An aerial satellite map of a region, likely a coastal or riverine area, showing various land and water features. The map is overlaid with a black rectangular text box in the upper left quadrant. The text inside the box is white and reads "HYDRO HUMAN RIGHTS IMPACT MAPPING".

HYDRO HUMAN  
RIGHTS IMPACT  
MAPPING

## **HUMAN RIGHTS IMPACT MAPPING NORSK HYDRO ASA (HYDRO)**

Authors: Danish Institute for Human Rights, Human Rights and Development Department, Corporate Engagement Programme.

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# EXECUTIVE SUMMARY

In 2016, the Danish Institute for Human Rights and Hydro entered into a two year Partnership Agreement. As a follow-up to past activities and to support the Partnership, the parties agreed to conduct an enterprise-wide impact mapping on human rights, with a focus on the upstream and downstream value chain of Hydro Business Areas. This report provides a summary of impacts identified as well a plan of action for addressing these impacts.

Hydro has a policy commitment to respect human rights, and the aim of this impact mapping is to support Hydro in the process of identifying, assessing and addressing human rights impacts which the company may be causing, contributing to, or be linked to. The mapping is based on a full-day workshop, one-on-one interviews with Hydro staff and third-party sources.

The impact mapping is organised according to Hydro's Business Areas and considers all actual and potential impacts of Hydro's own activities (operated sites), as well as activities taking place in Joint Ventures (defined as the Joint Ventures where Hydro is not the operating party), and in the up- and down-stream value chains – amongst suppliers, contractors and in sales.

## **Summary of recommendations**

As outlined in the summary and recommendations section of this report, Hydro has a number of measures in place to exercise human rights due diligence across the company and business relationships. Recommendations are given on how Hydro's human rights work could be further strengthened through the CSR network and by developing more human rights training and impact assessment guidance.

Hydro has a diverse portfolio of activities, and the actual and potential impacts to human rights differ according to the business area. However, a number of impacts identified are of a cross-cutting nature and relate to land, communities, working conditions and the environment. Recommendations are provided on addressing these impacts in full recognition of already existing good practice.

In a number of its joint ventures, Hydro is not the operating party. Sometimes these activities are based in countries where the protection of human rights is weak and the general enjoyment of rights is low. This report provides recommendations on how

Hydro should work to take an active role in these relationships. These include building on the capacity-building work being done on the Hydro guideline for board members in subsidiaries and affiliated companies, to support Hydro board members in exercising influence and using their leverage to promote Hydro values as they relate to human rights.

Hydro has a diverse set of suppliers from across the world representing several different sectors. Each business area has its own procurement function and there is no central procurement lead. This allows flexibility in the procurement function, but makes coordination on crosscutting impacts and challenges difficult. Further, the mapping identified some areas of improvement in the Supplier Code of Conduct and Self-Assessment in terms of coverage. Recommendations are provided on how to address these organisational issues and bridge the content gaps.

Finally, on sales, the organisational knowledge on the corporate level approach to the customer issues varies across the organization. Not all units and staffs seem to be aware of how Hydro promotes the responsible use of Hydro products and services. Recommendations are made on how to strengthen the Hydro approach to this area.

# 1. INTRODUCTION & METHODOLOGY

## 1.1 BACKGROUND

Headquartered in Oslo, Hydro is one of the world's largest aluminium companies with 12,000 employees, mostly in Norway, Germany and Brazil.. From extracting bauxite and refining alumina in Brazil to metal smelting and hydroelectric energy production in Germany and Norway, Hydro is integrated along the entire aluminium value chain. Together with its joint venture partners, it also manufactures aluminium products in Qatar, Canada, Australia and Slovakia

In 2011, Hydro invited the Danish Institute for Human Rights (DIHR) to develop a human rights implementation plan. A human rights risk assessment and policy gap analysis were performed, resulting in the development of a human rights action plan. In 2013-2014, DIHR worked with Hydro on a follow-up to this action-plan and a deep dive assessment of Hydro activities in Brazil and in 2016 entered into a two year Partnership Agreement.

As a follow-up to past activities and to support the Partnership, Hydro and DIHR agreed to conduct an enterprise-wide human rights impact mapping, focussing on the upstream and downstream value chain of Hydro's business areas. This report provides a summary of impacts identified as well as an action plan outlining how these impacts can be addressed.

## 1.2 WHY CONDUCT THIS MAPPING

Since the UN unanimously endorsed the Guiding Principles on Business and Human Rights (UNGPs) in 2011, companies have faced increased pressure to identify, assess and address their human rights impacts. Governments are taking a leading role in this process by developing National Action Plans on Business and Human Rights.

In 2015, the Norwegian government published its National Action Plan which stated explicitly that the companies it invests in are expected to respect human rights. Since 2013, the government has requested companies to publish reports on CSR and human rights. EU reporting requirements are also changing fast, with a 2014 Directive on non-financial reporting demanding companies to provide further details on their material human rights impacts.

Further, there is a trend towards hardening of soft-law measures, with new laws and regulations demanding companies respect human rights. In February 2017, France passed a law requiring French-based companies directly or indirectly employing 5000

workers in the country, or 10, 000 employees worldwide, to publish “a plan of vigilance” to identify potential human rights, health, security and environmental violations<sup>1</sup>.

Similarly, the Transparency in Supply Chains section of the UK’s Modern Slavery Act (2015) aims to eliminate forced labour and slavery globally.<sup>2</sup> In addition, the Joint Committee on Human Rights is calling for legislative action to promote corporate responsibility and ensure accountability for businesses<sup>3</sup>. Legislation requiring companies to help eliminate human rights abuses from the global supply chain is currently being considered in Holland<sup>4</sup> and Australia.<sup>5</sup>

Respecting human rights is an integral part of Hydro policies, with the company committed to respecting the rights of all individuals or groups, actually or potentially affected by its operations. However, human rights risks evolve quickly in Hydro’s dynamic and diverse operating environment so to ensure the company was fully aware of the current challenges, it decided to conduct this impact mapping.

### **1.3 METHODOLOGY**

#### **SCOPE**

A high-level mapping was conducted between February and April 2017 to identify human rights impacts throughout Hydro’s business.<sup>1</sup> Starting with the extraction of bauxite, the mapping considers impacts at every stage of the production process, including electricity generation and recycling of Hydro products.

In accordance with the UNGPs, this analysis includes impacts on all rights included in the International Bill of Human Rights<sup>6</sup>, the ILO Core Labour Conventions<sup>7</sup>, and other relevant human rights instruments and frameworks. More specifically, it includes impacts on labour rights, security issues, community impacts and indigenous people’s rights. The table in Annex II contains an overview of the issues and frameworks considered.

#### **DESKTOP ANALYSIS**

Desktop analysis and document review have been the main sources of information for this mapping. DIHR has reviewed policies, procedures and other documents from Hydro with the aim of identifying risks and gaps at this level<sup>2</sup>.

In addition, DIHR has consulted credible sources on prevalent human rights issues in countries and regions relevant to Hydro’s operations. These sources include reports and news articles from actors such as the U.S. State Department, Human Rights Watch and Amnesty International. An overview of third-party sources used can be found in Annex IV.

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<sup>1</sup> In October 2017 Hydro acquired Orkla’s 50 % share of SAPA, creating the new Business Area Extruded Solutions. Post acquisition Hydro has 35.000 employees at 150 locations in 40 different countries world-wide. Due to the timing of the acquisition Extruded Solutions is not part of the scope of this impact mapping.

<sup>2</sup> See Annex I for the full list

## **WORKSHOP AND INTERVIEWS**

In April 2017, DIHR conducted a workshop with representatives from Hydro's different business areas and group functions to identify key actual and potential human rights impacts associated with each area.

