinto and the Traditional Owners of the Juukan rock shelter started. Critical decision-making moments that led to the destruction of the Juukan rock shelters were identified in the Board Review, as well as the reasonings behind these decisions. The last part of the Board Review identifies priorities for change, which include both the rebuilding of the relationship with the affected stakeholders and internal changes in Rio Tinto's processes and systems on cultural heritage management. The Board Review included an appendix on proposed adjustments to executive variable remuneration; it disclosed the proposed adjustments to Executive variable remuneration in response to the Juukan Gorge rock shelters destruction. The recommendation of the Rio Tinto Remuneration Committee, approved by the Board, was that no 2020 annual bonus payment will be made in 2021 to key Executives (Chief Executive Officer, Group Executive – Corporate Relations, Chief Executive – Iron Ore). In addition, the Chief Executive Officer's 2016 Long-Term Incentive Plan (LTIP) award that is due to vest in the first half of 2021 will be reduced by £1,000,000 (Rio Tinto - Board review, 27-28).</p> <p>Sources: Rio Tinto – Board Review of Cultural Heritage Management, August 2020</p>
<p>0</p> <p>(b) The views of stakeholders should be sought and disclosed <i>Based on the following information, the CHRB has assessed the company as not having disclosed evidence that indicated that the views of affected stakeholders were sought.</i></p> <p>It is not possible to say whether the view of affected stakeholders, here defined as the Puutu Kunti Kurrama and Pinikura people (PKKP), was sought as a part of the immediate assessment, as no evidence of this has been disclosed. The only immediate assessment that is publicly available is the Board Review which does not address or describe how it incorporates affected stakeholders' views.</p>

	<p>As part of its feedback, the company submitted further evidence relating to engagement with the PKKP and wider Australian Tradition Owner community by former and current Rio Tinto CEO's. While demonstrating senior level engagement, this disclosure did not demonstrate how the company sought the views of affected stakeholders as part of the immediate assessment and was therefore not considered material to this indicator.</p> <p>The company also submitted evidence regarding the unwillingness by the PKKP to make their negotiations with Rio Tinto public: "Traditional Owners also made clear their views and concerns independently through the Commonwealth Inquiry and also publicly through the media and via direct discussions with senior Rio Tinto leaders. Ms Carol Meredith, Chief Executive Officer of the PKKP stated "...there is real reluctance on the part of the PKKP people to speak openly about these sorts of matters, even in their own defense. We were instructed by the elders, our land committee and our board that, from the date we initially released our media piece about Juukan, we would only speak of the grief that the people felt and our disappointment that there was a legislative framework that allowed this to happen....otherwise our preference is to have negotiations through our submission but also behind closed doors with Rio. We do not want to make this into a media circus" (Joint Standing Committee – Official Committee Hansard, p. 12). While this statement clearly demonstrates that the PKKP wished for negotiations to be held privately, it does not demonstrate that Rio Tinto sought the affected stakeholders' feedback on its immediate assessment of the event, nor that affected stakeholders were not willing to share it publicly, as the declaration refers to negotiations.</p> <p>Sources: Joint Standing Committee on Northern Australia – Official Committee Hansard, October 2020</p>
<p>1</p>	<p>(c) Company should make public the conclusions reached</p> <p><i>Based on the following information, CHRB has assessed the company as having disclosed the assessment and the conclusions it drew from it. However, as stakeholders' views have not been sought during the assessment (see element (b)), the company cannot be assessed as having disclosed a full and all-rounded assessment.</i></p> <p>The company publicly disclosed its immediate assessment of its system by means of the Board Review, but does not disclose that it has sought stakeholders' views as part of this assessment. As part of its feedback, the company has submitted further evidence relating to the affected stakeholders' "preference (...) to have negotiations through our submission but also behind closed doors with Rio" (Joint Standing Committee – Official Committee Hansard, p. 12). As assessed in element b above, the company is expected to demonstrate having sought stakeholders views as part of its assessment, but does not have to disclose the content of the negotiations itself. As the company did not disclose evidence of the former, the CHRB was not able to confirm that the conclusions of the immediate assessment published by the company were informed by affected stakeholders' views. Neither did the company disclose, as part of its corporate reporting, that it had had consulted affected stakeholders on the assessment but would refrain from disclosing conclusions reached in line with their preferences.</p> <p>Sources: Rio Tinto – Board Review of Cultural Heritage Management, August 2020 Joint Standing Committee on Northern Australia – Official Committee Hansard, October 2020</p>
<p>2. The company appointed an independent committee including stakeholder representatives to review the event, in a manner that is transparent, independent and co-designed with affected stakeholders, to identify and assess the root causes and immediate causes of the event, including systemic and structural issues, and recommend actions to the board and to others. The conclusions of the review and its recommendations should be made public to build trust in the results and as a measure of respect for the stakeholders affected, and the company should respond publicly to the findings.</p>	

