



## **PROCEDURE ON SAFETY AND RESPECT FOR HUMAN RIGHTS**

**Safety Department**

**Social Impact and Human Rights Department**

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## INTRODUCTION

As part of its Human Rights policy, the Eramet Group is firmly committed to the prevention of safety risks, and reiterates that the use of force is strictly limited to cases of extreme necessity and to a degree proportional to the threat.

Similarly, the Group undertakes to respect human rights in its efforts to ensure the safety and security of all its projects, and also undertakes not to support public or private security forces that have been credibly implicated in human rights violations, breaches of international humanitarian law or excessive use of force.

With this in mind, the Group has drawn up the present *Security and Human Rights Procedure*, applicable to all Sites (as defined below) with regard to their relations with public and private security. This procedure is directly inspired by the Voluntary Principles on Security and Human Rights (VPSHR), a multi-stakeholder initiative drawn up in 2000 by competent local authorities, international NGOs and energy companies, to enable the latter to meet the challenges they face in maintaining the security of their operations within an operational framework that respects and promotes human rights and fundamental freedoms. VPSHR enables the Group to address human rights and safety issues in its operations worldwide.

This policy is accompanied by a Group procedure on the use of force, applicable to all Group entities.

This procedure, and the specific procedure on the use of force, must be appended to all contracts, conventions, agreements or protocols entered into with private security companies and public security companies for the purpose of protecting the Sites (as defined below) and their employees.

These procedures apply to all sites (mining, industrial, etc.) of Group entities with Eramet SA as majority shareholder (the "**Sites**"), and must therefore be followed by their employees and agents, as well as by any person carrying out any activity whatsoever on a Site, including subcontractors. For entities with Eramet SA as a minority shareholder, the terms and conditions for implementing these procedures must be set by their respective management bodies.

## PRINCIPLES ON SECURITY AND HUMAN RIGHTS

VPSHR is divided into three (3) key topics:

- (i) Relationship between Sites and private security forces ;
- (ii) Relationship between Sites and public security forces; *and*
- (iii) Risk assessment.

### **1. RELATIONSHIP BETWEEN SITES AND PRIVATE SECURITY FORCES**

Where a Site uses the services of private security companies, the latter may, at the Site's initiative, be required to cooperate with public security forces, to carry weapons (lethal or otherwise) and/or to use armed force for defensive purposes. In view of the risks involved in providing this type of service, **the following rules must be observed to ensure the protection of employees and respect for local communities:**

- The private security provider (the "**Private Provider**") must :
  - a) respect the policies in force on each Site;
  - b) comply with the Group's ethics and human rights policies;
  - c) comply with the laws and professional standards of the country in which they operate;
  - d) respect emerging best practices from the industry, civil society and governments;
  - e) promote respect for international humanitarian law and
  - f) comply with applicable laws and regulations on the protection of personal data.
- The Private Provider must maintain a high level of expertise and technical and professional training among its agents, particularly in the use of force and/or firearms.
- Private security must have its own policies governing conduct and the use of force locally, such as its rules of engagement. The proper implementation of these policies by private security must be monitored by Site security teams or, where appropriate, an independent third party. This monitoring must include, in compliance with regulations on the protection of personal data, the carrying out of thorough investigations into allegations of abusive or unlawful acts, the implementation of sufficient disciplinary measures in terms of prevention and deterrence, and the carrying out of procedures for reporting such allegations to the appropriate legal authorities, where necessary.
- Site security teams are required to keep a record of all allegations of human rights violations committed by a Private Service Provider. Credible allegations must be properly investigated. When allegations against private contractors are referred to the judicial authorities, Sites are encouraged to closely monitor the progress of proceedings and to insist that an appropriate solution be found.