Following this workshop, one-hour interviews were conducted with representatives from different business functions to discuss these impacts in more detail. The Corporate, CSR, Compliance, Legal, Health, Safety and Environment, Business Development, Procurement, Global and Public Affairs functions participated in these interviews and provided valuable information for this report.

## **LIMITATIONS**

This analysis is not a Human Rights Impact Assessment (HRIA)<sup>8</sup> and does not include any direct engagement with the communities, supply chain workers or contractors who may have been affected by Hydro's operations.

As this mapping relies on information shared by Hydro, it does not constitute an independent assessment of the company's human rights performance. Consequently, the analysis is not exhaustive and there may be risks and gaps not included in this report. Human rights risks evolve quickly and it is critical that Hydro continuously monitors these risks at global and local levels.

## 2. IMPACT MAPPING

### INTRODUCTION

The following five sub-sections provide an overview of the human rights impact mapping for Hydro operations organised by Hydro's business areas (Bauxite and Alumina, Primary Metals, Rolled Products, Energy).

Each sub-section divides the results of the impact mapping into four categories, which align with the Hydro commitment to respect and promote the internationally recognized human rights of individuals and groups. These categories are:

- **Hydro activities:** Hydro is the operating party and owns more than a 50% share. Impacts on local communities, indigenous peoples and Hydro employees are assessed, including third party in premise-staff and contractors.
- **Joint Ventures:** Hydro owns 50 % or less and is a non-operating party. Impacts on communities, indigenous peoples, the environment and all types of employees are considered.
- **Suppliers and contractors:** Business partners providing goods and services including construction, cleaning and security for Hydro activities. Impacts on communities, environment and indigenous peoples are analysed.
- **Sales:** Assesses potential impacts of Hydro's products and services, including how products could be used to negatively affect human rights e.g. by producing materials that could be used to harm others.

## **2.1 BAUXITE AND ALUMINA**

Hydro's bauxite mining and refining activities are primarily based in Brazil; the company has more employees here than in any other country. Around 1300 permanent workers and 350 long-term contractors work in the Paragominas mine, operated by Mineração Paragominas and owned by Hydro.

Hydro also extract bauxite through their 5% share in Mineração Rio do Norte (MRN). Based in Trombetas, this mine has an annual production capacity of 18 million metric tons and employs nearly 1300 permanent workers. Through a commercial deal with Vale, Hydro takes a total of 45% of the Trombetas production.

After extraction, the bauxite is transported to the world's largest alumina refinery in Bacarena, which is operated and 91% owned by Hydro. The Alunorte Refinery has nearly 1600 permanent employees and about 800 long-term contractors. In addition, it generates direct and indirect jobs, mostly for the citizens of the state of Para.

On average, 14% of the alumina production goes to the domestic market and the remaining 86% is exported. Currently, Hydro Alunorte exports its products to countries in the Middle East, North America and Europe

### **2.1.1 HYDRO ACTIVITIES (ABOVE 50% OWNERSHIP)**

Based on the workshop, interviews and document review, a number of impacts have been identified, and sorted according to the severity of their human rights impacts.

#### **Illegal settlements and relocations**

*Human rights impacts on the right to own land or property and the right to an adequate standard of living.*

Land occupation is a key concern in Pará. Until recently, illegal settlements were present on Hydro owned land in Vila dos Cabanos and Agua Verde. Illegal logging was also taking place at a third location (PA483), but no settlements had been built. According to surveys conducted by Hydro and the authorities the occupation is often well organized and with profit seeking motives. However, the people living there are not all directly profiting, and may have bought or rented the land and housing from profiteers of the illegal settlements.

On 24-26 April 2017, the government mobilised a special state (Para) police battalion to remove the settlement. According to external lawyers advising Hydro, these police are trained in conflict management related to repossession, have a long history of peaceful land reclaim operations and have assisted in 41 large operations and 140 smaller ones in 2016 alone.

Hydro reported supporting the state-led resettlement process by helping to transport the belongings of evicted tenants to a location of their choice, up to 30km away. Three

families were identified as being particularly vulnerable so Hydro provided them with additional support by delivering their belongings to addresses further than 30km away. The company hired the local NGO Instituto Peabiru to act as a third party observer during the operation and to report any human rights violations. Hydro described the process as peaceful, with the vast majority of people removing their belongings voluntarily.

Hydro are now focussing on securing the area and developing a plan together with local stakeholders to handle land management and complaints. Staff highlighted the importance of open communication and documentation during the interviews and emphasised the importance of engaging all relevant functions early in the planning process to ensure a cohesive and clear approach.

### **Land rights issues & indigenous peoples**

*Human rights impacts on the right to free, prior and informed consent*

Although the Brazilian government has recognised the Quilombolas<sup>3</sup> as “indigenous peoples” under Convention 169 on Indigenous Peoples<sup>9</sup>, these communities and rural activists still face threats, land conflicts and even violence.<sup>10</sup> Amnesty International reported that Brazil’s indigenous peoples continue to face challenges linked to the regulation and demarcation of their lands, despite the fact that the federal government had both legal authority and the financial means to progress the implementation<sup>11</sup>. This situation has been exacerbated by the ongoing debate over the Proposed Amendment to the Constitution, the implementation of Brazil’s Growth Acceleration Plan and concerns related to mining activities on indigenous lands<sup>12</sup>.

Some Quilombola families have objected to the construction of a pipeline and transmission lines from Paragominas to Bacarena. Vale, the previous operator faced the same concerns before Hydro acquired the assets in 2011.

Hydro is currently liaising with Vale’s legal team to manage community concerns and deal with the legal and reputational issues involved. Hydro also has a number of community investment projects along the pipeline as part of its licencing agreement and has involved FCP to assist in a constructive dialogue with these stakeholders. Further issues concern the MRN mine, which will be dealt with in section in 2.1.2.

### **Environmental impacts**

*Human rights impacts on the rights to water, right to own land and property, right to health and life.*

Mining and alumina refining result in several environmental impacts including water consumption, leakage, noise from heavy vehicles and air emissions. Bauxite extraction also changes the natural landscape, requires the removal and re-establishment of vegetation and can disrupt hydrology. Waste must be disposed of safely and erosion and run off from the mine carefully controlled.<sup>13</sup>.

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<sup>3</sup> Defined as descendants of slaves.

Workshop participants highlighted that these impacts may have an effect on the livelihoods and health of communities. However, accurately quantifying Hydro's contribution is challenging as there are many other similar companies operating in the area which are also responsible for environmental degradation.

As the only private company member of an Inter-sectorial Forum in the Barcarena area, Hydro has struggled to work with other companies to address these environmental challenges.

### **Security issues of own staff**

*Human rights impacts on the right to life, liberty and security of person.*

Concerns regarding theft and violent robbery were raised during the workshop and in the interviews. As the crime rate is high throughout Brazil<sup>14</sup>, there is a considerable risk of theft or other criminal acts towards Hydro's operations and personnel, whether it is administrative offices, mining-operations or individuals. Hydro is well aware of this issue and includes this risk in the security risk assessment for Brazil.

### **Gender equality in operations**

*Human rights impacts on the right to freedom from discrimination (gender equality).*

Gender equality is a challenge for Bauxite Alumina, where, due to the sector and skills required, women are underrepresented in the workforce. Hydro is currently in the process of implementing new systems to promote gender equality and is working with Brazilian schools to inform young people, including women, about the benefits of working in the sector.

### **Working conditions for third-party in-premise staff**

*Human rights impacts on the right to work and to just and favourable conditions at work.*

A considerable number of third-party staff work in both Paragominas and Bacarena. Although Hydro has implemented several systems to closely integrate these staff into the general workplace, a number of workshop participants were concerned about the wages and development opportunities of these workers. These integration systems include close daily engagement with staff, ongoing dialogue and access to the company's Alert Line.