<p>0</p>	<p>(a) Independent committee to review the event and provide related recommendations</p> <p><i>Based on the following information, the CHRB has assessed the company as not having appointed an independent committee, including stakeholder representatives, to conduct a review of the event.</i></p> <p>While the company has conducted and publicly disclosed a number of reviews, none of these can be considered a review of the event by an independent committee appointed by the company. The aforementioned Board Review of Cultural Heritage Management (August 2020) was conducted by the company’s board, which cannot be considered an independent committee. In addition, Environmental Resources Management (ERM) (a consultancy company) was engaged to conduct the Independent Cultural Management Audit (started in September 2021, published in March 2023) (Rio Tinto - Communities and Social Performance Commitments Disclosure 2022, pp. 14-15). The audit is described as follows:</p> <p>“The audit process involved a document review and a series of internal and external stakeholders’ interviews and site visits, where possible.</p> <ul style="list-style-type: none"> • Review cultural heritage risks and identify gaps in risk identification and management, and test leadership understanding of risks relating to tangible and intangible cultural heritage management. • Verify conformance with Rio Tinto’s Cultural Heritage Management Group Procedure, and comparison against international good practice standards. • Review stakeholder management processes to ensure cultural heritage management practices include active engagement and consultation with appropriate stakeholders. • Review incidents and complaints with cultural heritage impacts and their escalation, investigation, resolution and remedy or corrective actions.” (Rio Tinto - Communities and Social Performance Commitments Disclosure 2022, p.14) <p>While the Cultural Management Audit was carried out by an external party, it cannot be considered a review of the event; rather, it was a review of Rio Tinto’s risk identification and management practices, as well as internal compliance. Moreover, the ERM cannot be considered an independent committee as it is a technical service provider contracted by Rio Tinto to conduct the Independent Cultural Management Audit.</p> <p>We acknowledge that, although not initiated by Rio Tinto, an independent review of the event did take place in 2020 and 2021 thanks to the initiative of the Joint Standing Committee on Northern Australia (Joint Standing Committee on Northern Australia, December 2020). Rio Tinto participated in this review and accepted most of its conclusions (Rio Tinto - Webpage ‘Rio Tinto acknowledges interim report’, December 2020). The company has also highlighted this as part of its feedback to the CHRB. While the inquiry by the Joint Standing Committee did investigate the immediate causes of the event and made public recommendations, it was not initiated by the company. Rio Tinto did not publicly disclose why it refrained from undertaking such a review itself.</p> <p>Sources: Rio Tinto – Communities & Social Performance Commitments Disclosure, October 2022 Joint Standing Committee on Northern Australia – Never Again, December 2020</p>
<p>0</p>	<p>(b) Co-designed with affected stakeholders</p> <p><i>Based on the following information, the CHRB has assessed the company as not having disclosed evidence to demonstrate that the review was co-designed with affected stakeholders.</i></p> <p>The reviews initiated by the company mentioned above (Board review of August 2020 and Cultural Management Audit as summarized in the Communities and Social</p>