- In accordance with the services entrusted to it, the Private Provider may only provide preventive and defensive services that do not fall within the exclusive remit of the public security forces.
- Site security teams must expressly state that services, technologies and/or equipment capable of serving as both a means of defense and a means of attack can only be used as a means of defense in the face of aggression, and that their use must be proportionate.
- The Private Provider is prohibited from :
  - a) Hiring people who have been reliably implicated in human rights violations, to provide security services<sup>1</sup> ;
  - b) Using force unless strictly necessary and/or disproportionate to the threat; *and*
  - c) Violating the rights of individuals exercising their right to freedom of association and peaceful assembly, to take part in collective bargaining, or any other related rights enjoyed by Site employees and communities as recognized by international standards.
  - d) discriminating on the basis of race, color, sex, religion, national or social origin, or any other prohibited ground of discrimination.
  - e) Torturing and/or cruel, inhuman or degrading treatment. All individuals must be treated with dignity and respect.
- In the event of physical force being used, the Private Provider is obliged to conduct a proper investigation and report the incident to the Site within 15 days.
- The Private Provider shall, at the Site's initiative, if necessary, refer the matter to the local authorities and/or take disciplinary action for measures that are the responsibility of the employer.
- If force is used, medical assistance must be provided to all injured parties, including offenders.
- The Private Provider must maintain the confidentiality of information obtained in the course of its commercial and contractual relationship with the Site, without compromising the principles set out in this text.
- All contracts signed with a private service provider must allow the Sites to terminate them if there is reliable evidence that the private service provider has failed to meet its security obligations.
- Private contractors must be trained in the Voluntary Principles on Security, Human Rights and the proportionate use of force, in accordance with applicable regulations. Site security teams must follow up on these training sessions, confirming attendance.

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<sup>1</sup> By following existing automatic processes in the security professions

- There needs to be a check of the content of the initial training given to the personnel of private service providers in the handling of weapons, whether lethal or not, and in the proportionate use of force in relation to the threat and within the framework of legitimate self-defense.
- If lethal weapons are used, the Sites must check the authorizations held by private service providers.
- Sites should seek to employ local private contractors.
- Where possible, the Site's purchasing department should review the background and credentials of the Private Security Contractor it intends to employ, particularly with regard to the use of excessive force. This review should include an assessment of previous services provided to the host government, as well as any issues arising from the private security company's dual role as private contractor and government subcontractor.
- To ensure proper performance, the Sites purchasing department may carry out audits or inspections of private security companies.
- Sites are encouraged to consult with other companies, home and host country officials and civil society to benefit from their experience in private security. Where appropriate, and to the extent permitted by applicable law, Sites shall facilitate the exchange of information on illegal activities and violations committed by Private Security Providers.

**In the event of non-compliance with the obligations set out in this procedure, Private Service Providers will be required to bring themselves into line, if necessary with the support of the Sites. Without compliance, there will be no contracts with Private Providers.**

## **2. RELATIONSHIP BETWEEN SITES AND PUBLIC SECURITY FORCES**

Although governments have the primary role in maintaining law and order, and in defending security and human rights, the Sites are nonetheless obliged to ensure that the measures taken by the competent local authorities, particularly those of the public security providers with whom the Sites contract (the "**Public Providers**"), comply with the principles of protecting and promoting human rights. Although the Public Providers are required to act in accordance with local and national laws, human rights standards and international humanitarian law (Geneva Conventions, Rome Treaty...), acts of violation may nevertheless occur.

In order to reduce the risk of such acts and to affirm its respect for human rights, the Eramet Group has established the following principles to facilitate relations between Sites and public security forces in the area of security:

- *Safety measures*

- Sites are required to consult regularly with the relevant authorities in host countries and local communities on the impact of their safety measures on the said communities.
- Sites are required to communicate to Public Providers their policies on ethical conduct and human rights, and to express their desire to see security provided in a manner consistent with said policies, by staff who have received adequate and effective training.
- As part of a contractual relationship, Sites are required to encourage the local competent authorities of host countries to make security measures transparent and accessible to the public, subject to any overriding safety and security interests.