In its 2012 assessment, DIHR highlighted that it was contract managers and first tier contractors who were principally responsible for monitoring compliance with the human rights and labour standards written into Hydro contracts. However, it remains unclear whether these staff have received sufficient training to enable them to identify and address non-compliance effectively.

### **2.1.2 JOINT VENTURES (50% OR BELOW OWNERSHIP)**

Hydro owns a 5% share in the mining company Mineração Rio do Norte (MRN) in Trombetas, Brazil. Due to its 40 percent offtake agreement with MRN, Hydro is an important business partner to the company despite its limited ownership. Workshop participants raised concerns over Hydro's ability to control and govern MRN's impacts on local communities, land rights, indigenous peoples and working conditions.

#### **Community impacts**

*Human rights impacts on the right to own land or property and the right to an adequate standard of living.*

Bauxite extraction has significant impacts on local communities and the environment. Mining requires purchasing large areas of land and can often result in disputes with local land owners. Dust from the mines can affect the health of local communities, while bauxite residue can potentially contaminate local water supplies if it is not properly stored.<sup>15</sup>

Numerous policies exist to regulate Hydro's operations and prevent these problems including the HSE Handbook and NHC-GD03 Health, Safety, Security, Environment (HSE). However, since Hydro only owns a 5% percent share in MRN, these regulations might be difficult to enforce in MRN operations. Analysing MRN's policies and procedures was beyond the scope of this mapping, but staff mentioned that Hydro is working closely with MRN to address these impacts.

#### **Land rights issues & indigenous peoples**

*Human rights impacts on the right to free, prior and informed consent.*

MRN are planning to expand the bauxite mine, but a group of Quilombolas are currently seeking government recognition of their ownership of parts of this land. Hydro does not oppose this process and is currently awaiting the decision of the local government.

By adhering to its Guidelines for Board Members in Subsidiaries and Affiliating Companies, and using its position on the board, Hydro tries to influence MRNs decisions. Hydro also submits specific requests for documentation e.g. summaries of stakeholder dialogues and other sustainability work.

#### **Working conditions**

*Human rights impacts on the right to work and to just and favourable conditions at work.*

Workers' rights are stringently protected by Brazilian law; however, these laws are not always effectively implemented in practice. Workshop participants raised concerns over potential lack of overtime payments and the risk that contractors may not be paid the minimum wage. According to a 2017 US State Department Report, workplace discrimination is prevalent in Brazil; Afro-Brazilians, women, persons with disabilities, indigenous peoples and transgender individuals are especially vulnerable<sup>16</sup>.

### 2.1.3 SUPPLIERS AND CONTRACTORS

In its mining and refining operations, Hydro predominantly works with suppliers in the chemicals, machinery and electronics, catering and garment sectors. The majority of these goods and services are procured from Brazilian suppliers, but coal is sourced from Columbia and caustic soda is provided by large international suppliers often based in the US. These impacts may also be relevant to MRN's suppliers.

#### **Legacy and indigenous issues in coal procurement from Colombia**

The Cerrejón mine in Colombia supplies coal to Hydro's mining and refining operations. In 2013, the Guardian reported forced evictions and environmental destruction around the mine, with its owners accused of political collusion.<sup>17</sup> In 2015, following further complaints of air and water pollution, a Colombian judge ruled that an environmental action plan should be implemented<sup>18</sup>.

Cerrejón deny generating toxic waste or harmful chemicals and insists it has not polluted local rivers. The company states that it respects human rights and that it has already taken steps to comply with Colombian legislation on air quality.<sup>19</sup> Hydro is aware of these accusations and has an ongoing dialogue with Cerrejón.

#### **Poor working conditions amongst suppliers**

*Human rights impacts on the right to work and to just and favourable working conditions, freedom from forced labour and servitude, freedom from discrimination, rights of the child, freedom of Association and Collective bargaining, right to a fair hearing.*

Working conditions are covered by Hydro's policy CSR in the Supply-chain Policy and managed through the Supplier Code of Conduct and procurement process.<sup>20</sup> These procedures impose due diligence requirements on suppliers and include audits and visits for critical suppliers. There are a number of potential impacts associated with the countries and sectors from which Hydro procures.

- **Child labour:** In 2015, The UN Committee on the Rights of the Child noted that child labour is prevalent in the Brazilian agriculture and informal sectors. Potentially footwear, food and other goods procured by Hydro could have been produced using child labour, but there is no direct evidence of this.<sup>21</sup>
- **Freedom of association:** Although the Supplier Code of Conduct demands suppliers support employees' rights to unionise and negotiate working conditions, these rights are sometimes restricted. In the US, for example, not all workplaces are unionised. Further research would be required to establish whether US based Hydro suppliers restrict trade union rights.
- **Leave and Privacy:** These issues are not explicitly mentioned in the Supplier Self-Assessment Questionnaires or Code of Conduct and could prove problematic in areas where freedom of speech is restricted or workers are monitored e.g. China<sup>22</sup> and Russia.<sup>23</sup> No privacy violations of Hydro staff in these countries were identified during the mapping, further analysis would be required to ascertain whether this is a key concern.

## **Discrimination and equal treatment**

*Human rights impacts on the right to freedom from discrimination.*

Workshop participants raised concerns about potential discrimination amongst suppliers in the US and Brazil. Despite Brazilian legislation prohibiting discrimination, persons with disabilities, women and indigenous peoples often face discrimination in practice.<sup>24</sup> In the US, there are no federal laws banning discrimination on the grounds of sexual orientation and gender identity in the workplace; the vast majority of states provide no legal protections for LGBTI<sup>4</sup> rights<sup>25</sup>. Potentially, these are concerns that could affect Hydro's operations in these countries.

Although Hydro has implemented a programme on gender equality for employees, it does not extend to contractors. Its Supplier Code of Conduct covers minority rights but contains no reference to non-discrimination and harassment in the workplace.

### **2.1.4 SALES**

No specific concerns were identified in the mining and refining operations as the majority of products are supplied to other areas of Hydro's own business. For external customers, Hydro has a risk mapping system to evaluate CSR and compliance risks.

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<sup>4</sup> Abbreviation for Lesbian, Gay, Bisexual, Transgender/Transsexual and Intersexed

## 2.2 PRIMARY METALS

Hydro's Primary Metals operations focus on metal smelting and the production of aluminium ingots and foundry alloys. Hydro currently employs almost 5000 people in this area including over 700 temporary employees including trainees; its operations are primarily based in Norway where it fully owns five smelters.

Hydro also has joint-ventures in Brazil, Australia, Canada and Slovakia. In Qatar, Hydro is a part owner of the Qatalum aluminium production plant together with government owned Qatar Petroleum.<sup>26</sup> The majority of employees here are migrant workers.<sup>27</sup> In addition, Hydro owns remelters in the United Kingdom, Germany, Luxembourg, France, Spain and the United States.<sup>28</sup> Located in Norway, Hydro Hycast, produces technical equipment for aluminium production.<sup>29</sup>

### 2.2.1 HYDRO ACTIVITIES (ABOVE 50% OWNERSHIP)

The following section provides an overview of the impacts identified through the workshop, interviews and document review focusing specifically on activities in Brazil, Slovakia and Norway.

#### **Illegal settlements and relocations**

*Human rights impacts on the right to own land or property and the right to an adequate standard of living.*

As discussed in the Bauxite and Alumina section, illegal settlements were located in the area around the Albras site. In spring 2017, the government removed these residents, with Hydro describing the relocation process as "peaceful". See section 2.1.1 for further details.

#### **Forced labour amongst third-party workers**

*Human rights impacts on the right to freedom from forced labour and servitude.*

Although no specific incidences of modern slavery were identified as part of this research, workshop participants raised it as a potential concern amongst contractors in European operations. At the beginning of 2016 there were around 150 000 people from Eastern-Europe<sup>30</sup> working in Norway. According to the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA), there is a high risk of forced labour in construction, agriculture, cleaning, hotels, catering and entertainment<sup>31</sup>.