	<p>Performance Commitments Disclosure 2022) do not include any evidence of having been co-designed with affected stakeholders. As part of its feedback, the company submitted evidence to demonstrate that the Cultural Management Audit included engagement with 27 external stakeholders. However, it is not clear that affected stakeholders were involved in the design of the review process itself.</p> <p>Sources: Rio Tinto – Communities & Social Performance Commitments Disclosure, October 2022</p>
<p>0</p>	<p>(c) The conclusions of the review and its recommendations should be made public and the company should respond publicly to the findings <i>Based on the following information, CHRB has assessed the company as not having disclosed publicly the conclusions of an independent review and its responses to the recommendations.</i></p> <p>There is no public evidence of a review of the event conducted by an independent committee appointed by the company, and no publication of its conclusions or recommendations. The company disclosed how it is acting upon the findings of internal reviews (such as the Board Review) and its own commitments, as well as on the recommendations issued by the Joint Standing Committee on Northern Australia conducting the inquiry on the destruction of the rock shelters at the Juukan Gorge commissioned by the Australian Parliament (Rio Tinto – Press release ‘Rio Tinto acknowledges interim report from Australian Parliamentary Committee’). The company also highlighted this in its feedback. However, as assessed above, none of the publications can be considered a review of the event by an independent committee appointed by the company.</p> <p>Sources: Rio Tinto – Press release ‘Rio Tinto acknowledges interim report from Australian Parliamentary Committee’, December 2020</p>

<p>3. The company provided immediate and appropriate forms of remedy, including compensation to victims and their families and their communities as appropriate to provide immediate relief.</p>	
<p>2</p>	<p>(a) Provision of immediate and appropriate forms of remedy to victims, families, and community <i>Based on the following information, CHRB has assessed the company as having demonstrated that it provided appropriate immediate remedies to the affected stakeholders.</i></p> <p>The Joint Standing Committee on Northern Australia, in its interim report on the destruction of the Juukan Gorge rock shelters commissioned by the Australian Parliament, made recommendations on forms of immediate relief (Joint Standing Committee - Never Again, pp. 17-18). In its final report of October 2021 (A way forward), the Joint Standing Committee observed that the company had implemented most of the recommendations (Joint Standing Committee – A Way Forward, pp. 36-38). The company disclosed that it had provided various forms of remedies in line with what is outlined in the Committee’s reports, among others, apologies, reparation of the relationship with the affected stakeholders, and reconstruction of the rock shelters. Furthermore, the company has moved artifacts and other materials extracted during archaeological excavations and is in discussion with the PPKP on the provision of an appropriate, permanent keeping place. The company established the Juukan Remediation Project which has been co-designed with the PPKP people, their corporation representatives and their independent technical advisers with a Juukan Sub-Committee that provides direction to Rio Tinto while Traditional Owners monitor the implementation. The Juukan Remediation Project</p>

	<p>includes the remediation of an area to the West of Juukan Gorge (completed), the provision of safe access to the area (underway), and the remediation of the Juukan shelters.</p> <p>Sources: Joint Standing Committee on Northern Australia – Never Again, December 2020 Joint Standing Committee on Northern Australia – A Way Forward, October 2021</p>
2	<p>(b) The company offered stakeholders the option of receiving economic compensation for losses suffered</p> <p><i>Based on the following information, CHRB has assessed the company as having disclosed evidence to demonstrate that the company offered economic compensation.</i></p> <p>In November 2022, Rio Tinto agreed with the PKKP Aboriginal Corporation to create the Juukan Gorge Legacy Foundation as part of the remedy agreement. Financial support will be provided to the Traditional Owner-led foundation to progress major cultural and social projects, including a new keeping place for storing important cultural materials. As specified in Rio Tinto's press release "PKKP and Rio Tinto to create Juukan Gorge Legacy Foundation", the agreement forms part of Rio Tinto's "commitment to remedy and rebuild the relationship with the PKKP people" and the financial terms of the agreement will not be disclosed at the request of the PKKP Aboriginal Corporation (Rio Tinto – Press release 'PKKP and Rio Tinto to create Juukan Gorge Legacy Foundation').</p> <p>Sources: Rio Tinto – Press release 'PKKP and Rio Tinto to create Juukan Gorge Legacy Foundation, November 2022</p>