- *Deployment and operation*

Wherever possible, Sites should promote the following principles among Public Service Providers:

- (a) discourage the hiring of people who, according to reliable sources, are involved in human rights violations;
- (b) use force, including lethal force, only when absolutely necessary and in proportion to the threat;
- (c) not to infringe on the right of individuals to freedom of association, peaceful assembly and collective bargaining, as well as any employee rights recognized as such by the Universal Declaration of Human Rights and the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work.

The competent authorities of the countries and the Sites must be informed of any use of physical force by Public Service Providers. The Sites shall encourage the public authorities, in the event of the use of force, to provide medical assistance to injured persons, including offenders.

- *Training*

Where training courses exist, Site security teams are required to check the content of initial training given to Public Service Providers' personnel in the handling of weapons, whether lethal or not, and in their use in the face of threat and in self-defense.

In the absence of existing training courses, the Sites must offer to train Public Service Providers in these subjects.

- *Consultations and advice*

Wherever possible, and on a regular basis, Sites should hold meetings with Public Service Providers to discuss safety, human rights and compliance with international standards, as well as workplace safety issues. The procedures for organizing these meetings must be set out in the contracts or agreements signed between the Sites and the Public Service Providers.

Site safety teams are also advised to consult regularly with other companies, home and host country governments and civil society (NGOs, associations, local communities), on security and human rights. Where companies operating in the same region have common concerns, they should consider submitting them jointly to the relevant local authorities in the home and host countries.

Sites are required to take all necessary and appropriate measures to promote compliance with applicable international principles, in particular those set out in the Code of Conduct for Law Enforcement Officials and the United Nations Basic Principles on the Use of Force and Firearms.

Sites are encouraged to support competent local authorities, civil society and multilateral institutions in their efforts to train and educate public security forces in human rights, and to strengthen state institutions, aimed at empowering and upholding human rights.

- *Responses to human rights violations*

Sites must keep a record of all credible allegations of human rights violations committed by the Public Service Provider on each Site, to be reported to the competent authorities where appropriate. Where appropriate, Sites should strongly encourage an investigation by the relevant authorities and the adoption of measures to prevent recurrence.

Sites are encouraged to keep a close eye on the progress of the investigation and insist that an appropriate solution be found.

Every effort must be made to ensure that information used in cases of alleged human rights violations is reliable and based on tangible evidence. The security and safety of sources must be protected. Any additional or more precise information likely to modify previous allegations must be made available to the parties concerned, where appropriate.

**In the event of non-compliance with the obligations set out in this procedure, Sites must use their influence to encourage the local public authorities with whom they wish to contract to comply. Without compliance, there will be no contracts with Public Service Providers.**

### **3. RISK ASSESSMENT**

The ability to accurately assess the risks present in a company's operating environment is crucial to safety:

- (a) Personnel safety ;
- (b) the safety of local communities;
- (c) asset security ;
- (d) the success of the company's short- and long-term operations; and
- (e) the promotion and protection of human rights.



It is therefore important to :

- (a) obtain contextual and detailed information from a variety of sources;
- (b) follow and adapt to complex and changing political, economic, legislative, military and social contexts; and
- (c) maintain constructive relations with local communities and public authorities.

The quality of a risk assessment depends on the collection of reliable, regularly updated information, reflecting a wide range of viewpoints from actors who are all familiar with local conditions:

- a) Local and national authorities;
- b) Private security teams ;
- c) Other companies ;
- d) The government of the country of origin ;
- e) Multilateral institutions; *and*
- f) And civil society.

**This assessment must be carried out by the Site Safety Departments every year, or whenever a new event occurs that could affect the Site's activity.**

- *Identification of safety risks.*

Safety risks may arise from political, economic, civil or social factors. In addition, some on-site personnel and assets may be more exposed to risk than others. Identifying security risk enables a company to adopt measures aimed at minimizing this risk, and to assess whether the company's actions could increase it.