Further, in Slovakia, there were reports of Ukrainian, Moldovan, Bulgarian, Romanian and Vietnamese men and women who were forced to work in the country in various sectors<sup>32</sup>. In both Norway and Slovakia, these are sectors that may provide in-house, maintenance or construction process services to Hydro operations

Hydro has developed a transparency statement in accordance with the UK Modern Slavery Act. According to Hydro's 2016 Annual Report, this statement covers all fully owned operations; other operations will provide individual statements echoing Hydro's commitments.

## **Environmental impacts**

*Human rights impacts on the rights to water, right to health and life.*

Aluminium production results in numerous environmental impacts, with workshop participants highlighting the destructive effects of chemical spills or discharges on the local environment, community health and livelihoods. To minimize waste, Hydro is working to reduce the use of chemicals or to sell off residue chemicals to other industries.<sup>33</sup> The residue chemicals in spent pot lining (SPL) can be used in the cement industry as either fuel or raw material. In Brazil, Albras is selling this waste, however in Norway it is still partly dumped in landfills.

Smelters and remelters require high amounts of energy, which is primarily produced through hydro-power (see under the Energy business area for more detail on potential impacts), and natural-gas for Qatalum. A concern was expressed during the workshop, that even though emissions are decreasing, expectations on companies to reduce emissions and combat climate change are increasing.

## **Discrimination and equal treatment**

*Human rights impacts on the right to freedom from discrimination.*

Although Slovakian law prohibits discrimination related to, sex, gender, disability, language, sexual orientation, social status, or “other status”, discrimination against Roma and non-Europeans is reportedly commonplace<sup>34</sup>. Some employers have reportedly discriminated against members of the Romani minority, while others are reluctant to employ Muslim women with headscarves in customer facing roles.<sup>35</sup>

Norway too has faced problems with discrimination, with reports of discrimination against women, ethnic minorities and migrant workers.<sup>36</sup> Since 2011, there has been an increase in reported cases of discrimination against pregnant women and employees on leave. Pregnant women complain that they have lost job offers while workers on leave are assigned different tasks once they return.<sup>37</sup>

No specific cases of discrimination against Hydro staff were identified in this study and the Hydro Peoples Policy emphasises that its employees and leaders should represent a broad and diverse spectrum. However, this can prove challenging in these contexts. To address these problems Hydro is implementing new systems to promote gender equality in the workforce. These initiatives include site level operations to identify barriers to gender equality and efforts to integrate women into auditing teams in Slovakia and Brazil. However, the focus of these efforts is on gender and do not cover all grounds of discrimination cited above.

### **2.2.2 JOINT VENTURES (50% AND BELOW OWNERSHIP)**

Hydro has a number of joint-ventures in Canada, Australia and Qatar where it owns less than a 50% share. This section focusses on the potential human rights impacts associated with its Qatalum joint venture.

Although Qatalum is not operated by Hydro and has its own management, Hydro has board representation and engages in dialogue with various functions in accordance with

the Hydro Guideline for Board Members in Subsidiaries and Affiliated Companies. DIHR observed that Hydro closely engage with Qatalum on applying Hydro principles to their operations.

### **Limitations to the right to freedom of association and collective bargaining for migrant workers**

*Human rights impacts on the right to freedom of association and collective bargaining.*

Concerns over Qatar's limitations on freedom of association and collective bargaining were discussed during the workshop. In 2017, Human Rights Watch reported that Qatar's labour law prohibited migrant workers from unionizing or engaging in strikes, although they make up 99 percent of the private sector workforce<sup>38</sup>.

Hydro has a clear statement on the issue of freedom of association, and states that it engages with Qatalum on fulfilling this right through the establishment of work-councils. However, this could still be a specific concern for third-party workers on site.

### **2.2.3 SUPPLIERS AND CONTRACTORS**

Many of the potential impacts relevant to Bauxite and Alumina also apply to Primary Metals, because food, apparel, electronics and chemicals are procured by both business areas. The following sections therefore focus more specifically on the potential impacts relevant to Primary Metals.

#### **Poor working conditions amongst suppliers from China**

*Human rights impacts on the right to work and to just and favourable working conditions, freedom from forced labour and servitude, freedom from discrimination, rights of the child, freedom of Association and Collective bargaining, right to a fair hearing.*

In addition to the issues raised under Bauxite and Alumina, Primary Metals procures alloying materials, refractory materials, anodes and carbon products from China. The US Department of State reports that employers have withheld wages and demanded high deposits from low skilled workers to prevent them from terminating their contracts early.<sup>39</sup> Consequently, these workers are particularly vulnerable to forced labour; a problem often faced by migrant workers.<sup>40</sup>

Generally labour standards are unenforced, with workers sometimes encouraged to work longer hours than prescribed by the regulatory requirements to compensate for their low wages.<sup>41</sup> Further research would be required to ascertain whether Chinese workers supplying products to Hydro's operations were subject to these poor working conditions.

The different sourcing and procurement units within Primary Metals have separate processes governing the human rights risks associated with suppliers. PM Strategic Sourcing carries out assessments of suppliers based on facility visits. In 2016, three Chinese suppliers were audited by a third party; more CSR issues were identified than during previous assessments conducted by Hydro personnel.

### **Working conditions and environmental impacts of aluminium scrap-metal providers**

*Human rights impacts on the right to work and to just and favourable working conditions, freedom from forced labour and servitude, freedom from discrimination, rights of the child, freedom of Association and Collective bargaining, right to a fair hearing.*

Primary Metals predominantly procure scrap-metal from Europe, although in some cases it is sourced from the Gulf and other regions. As Hydro intends to increase the reuse of aluminium scrap metal, workshop participants highlighted the importance of assessing impacts associated with its procurement. Not only could working conditions in the scrap metal supply chain be relevant, but also environmental concerns, transportation and potentially corruption.

Hydro staff reported that a dedicated process has been established to monitor and engage with the main scrap suppliers. Currently however, this only applies to larger suppliers and it is unclear how sub-suppliers will be effectively monitored although the impacts may be more severe here. See the “Rolled Products” section of this report for further details.

### **Working conditions for migrant workers in Qatar**

*Human rights impacts on the right to work and to just and favourable working conditions, freedom from forced labour and servitude, freedom from discrimination, rights of the child, freedom of Association and Collective bargaining, right to a fair hearing.*

Migrant labour issues have been identified as a key concern in Qatar’s supply chain. Due to continued dialogue between Hydro and Qatalum and additional protection systems, workshop participants did not perceive this to be a problem for Qatalum employees. However migrant workers providing goods and services to Qatalum could face problems with:

- **Wages:** Low paid migrant workers from Africa and Asia often risk abuse and exploitation. In 2017, Human Rights Watch reported that many workers pay exorbitant recruitment fees, receive their wages late and are sometimes never paid at all.<sup>42</sup>
- **Living conditions:** In 2016 Amnesty International reported that thousands of workers in construction and related industries continued to live in dirty, overcrowded and dangerous conditions<sup>43</sup>.
- **Grievance mechanisms:** Foreign workers in Qatar face legal obstacles and lengthy legal processes that prevent them from seeking redress for violations and exploitative conditions. Non-citizen community leaders also highlight migrant workers’ continued reluctance to report poor conditions due to fear of reprisals<sup>44</sup>.

### **Worker privacy in Qatar**

*Human rights impacts on the right to privacy.*

The lack of employee privacy and freedom of expression in Qatar has also sparked criticism. In 2015, the Ministry of Interior (MOI) demanded that all businesses nationwide install and maintain closed-circuit camera surveillance on all structures<sup>45</sup>.

Although Qatar's Emir introduced a new data privacy law in 2016 requiring companies to protect personal data gathered from residents, it contains several important exceptions. Government authorities are permitted to use this data in a wide range of circumstances including to protect the financial state of the country, to prevent a crime or in the interests of national security<sup>46</sup>.