Total score: 7 / 18

24 months after the event

<p>4. The company sets out clearly how it provides for or cooperates in longer-term remediation programs to and with victims and their communities as appropriate in a manner that is acceptable to the overwhelming majority of them and co-operates fully with any legal or administrative procedures designed to deliver a remedy to victims</p>	
<p>2</p>	<p>(a) The company sets out clearly how it provides for or cooperates in longer-term remediation programs to and with victims and their communities</p> <p><i>Based on the following information, CHRB has assessed the company as having set out clearly how it provides for or cooperates in longer-term remediation programs to and with victims and their communities.</i></p> <p>The company disclosed the following actions taken in relation to long-term remediation programs:</p> <ul style="list-style-type: none"> • In May 2022, it signed a co-management Heads of Agreement with the Puutu Kunti Kurrama and Pinikura Aboriginal Corporation outlining how the company and the two groups will have a co-management approach to mining activities in PKKP Country (Rio Tinto - Communities and Social Performance Commitment Disclosure, p.5). • In July 2022, the company started the re-excavation on Juukan Gorge 2 at the request of the PKKP people. The company also disclosed evidence of increasing indigenous employment through investing \$50 million over five years to attract, retain and grow indigenous leaders. In Western Australia, an indigenous participation strategy has been launched to improve employment opportunities (Rio Tinto - Communities and Social Performance Commitment Disclosure 2022, p.5). • In November 2022, a remedy agreement with the Puutu Kunti Kurrama and Pinikura Aboriginal Corporation has been signed with the goal to establish the Juukan Gorge Legacy Foundation which is led and controlled by Traditional Owners and financially supported by Rio Tinto. The Foundation will support the cultural, social, educational and economic aspirations of the Traditional Owners and will enable the delivery of broader benefits through commercial partnership opportunities (Rio Tinto – Press release ‘PKKP and Rio Tinto to create Juukan Gorge Legacy Foundation’). <p>Sources: Rio Tinto – Communities & Social Performance Commitments Disclosure, October 2022 Rio Tinto – Press release ‘PKKP and Rio Tinto to create Juukan Gorge Legacy Foundation, November 2022</p>
<p>2</p>	<p>(b) The remediation programs are accepted by the overwhelming majority of the affected stakeholders</p> <p><i>Based on the following information, the CHRB has assessed the company as having demonstrated stakeholder acceptance of the remedy agreement that guides most of the remediation programs. However, the CHRB was not able to identify evidence of acceptance by the overwhelming majority of the affected stakeholders of the company’s remediation programs more broadly and the way they are implemented.</i></p> <p>As highlighted above, Rio Tinto and the Puutu Kunti Kurrama and Pinikura Aboriginal Corporation, representing the affected stakeholders, signed a remedy agreement. In the press release, Rio Tinto states that the agreement “reflects the desire of the Traditional Owners to create a foundation that supports the cultural, social, educational and economic aspirations of the group” and centres on “agreeing a new approach to co-management of Country as well as the ongoing rehabilitation of the rock shelters and their surrounds at Juukan Gorge”. The financial terms of the agreement remain</p>