- *Risk of violence.*

Depending on the environment, violence may be widespread or limited to a given area; it may develop with little or no warning. Where the risk of violence is concerned, civil society, representatives of the relevant local authorities in the country of origin and the host country, and other sources should be consulted wherever possible. As part of a risk assessment, patterns of violence at the various Sites should be studied, for educational, predictive and preventive purposes.

- *Human rights records.*

A risk assessment should, as far as possible, take into account the track record of law enforcement agencies, paramilitary groups, local and national authorities responsible for enforcing human rights laws, as well as the reputation of private security companies. Knowledge of past violations and allegations can help the Site to avoid recurrences and promote accountability.

Furthermore, identifying the capacity of the above-mentioned entities to respond to situations of violence in compliance with the law (i.e. in accordance with current international standards) enables the Site to develop appropriate measures at its operating sites.

- *Rule of law.*

Risk assessment must reasonably take into account the ability of the executive and judiciary to prosecute perpetrators for violations of human rights and international humanitarian law, while respecting their own rights.

- *Conflict analysis.*

Identifying and understanding the causes and nature of local conflict, as well as the level of respect for human rights and international humanitarian law standards by key players, can provide valuable lessons for the development of strategies to manage relations between the Site, local communities, employees and employee unions, as well as the relevant local authorities in the host country. A risk assessment should also take into account the possibility of future conflicts.

## Measurement table and monitoring indicators

Risks	Measures	Setting resp. Of implementation	Means of follow-up	Tracking indicator	Follow-up manager	Follow-up frequency
Failure to respect human rights	Selecting security companies that respect human rights	Group sites	TOR Contract	Number of VPSHR- compliant TORs Number of VPSHR- compliant Contracts signed and validated by Sites	Purchasing department/ Safety teams/ Contract manager	Once before contract signature and at each renewal
		Private security company	HR Policy Rules of procedure Training plan Employee background investigation	Number of HR policies, internal regulations and training plans validated by the security company and the site. Number of employees on fixed-term and open-ended contracts (including women, including those subject to background checks) deployed on the project	Private security forces	Once before signature and at each renewal
Intrusion, vandalism, burglary or theft (property)	Implementation of a site protection plan (PPP)	Safety Department			Dir Sûreté	Update as needed

damage)						
Sexual assault and embezzlement Harassment of minors women by agents safety	Training security personnel to respect human rights	Private security company	Training attendance sheet; Training certificate/attestation	Number of training sessions carried out in accordance with the human rights training plan / number of employees / gendarmes trained	Private security company	All semesters
	Disseminate the grievance and complaint management mechanism	Community Relations Officer	Meeting minutes;	Number of complaints received/processed for non-respect of human rights by security forces/companies	Community Relations Manager	Quarterly
Presence and consumption drugs and alcohol	Carry out unannounced toxicology checks	Safety Team	Control register ; Penalties.	Number of people inspected (employees / visitors)	Safety Team	Weekly
	Systematically check people entering and leaving the site	Security agents	Visits register	Number of people inspected (employees / visitors)	Private security company	Daily
Manifestations of community, Barricades of the road	Disseminate the grievance and complaint management mechanism	Community Relations Officer	complaints register	Number of complaints received/processed for non-respect of human rights by security forces/companies	Community Relations Manager	Quarterly
	Train law enforcement officers to respect human rights in their policing activities.	Private security company	Awareness program; Attendance list Awareness-raising	Number of human rights awareness sessions held / number of employees /	Private security company	All semesters

			materials.	gendarmes		
Shooting or other use of offensive weapons	Train private security personnel in the defensive use of firearms.	Private security company	Awareness program; Attendance list Awareness of awareness Support raise awareness	Number of human rights awareness sessions held / number of employees / gendarmes sensitized	Private security company	All semesters
Assault	Training private security in the use of force;	Private security company	Awareness program; Attendance list Awareness-raising material	Number of human rights awareness sessions held / number of employees / gendarmes sensitized	Private security company	All semesters