Workers employed by Qatalum or its suppliers could be negatively impacted if they use their freedom of expression to criticise the government or otherwise violate national rules. However, according to Hydro, there is no such surveillance in Qatalum or the accommodation used by its employees.

#### **2.2.4 SALES**

No specific concerns were identified for Primary Metals as the majority of production goes to Rolled Products.

## 2.3 ROLLED PRODUCTS

Hydro produces 1 million metric tons of rolled products annually, including foil sheets and lithographic strips.<sup>47</sup> In 2016, over four thousand permanent employees and almost 300 temporary workers were employed in this area.<sup>48</sup>

In addition to rolling mills in Grevenbroich and Hamburg, Hydro has sales offices, research and development facilities and manufacturing sites throughout Germany.<sup>49</sup> In conjunction with its Joint Venture partners, Hydro own a mill in Neuss, which is operated by AluNorf and employs over 2000 people.<sup>50</sup> Rolled products are also produced in Norway at Holmestrand and Karmov where Hydro operates a rolling mill with an annual capacity of 95 000 metric tons<sup>51</sup>.

### 2.3.1 HYDRO ACTIVITIES (ABOVE 50% OWNERSHIP)

The following section provides an overview of the impacts identified through the workshop, interviews and document review focussing specifically on activities in Germany and Norway.

#### **Discrimination and equal treatment**

*Human rights impacts on the right to freedom from discrimination.*

According to the US Department of State, discrimination based on ethnicity remains problematic in Germany. One 2015 study concluded that job applicants with foreign sounding names were 24% less likely to be invited for interviews than equally qualified applicants with German names. German law demands equal treatment for foreign workers, however in practice, seasonal workers on temporary work permit from Eastern Europe are often paid lower wages.<sup>52</sup>

As described in the preceding sections, Hydro has implemented policies and activities to promote workplace diversity and avoid potential problems with discrimination, however this can prove challenging. Workshop participants mentioned that some German plants have trained refugees in production processes in response to social demand.

#### **Environmental impacts**

*Human rights impacts on the rights to an adequate standard of living, right to water, right to health and life.*

Hydro's production of rolled products results in a number of environmental impacts. Small quantities of oil added to the metal during the rolling processes are released as air emissions. Workshop participants acknowledged this concern but noted that even though emissions are decreasing, demands on companies to combat pollution and climate change are increasing.

### **2.3.2 JOINT VENTURES (50% AND BELOW OWNERSHIP)**

Concerns over discrimination and environmental pollution may also be relevant to AluNorf. Workshop participants stressed the importance of ensuring all Hydro's supplier requirements are respected by AluNorf. This may indicate a need to further analyse how AluNorf addresses human rights impacts and identify any gaps in protection; this process should take place in dialogue with Hindalco, AluNorf's other owner.

### **2.3.3 SUPPLIERS AND CONTRACTORS**

The following section contains an overview of potential impacts related to Rolled Product suppliers and contractors.

#### **Working conditions and environmental impacts of aluminium scrap-metal providers**

Rolled Products also procure scrap metal, mainly from Europe. See section 2.2.3 on Primary Metals for further details.

#### **Poor working conditions and road safety in transportation services**

*Human rights impact on the right to work and just and favourable conditions at work, right to health and life.*

Workshop participants raised concerns about the limited oversight of Hydro's transportation of goods and agreed that further investigation was required, especially as poor working conditions could prove detrimental to road safety. According to media reports, a number of drivers employed by large companies have not only been paid low wages, but also had to sleep at the side of the road or in the cargo section of their vehicles.<sup>53</sup>

#### **Poor working conditions and environmental impacts in the Aluminium supply-chain**

*Human rights impacts on the right to work and to just and favourable working conditions, safe and healthy working conditions, freedom from discrimination, freedom of Association and Collective bargaining.*

To produce certain kinds of rolled products, Hydro imports aluminium from Mozambique, a country which has been associated with issues including:

- **Discrimination and equal treatment:** Men are reportedly subjected to forced labour in mines and on farms, whilst women and girls are vulnerable to prostitution due to the increasing extractives industry<sup>54</sup>. There are also reports of workers suffering from harassment, intimidation, isolation and humiliation in the workplace due to their sexual identity. Women are vulnerable to sexual harassment<sup>55</sup>.
- **Freedom of association:** Only 2,5% of the workforce is unionized, including members from affiliated trade unions in the informal sector. The LO/FTF Council reported in 2014 that only 1,8% of the labour force was covered by collective bargaining agreements<sup>56</sup>.

- **Poor health and safety performance:** Reports have shown that the government does not enforce occupational health or safety regulations<sup>57</sup>, with air pollution in Maputo's suburbs linked to Mozal's aluminium smelter<sup>58</sup>.
- **Child labour:** In 2013, the UN Human Rights Committee expressed concern about the high rate of child labour, particularly in agriculture.<sup>59</sup> This could potentially be relevant to Hydro's metal sub-suppliers.

Working conditions are covered by Hydro's policy on CSR in the supply-chain, and managed through the Supplier Code of Conduct and procurement processes<sup>60</sup>. Hydro reported that it only works with two suppliers in Mozambique: South 32 and Mitsubishi. Both companies completed checks by the Hydro compliance team and South 32 returned a self-assessment questionnaire too. No further visits or audits have been conducted and consequently Hydro currently has limited assurance that these two companies are managing their risks and impacts.

### **Forced labour**

*Human rights impacts on the right to freedom from forced labour or servitude.*

Workshop participants considered social dumping and modern slavery to be problematic. Forced labour is a potential concern in certain sectors of the Norwegian economy. (see Primary Metals for more details). Similarly, in Germany there have been reports of forced labour in construction, agriculture, restaurants, hotels, meat-processing plants and seasonal industries.<sup>61</sup> Although no specific cases of modern slavery were identified in this study, there is a risk that these sectors may provide services to Hydro operations and staff.

### **2.3.4 SALES**

Hydro supplies Rolled Products to businesses all over the world. According to interviews, Hydro customers for Rolled Products generally have a good reputation. Hydro has a policy on Integrity Risk Management of Hydro's Business Partners including Agents and Intermediaries that includes clear procedures on assessing risk amongst customers. However, not all workshop participants agreed there was a clear corporate level approach to these customer issues.

## **2.4 ENERGY**

Hydro is Norway's second largest producer of hydroelectric power<sup>62</sup>, with the energy generated used to produce aluminium in Hydro's many facilities<sup>63</sup>. Almost 200 permanent employees and 14 temporary employees including apprentices work in Hydro Energy<sup>64</sup>. Together with Statkraft, Hydro owns a 91.3% share in Røldal-Suldal Kraft and is the sole owner of the plants in Rjukan and Tyin-Fortun. Business partners include Statkraft, Statnett and the Norwegian government<sup>65</sup>.

Hydro Energy focusses primarily on power generation, but also provides advisory services to other business areas to help them achieve a steady energy supply.

### **2.4.1 HYDRO ACTIVITIES (ABOVE 50% OWNERSHIP)**

The following section provides an overview of the impacts identified through the workshop, interviews and document review, focussing specifically on power generation activities in Norway as well energy advisory services in Brazil, Germany and Slovakia.

#### **Environmental impacts of energy production**

*Human rights impacts on the rights to an adequate standard of living, right to water, right to health and life.*

Hydroelectric energy production results in changes to aquatic and terrestrial habitats, methane emissions and the loss of arable land.<sup>66</sup> It can also have an impact on recreation and tourism. Workshop participants emphasised that Hydro is very aware of these challenges and is working together with its Joint Venture partners to address them.