	<p>undisclosed “at the request of the PKKP Aboriginal Corporation” (Rio Tinto – Press release ‘PKKP and Rio Tinto to create Juukan Gorge Legacy Foundation’). As representatives of the affected stakeholders have signed the remedy agreement that, as reported by Rio Tinto, “reflects their desires”, there is an indication that affected stakeholders accept at least part of the remediation programs by Rio Tinto. However, the agreement itself does not provide further insight into affected stakeholder acceptance of the remediation programs and their implementation more broadly.</p> <p>In terms of qualitative evidence regarding affected stakeholder satisfaction, the company disclosed the results of a questionnaire conducted with a group of Traditional Owners aimed at understanding whether the progress Rio Tinto is making on four of its commitments is aligned with the Traditional Owners’ expectations. The commitments on which the company sought feedback were: commitment 2 on partnering and working collaboratively with Pilbara Traditional Owners, a combination of commitments 6 and 7 on reducing barriers to and increasing employment and leadership in Australia, commitment 7 on developing cultural competency within Rio Tinto, and commitment 8 on establishing processes to better manage and protect cultural heritage (Communities and Social Performance Commitments Disclosure 2021, pp. 12-19) (Communities and Social Performance Commitments Disclosure 2022, pp. 17-15).</p> <p>These commitments were made by Rio Tinto as a part of its remediation plans, and suggested by the Board as well as the outcomes of the Parliamentary Inquiry conducted by the Joint Standing Committee on Northern Australia, and predominantly concern changes to the company’s practices and systems rather than the remediation programs mentioned above. In the questionnaire, affected stakeholders were not asked about the acceptance of remediation programs offered, but rather about their satisfaction with the changes Rio Tinto is implementing and their progress on that.</p> <p>While the company has co-signed a remedy agreement with affected stakeholders’ representatives and discloses quantitative evidence of how stakeholders perceived progress against its commitments, the CHRB was not able to identify publicly available evidence that the majority of stakeholders have accepted how the company provides for long-term remedies.</p> <p>Sources: Rio Tinto – Press release ‘PKKP and Rio Tinto to create Juukan Gorge Legacy Foundation, November 2022 Rio Tinto – Communities & Social Performance Commitments Disclosure, September 2021 Rio Tinto – Communities & Social Performance Commitments Disclosure, October 2022</p>
<p>2</p>	<p>(c) The company cooperates with any legal or administrative procedures to deliver the remedies</p> <p><i>Based on the following information, the CHRB has assessed the company as having cooperated with any legal or administrative procedures to deliver the remedies.</i></p> <p>The final report of the inquiry of the Joint Standing Committee on Northern Australia highlights that Rio Tinto has “responded to most of the recommendations from the Committee’s interim report” (Joint Standing Committee - A way forward, October 2021, p. 36-37). Moreover, Rio Tinto acknowledged the publication of the interim report by the Committee and later developments by the Government (Rio Tinto – Press release ‘Rio Tinto acknowledges Government’s response to Juukan Gorge report’, November 2022).</p> <p>Sources: Joint Standing Committee on Northern Australia – A Way Forward, October 2021 Rio Tinto – Press release ‘Rio Tinto acknowledges Government’s response to Juukan Gorge report’, November 2022</p>

<p>5. The company describes longer-term changes to its systems, processes, and practices to prevent similar adverse impacts in the future, which have been reviewed by competent authorities, experts, or other relevant stakeholder</p>	
<p>2</p>	<p>(a) The company describes longer-term changes to its systems, processes and practices <i>Based on the following information, CHRB has assessed the company as having described long-term changes to its systems, processes, and practices.</i></p> <p>In October 2022, the company published its second Communities and Social Performance Commitments Disclosure Report that describes the progress made on the implementation of the commitments made in the 2020 Board Review of the destruction of the Juukan Gorge rock shelters (Rio Tinto - Communities and Social Performance Disclosure 2022). The company describes how it has implemented commitments that include longer-term changes to systems, processes, and practices such as “establishing the new communities and social performance model” (p.6), “empowering operational management” (p.7), “improving our governance, planning and systems” (p.7), and “establishing a process to redefine an improve cultural heritage management standards and practices” (p.12). Actions that the company has taken to fulfill these commitments include increasing the technical capability and resourcing of Cultural Heritage teams, developing a more robust Heritage and Risk Assessments practices contained in the Heritage Information Management Systems, rebuilding the relationships with the Traditional Owners through co-management agreements on land, doubling the number of Communities and Social Performance professionals within Rio Tinto, and increasing consultation and engagement on operations (pp. 5-13).</p> <p>In Rio Tinto’s 2022 Annual Report, the company further lists management response in relation to “building trusted relationships with Indigenous peoples” (Rio Tinto - Annual Report 2022, p.83). Among others, the company states it has “implemented an integrated cultural heritage management system and embedded social considerations in approvals and decision-making processes at all levels of the organization”, “built cultural responsiveness and competence (including for cultural heritage) across the leadership teams and workforce”, “strengthened consultation, meaningful engagement, and free, prior and informed consent (FPIC) processes” and “Set clear guidance on how business should be conducted through the updated Code of Conduct – The Way We Work (launched in early 2023), Communities and Social Performance Standard, and Human Rights Policy” (p.83).</p> <p>Sources: Rio Tinto – Communities & Social Performance Commitments Disclosure, October 2022 Rio Tinto – Annual report 2022, available via www.riotinto.com/en/invest/reports/annual-report</p>
<p>0</p>	<p>(b) The long-term changes have been reviewed by competent authorities, experts, or other relevant stakeholders <i>Based on the following information, CHRB has assessed the company as not having disclosed information on how the long term changes have been reviewed by competent authorities, experts, or other relevant stakeholders.</i></p> <p>In July 2022, Rio Tinto asked Traditional Owners for feedback “to understand whether our progress on our commitments aligns with their expectations” and disclosed a summary of this in the Communities and Social Performance Commitments Disclosure (pp. 17-25). For a selection of its commitments, the company asked Traditional Owners the following questions: “Q1. How well do you think we have progressed on this commitment?, Q2. How well do you feel you have been engaged on this commitment?, Q3. What have you seen over the last 12 months that demonstrates our progress on this commitment?, Q4. What suggestions do you have on how we can better partner, and work, with your Traditional Owner group?”. The feedback sought by the company thus centred on the affected stakeholders’ satisfaction with the implementation of the company’s commitment While the company</p>