Hydro Energy provides advisory services to energy providers in Brazil and Slovakia, which includes natural-gas. Energy from natural gas emits carbon dioxide, which contributes to global warming and climate change. Hydro has a commitment to reduce emissions and identify alternative energy supplies, however, it was not clear from policy documents, nor from the interviews, how this applies to the energy advisory services.

#### **Land Rights & Biodiversity issues**

*Human Rights impact on the right to own land or property, right to adequate standard of living.*

Some workshop participants raised concerns about land rights in Norway. In this context Hydro is responsible for ensuring the adequate use and environmental protections of land that is part of the Hydro-dam area.

### **2.4.2 JOINT VENTURES (50% AND BELOW OWNERSHIP)**

Energy has a 33% ownership in Skafså in Norway and is a non-operator. The preceding impacts may also be relevant to Skafså operations. Energy also provides support for some of the JVs in other business areas. This was not clear from the materials reviewed nor from the workshop or interviews.

### **2.4.3 SUPPLIERS AND CONTRACTORS**

Hydro uses suppliers from the machinery, electronics and construction sectors for its Energy operations. According to an overview provided to DIHR, suppliers come from Norway, Europe, China and India. The following section summarises the potential impacts relevant to these suppliers:

#### **Environmental impacts of power suppliers**

*Human rights impacts on the rights to an adequate standard of living, right to health and life.*

Hydro Energy provides advisory services to other business areas including energy sourcing services. Workshop participants highlighted that power to Hydro's aluminium refinery at Albras is primarily provided by the Tucurui Dam; a project linked with environmental concerns and violations of indigenous peoples' rights.<sup>67</sup> Participants also discussed that in the future other hydropower sources and biofuels may provide an alternative option, however there are environmental impacts, land use issues and concerns over the loss of livelihoods associated with both technologies.<sup>68</sup>

#### **Working conditions amongst suppliers**

*Human rights impacts on the right to work and to just and favourable working conditions, safe and healthy working conditions, freedom from discrimination, freedom of Association and Collective bargaining.*

Hydro procures machinery and IT equipment from China and India, where working conditions remain a key concern. Although Chinese labour laws and health and safety regulations conform to international standards, implementation and enforcement are often inadequate. In China's electronics industry, excessive overwork has not only jeopardised employee health, but also cost some workers their lives.<sup>69</sup>

Working conditions are covered by Hydro's policy on CSR in the supply-chain, and managed through the Supplier Code of Conduct and procurement process<sup>70</sup>. As discussed previously the Supplier Code covers some, but not all working conditions related issues, for example, privacy and leave are not explicitly mentioned. Privacy concerns are particularly relevant in China and other countries where freedom of speech is limited and workers may be monitored. More research would be required to ascertain whether this is a concern amongst Hydro's suppliers.

For further details on working conditions in China, please see section 3.1.3 under Bauxite and Alumina.

### **2.4.4 SALES**

Securing energy supply is a key concern for Hydro, which has contracts with the Norwegian Government and public institutions to secure a stable supply of energy to hospitals, schools and other public buildings. According to interviews, this is well managed and performed in close cooperation with the Norwegian authorities.

As discussed previously, Hydro Energy provides services to other business areas, including energy sourcing services. To ensure Hydro only source energy that has been generated with due respect for workers' rights and has not resulted in power shortages to hospitals or schools in local communities, Hydro Energy adhere to the Hydro Human Rights Policy, the Hydro Way and environmental goals and objectives.

### 3. SUMMARY AND RECOMMENDATIONS

This section consolidates the observations from the impact mapping, and provides recommendations on follow-up actions. It consists of:

- Hydro activities
- Joint Ventures
- Suppliers and contractors
- Sales

#### **CROSS-CUTTING OBSERVATIONS**

This section explains how Hydro meets its corporate responsibility to respect human rights by exercising human rights due diligence (i.e. identifying, assessing and addressing human rights impacts), as well as providing access to remedy for those who may be negatively impacted by Hydro.

Hydro has a Human Rights Policy detailing how human rights should be considered in risk assessments, compliance management and reporting systems. This comprehensive policy was developed in conjunction with external stakeholders including civil society organisations representing indigenous peoples' rights. It was updated in 2016 and is aligned with current best practice.

Similarly, the Hydro Social Responsibility Policy stipulates how Hydro's Business planning and review systems should consider CSR related risks including human rights. It also contains requirements on staff training on integrity management, and the role of Corporate CSR in providing guidance for such trainings – including targeted training on topics such as human rights.

According to workshop participants, this training is currently done during the Hydro Fundamentals program , which is offered to all Hydro staff. The Hydro Integrity Handbook on Corruption and Human Rights provides guidance on topics including labour standards, child labour, minority rights and indigenous peoples. (The handbook will be replaced by a CSR-handbook by year end 2017). However, according to interviewees, an e-learning course may prove more effective in building internal capacity on the topic of human rights.

Hydro has a CSR Network with members from across business areas and corporate functions who meet twice a year to discuss topics including human rights risks.

To deal with concerns regarding working conditions, Hydro has implemented a companywide Alert-line which is run by a third party. Both Hydro employees and third-party staff working on premise can access this service via a link on the Hydro website.

<sup>71</sup> In Brazil, Hydro also have a community grievance mechanism called Canal Direto that is supported by a third-party operator; it was introduced as a pilot but could potentially be used worldwide.

Based on these observations,

**DIHR recommends that Hydro:**

- Develop a human rights e-learning course to strengthen Hydro’s staff’s capacity in this area. Workshop participants seemed to lack sufficient knowledge on relating human right to day-to-day operations. Consequently, the e-learning should focus on the most salient human rights issues outlined in this report including:
  - Land, resettlement and community impacts
  - Working conditions and workplace discrimination
  - Environmental impacts and sustainable supply-chain management,
  - Case studies and examples of how such issues have been managed in the past should also be included, for example the resettlements in Pará.
- Develop specific guidance on integrating human rights into the project-cycle with examples from past activities. This should include examples from working with JV-partners e.g. in MRN on the mine expansion.
- Use the CSR network to discuss human rights challenges and solutions for addressing impacts.
- Use the results of the Canal Direto pilot to develop a global mechanism for both communities and others to raise concerns to Hydro on the impacts of operations. This should be communicated to all business partners, including suppliers and JV partners and be published on Hydro’s website.

**HYDRO ACTIVITIES**

Although human rights impacts evidently vary between business areas, a number of cross-cutting impacts were identified. These include land- and community related issues, environmental impacts and working conditions including workplace discrimination.

The table below summarises the actual and potential human rights impacts identified across each of the business areas.

BAUXITE AND ALUMINA	PRIMARY METALS	ROLLED PRODUCTS	ENERGY
<p><b>Illegal settlements and relocations:</b> Potential impacts on vulnerable individuals in future occupations of land.</p> <p><b>Land Rights Issues &amp; Indigenous Peoples:</b> Ongoing compensation case between Vale and families along the pipeline.</p>	<p><b>Illegal settlements and relocations:</b> Same as Bauxite and Alumina.</p> <p><b>Forced labour amongst third-party workers:</b> Potential impacts associated with social dumping and modern slavery in Norway and Slovakia.</p>	<p><b>Discrimination and equal treatment:</b> Potential impacts on female employees as well as ethnic and religious minorities in Norway and Germany.</p> <p><b>Environmental impacts:</b> Emissions and energy use of the business area impacting the</p>	<p><b>Environmental impacts of energy production:</b> Emissions and energy use of the business area, as well as the energy advisory services, resulting in impacts to the health and livelihoods of local communities as well as contributing the climate change.</p>

<p><b>Environmental Impacts:</b> Dust, noise and emissions from activities impacting the health and livelihoods of local communities.</p> <p><b>Security issues of own staff:</b> Potential impacts of theft-related violence on the health and life of employees.</p> <p><b>Gender equality in operations:</b> Traditionally a male-dominated industry, potential impacts could be lack of equal-treatment and discrimination against women.</p> <p><b>Working Conditions For Third-Party Staff:</b> Potential impacts associated with working conditions (specifically working hours and wage) of third-party staff.</p>	<p><b>Environmental impacts:</b> Emissions and energy use of the business area impacting the health and livelihoods of local communities as well as contributing the climate change.</p> <p><b>Discrimination and equal treatment:</b> Potential impacts on female employees as well as ethnic and religious minorities in Norway and Slovakia.</p>	<p>health and livelihoods of local communities as well as contributing the climate change.</p>	<p><b>Forced labour amongst third-party in-premise workers:</b> Potential impacts associated with modern day slavery amongst sub-contracted workers in construction activities.</p> <p><b>Land rights &amp; biodiversity issues:</b> Potential impacts on the rights and livelihoods of individuals and communities when ensuring the adequate use and environmental protections of lands that are a part of the Hydro-dam areas.</p>
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Based on the observations above,

**DIHR recommends that:**

- *Illegal settlements and relocations:* Hydro ensures that learnings from the recent relocation process in Para are integrated into the project management cycle, including the importance of advance planning and engaging with internal functions and external experts.
- *Land rights issues & indigenous peoples:* Hydro should continue ongoing efforts to coordinate across functions, with the local authorities, and with third-party researchers and consultants on the legacy issues and the Trombetas mine expansion. This should include further assessment of the conditions and views of the Quilombola communities.
- *Gender equality in operations:* Hydro should continue activities to implement the Gender Equality Strategy within own activities, and use these experiences to promote the activity towards contractors working on site.
- *Security of Hydro staff and of community members:* Support the Security function to better address human rights related security concerns early, including by:
  - Ensuring Security involvement in the decision process
  - Develop examples of best practice from other companies on security risk management
  - Look holistically at security risk management as a part of addressing broader social challenges.

- *Labour rights:* Hydro should update the Hydro People Policy to include more details on non-discrimination and equal treatment.

## JOINT VENTURES

Hydro is involved in a number of activities where it is not the operating party. Some of these JV operations are based in countries with limited human rights protections

Hydro’s procedure on “Integrity Risk Management of Hydro's Business Partners incl. Agents and Intermediaries” includes specific provisions demanding an initial integrity due diligence procedure is always conducted on potential JV partners. Similarly, the Hydro Guidelines for Board Members in Subsidiaries and Affiliated Companies outlines how Hydro board members can use their leverage to influence the decisions of their partners.

DIHR noted that Hydro generally closely engages with non-operated sites to help apply Hydro principles to these operations.

The table below summarises the actual and potential human rights impacts identified across each of the business areas.

BAUXITE AND ALUMINA	PRIMARY METALS	ROLLED PRODUCTS	ENERGY
<p><b>Community impacts:</b> Potential impacts of MRN on communities due to emissions (dust and noise).</p> <p><b>Land rights issues &amp; indigenous peoples:</b> Potential impacts of the MRN mine expansion on communities, including the current group seeking recognition for their access to land.</p> <p><b>Working conditions:</b> Potential impacts on the right to freedom of discrimination and the right to just and favourable conditions at work (specifically working-hours and overtime payment).</p>	<p><b>Limitations to the right to freedom of association and collective bargaining for migrant workers:</b> Potential impacts specific to migrant workers that work as third-party-in-premise staff at Qatalum. Migrant workers have limitations to their rights and freedoms in Qatar and risk exploitation.</p> <p><b>Discrimination against women, noncitizens and foreign employees in Qatar:</b> Potential impacts on women, ethnic and sexual minorities amongst staff at Qatalum.</p>	<p><b>Potential impacts associated with AluNorf not meeting Hydro standards and principles.</b></p>	<p><b>Energy may be providing energy-advise to some of the JVs in other business areas and linked to impacts in these relationships.</b></p>

Based on the observations above,

### DIHR recommends that:

- Hydro representatives make an annual declaration of initiatives made in the respective boards, successes achieved and a general observation / recommendation to push own values and policies.
- Develop approach to support and monitor supply chain efforts by JVs

- Develop human rights related case studies for the Hydro Board Members training on the Hydro “Guidelines for board members in subsidiaries and affiliated companies”

## SUPPLIERS AND CONTRACTORS

Hydro has a diverse set of suppliers from across the world representing several different sectors, each business unit has their own procurement function, and there is no central procurement lead. Hydro does however have a central owner of the procurement network and central steering documents. This allows flexibility in the procurement function, but can make it difficult to achieve a coordinated effort to address crosscutting impacts and challenges.

The table below summarises the actual and potential human rights impacts identified across each of the business areas.

BAUXITE AND ALUMINA	PRIMARY METALS	ROLLED PRODUCTS	ENERGY
<p><b>Working conditions amongst suppliers:</b> potential impacts on working hours, wages, forced labour, child labour and freedom of association in the electronics, machinery, food and beverage and garment (e.g. Hydro uniforms) supply-chains in China, Brazil and the US.</p> <p><b>Discrimination and equal treatment:</b> Potential for discrimination and lack of equal-treatment against women and sexual minorities in the supply chain in Brazil and the USA.</p> <p><b>Environmental impacts:</b> Potential impacts on health and livelihoods caused by accidents and emissions from the chemical supply-chain of Hydro.</p>	<p><b>Working conditions and environmental impacts of aluminium scrap-metal providers:</b> Potential impacts associated with the aluminium scrap supply-chain such as poor working conditions at the scrap-yards and for scrap transportation, as well as impacts on communities caused by impacts to the environment.</p> <p><b>Working conditions for migrant workers in Qatar:</b> Potential impacts in the supply-chain of Qatalum on the rights and freedoms of migrant workers, including wages, leave, living conditions and access to remedy.</p> <p><b>Worker privacy in Qatar:</b> Potential impacts on the right to privacy and freedom of expression of workers in the supply-chain.</p>	<p><b>Working conditions and environmental impacts of aluminium scrap-metal providers:</b> Same as for primary metals.</p> <p><b>Working conditions and road safety in transportation services:</b> Potential impacts on the working conditions and safety of drivers driving goods to and from Hydro sites, as well as the implications this has on road-safety and the health and life of communities.</p> <p><b>Working conditions and environmental impacts in the Aluminium supply-chain:</b> Potential impacts in the aluminium supply-chain of Mozambique.</p> <p><b>Forced labour:</b> Potential impacts associated with modern day slavery in the supply-chain in Norway and Germany.</p>	<p><b>Working conditions amongst suppliers:</b> Same as for Bauxite and Alumina.</p> <p><b>Environmental impacts of power suppliers:</b> Actual and potential impacts on the environment and local communities in procurement of power from hydro-dams and other energy resources.</p>

Based on the observations above,

### DIHR recommends that Hydro:

- Updates the Supplier Code of Conduct and Supplier Self-Assessment to:
  - Include specific content on employee privacy and leave.
  - Include a requirement on suppliers to conduct their own human rights due diligence, i.e. having in place processes through which to identify,

assess and address human rights in their own operations and business relationships.

- Takes steps to address the issues associated with the split between technical and strategic procurement, and explore the potential for a more integrated approach to support better strategic coordination and knowledge transfer.
- Develops a central and structured approach to reporting on monitoring and follow-up with suppliers and contractors. This should include central reporting on supplier engagements, audits and the follow-up action plans and requirements developed on the basis of such monitoring.
- Conducts a detailed human rights assessment of the aluminium-scrap supply-chain. Although this is currently in progress, there was a perceived need to clarify the key issues from a human rights perspective. This assessment should consider both the up- and downstream value chain of the industry, including transportation related activities.

## SALES

Hydro’s “Integrity Risk Management of Business Partners incl. Agents and Intermediaries” Policy includes clear procedures on assessing customer risk. However, not all interviewees nor participants felt there was a clear corporate level approach to these issues.