	<p>sought relevant stakeholders' feedback on its progress on implementing commitments, no evidence was found that longer term changes to its systems, processes and practices aimed at preventing similar adverse impacts in the future were reviewed by relevant stakeholders.</p> <p>In March 2023, Rio Tinto published the final global report of the Independent Cultural Management Audit (started in September 2021) conducted by Environmental Resources Management (ERM) (a consultancy company) (Rio Tinto – Press release 'Rio Tinto publishes independent report on cultural heritage management performance'). The audit is described as follows:</p> <p>"The audit process involved a document review and a series of internal and external stakeholders' interviews and site visits, where possible.</p> <ul style="list-style-type: none"> • Review cultural heritage risks and identify gaps in risk identification and management, and test leadership understanding of risks relating to tangible and intangible cultural heritage management. • Verify conformance with Rio Tinto's Cultural Heritage Management Group Procedure, and comparison against international good practice standards. • Review stakeholder management processes to ensure cultural heritage management practices include active engagement and consultation with appropriate stakeholders. • Review incidents and complaints with cultural heritage impacts and their escalation, investigation, resolution and remedy or corrective actions" (Rio Tinto - Communities and Social Performance Commitments Disclosure 2022, p. 14). <p>While the Cultural Management Audit was carried out by an external party, it cannot be considered a review of the longer-term changes to its systems, processes and practices to prevent similar adverse impacts in the future; rather, it was a review of Rio Tinto's risk identification and management practices, as well as internal compliance.</p> <p>Sources: Rio Tinto – Press release 'Rio Tinto publishes independent report on cultural heritage management performance', March 2023 Rio Tinto – Communities & Social Performance Commitments Disclosure, October 2022</p>
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<p>6. The company initiates or co-operates fully with industry-led initiatives, government, and other stakeholders to address the causes and consequences of the event to support wider action. The company accepts and sets out clearly how it is acting upon the conclusions of any such reviews/proposals as far as its operations are concerned.</p>	
0	<p>(a) The company initiates industry-led initiatives, government, and other stakeholders to address the causes and consequences of the event to support wider action</p> <p><i>Based on the following information, CHRB has assessed the company as not having disclosed information on having initiates industry-led initiatives, government, and other stakeholders to address the causes and consequences of the event to support wider action.</i></p> <p>No evidence was found in the public domain that the company initiated an industry-led initiative to address the causes and the consequences of the incident. As part of its feedback, the company submitted evidence relating to how it has cooperated the inquiry led by the Joint Standing Committee on Northern Australia. This was found not material to this element as co-operation in other initiatives is assessed in element b below.</p>
2	<p>(b) The company co-operates fully with industry-led initiatives, government, and other stakeholders to address the causes and consequences of the event to support wider action</p>