BAUXITE AND ALUMINA	PRIMARY METALS	ROLLED PRODUCTS	ENERGY
See Rolled Products and Energy.	See Rolled Products and Energy.	<b>Lack of clear company position:</b> Not all interviewees nor participants felt there was a clear corporate level approach to the customer issues.	<b>Energy advisory services:</b> The Energy business area provides energy sourcing services to other business areas. Potential impacts could be that this energy is generated in a way that negatively impacts workers or communities or limits the access of energy in the local communities to power essential institutions (hospitals, schools etc.).

Based on the observations above,

### **DIHR recommends that Hydro:**

Communicates better with sales teams on the integrity risk management procedures and applying them to the sale of Hydro products and services. This should include a specific focus on how Hydro avoids sale of products to industries that may use them in a way that causes adverse human rights impacts.

# ANNEXES

## **ANNEX I: HYDRO POLICIES AND DOCUMENTS REVIEWED**

- Hydro's Code of Conduct 2013
- Corporate Social Responsibility in the supply chain
- Integrity Risk Management of Hydro's Business Partners incl. Agents and Intermediaries
- Hydro's Human Rights Policy
- Hydro's People Policy
- Health, Safety, Security, Environment (HSE)
- Deployment of Capital
- Hydro's Social Responsibility
- Hydro Guideline for board members in subsidiaries and affiliated companies
- HSE - The Hydro way - The handbook
- The Hydro Integrity Program Handbook on corruption and human rights

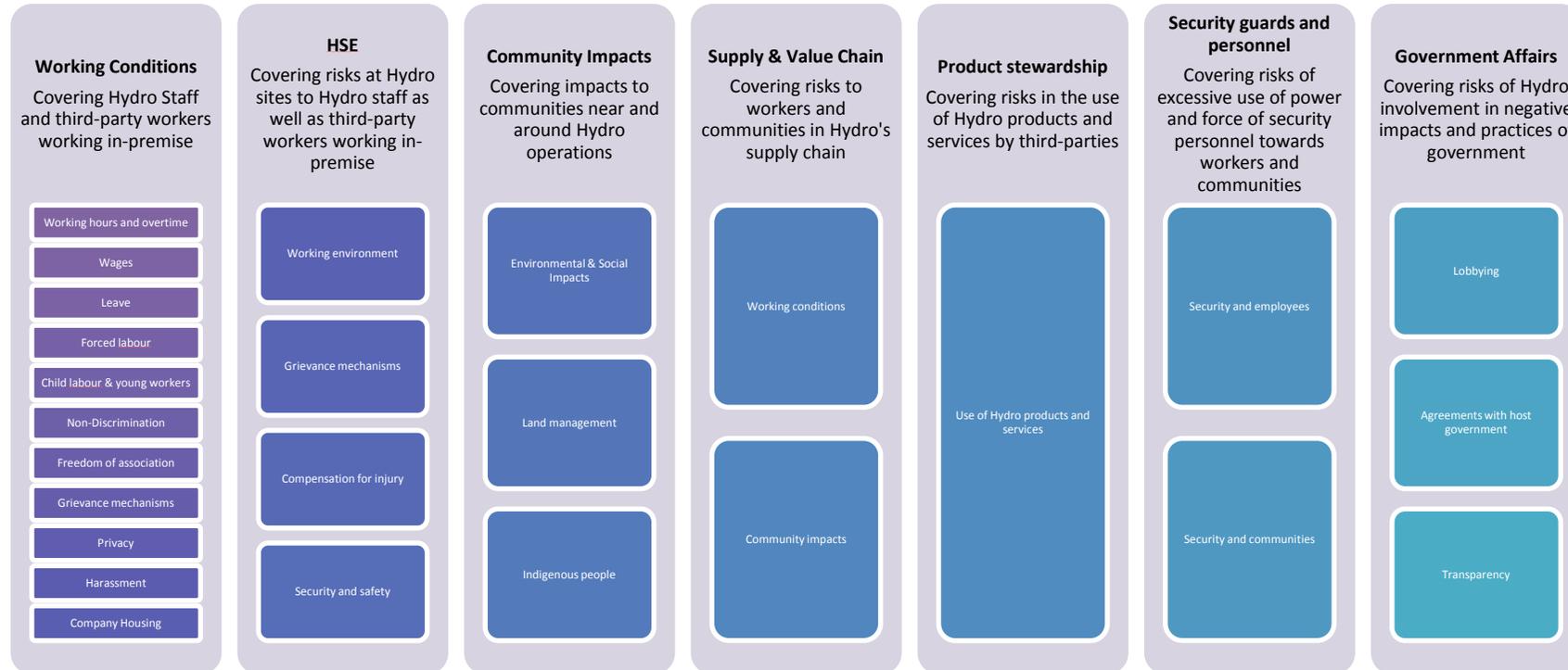
### **Appendixes:**

- Appendix 1: Supplier Code of Conduct
- Appendix 1: "Red flags"
- Appendix 2: Tender Bid Process
- Appendix 3: Contracts with Supply Chain Business Partners
- Appendix 4: Self-assessment form (HSE/CSR/Integrity)

### **Other:**

- Organisational Structure – Hydro Business outline 2017
- The Hydro Way
- Guidance note on biodiversity for use by Hydro when entering into new projects and activities

**ANNEX II: OVERVIEW OF SCOPE**



Links to documents and frameworks considered:

- UN Guiding Principles on Business and Human Rights: [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

- International Bill of Human Rights: <http://www.ohchr.org/Documents/Publications/Compilation1.1en.pdf>
- ILO labor Conventions: <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>
- OECD Guidelines for Multinational Enterprises: <http://mneguidelines.oecd.org/guidelines/>
- Aluminum Stewardship Initiative Performance Standard: <https://aluminium-stewardship.org/asi-standards/asi-performance-standard/>
- International Finance Corporation Performance Standards: [https://www.ifc.org/wps/wcm/connect/c8f524004a73daeca09afdf998895a12/IFC\\_Performance\\_Standards.pdf?MOD=AJPERES](https://www.ifc.org/wps/wcm/connect/c8f524004a73daeca09afdf998895a12/IFC_Performance_Standards.pdf?MOD=AJPERES)
- International Council on Mining and Metals guidance materials: <http://www.icmm.com/en-gb>

## **ANNEX IV: OVERVIEW OF THIRD-PARTY SOURCES ON COUNTRY RISK**

### **International Organizations**

- Amnesty International (2013). "Russian Federation: Freedom Under Threat: the Clampdown against Freedoms of Expression, Assembly and Association in Russia"
- Amnesty International (2016). Amnesty International Report 2015/2016
- Amnesty International (2017). "United States of America 2016/2017"
- Human Rights Watch (2017). "Events of 2016"
- International Work Group for Indigenous Affairs (2016) "Indigenous peoples in Brazil" in 2016 Yearbook Article.

### **Hydro**

- Hydro (2012) "Aluminium, environment and society"
- Hydro (2015) "Corporate Social Responsibility in the supply chain"
- Hydro (2015) "Annual Report 2015"
- Hydro (2016) "Community Engagement"
- Hydro (2016) "Integrity and human rights"

### **Media**

- The Guardian
- BBC News
- Arbeidslivet.no
- Deutsche Welle (DW)
- Electronic Frontier Foundation
- CNN ON Japan
- NRK
- Quartz
- BQ magazine
- Recycle Nation
- The Wall Street Journal
- The New York Times
- Doha News
- The Economist
- Transparency International (2016)
- Journal of Occupational and Environmental Medicine
- CNN Money

### **National Organizations:**

- Arbeidstilsynet (Norway)
- Politidirektoratet (Norway)
- Statens Arbeidsmiljøinstitutt (Norway)
- U.S. Department of Labor (US)
- U.S. State Department (US)

- United Kingdom Government (UK)



## END NOTES

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