	<p><i>Based on the following information, the CHRB has assessed the company as having co-operated fully with industry-led initiatives, government, and other stakeholders to address the causes and consequences of the event to support wider action.</i></p> <p>The company discloses its advocacy efforts in relation to the topic of aboriginal heritage and demonstrates that it engages with external stakeholders to share lessons. For instance, the company discloses supporting the reform of the Aboriginal Heritage Act 1972 (WA) (AHA) and has advocated for legislative change that balances meaningful engagement and protection of heritage values with certainty for all stakeholders (Rio Tinto – Communities and Social Performance Commitments Disclosure 2022, p.24). Furthermore, the company has committed to assisting with capacity building within Traditional Owner organisations to support both the meaningful exercise of their expanded heritage protection rights and to ensure that they are appropriately resourced to discharge their responsibilities under the proposed ACH Bill. By engaging with external stakeholders – such as the Chamber of Minerals and Energy of Western Australia, the Minerals Council of Australia, and the International Council on Mining and Metals – Rio Tinto shares the lessons learned from Juukan Gorge.</p> <p>Sources: Rio Tinto – Communities & Social Performance Commitments Disclosure, October 2022</p>
2	<p>(c) The company accepts and sets out clearly how it is acting upon the conclusions of any such reviews/proposals as far as its operations are concerned</p> <p><i>Based on the following information, the CHRB has assessed the company as having disclosed how it accepts and acts upon the conclusions of industry-led or government reviews/proposals.</i></p> <p>Following its initial investigation, the interim report ‘Never Again’ of the Joint Standing Committee makes a range of recommendations to Rio Tinto. These include the negotiation of a restitution package with the PKKP, reconstruction of the Juukan rock shelters, a permanent moratorium on mining in the Juukan Gorge area, undertaking an independent review of its agreements with Traditional Owners, committing to a stay on all actions under the company’s Section 18 permissions until they are reviewed to ensure FPIC and a voluntary moratorium on applying for new permissions, and return of all artefacts held by Rio Tinto to the PKKP (Joint Standing Committee – Never Again, p. xv).</p> <p>According to the final report of the inquiry of the Joint Standing Committee on Northern Australia, Rio Tinto has responded to “most of the recommendations of the Committee’s interim report” (Joint Standing Committee – A Way forward, p. 36). Explicitly mentioned responses undertaken by Rio Tinto are the reconstruction of the Juukan rock shelters, the moratorium, reviewing agreements with Traditional Owners and the return of artefacts (pp. 36-37)</p> <p>Regarding the Section 18 recommendations, the company reports that it is “not relying on Section 18s under the existing AHA (Aboriginal Heritage Act) but instead is re-consulting in relation to granted Section 18 approvals” as well as that it is “only pursuing Section 18 applications where we have a letter of non-objection from Traditional Owners” (Rio Tinto – Communities and Social Performance Commitments Disclosure 2021, p. 11).</p> <p>The company further disclosed plans to engage with Traditional Owner family groups to improve their capacity to meaningfully engage with the company in consultation process and to have effective Free and Prior Consent (FPIC) mechanisms (Rio Tinto - Communities and Social Performance Disclosure 2022, p.5).</p> <p>Sources: Joint Standing Committee on Northern Australia – Never Again, December 2020 Joint Standing Committee on Northern Australia – A Way Forward, October 2021</p>

	Rio Tinto – Communities & Social Performance Commitments Disclosure, September 2021
	Rio Tinto – Communities & Social Performance Commitments Disclosure, October 2022

Total score: 12 / 18

Final score

Rio Tinto obtained a score of 19 / 36 points for the full Special Process for Major Catastrophic Events assessment. Therefore, the company's score cap will be increased from 70% to 86%. For the company's assessment in the 2023 Corporate Human Rights Benchmark, its score will therefore be capped at 86%.